State of Iowa

1992

JOURNAL OF THE HOUSE

1992
REGULAR SESSION
SEVENTY-FOURTH
GENERAL ASSEMBLY

Convened January 13, 1992
Adjourned May 4, 1992

Volume II
April 14 - May 4

TERRY E. BRANSTAD, Governor
ROBERT C. ARNOULD, Speaker of the House
MICHAEL E. GRONSTAL, President of the Senate

Published by the
STATE OF IOWA
Des Moines

JOURNAL OF THE HOUSE

Ninety-third Calendar Day — Sixty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 14, 1992

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

Prayer was offered by Reverend Robert Taylor, Reorganized Church of Jesus Christ of Latter Day Saints, Cedar Rapids.

The Journal of Monday, April 13, 1992 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Dvorsky of Johnson, from one hundred eighteen Iowa City teachers opposing the shifting of resources from Phase III to replace cuts in regular program budgets.

By McKean of Jones, from one hundred ninety-nine citizens opposing the child support amnesty proposal.

By Spenner of Henry, from six constituents opposing shifting resources from Phase III to replace cuts in regular program budgets.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2231, a bill for an act relating to abuse of dependent persons including the limitations on departmental investigations, the sharing of information between departments involved in child abuse investigations, multidisciplinary team members, the definitions of certain types of abuse, the definition of a mandatory reporter of dependent adult abuse, the requirement of mandatory reporter training, establishing the crime of homicide by abuse, and providing a penalty.

Also: That the Senate has on April 10, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2298, a bill for an act relating to the retail sales tax, by exempting hay, straw, and paper bedding used in agricultural production.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Mertz of Kossuth called up for consideration **Senate File 2244**, a bill for an act relating to the care and feeding of swine by cooperative associations and providing an effective date, amended by the House, further amended by the following Senate amendment H–5856 to the House amendment:

H–5856

1 Amend the amendment, S–5528, to Senate File 2244,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 18, by striking the words "the
5 Iowa animal agriculture" and inserting the following:
6 "a swine producer from the Iowa animal agricultural
7 development".
8 2. Page 1, by inserting after line 19 the
9 following:
10 "Sec. _____. MORATORIUM. Notwithstanding section
11 172C.2, a cooperative association organized in this or
12 any other state, which is a processor as defined in
13 section 172C.1 controlling the manufacturing,
14 processing, or preparation of pork products derived
15 from swine, shall not, on or after the effective date
16 of this Act and until March 15, 1993, directly or
17 indirectly contract with a person to provide for the
18 care and feeding of swine in this state."
19 3. Page 1, line 24, by inserting after the word
20 "study" the following: "and a moratorium".
21 4. By renumbering, relettering, or redesignating
22 and correcting internal references as necessary.

Connors of Polk in the chair at 9:45 a.m.

Mertz of Kossuth moved that the House concur in the Senate amendment H–5856.

The motion lost and the House refused to concur in the Senate amendment H–5856.

PRESENTATION OF PELLA TULIP QUEEN AND HER ATTENDANTS

Schrader of Marion escorted to the front of the Speaker's station and presented to the House Betsy Brandl, queen of the 1992 Pella Tulip Festival. Her future plans are to attend college and major in pre-med as well as continue her love of playing the trumpet in a jazz band.

Queen Betsy presented her attendants Amy Van Vark, Heidi Vermeer, Amy Vander Werf and Angie Ryken, who were accompanied by their parents. She invited everyone to attend the Pella Tulip Festival which will be on May 7, 8 and 9.

Those present from Pella were dressed in native Dutch costume and distributed the famous Pella Dutch cookies.

The House rose and expressed its welcome.

The House stood at ease at 9:58 a.m., until the fall of the gavel.

The House resumed session at 10:08 a.m., Connors of Polk in the chair.

SENATE AMENDMENT CONSIDERED

Poncy of Wapello called up for consideration **House File 2025**, a bill for an act prohibiting stalking and providing criminal penalties, and establishing restrictions concerning admissibility to bail, amended by the Senate, and moved that the House concur in the following Senate amendment H—5707:

H—5707

1 Amend House File 2025, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 2, by inserting before the word
4 "willfully" the following: ", on more than one
5 occasion,".
6 2. Page 1, line 4, by striking the word "so," and
7 inserting the following: "so and without legitimate
8 purpose,".
9 3. Page 1, line 8, by striking the words
10 " "credible threat" " and inserting the following:
11 "unless the context otherwise requires:
12 (1) "Credible threat"."
13 4. Page 1, by striking line 9 and inserting the
14 following: "threat made with the intent to place a
15 reasonable person in like circumstances in".
16 5. Page 1, line 10, by striking the word
17 "reasonable".
18 6. Page 1, line 10, by striking the word
19 "serious" and inserting the following: "bodily".
20 7. Page 1, by inserting after line 11 the
21 following:
22 "(2) "Harasses" means repeated, intrusive, or
23 unwanted acts, words, or gestures that are intended to
24 adversely affect the safety, security, or privacy of
25 another person, regardless of the relationship between
26 the offender and the intended victim."

27 8. Page 2, line 13, by striking the words " "a",
28 "b", or "c" " and inserting the following: " "a" ".
29 9. Page 2, line 17, by inserting after the word
30 "persons." the following: "While the presumption of
31 ineligibility for bail established in this subsection
32 shall not apply to a violation punishable under
33 section 708.11, subsection 2, paragraph "b" or "c", in
34 considering bail for a defendant awaiting judgment of
35 conviction and sentencing following a plea or verdict
36 of guilty of, or appealing a conviction of, a
37 violation punishable pursuant to section 708.11,
38 subsection 2, paragraph "b" or "c", the court shall
39 consider the likelihood of the defendant reestab-
40 lishing contact with the victim of the violation."
41 10. By renumbering, relettering, or redesignating
42 and correcting internal references as necessary.

Roll call was requested by Van Maanen of Mahaska and Siegrist of Pottawattamie.

On the question "Shall the House concur in the Senate amendment H—5707?" (H.F. 2025)

The ayes were, 51:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Burke
Chapman	Cohoon	De Groot	Dickinson
Doderer	Dvorsky	Fogarty	Gill
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hatch	Haverland	Holveck
Jesse	Knapp	Koenigs	McKinney
Mertz	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Sherzan
Shoultz	Spear	Svoboda	Teaford
Wise	Wissing	Connors Presiding	

The nays were, 46:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
Diemer	Eddie	Garman	Gipp
Grubbs	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Harbor	Hester	Hibbard
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Metcalf
Millage	Miller	Petersen, D. F.	Plasier
Rafferty	Renken	Royer	Shearer
Shoning	Siegrist	Spenner	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 3:

Jay	Jochum	Muhlbauer

The motion prevailed and the House concurred in the Senate amendment H—5707.

Poncy of Wapello 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. 2025)

The ayes were, 96:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Connors Presiding

The nays were, none.

Absent or not voting, 4:

Blanshan	Jay	Jochum	Muhlbauer

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

Appropriations Calendar

The House resumed consideration of **Senate File 2347**, a bill for an act relating to agriculture and natural resources, by making appropriations and statutory changes, and providing effective dates, and the committee amendment H—5752A, found on pages 1326 through 1330 of the House Journal, previously deferred.

Spenner of Henry asked and received unanimous consent to withdraw amendment H—5886, to the committee amendment H—5752A, filed by him and Petersen of Muscatine on April 13, 1992.

Spenner of Henry offered the following amendment H—5892, to the committee amendment H—5752A, filed from the floor by Spenner, Petersen of Muscatine, Spear, Svoboda, Mertz and Fogarty and moved its adoption:

H—5892

1 Amend the amendment, H—5752, to Senate File 2347,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 23 and 24.
5 2. Page 2, line 17, by striking the figure
6 "11,500,000" and inserting the following:
7 "11,100,000".

Amendment H—5892 was adopted.

Harbor of Mills asked and received unanimous consent to defer action on amendment H—5767, to the committee amendment H—5752A.

Bennett of Ida offered the following amendment H—5830, to the committee amendment H—5752A, filed by him and moved its adoption:

H—5830

1 Amend the amendment, H—5752, to Senate File 2347,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 44 through 46.
5 2. By renumbering as necessary.

Amendment H—5830 lost.

Harbor of Mills offered the following amendment H—5767, previously deferred, to the committee amendment H—5752A, filed by him and moved its adoption:

H—5767

1 Amend the amendment, H—5752, to Senate File 2347,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 46, by striking the figure "35"
5 and inserting the following: "27".
6 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 38, nays 48.

Amendment H—5767 lost.

Lundby of Linn offered the following amendment H—5894, to the committee amendment H—5752A, filed from the floor by Lundby, Svoboda, Mertz and Krebsbach:

H—5894

1 Amend the amendment, H—5752, to Senate File 2347,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by striking line 14 and inserting the
5 following: "line 12, and inserting the following:
6 "Sec. _____. WILDLIFE DAMAGE CONTROL. The
7 department of natural resources and the department of
8 agriculture and land stewardship shall cooperate with
9 the Iowa cooperative extension service in agriculture
10 and home economics, the United States department of
11 agriculture, and Iowa's commercial agricultural and
12 horticultural producers to develop and implement a
13 wildlife damage management policy. The purposes of
14 the policy shall be to control wildlife, including
15 deer and predators, which interfere with agricultural
16 and horticultural production, and to reduce damage or
17 injury to property involved in that production. The
18 policy shall emphasize integrating and applying
19 practical methods of prevention and management to
20 ensure that damage caused by wildlife is as low as
21 possible. The policy may incorporate habitat
22 modification, cultural practices, animal behavior
23 management, local population reduction, or any
24 combination of these depending upon the
25 characteristics of the specific damage. An animal or
26 an animal's habitat shall not be destroyed only
27 because the animal belongs to a particular species." "
28 2. By renumbering as necessary.

Speaker Arnould in the chair at 11:00 a.m.

Lundby of Linn moved the adoption of amendment H—5894, to the committee amendment H—5752A.

A non-record roll call was requested.

The ayes were 43, nays 48.

Amendment H—5894 lost.

Kistler of Jefferson offered the following amendment H—5826, to the committee amendment H—5752A, filed by him and moved its adoption:

H—5826

1 Amend the amendment, H—5752, to Senate File 2347,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by striking lines 15 through 17.
5 2. By renumbering as necessary.

Roll call was requested by Shoultz of Black Hawk and Osterberg of Linn.

On the question "Shall amendment H—5826, to the committee amendment H—5752A, be adopted?" (S.F. 2347)

The ayes were, 32:

Banks	Beaman	Branstad	Carpenter
Corbett	Daggett	De Groot	Diemer
Garman	Gipp	Grubbs	Hahn
Harbor	Hester	Iverson	Johnson
Kistler	Krebsbach	Kremer	Lageschulte
Maulsby	McNeal	Metcalf	Millage
Miller	Petersen, D. F.	Rafferty	Renken
Shoning	Spenner	Van Maanen	Weidman

The nays were, 63:

Adams	Baker	Bartz	Beatty
Bennett	Bernau	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Burke	Chapman	Cohoon	Connors
Dickinson	Doderer	Dvorsky	Eddie
Fogarty	Gill	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Hatch	Hibbard	Holveck
Hurley	Jesse	Knapp	Koenigs
Lundby	McKean	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.

Plasier	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Siegrist
Spear	Svoboda	Teaford	Tyrrell
Wise	Wissing	Mr. Speaker Arnould	

Absent or not voting, 5:

Hanson, D. E.	Haverland	Jay	Jochum
Royer			

Amendment H—5826 lost.

Shoultz of Black Hawk offered the following amendment H—5882, to the committee amendment H—5752A, filed by him and moved its adoption:

H—5882

1 Amend amendment, H—5752, to Senate File 2347, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by striking lines 33 through 37 and
5 inserting the following:
6 "_____. Page 22, by striking lines 5 through 33."
7 2. By renumbering as necessary.

Amendment H—5882 was adopted.

On motion by Shoultz of Black Hawk, the committee amendment H—5752A, as amended, was adopted, placing out of order amendment H—5602 filed by Fogarty of Palo Alto and De Groot of Lyon on March 30, 1992.

The House resumed consideration of the committee amendment H—5752B.

Hansen of Woodbury asked and received unanimous consent to withdraw amendment H—5785, to the committee amendment H—5752B, filed by him on April 7, 1992.

Hansen of Woodbury rose on a point of order that the committee amendment H—5752B was not germane.

The Speaker ruled the point well taken and the committee amendment H—5752B not germane.

Bisignano of Polk moved that the rules be suspended to consider the committee amendment H—5752B.

A non-record roll call was requested.

The ayes were 53, nays 23.

The motion prevailed and the rules were suspended.

Shoultz of Black Hawk moved the adoption of the committee amendment H—5752B.

A non-record roll call was requested.

The ayes were 58, nays 18.

The committee amendment H—5752B was adopted, placing out of order amendment H—5597 filed by Bisignano, et al, on March 30, 1992.

Koenigs of Mitchell offered the following amendment H—5883 filed by him and moved its adoption:

H—5883

1 Amend Senate File 2347, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 29, by striking the figure
4 "3,407,044" and inserting the following: "3,607,044".
5 2. Page 2, by inserting after line 30, the
6 following:
7 "Of the amount appropriated to the regulatory
8 division under this paragraph "a", $1,350,000 and
9 35.00 FTEs shall be allocated to the grain warehouse
10 bureau."
11 3. Page 21, by inserting after line 10, the
12 following:
13 "Sec. _____. Section 214.3, subsection 1, Code 1991,
14 is amended to read as follows:
15 1. The license for inspection of a commercial
16 weighing and measuring device shall expire on December
17 31 of each year, and for a motor vehicle fuel pump on
18 June 30 of each year. The amount of the fee due for
19 each license shall be as provided in subsection 3,
20 except that the fee for a motor vehicle fuel pump
21 shall be ~~three~~ four dollars and fifty cents if paid
22 within one month from the date the license is due.
23 Sec. _____. Section 214.3, subsection 3, paragraphs
24 a through e, Code 1991, are amended to read as
25 follows:
26 a. Class S-IIIL.
27 (1) Railroad track scales, ~~seventy-one~~ one hundred
28 six dollars and fifty cents.
29 (2) Other scales.
30 (a) 500 to 1,000 pounds capacity, ~~eleven~~ sixteen
31 dollars and fifty cents.
32 (b) 1,001 to 30,000 pounds capacity, ~~twenty-one~~
33 thirty-one dollars and fifty cents.
34 (c) 30,001 to 50,000 pounds capacity, ~~forty-one~~

35 sixty-one dollars and fifty cents.
36 (d) 50,001 pounds capacity or more, ~~fifty-six~~
37 eighty-four dollars.
38 (3) A minimum fee of ~~thirty-one~~ forty-six dollars
39 and fifty cents shall be charged for each vehicle or
40 livestock scale.
41 b. Class S-II and S-III, ~~six~~ nine dollars.
42 (1) Bench scale, ~~six~~ nine dollars.
43 (2) Counter scale, ~~six~~ nine dollars.
44 (3) Portable platform scale, ~~six~~ nine dollars.
45 (4) Livestock monorail scale, ~~six~~ nine dollars.
46 (5) Single animal scale, ~~six~~ nine dollars.
47 (6) Grain test scale, ~~six~~ nine dollars.
48 (7) Precious metal and gems scale, ~~six~~ nine
49 dollars.
50 (8) Postal scale, ~~six~~ nine dollars.

Page 2

1 c. (1) Grain moisture meters, ~~sixteen~~ twenty-four
2 dollars.
3 (2) Additional meters at the same location, ~~eleven~~
4 sixteen dollars and fifty cents.
5 d. Class M-I. One hundred-gallon prover.
6 (1) Bulk meters, ~~six~~ nine dollars.
7 (2) Bulk liquid petroleum gas meters, ~~thirty-five~~
8 fifty-two dollars and fifty cents.
9 (3) Bulk refined fuel meters, ~~six~~ nine dollars.
10 (4) Mass flow meters, ~~six~~ nine dollars.
11 e. Class M-II. Five-gallon prover.
12 (1) Slow flow meters, ~~six~~ nine dollars.
13 (2) Retail motor vehicle fuel pump, ~~six~~ nine
14 dollars.
15 Sec. _____. Section 215.2, subsections 1 and 2, Code
16 1991, are amended to read as follows:
17 1. Class S, scales, ~~fifty~~ seventy-five dollars per
18 hour.
19 2. Class M, meters, ~~thirty-five~~ fifty-two dollars
20 and fifty cents per hour.
21 Sec. _____. Section 215.17, Code 1991, is amended to
22 read as follows:
23 215.17 TEST WEIGHTS TO BE USED.
24 ~~Any~~ A person~~, firm or corporation~~ engaged in scale
25 repair work for hire shall use only test weights
26 sealed by the department in determining the
27 effectiveness of repair work and ~~said~~ the test weights
28 shall be sealed as to their accuracy once each year.
29 ~~Provided, however, that it shall be unlawful for such~~
30 However, a person ~~to~~ shall not claim to be an official
31 scale inspector ~~or to~~ and shall not use ~~said~~ the test
32 weights except to determine the accuracy of scale
33 repair work done by the person and the person shall

34 not be entitled to ~~no~~ a fee for their use. A fee
35 shall be charged and collected at time of inspection
36 for the inspection of such weights as follows:
37 All weights up to and including 25 pounds .....$ ~~.75~~ 1.10 each
38 ~~All weights~~
39 Over twenty-five pounds capacity,
40 up to and including 50 pounds ..... ~~1.50~~ 2.25 each
41 Over 50 pounds capacity, up to and
42 including 100 pounds ..... ~~2.00~~ 3.00 each
43 Over 100 pounds capacity, up to
44 and including 500 pounds ..... ~~3.00~~ 4.50 each
45 Over 500 pounds capacity, up to
46 and including 1,000 pounds ..... ~~5.00~~ 7.50 each
47 The fee for all tank calibrations shall be as
48 follows:
49 100 gallons up to and including 300
50 gallons .....$ ~~3.00~~ 4.50

Page 3

1 301 gallons up to and including 500
2 gallons..... ~~5.00~~ 7.50
3 501 gallons up to and including 1,000
4 gallons ..... ~~7.50~~ 11.25
5 1,001 gallons up to and including 2,000
6 gallons ..... ~~10.00~~ 15.00
7 2,001 gallons up to and including 3,000
8 gallons ..... ~~12.00~~ 18.00
9 3,001 gallons up to and including 4,000
10 gallons ..... ~~14.00~~ 21.00
11 4,001 gallons up to and including 5,000
12 gallons ..... ~~16.00~~ 24.00
13 5,001 gallons up to and including 6,000
14 gallons ..... ~~18.00~~ 27.00
15 6,001 gallons up to and including 7,000
16 gallons ..... ~~20.00~~ 30.00
17 7,001 gallons and up ..... ~~25.00~~ 37.50
18 ~~No calibration will~~ Calibration shall not be
19 required of ~~any~~ a tank which is not used for the
20 purpose of measuring, or which is equipped with a
21 meter, ~~nor shall~~ and vehicle tanks loaded from meters
22 and carrying a printed ticket showing gallonage shall
23 not be required to be calibrated.
24 Sec. _____. Section 215A.9, unnumbered paragraph 2,
25 Code 1991, is amended to read as follows:
26 A fee of ~~ten~~ fifteen dollars shall be charged for
27 each device subject to reinspection under section
28 215A.5. All moneys received by the department under
29 the provisions of this chapter shall be handled in the
30 same manner as "repayment receipts" as defined in
31 chapter 8, and shall be used for the administration
32 and enforcement of the provisions of this chapter."

33 4. Page 22, by inserting before line 34, the
34 following:
35 "Sec. _____. Section 542.1, Code 1991, is amended by
36 adding the following new subsection:
37 NEW SUBSECTION. 10. "Good cause" means that the
38 department has cause to believe that the net worth or
39 current asset to current liability ratio of a grain
40 dealer presents a danger to sellers with whom the
41 grain dealer does business, based on evidence of any
42 of the following:
43 a. The making of a payment by use of a financial
44 instrument which is a check, share draft, draft, or
45 written order on a financial institution, and a
46 financial institution refuses payment on the
47 instrument because of insufficient funds in a grain
48 dealer's account.
49 b. A violation of recordkeeping requirements
50 provided in this chapter or rules adopted pursuant to

Page 4

1 this chapter by the department.
2 c. A substantial risk of loss to the grain
3 depositors and sellers indemnity fund caused by the
4 possible insolvency of the grain dealer based on a
5 statistical model provided in section 542.22.
6 Sec. _____. Section 542.3, subsection 4, paragraph
7 b, Code 1991, is amended to read as follows:
8 b. The grain dealer shall submit, as required by
9 the department, a financial statement that is
10 accompanied by an unqualified opinion based upon an
11 audit performed by a certified public accountant
12 licensed in this state. However, the department may
13 accept a qualification in an opinion that is
14 unavoidable by any audit procedure that is permitted
15 under generally accepted accounting principles. An
16 opinion that is qualified because of a limited audit
17 procedure or because the scope of an audit is limited
18 shall not be accepted by the department. The
19 department shall not require that a grain dealer
20 submit more than one such unqualified opinion per
21 year. The grain dealer, except as provided in section
22 542.15, may elect~~, however,~~ to submit a financial
23 statement that is accompanied by the report of a
24 certified public accountant licensed in this state
25 that is based upon a review performed by the certified
26 public accountant in lieu of the audited financial
27 statement specified in this paragraph. However, at
28 any time the department may require a financial
29 statement that is accompanied by the report of a
30 certified public accountant licensed in this state
31 that is based upon a review performed by a certified

32 public accountant if the department has good cause ~~to~~
33 ~~believe that the net worth or current asset to current~~
34 ~~liability ratio of a licensee presents a danger to~~
35 ~~producers or sellers with whom the licensee deals.~~
36 ~~"Good cause" means that the department has evidence~~
37 ~~that the licensee issued checks on insufficient funds,~~
38 ~~evidence of a quality or quantity shortage in a~~
39 ~~warehouse facility, or evidence of violations of~~
40 ~~recordkeeping requirements. If a grain dealer making~~
41 ~~the election engages in credit sale contracts, the~~
42 ~~grain dealer shall also comply with the provisions of~~
43 ~~section 542.15, subsection 8.~~
44 Sec. _____. Section 542.3, subsection 5, paragraph
45 b, Code 1991, is amended to read as follows:
46 b. The grain dealer shall submit, as required by
47 the department, a financial statement that is
48 accompanied by an unqualified opinion based upon an
49 audit performed by a certified public accountant
50 licensed in this state. However, the department may

Page 5

1 accept a qualification in an opinion that is
2 unavoidable by any audit procedure that is permitted
3 under generally accepted accounting principles. An
4 opinion that is qualified because of a limited audit
5 procedure or because the scope of an audit is limited
6 shall not be accepted by the department. The
7 department shall not require that a grain dealer
8 submit more than one such unqualified opinion per
9 year. The grain dealer may elect, however, to submit
10 a financial statement that is accompanied by the
11 report of a certified public accountant licensed in
12 this state that is based upon a review performed by
13 the certified public accountant in lieu of the audited
14 financial statement specified in this paragraph.
15 However, at any time the department may require a
16 financial statement that is accompanied by the report
17 of a certified public accountant licensed in this
18 state that is based upon a review performed by a
19 certified public accountant if the department has good
20 cause ~~to believe that the net worth or current asset~~
21 ~~to current liability ratio of a licensee presents a~~
22 ~~danger to producers or sellers with whom the licensee~~
23 ~~deals. "Good cause" means that the department has~~
24 ~~evidence that the licensee issued checks on~~
25 ~~insufficient funds, evidence of a quality or quantity~~
26 ~~shortage in a warehouse facility, or evidence of~~
27 ~~violations of recordkeeping requirements. If a grain~~
28 ~~dealer making the election engages in credit sale~~
29 ~~contracts, the grain dealer shall also comply with the~~
30 ~~provisions of section 542.15, subsection 8.~~

31 Sec. _____. Section 542.5, unnumbered paragraph 1,
32 Code 1991, is amended to read as follows:
33 Upon the filing of the application and compliance
34 with the terms and conditions of this chapter and
35 rules of the department, the department shall issue a
36 license to the applicant. The license shall terminate
37 ~~on~~ at the ~~thirtieth of June of each year~~ end of the
38 third calendar month following the close of the grain
39 dealer's fiscal year. A grain dealer's license may be
40 renewed annually by the filing of a renewal fee and a
41 renewal application on a form prescribed by the
42 department. An application for renewal shall be
43 received by the department on or before the ~~thirtieth~~
44 ~~of June~~ end of the third calendar month following the
45 close of the grain dealer's fiscal year. A grain
46 dealer license which has terminated may be reinstated
47 by the department upon receipt of a proper renewal
48 application, the renewal fee, and the reinstatement
49 fee as provided in section 542.6 if filed within
50 thirty days from the date of termination of the grain

Page 6

1 dealer license. The department may cancel a license
2 upon request of the licensee unless a complaint or
3 information is filed against the licensee alleging a
4 violation of a provision of this chapter. Fees for
5 licenses issued for less than a full year shall be
6 prorated from the date of the application.
7 Sec. _____. Section 542.6, subsection 1, Code 1991,
8 is amended to read as follows:
9 1. For the issuance or renewal of a license ~~for a~~
10 ~~grain dealer~~ required under section 542.3, and for any
11 inspection of a grain dealer, the fee shall be
12 determined on the basis of ~~dollar volume of~~ all
13 bushels of grain purchased during the grain dealer's
14 previous ~~calendar~~ fiscal year ~~as follows~~ according to
15 the grain dealer's financial statement required in
16 section 542.3. The fee shall be calculated according
17 to the following schedule:
18 a. If the total number of bushels purchased is ~~one~~
19 ~~hundred~~ thirty-five thousand ~~dollars~~ or less, the
20 license fee is ~~forty~~ eighty-seven dollars and the
21 inspection fee is ~~fifty~~ one hundred nine dollars.
22 b. If the total number of bushels purchased is
23 more than ~~one hundred~~ thirty-five thousand ~~dollars~~,
24 but not more than ~~seven~~ two hundred fifty thousand
25 ~~dollars~~, the license fee is ~~seventy~~ one hundred fifty-
26 two dollars and the inspection fee is ~~seventy-five~~ one
27 hundred sixty-three dollars.
28 c. If the total number of bushels purchased is
29 more than ~~seven~~ two hundred fifty thousand ~~dollars~~,

30 but not more than ~~one million~~ five hundred thousand
31 ~~dollars~~, the license fee is ~~one~~ two hundred seventeen
32 dollars and the inspection fee is ~~one~~ two hundred
33 ~~fifteen~~ fifty dollars.
34 d. If the total number of bushels purchased is
35 more than ~~one million~~ five hundred thousand ~~dollars~~,
36 but not more than ~~three~~ one million ~~dollars~~, the
37 license fee is ~~one~~ three hundred ~~seventy-five~~ eighty
38 dollars and the inspection fee is ~~one~~ three hundred
39 ~~fifty~~ twenty-five dollars.
40 e. If the total number of bushels purchased is
41 more than ~~three~~ one million ~~dollars~~, but not more than
42 ~~four~~ one million ~~seven~~ eight hundred fifty thousand
43 ~~dollars~~, the license fee is ~~three~~ six hundred fifty-
44 one dollars and the inspection fee is ~~one~~ four hundred
45 ~~eighty-five~~ one dollars.
46 f. If the total number of bushels purchased is
47 more than ~~four~~ one million ~~seven~~ eight hundred fifty
48 thousand ~~dollars~~, but not more than ~~nine~~ three million
49 ~~five~~ two hundred thousand ~~dollars~~, the license fee is
50 ~~four~~ nine hundred ~~twenty-five~~ twenty-two dollars and

Page 7

1 the inspection fee is ~~two~~ four hundred ~~twenty-five~~
2 eighty-eight dollars.
3 g. If the total number of bushels purchased is
4 more than ~~nine~~ three million ~~five~~ two hundred thousand
5 ~~dollars~~, the license fee is ~~five~~ one thousand two
6 hundred ~~seventy-five~~ forty-eight dollars and the
7 inspection fee is ~~two~~ five hundred ~~sixty-five~~ seventy-
8 five dollars.
9 If the applicant did not purchase grain in the
10 applicant's previous ~~calendar~~ fiscal year, the
11 applicant ~~will~~ shall pay the fee specified in
12 paragraph "a". If during the ~~license period~~
13 licensee's fiscal year the ~~total~~ number of bushels of
14 grain actually purchased exceeds ~~one hundred~~ thirty-
15 five thousand ~~dollars~~, the licensee shall notify the
16 department and the license and inspection fee shall be
17 adjusted accordingly. Subsequent adjustments shall be
18 made as necessary. An applicant may elect licensing
19 in any category of this subsection. ~~New~~ Fees for new
20 licenses issued for less than a full year shall be
21 prorated from the date of application.
22 Sec. _____. Section 542.9, unnumbered paragraph 1,
23 Code 1991, is amended to read as follows:
24 The department may inspect the premises used by any
25 grain dealer in the conduct of the dealer's business
26 at any time, and the books, accounts, records, and
27 papers of every grain dealer which pertain to grain
28 purchases are subject to inspection by the department

29 during ordinary business hours. The department shall
30 cause the business premises and books, accounts,
31 records, and papers of every grain dealer to be
32 inspected ~~not less than~~ at least once ~~during~~ each
33 ~~twelve-month~~ eighteen-month period~~, but not more than~~
34 ~~four times in a twenty-four month period~~ without ~~good~~
35 ~~cause~~ justification. The department shall prioritize
36 inspections based on the system provided in section
37 542.22. The department may use a risk rating produced
38 by a statistical model provided in section 542.22 as
39 justification to conduct an inspection. The
40 transporter of grain in transit shall possess bills of
41 lading or other documents covering the grain, and
42 shall present them to any law enforcement officer or
43 to a person designated as an enforcement officer under
44 section 542.13 on demand. If there is ~~good cause~~
45 justification to believe that a person is engaged
46 without a license in the business of a grain dealer in
47 this state, the department may inspect the books,
48 papers, and records of the person which pertain to
49 grain purchases.
50 Sec. _____. Section 542.11, subsection 4, Code 1991,

Page 8

1 is amended to read as follows:
2 4. A person in violation of this chapter, or ~~a~~ in
3 violation of chapter 714 or 715A ~~involving~~, which
4 violation involves the business of a grain dealer, is
5 subject to prosecution by the county attorney in the
6 county where the business is located. However, if the
7 county attorney fails to initiate prosecution within
8 thirty days and upon request by the department, the
9 attorney general may initiate and carry out the
10 prosecution in cooperation, if possible, with the
11 county attorney. The person in violation may be
12 restrained by an injunction in an action brought by
13 the department or the attorney general upon request by
14 the department.
15 Sec. _____. NEW SECTION. 542.12A LIEN ON GRAIN
16 DEALER ASSETS.
17 1. A statutory lien is imposed on all grain dealer
18 assets in favor of sellers who have surrendered
19 warehouse receipts or other written evidence of
20 ownership as part of a grain sale transaction or who
21 possess written evidence of the sale of grain to a
22 grain dealer, without receiving full payment for the
23 grain.
24 2. "Grain dealer assets" includes proceeds
25 received or due a grain dealer upon the sale,
26 including exchange, collection, or other disposition,
27 of grain sold by the grain dealer. As used in this

28 section, "proceeds" means noncash and cash proceeds as
29 provided in section 554.9306. "Grain dealer assets"
30 also includes any other funds or property of the grain
31 dealer which can be directly traced as being from the
32 sale of grain by the grain dealer, or which were
33 utilized in the business operation of the grain
34 dealer. A court, upon petition by an affected party,
35 may order that claimed grain dealer assets are not
36 grain dealer assets as defined in this section. The
37 burden of proof shall be upon the petitioner to
38 establish that the assets are not grain dealer assets
39 as defined in this section.
40 3. The lien shall arise at the time of surrender
41 of warehouse receipts or other written evidence of
42 ownership as part of a grain sale transaction or the
43 time of delivery of the grain for sale, and shall
44 terminate when the liability of the grain dealer to
45 the seller has been discharged. The lien of all
46 sellers is hereby assigned to the Iowa grain indemnity
47 fund board, on behalf of the grain depositors and
48 sellers indemnity fund.
49 4. To perfect the lien, the Iowa grain indemnity
50 fund board must file a lien statement with the office

Page 9

1 of the secretary of state. The lien statement is
2 valid only if filed on or after the date of suspension
3 but not later than sixty days after the incurrence
4 date as provided in section 543A.6. The lien
5 statement shall disclose the name of the grain dealer,
6 the address of the dealer's principal place of
7 business, a description of identifiable grain dealer
8 assets, and the amount of the lien. The lien amount
9 shall be the board's estimate of the final cost of
10 reimbursing the grain depositors and sellers indemnity
11 fund for the payment of claims against the fund
12 resulting from the breach of the grain dealer's
13 obligations. The board shall correct the amount not
14 later than one hundred eighty days following the
15 incurrence date. A court, upon petition by an
16 affected person, may correct the amount. The board
17 shall have the burden of proving that the amount is an
18 accurate estimate.
19 5. The Iowa grain indemnity fund board shall upon
20 written demand of the grain dealer file a termination
21 statement with the secretary of state, if the license
22 of the grain dealer is not revoked, terminated, or
23 canceled after one hundred eighty days from the date
24 that the lien is perfected. Upon filing the
25 termination statement, the lien becomes unperfected.
26 The board shall also deliver a copy of the termination

27 statement to the grain dealer.
28 6. The secretary of state shall note the filing of
29 a lien statement under this section in a manner
30 provided by chapter 554, the uniform commercial code.
31 The secretary shall note the filing of a termination
32 statement with the lien statement.
33 7. A lien perfected under this section is superior
34 to an interest which is perfected subsequent to the
35 time the lien statement is filed with the secretary of
36 state, except liens arising under chapters 570 through
37 571.
38 8. If the grain dealer is also licensed under
39 chapter 543, and in the event the department is
40 appointed as a receiver under section 543.3, assets
41 under the authority of the receiver are free from this
42 statutory lien. However, if there are receivership
43 assets in excess of those necessary to fully reimburse
44 depositors, the perfected lien will attach to those
45 excess assets.
46 9. The board may enforce the lien in the manner
47 provided in chapter 554, article 9, part 5, for the
48 enforcement of security interests. If, upon
49 enforcement of the lien, the lien amount is satisfied
50 in full without exhaustion of the grain dealer assets,

Page 10

1 the remaining assets shall be returned to the grain
2 dealer or, if there are competing claims to those
3 remaining assets by other creditors, shall place those
4 assets in the custody of the district court and
5 implead the known creditors.
6 For purposes of enforcement of the lien, the board
7 is deemed to be the secured party and the grain dealer
8 is deemed to be the debtor, and each has the
9 respective rights and duties of a secured party and a
10 debtor as provided in chapter 554, article 9, part 5.
11 If a right or duty under chapter 554, article 9, part
12 5, is contingent upon the existence of express
13 language in a security agreement, or may be waived by
14 express language in a security agreement, the
15 requisite language is deemed not to exist for purposes
16 of enforcement of the lien created by this section.
17 10. Actions relating to this section shall be
18 brought in the district court in the county in which
19 the grain dealer's primary place of business is
20 located or in Polk county.
21 Sec. _____. Section 542.15, subsection 7, Code 1991,
22 is amended by striking the subsection and inserting in
23 lieu thereof the following:
24 7. a. A grain dealer shall not purchase grain on
25 credit-sale contract during any time period in which

26 the grain dealer fails to maintain fifty cents of net
27 worth for each outstanding bushel of grain purchased
28 under credit. The grain dealer may maintain a
29 deficiency bond or an irrevocable letter of credit in
30 the amount of two thousand dollars for each one
31 thousand dollars or fraction thereof of deficiency in
32 net worth.
33 b. A grain dealer holding a federal or state
34 warehouse license who does not have a sufficient
35 quantity or quality of grain to satisfy the warehouse
36 operator's obligations based on an examination by the
37 department or the United States department of
38 agriculture shall not purchase grain on credit-sale
39 contract to correct the shortage of grain.
40 c. A grain dealer must meet at least one of the
41 following conditions:
42 (1) The grain dealer's last financial statement
43 required to be submitted to the department pursuant to
44 section 542.3 is accompanied by an unqualified opinion
45 based upon an audit performed by a certified public
46 accountant licensed in this state.
47 (2) The grain dealer files a bond with the
48 department in the amount of one hundred thousand
49 dollars payable to the department. The bond shall be
50 used to indemnify sellers for losses resulting from a

Page 11

1 breach of a credit-sale contract as provided by rules
2 adopted by the department. The rules shall include,
3 but are not limited to, procedures and criteria for
4 providing notice, filing claims, valuing losses, and
5 paying claims. The bond provided in this paragraph
6 shall be in addition to any other bond required in
7 this chapter.
8 A bond filed with the department under this
9 paragraph shall not be canceled by the issuer on less
10 than ninety days notice by certified mail to the
11 department and the principal. When the department
12 receives notice from an issuer that it has canceled
13 the bond, the department shall automatically suspend
14 the grain dealer's license if a replacement bond is
15 not received by the department within sixty days of
16 the issuance of the notice of cancellation. The
17 department shall cause an inspection of the licensed
18 grain dealer immediately at the end of the sixty-day
19 period. If a replacement bond is not filed within
20 another thirty days following the suspension, the
21 grain dealer license shall be automatically revoked.
22 When a license is revoked, the department shall
23 provide notice of the revocation by ordinary mail to
24 the last known address of each holder of an

25 outstanding credit-sale contract and all known
26 sellers.
27 Sec. _____. Section 542.15, Code 1991, is amended by
28 adding the following new subsection:
29 NEW SUBSECTION. 7A. The department may adopt
30 rules to suspend the right of a grain dealer to
31 purchase grain by credit-sale contract based on any of
32 the following conditions:
33 a. The grain dealer holding a federal or state
34 warehouse license does not have a sufficient quantity
35 or quality of grain to satisfy the warehouse
36 operator's obligations based on an examination by the
37 department or the United States department of
38 agriculture.
39 b. The grain dealer holding a state or federal
40 warehouse license issues back to the grain dealer a
41 warehouse receipt for purposes of providing
42 collateral, if the grain which is the subject of the
43 warehouse receipt was purchased on credit and is
44 unpaid for by the grain dealer.
45 c. The grain dealer fails to maintain requirements
46 relating to net worth or fails to maintain a ratio of
47 current assets to current liabilities, as required in
48 section 542.3.
49 d. The grain dealer violates this section.
50 e. The grain dealer's total liabilities are

Page 12

1 greater than seventy-five percent of the grain
2 dealer's total assets.
3 f. The grain dealer has made payment by use of a
4 financial instrument which is a check, share draft,
5 draft, or written order on a financial institution,
6 and a financial institution refuses payment on the
7 instrument because of insufficient funds in a grain
8 dealer's account.
9 g. The department discovers that a grain dealer
10 has delayed payment for grain purchased since the
11 department last inspected the grain dealer pursuant to
12 section 542.9.
13 Sec. _____. NEW SECTION. 542.22 PRIORITIZATION OF
14 INSPECTIONS OF GRAIN DEALERS.
15 The department shall develop a system to prioritize
16 the inspections of grain dealers provided in section
17 542.9. The system of prioritization shall be computed
18 each year based on the risk of loss to the grain
19 depositors and sellers indemnity fund caused by the
20 possible insolvency of the grain dealer. The
21 department shall compute the risk by utilizing an
22 available statistical model to measure the financial
23 condition of grain dealers, and especially grain

24 dealers who execute credit-sale contracts. Procedures
25 for utilizing the statistical model shall be adopted
26 by department rules. The statistical model shall be
27 used to provide risk ratings. A risk rating shall be
28 used as a factor by the department to prioritize its
29 inspection schedule. The department may use a risk
30 rating produced by the statistical model as
31 justification to inspect the grain dealer at any time.
32 A substantial risk of loss to the grain depositors and
33 sellers indemnity fund caused by the possible
34 insolvency of the grain dealer based on the
35 statistical model shall be good cause.
36 Sec. _____. Section 543.1, Code 1991, is amended by
37 adding the following new subsection:
38 NEW SUBSECTION. 7A. "Good cause" means that the
39 department has cause to believe that the net worth or
40 current asset to current liability ratio of a
41 warehouse operator presents a danger to depositors
42 with whom the warehouse operator does business, based
43 on evidence of any of the following:
44 a. The making of a payment by use of a financial
45 instrument which is a check, share draft, draft, or
46 written order on a financial institution, and a
47 financial institution refuses payment on the
48 instrument because of insufficient funds in the
49 warehouse operator's account.
50 b. A violation of recordkeeping requirements

Page 13

1 provided in this chapter or rules adopted pursuant to
2 this chapter by the department.
3 c. A quality or quantity shortage in the warehouse
4 facility.
5 d. A high risk of loss to the grain depositors and
6 sellers indemnity fund caused by the possible
7 insolvency of the warehouse operator based on a
8 statistical model provided in section 543.40.
9 Sec. _____. Section 543.2, unnumbered paragraph 1,
10 Code 1991, is amended to read as follows:
11 The department may exercise general supervision
12 over the storage, warehousing, classifying according
13 to grade or otherwise, weighing, and certification of
14 agricultural products. The department may inspect or
15 cause to be inspected any warehouse. Inspections may
16 be made at times and for purposes as the department
17 determines. Except as provided in section 543.6, the
18 department shall cause every licensed warehouse and
19 its contents to be inspected once in every twelve-
20 month period. The department shall prioritize
21 inspections based on the system provided in section
22 543.40. The department may require the filing of

23 reports relating to a warehouse or its operation. If
24 upon inspection a deficiency is found to exist as to
25 the quantity or quality of agricultural products
26 stored, as indicated on the warehouse operator's books
27 and records according to official grain standards, the
28 department may require an employee of the department
29 to remain at the licensed warehouse and supervise all
30 operations involving agricultural products stored
31 there under this chapter until the deficiency is
32 corrected. The charge for the cost of maintaining an
33 employee of the department at a warehouse to supervise
34 the correction of a deficiency is one hundred fifty
35 dollars per day."
36 5. Page 23, by striking lines 13 through 24.
37 6. Page 23, by inserting before line 25, the
38 following:
39 "Sec. _____. Section 543.6, subsection 4, paragraph
40 b, Code 1991, is amended to read as follows:
41 b. The warehouse operator shall submit, as
42 required by the department, a financial statement that
43 is accompanied by an unqualified opinion based upon an
44 audit performed by a certified public accountant
45 licensed in this state. However, the department may
46 accept a qualification in an opinion that is
47 unavoidable by any audit procedure that is permitted
48 under generally accepted accounting principles. An
49 opinion that is qualified because of a limited audit
50 procedure or because the scope of an audit is limited

Page 14

1 shall not be accepted by the department. The
2 department shall not require that a warehouse operator
3 submit more than one such unqualified opinion per
4 year. The warehouse operator may elect, however, to
5 submit a financial statement that is accompanied by
6 the report of a certified public accountant licensed
7 in this state that is based upon a review performed by
8 the certified public accountant in lieu of the audited
9 financial statement specified in this paragraph.
10 However, at any time the department may require a
11 financial statement that is accompanied by the report
12 of a certified public accountant licensed in this
13 state that is based upon a review performed by a
14 certified public accountant if the department has good
15 cause ~~to believe that the net worth or current asset~~
16 ~~to current liability ratio of a licensee presents a~~
17 ~~danger to producers or sellers with whom the licensee~~
18 ~~deals. "Good cause" means that the department has~~
19 ~~evidence that the licensee issued checks on~~
20 ~~insufficient funds, evidence of a quality or quantity~~
21 ~~shortage in a warehouse facility, or evidence of~~

22 ~~violations of recordkeeping requirements.~~
23 Sec. _____. Section 543.6, subsection 5, paragraph
24 b, Code 1991, is amended to read as follows:
25 b. The warehouse operator shall submit, as
26 required by the department, a financial statement that
27 is accompanied by an unqualified opinion based upon an
28 audit performed by a certified public accountant
29 licensed in this state. However, the department may
30 accept a qualification in an opinion that is
31 unavoidable by any audit procedure that is permitted
32 under generally accepted accounting principles. An
33 opinion that is qualified because of a limited audit
34 procedure or because the scope of an audit is limited
35 shall not be accepted by the department. The
36 department shall not require that a warehouse operator
37 submit more than one such unqualified opinion per
38 year. The warehouse operator may elect, however, to
39 submit a financial statement that is accompanied by
40 the report of a certified public accountant licensed
41 in this state that is based upon a review performed by
42 the certified public accountant in lieu of the audited
43 financial statement specified in this paragraph.
44 However, at any time the department may require a
45 financial statement that is accompanied by the report
46 of a certified public accountant licensed in this
47 state that is based upon a review performed by a
48 certified public accountant if the department has good
49 cause ~~to believe that the net worth or current asset~~
50 ~~to current liability ratio of a licensee presents a~~

Page 15

1 ~~danger to producers or sellers with whom the licensee~~
2 ~~deals. "Good cause" means that the department has~~
3 ~~evidence that the licensee issued checks on~~
4 ~~insufficient funds, evidence of a quality or quantity~~
5 ~~shortage in a warehouse facility, or evidence of~~
6 ~~violations of recordkeeping requirements.~~
7 Sec. _____. NEW SECTION. 543.12A LIEN ON WAREHOUSE
8 OPERATOR ASSETS.
9 1. A statutory lien is imposed on all warehouse
10 operator assets in favor of depositors possessing
11 warehouse receipts covering grain stored by the
12 warehouse operator and depositors with written
13 evidence of ownership other than warehouse receipts
14 disclosing a storage obligation of a warehouse
15 operator.
16 2. "Warehouse operator assets" includes proceeds
17 received or due a warehouse operator upon the sale,
18 including exchange, collection, or other disposition,
19 of grain sold by the warehouse operator. As used in
20 this section, "proceeds" means noncash and cash

21 proceeds as provided in section 554.9306. "Warehouse
22 operator assets" also includes storage payments
23 received or due to a warehouse operator, grain owned
24 by the warehouse operator, and any other funds or
25 property of the warehouse operator which can be
26 directly traced as being from the sale of grain by the
27 warehouse operator, or which were utilized in the
28 business operation of the warehouse operator. A
29 court, upon petition by an affected party, may order
30 that claimed warehouse operator assets are not
31 warehouse operator assets as defined in this section.
32 The burden of proof shall be upon the petitioner to
33 establish that the assets are not warehouse operator
34 assets as defined in this section.
35 3. The lien shall arise at the commencement of the
36 storage obligation, and shall terminate when the
37 liability of the warehouse operator to the depositor
38 has been discharged. The lien of all depositors is
39 hereby assigned to the Iowa grain indemnity fund
40 board, on behalf of the grain depositors and sellers
41 indemnity fund.
42 4. To perfect the lien, the Iowa grain indemnity
43 fund board must file a lien statement with the office
44 of the secretary of state. The lien statement is
45 valid only if filed on or after the date of suspension
46 but not later than sixty days after the incurrence
47 date as provided in section 543A.6. The lien
48 statement shall disclose the name of the warehouse
49 operator, the address of the warehouse operator's
50 principal place of business, a description of

Page 16

1 identifiable warehouse operator assets, and the amount
2 of the lien. The lien amount shall be the board's
3 estimate of the final cost of reimbursing the grain
4 depositors and sellers indemnity fund for the payment
5 of claims made against the fund resulting from the
6 breach of the warehouse operator's obligations. The
7 board shall correct the amount not later than one
8 hundred eighty days following the incurrence date. A
9 court, upon petition by an affected person, may
10 correct the amount. The board shall have the burden
11 of proving that the amount is an accurate estimate.
12 5. The Iowa grain indemnity fund board shall upon
13 written demand of the warehouse operator file a
14 termination statement with the secretary of state, if
15 the license of the warehouse operator is not revoked,
16 terminated, or canceled after one hundred eighty days
17 from the date that the lien is perfected. Upon filing
18 the termination statement, the lien becomes
19 unperfected. The board shall also deliver a copy of

20 the termination statement to the warehouse operator.
21 6. The secretary of state shall note the filing of
22 a lien statement under this section in a manner
23 provided by chapter 554, the uniform commercial code.
24 The secretary shall note the filing of a termination
25 statement with the lien statement.
26 7. A lien perfected under this section is superior
27 to a lien or security interest which attaches
28 subsequent to the time the lien statement is filed
29 with the secretary of state, except liens arising
30 under chapters 570 through 571.
31 8. In the event the department is appointed as a
32 receiver under section 543.3, assets under the
33 authority of the receiver are free from this statutory
34 lien. However, if there are receivership assets in
35 excess of those necessary to fully reimburse
36 depositors, the perfected lien will attach to those
37 excess assets.
38 9. The Iowa grain indemnity fund board may enforce
39 the lien in the manner provided in chapter 554,
40 article 9, part 5, for the enforcement of security
41 interests. If, upon enforcement of the lien, the lien
42 amount is satisfied in full without exhaustion of the
43 warehouse operator assets, the remaining assets shall
44 be returned to the warehouse operator or, if there are
45 competing claims to those remaining assets by other
46 creditors, those assets shall be placed in the custody
47 of the district court and the known creditors
48 impleaded.
49 For purposes of enforcement of the lien, the board
50 is deemed to be the secured party and the warehouse

Page 17

1 operator is deemed to be the debtor, and each has the
2 respective rights and duties of a secured party and a
3 debtor as provided in chapter 554, article 9, part 5.
4 If a right or duty under chapter 554, article 9, part
5 5, is contingent upon the existence of express
6 language in a security agreement, or may be waived by
7 express language in a security agreement, the
8 requisite language is deemed not to exist for purposes
9 of enforcement of the lien created by this section.
10 10. Actions relating to this section shall be
11 brought in the district court in the county in which
12 the warehouse operator's primary place of business is
13 located or in Polk county.
14 Sec. _____. Section 543.17, Code 1991, is amended by
15 adding the following new subsection:
16 NEW SUBSECTION. 6A. A licensed warehouse operator
17 who does not have a sufficient quantity or quality of
18 grain to satisfy the warehouse operator's obligations

19 based on an examination by the department shall not
20 purchase grain on credit-sale contract to correct the
21 shortage of grain. A licensed warehouse operator
22 shall not issue a warehouse receipt for purposes of
23 providing collateral, if the grain which is the
24 subject of the warehouse receipt was purchased by
25 credit-sale contract and is unpaid for by the
26 warehouse operator.
27 Sec. _____. Section 543.17, subsection 7, Code 1991,
28 is amended to read as follows:
29 7. Every licensed warehouse operator shall, on or
30 before July 1 of each year, send a statement for each
31 holder of a warehouse receipt covering grain held for
32 more than one year at that warehouse to the holder's
33 last known address. The statement shall show the
34 amount of all grain held pursuant to warehouse receipt
35 for such warehouse receipt holder and the amount of
36 any storage charges held by the licensed warehouse
37 operator against that grain. However, a licensed
38 warehouse operator need not prepare this annual
39 statement for a holder of a warehouse receipt, if the
40 licensed warehouse operator prepares such statements
41 monthly, quarterly or for any other period more
42 frequent than annually. ~~Failure~~ The failure to
43 prepare a statement required by this subsection is a
44 simple misdemeanor.
45 PARAGRAPH DIVIDED. Violation of this section shall
46 not constitute grounds for suspension, revocation, or
47 modification of the license of anyone licensed under
48 this chapter.
49 Sec. _____. Section 543.33, subsection 1, paragraphs
50 a through g, Code 1991, are amended to read as

Page 18

1 follows:
2 a. If the total storage capacity is one hundred
3 thousand bushels or less, the fee is ~~thirty-five~~
4 seventy-six dollars.
5 b. If the total storage capacity is more than one
6 hundred thousand bushels, but not more than seven
7 hundred fifty thousand bushels, the fee is ~~seventy-~~
8 ~~five~~ one hundred sixty-three dollars.
9 c. If the total storage capacity is more than
10 seven hundred fifty thousand bushels, but not more
11 than one million five hundred thousand bushels, the
12 fee is ~~one~~ two hundred ~~fifteen~~ fifty dollars.
13 d. If the total storage capacity is more than one
14 million five hundred thousand bushels, but not more
15 than three million bushels, the fee is ~~one~~ three
16 hundred ~~fifty~~ twenty-five dollars.
17 e. If the total storage capacity is more than

18 three million bushels, but not more than four million
19 seven hundred fifty thousand bushels, the fee is ~~one~~
20 four hundred ~~eighty-five~~ one dollars.
21 f. If the total storage capacity is more than four
22 million seven hundred fifty thousand bushels, but not
23 more than nine million five hundred thousand bushels,
24 the fee is ~~two~~ four hundred ~~twenty-five~~ eighty-eight
25 dollars.
26 g. If the total storage capacity is more than nine
27 million five hundred thousand bushels, the fee is ~~two~~
28 five hundred ~~sixty-five~~ seventy-five dollars.
29 Sec. _____. Section 543.36, subsection 4, Code 1991,
30 is amended to read as follows:
31 4. A person in violation of this chapter, or ~~a~~ in
32 violation of chapter 714 or 715A ~~involving~~, which
33 violation involves the business of a warehouse
34 operator, is subject to prosecution by the county
35 attorney in the county where the business is located.
36 However, if the county attorney fails to initiate
37 prosecution within thirty days, and upon request by
38 the department, the attorney general may initiate and
39 carry out the prosecution in cooperation, if possible,
40 with the county attorney. The person in violation may
41 be restrained by injunction in an action brought by
42 the department or the attorney general upon request by
43 the department.
44 Sec. _____. Section 543.37, Code 1991, is amended to
45 read as follows:
46 543.37 FAILURE TO PAY FEE.
47 Failure to pay the ~~annual~~ license fee provided for
48 in section 543.33 on or before ~~June 30 of the year for~~
49 ~~which due~~ the end of the third calendar month
50 following the close of the licensee's fiscal year

Page 19

1 shall cause a license to terminate. A warehouse
2 license which has terminated may be reinstated by the
3 department upon receipt of a proper renewal
4 application, the renewal fee, and the reinstatement
5 fee as provided for in section 543.33, if filed within
6 thirty days from the date of termination of the
7 warehouse license. The department may cancel the
8 license upon request of the licensee unless a
9 complaint or information is filed against the licensee
10 alleging a violation of a provision of this chapter.
11 Sec. _____. NEW SECTION. 543.40 PRIORITIZATION OF
12 INSPECTIONS OF WAREHOUSE OPERATORS.
13 The department shall develop a system to prioritize
14 the inspections of warehouse operators provided in
15 section 543.2. The system of prioritization shall be
16 computed each year based on the risk of loss to the

17 grain depositors and sellers indemnity fund caused by
18 the possible insolvency of the warehouse operator.
19 The department shall compute the risk by utilizing an
20 available statistical model to measure the financial
21 condition of warehouse operators. Procedures for
22 utilizing the statistical model shall be adopted by
23 department rules. The statistical model shall be used
24 to provide risk ratings. A risk rating shall be used
25 as a factor by the department to prioritize its
26 inspection schedule. The department may inspect a
27 warehouse operator at any time based on a risk of loss
28 to the fund according to the risk rating. A
29 substantial risk of loss to the grain depositors and
30 sellers indemnity fund caused by the possible
31 insolvency of the warehouse operator based on the
32 statistical model shall be good cause.
33 Sec. _____. NEW SECTION. 543A.5A LIEN ON
34 LICENSEE'S ASSETS.
35 The board may enforce a lien attached to assets
36 held by a licensee under chapter 542 or 543. The lien
37 shall be perfected and enforced pursuant to section
38 542.12A or 543.12A.
39 Sec. _____. Section 554.9407, subsection 3, Code
40 1991, is amended by adding the following new
41 unnumbered paragraph:
42 NEW UNNUMBERED PARAGRAPH. Upon written request,
43 the filing officer shall issue a certificate showing
44 whether there is on file on the date and hour stated,
45 an effective financing statement, lien statement, or
46 termination statement under chapter 542 or 543 naming
47 a grain dealer or warehouse operator as a debtor, the
48 address of the grain dealer's or warehouse operator's
49 principal place of business, and the grain indemnity
50 fund board as secured creditor, identifiable grain

Page 20

1 proceeds subject to the lien, and the amount of the
2 lien. The uniform fee for a certificate is five
3 dollars if the request for the certificate is on a
4 form conforming to standards prescribed by the
5 secretary of state, or the fee is six dollars if the
6 request is not on a form conforming to the standards.
7 Sec. _____. Section 715A.2, subsection 2, paragraph
8 a, Code 1991, is amended to read as follows:
9 a. Forgery is a class "D" felony if the writing is
10 or purports to be part of an issue of money,
11 securities, postage or revenue stamps, or other
12 instruments issued by the government, or part of an
13 issue of stock, bonds, credit-sale contracts as
14 defined in section 542.1, or other instruments
15 representing interests in or claims against any

16 property or enterprise, or a check, draft, or other
17 writing which ostensibly evidences an obligation of
18 the person who has purportedly executed it or
19 authorized its execution.
20 Sec. _____. TRANSITION PERIOD. There shall be a
21 transition period for implementing and enforcing
22 provisions of this Act relating to any license period
23 as provided in sections 542.5 and 543.37 as amended by
24 this Act. Within the transition period, the
25 department of agriculture and land stewardship may
26 issue or renew licenses under chapter 542 or 543 for a
27 period less than twelve consecutive months. The
28 department shall prorate the fees charged for issuing
29 or renewing the licenses for a period of less than
30 twelve consecutive months. The transition period
31 shall terminate on June 30, 1993.
32 Sec. _____. DATES OF APPLICABILITY. The liens
33 established in sections 542.12A and 543.12A are
34 applicable and enforceable against all grain dealer
35 and warehouse operator licensees with an incurrence
36 date on or after July 1, 1992."
37 7. Page 23, by inserting after line 28, the
38 following:
39 "Sec. _____. REPEALS.
40 1. Section 428.35, Code 1991, is repealed.
41 2. Section 542.21, Code 1991, is repealed."
42 8. Title page, line 2, by striking the words "and
43 statutory" and inserting the following: ", providing
44 for fees, providing for statutory".

Amendment H—5883 was adopted.

Shoultz of Black Hawk offered the following amendment H—5879 filed by Jochum of Dubuque and moved its adoption:

H—5879

1 Amend Senate File 2347, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. By striking page 13, line 31 through page 14,
4 line 4.
5 2. By renumbering as necessary.

Amendment H—5879 was adopted.

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

H—5801

1 Amend Senate File 2347, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 15, by inserting after line 12 the

4 following:
5 "Sec. _____. FEASIBILITY STUDY. The department of
6 natural resources shall coordinate a feasibility study
7 of the creation of an artificial recreational lake
8 located at the clear creek watershed near Rhodes in
9 Marshall county. The civil and construction
10 engineering department of Iowa state university shall
11 assist the department in the collection and evaluation
12 of pertinent technical data. The department shall
13 report its findings to the natural resource commission
14 and the general assembly on or before January 1,
15 1994."
16 2. By renumbering sections as necessary.

Amendment H—5801 was adopted.

Bartz of Worth offered the following amendment H—5893 filed by him from the floor:

H—5893

1 Amend Senate File 2347, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 21, by inserting after line 10, the
4 following:
5 "Sec. _____. Section 425A.2, subsection 4, paragraph
6 a, Code Supplement 1991, is amended to read as
7 follows:
8 a. If the owner is an individual, the designated
9 person includes the owner of the tract, ~~or a person~~
10 ~~related to the owner as~~ the owner's spouse~~, parent,~~
11 ~~grandparent, child, grandchild,~~ or stepchild, ~~and~~
12 ~~their spouses~~ or a person or a person's spouse, when
13 the person is related within the third degree of
14 consanquinity to the owner."
15 2. By renumbering as necessary.

Shoultz of Black Hawk rose on a point of order that amendment H—5893 was not germane.

The Speaker ruled the point well taken and amendment H—5893 not germane.

Bartz of Worth asked for unanimous consent to suspend the rules to consider amendment H—5893.

Objection was raised.

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. 2347)

The ayes were, 55:

Adams	Baker	Bartz	Beatty
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Burke
Chapman	Cohoon	Connors	Dickinson
Doderer	Dvorsky	Eddie	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Jesse	Knapp	Koenigs
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoultz
Spear	Spenner	Svoboda	Teaford
Wise	Wissing	Mr. Speaker Arnould	

The nays were, 42:

Banks	Beaman	Bennett	Branstad
Carpenter	Corbett	Daggett	De Groot
Diemer	Garman	Gipp	Grubbs
Hahn	Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.
Harbor	Hester	Hurley	Iverson
Johnson	Kistler	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McNeal	Metcalf	Millage	Miller
Petersen, D. F.	Plasier	Rafferty	Renken
Royer	Shoning	Siegrist	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 3:

Holveck	Jay	Jochum

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 1992, passed the following bill in which the concurrence of the Senate was asked:

House File 2456, a bill for an act relating to the production of ethanol, providing for the appropriation and allocation of moneys, providing applicability and effective dates, and providing for the repeal and recodification of provisions of the Act.

JOHN F. DWYER, Secretary

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2347** be immediately messaged to the Senate.

On motion by McKinney of Dallas, the House was recessed at 12:26 p.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

QUORUM CALL

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

SENATE AMENDMENT CONSIDERED

Beatty of Warren called up for consideration **House File 2455**, a bill for an act relating to and making appropriations to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, the department of commerce, public employment relations board, and the racing and gaming commission, allocating certain standing appropriations subject to certain procedures and conditions, and providing an effective date, amended by the Senate amendment H—5818 as follows:

H—5818

1 Amend House File 2455, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, by inserting after line 31 the
4 following:
5 "_____. The campaign finance disclosure commission
6 shall study and make written recommendations relating
7 to the funding of the commission's activities pursuant
8 to the assessment of all political committees. The
9 recommendations shall include a discussion of the
10 options considered by the commission and provide for
11 complete and total funding of the activities of the
12 commission. The plan adopted by the commission shall
13 not reduce any other fees, charges, or assessments
14 currently made by the commission, and shall also not
15 include consideration of the revenue generated by such
16 fees, charges, or assessments when determining the
17 amount of assessment to be made pursuant to this
18 subsection. The report shall include a plan of
19 implementation and any legislation or other actions
20 necessary to implement the recommendations. The
21 report of the commission shall be filed with the
22 general assembly and legislative fiscal bureau no
23 later than January 20, 1993."

24 2. Page 3, line 4, by striking the figure
25 "$150,000" and inserting the following: "$200,000".
26 3. Page 3, line 6, by inserting after the word
27 "surveys." the following: "As a condition of this
28 expenditure, the department shall adopt rules
29 providing that all communities which are scheduled to
30 be surveyed during fiscal year 1992-1993 shall
31 contribute to the cost of the community surveys which
32 exceeds $200,000 proportionally in an amount equal to
33 the cost of completing each community survey divided
34 by the total cost of completing all surveys multiplied
35 by the cost of completing all surveys in excess of
36 $200,000."
37 4. Page 3, by inserting after line 31, the
38 following:
39 "_____. The industrial commissioner shall study and
40 make written recommendations concerning options to
41 fund the division involving the assessment of all
42 employers relieved from the requirement of obtaining
43 insurance pursuant to section 87.11, all group self-
44 insured associations or plans authorized by section
45 87.4, and all insurance companies writing insurance
46 policies authorized by section 515.48, subsection 5,
47 paragraph "d". Recommendations made shall provide for
48 complete and total funding of the operations of the
49 division of industrial services and shall also provide
50 a plan of implementation and any legislative proposals

Page 2

1 or actions necessary to implement the recommendations.
2 The report shall be provided in writing to the general
3 assembly and the legislative fiscal bureau no later
4 than January 20, 1993."
5 5. Page 5, line 27, by striking the figure
6 "115.00" and inserting the following: "118.00".
7 6. Page 6, line 17, by inserting after the word
8 "districts" the following: "with priority given to
9 completing local board reviews and implementation of
10 programming in the eighth district and limited state
11 board programming".
12 7. Page 6, line 20, by striking the figure "3.50"
13 and inserting the following: "4.25".
14 8. Page 7, by striking lines 6 through 10.
15 9. Page 8, line 28, by striking the figure
16 "643,998" and inserting the following: "673,998".
17 10. Page 9, by striking lines 28 through 34 and
18 inserting the following: "examinations of banks.
19 The".
20 11. Page 10, by striking lines 1 and 2 and
21 inserting the following: "shall be collected from
22 banks being regulated, and the collections shall be".

23 12. Page 10, line 3, by inserting after the
24 figure "8.2" the following: "The division shall
25 notify in writing the legislative fiscal bureau and
26 the department of management when hiring additional
27 personnel. The written notification shall include
28 documentation that any additional expenditure related
29 to such hiring will be totally reimbursed to the
30 general fund, and shall also include the division's
31 justification for hiring such personnel. The division
32 must obtain the approval of the department of
33 management only if the number of additional personnel
34 to be hired exceeds the number of full-time equivalent
35 positions authorized by this section."
36 13. Page 10, by striking line 9 and inserting the
37 following:
38 " .....FTEs 20.00
39 The credit union division may expend additional
40 funds, including funds for additional personnel, if
41 those additional expenditures are actual expenses
42 which exceed the funds budgeted for credit union
43 examinations and directly result from examinations of
44 credit unions. The amounts necessary to fund the
45 excess examination expenses shall be collected from
46 credit unions being regulated, and the collections
47 shall be treated as repayment receipts as defined in
48 section 8.2. The division shall notify in writing the
49 legislative fiscal bureau and the department of
50 management when hiring additional personnel. The

Page 3

1 written notification shall include documentation that
2 any additional expenditure related to such hiring will
3 be totally reimbursed to the general fund, and shall
4 also include the division's justification for hiring
5 such personnel. The division must obtain the approval
6 of the department of management only if the number of
7 additional personnel to be hired exceeds the number of
8 full-time equivalent positions authorized by this
9 section."
10 14. Page 13, by striking lines 8 through 29 and
11 inserting the following:
12 "NEW SUBSECTION. 5A. The state public defender
13 shall".
14 15. Page 13, line 32, by striking the word and
15 figure "subsection 5B" and inserting the following:
16 "section 331.756, subsection 86,".
17 16. By striking page 13, line 33 through page 14,
18 line 15.
19 17. Page 17, by inserting after line 29 the
20 following:

21 "Sec. _____. Section 123.24, Code 1991, is amended
22 by adding the following new subsection:
23 NEW SUBSECTION. 5. Notwithstanding subsection 4,
24 the division shall assess a bottle surcharge to be
25 included in the price of alcoholic liquor in an amount
26 sufficient, when added to the amount not refunded to
27 class "E" liquor control licensees pursuant to section
28 455C.2, to pay the costs incurred by the division for
29 collecting and properly disposing of the liquor
30 containers. The amount collected pursuant to this
31 subsection, in addition to any amounts not refunded to
32 class "E" liquor control licensees pursuant to section
33 455C.2, shall be deposited in the beer and liquor
34 control fund established under section 123.53.
35 Sec. _____. Section 123.53, Code 1991, is amended by
36 adding the following new subsection:
37 NEW SUBSECTION. 4. The treasurer of state, after
38 making the transfer provided for in subsection 3,
39 shall transfer to the division from the beer and
40 liquor control fund and before any other transfer to
41 the general fund, an amount sufficient to pay the
42 costs incurred by the division for collecting and
43 properly disposing of the liquor containers."
44 18. Page 17, by inserting after line 29 the fol-
45 lowing:
46 "Sec. _____. Section 135C.16, subsection 1, Code
47 1991, is amended by striking the subsection and
48 inserting in lieu thereof the following:
49 1. In addition to the inspections required by sec-
50 tions 135C.9 and 135C.38, the department shall make or

Page 4

1 cause to be made such further unannounced inspections
2 as it deems necessary to adequately enforce this
3 chapter. At least one general unannounced inspection
4 shall be conducted for each health care facility
5 within a fifteen-month period. The inspector shall
6 show identification to the person in charge of the
7 facility and state that an inspection is to be made
8 before beginning the inspection. An employee of the
9 department who gives unauthorized advance notice of an
10 inspection made or planned to be made under this
11 subsection or section 135C.38 shall be disciplined as
12 determined by the director, except that if the
13 employee is employed pursuant to the merit system
14 provisions of chapter 19A the discipline shall not
15 exceed the discipline authorized pursuant to that
16 chapter."
17 19. By striking page 18, line 16, through page
18 22, line 11, and inserting the following:

19 "Sec. _____. Section 331.756, Code 1991, is amended
20 by adding the following new subsections:
21 NEW SUBSECTION. 86. Establish and implement
22 recoupment and collection procedures in all indigent
23 defense cases which shall include, but not be limited
24 to, all of the following:
25 a. Petitioning the court to include the payment of
26 fines, court costs, and restitution of all or a
27 portion of attorney fees as a condition of probation
28 and to order the defendant to appear before the court
29 if these conditions have not been satisfied.
30 b. Petitioning the court for the imposition of a
31 civil judgment against the indigent defendant which
32 shall be assigned to private counsel for collection.
33 c. Petitioning the court for an assignment of
34 wages of the indigent defendant.
35 d. Assisting the department of revenue and finance
36 in the implementation of the setoff under section
37 421.17, subsection 25A, in regard to money owed to the
38 state for indigent defense services provided to the
39 indigent defendant.
40 NEW SUBSECTION. 87. Make a written report to the
41 state public defender within fifteen days of the end
42 of each calendar quarter of the amount of funds
43 recouped pursuant to subsection 86.
44 Sec. _____. Section 421.17, Code Supplement 1991, is
45 amended by adding the following new subsection:
46 NEW SUBSECTION. 25A. To establish and maintain a
47 procedure to set off against a debtor's income tax
48 refund or rebate any debt which is due, owing, and
49 payable to the state as restitution of attorney fees
50 incurred as a result of services provided under

Page 5

1 chapters 13B and 815, and section 232.141. The
2 procedure shall meet the following conditions:
3 a. Before setoff all outstanding tax liabilities
4 collectible by the department shall be satisfied
5 except that no portion of a refund or rebate shall be
6 credited against tax liabilities which are not yet
7 due.
8 b. Before setoff the county attorney shall obtain
9 and forward to the department the full name and social
10 security number of the debtor. The department shall
11 cooperate in the exchange of relevant information with
12 the county attorney. However, only relevant
13 information required by the county attorney shall be
14 provided by the department. The information shall be
15 held in confidence and shall be used for purposes of
16 setoff only.

17 c. The county attorney shall, at least quarterly
18 and monthly if practicable, submit to the department
19 for setoff the debts described in this subsection,
20 which are at least fifty dollars.
21 d. Upon submission of a claim the department shall
22 notify the county attorney if the debtor is entitled
23 to a refund or rebate and of the amount of the refund
24 or rebate and the debtor's address on the income tax
25 return.
26 e. Upon notice of entitlement to a refund or
27 rebate the county attorney shall send written
28 notification to the debtor of the county attorney's
29 assertion of rights to all or a portion of the
30 debtor's refund or rebate and the entitlement to
31 recover the debt through the setoff procedure, the
32 basis of the assertion, the opportunity to request
33 that a joint income tax refund or rebate be divided
34 between spouses, and the debtor's opportunity to give
35 written notice of intent to contest the amount of the
36 claim. The county attorney shall send a copy of the
37 notice to the department.
38 f. Upon the request of a debtor or a debtor's
39 spouse to the county attorney, filed within fifteen
40 days from the mailing of the notice of entitlement to
41 a refund or rebate, and upon receipt of the full name
42 and social security number of the debtor's spouse, the
43 county attorney shall notify the department of the
44 request to divide a joint income tax refund or rebate.
45 The department shall upon receipt of the notice divide
46 a joint income tax refund or rebate between the debtor
47 and the debtor's spouse in proportion to each spouse's
48 net income as determined under section 422.7.
49 g. The department shall, after notice has been
50 sent to the debtor by the county attorney, set off the

Page 6

1 debt against the debtor's income tax refund or rebate.
2 The department shall transfer at least quarterly and
3 monthly if practicable, the amount set off to the
4 general fund of the state, less an amount as provided
5 in paragraph "h". If the debtor gives timely written
6 notice of intent to contest the amount of the claim,
7 the department shall hold the refund or rebate until
8 final determination of the correct amount of the
9 claim. The county attorney shall notify the debtor in
10 writing upon completion of setoff.
11 h. The department shall, prior to any transfer
12 pursuant to paragraph "g" and after application is
13 made by the county attorney as provided by the
14 department, transfer an amount to the county attorney
15 equal to the costs incurred by the county attorney as
16 shown in the application."

17 20. Page 22, lines 24 and 25, by striking the
18 words "the state public defender under subsection 21"
19 and inserting the following: "a county attorney under
20 subsection 25A".
21 21. Page 22, by inserting after line 29 the
22 following:
23 "Sec. _____. Section 455C.2, subsection 1, Code
24 Supplement 1991, is amended to read as follows:
25 1. ~~Except purchases of alcoholic liquor as defined~~
26 ~~in section 123.3, subsection 8, by holders of class~~
27 ~~"A", "B", "C", and "E" liquor control licenses, a~~ A
28 refund value of not less than five cents shall be paid
29 by the consumer on each beverage container sold in
30 this state by a dealer for consumption off the
31 premises. Upon return of the empty beverage container
32 upon which a refund value has been paid to the dealer
33 or person operating a redemption center and acceptance
34 of the empty beverage container by the dealer or
35 person operating a redemption center, the dealer or
36 person operating a redemption center shall return the
37 amount of the refund value to the consumer.
38 Sec. _____. Section 455C.3, subsection 5, Code
39 Supplement 1991, is amended by striking the subsection
40 and inserting in lieu thereof the following:
41 5. The alcoholic beverages division of the
42 department of commerce shall provide for the disposal
43 of empty beverage containers as required under
44 subsection 2. The division shall give priority
45 consideration to the recycling of the empty beverage
46 containers to the extent possible, before any other
47 appropriate disposal method is considered or
48 implement.
49 Sec. _____. 1989 Iowa Acts, chapter 272, sections 35
50 and 36, are repealed."

Page 7

1 22. Page 22, by striking lines 34 and 35, and
2 inserting the following:
3 "SEC. 42. ~~Sections~~ Section 34~~, 35, and 36~~ of this
4 Act ~~are~~ is effective July 1, 1992."
5 23. Page 23, by inserting after line 21, the
6 following:
7 "Sec. _____. The supreme court shall review the
8 indigency criteria and procedures used by district
9 court judges for reviewing attorney fee claims for
10 indigent defense in an effort to implement uniform
11 application of such criteria and procedures.
12 Sec. 101. PILOT PROJECT.
13 1. The state public defender shall establish a
14 two-year pilot project to contract with private
15 attorneys for the provision of legal services to

16 indigent persons in two counties, with such counties
17 to be determined by the chief justice of the supreme
18 court, pursuant to this section.
19 2. If the local public defender is unable to
20 handle a case, because of a conflict of interest or
21 overload of cases, or if a county is not served by a
22 local public defender, the court shall appoint other
23 counsel for the indigent person as follows:
24 a. Subject to paragraph "b", the court shall
25 appoint an attorney designated by the state public
26 defender as a contract attorney in the county to
27 handle the case. Appointment of contract attorneys
28 shall be on a rotational or equalizational basis,
29 while taking into consideration the experience of the
30 contract attorneys and the difficulty of the case.
31 b. If the court determines that the nature of the
32 charge or the complexity of the issues in a case
33 requires that an attorney, other than the attorney or
34 attorneys who have contracted with the state public
35 defender, be appointed, the court may appoint a
36 noncontract attorney that the court deems appropriate
37 to provide legal services to the indigent person. If
38 the court appoints a noncontract attorney under this
39 paragraph, the court shall notify the state public
40 defender in writing of the reasons for not appointing
41 the attorney specified in the state public defender
42 contract for legal services to indigent persons and
43 submit a copy of the notification to the state public
44 defender within five working days of the date of the
45 appointment of other counsel.
46 3. This section is repealed June 30, 1994.
47 Sec. 102. REPORT.
48 1. The state public defender shall make a written
49 report to the legislative fiscal bureau on or before
50 January 10, 1994, concerning the pilot project

Page 8

1 established in section 101 of this Act. The report
2 shall include the following information:
3 a. Type and number of cases, and the number of
4 cases which proceed to trial, for which legal services
5 are being provided under the pilot project.
6 b. The rate paid to the contract attorneys.
7 c. The total number of hours dedicated to
8 providing the legal services.
9 d. The total cost incurred in providing the legal
10 services.
11 2. The information collected pursuant to
12 subsection 1 shall be provided to the indigent defense
13 advisory commission established pursuant to section
14 13B.2A, which shall review the information and make

15 recommendations to the general assembly concerning the
16 elimination or continuation of the use of contract
17 attorneys in providing indigent defense. The
18 recommendations shall be provided prior to March 1,
19 1994."
20 24. By renumbering, relettering, or redesignating
21 and correcting internal references as necessary.

Beatty of Warren offered the following amendment H—5854, to the Senate amendment H—5818, filed by her and moved its adoption:

H—5854

1 Amend the Senate amendment, H—5818, to House File
2 2455, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by striking lines 3 through 23.
5 2. Page 1, by striking lines 30 through 36, and
6 inserting the following: "be surveyed during the
7 fiscal year shall contribute forty percent of the cost
8 of completing the community surveys."
9 3. Page 1, line 41, by striking the words "the
10 assessment of".
11 4. Page 6, by striking lines 11 through 16 and
12 inserting the following:
13 "h. Of the amount collected pursuant to this
14 subsection, sixty-five percent shall be remitted to
15 the treasurer of state for deposit in the general fund
16 of the state. The remaining thirty-five percent shall
17 be remitted to the county and deposited in the general
18 fund of the county." "
19 5. Page 6, line 48, by striking the word
20 "implement" and inserting the following:
21 "implemented".
22 6. Page 7, line 3, by striking the figure and
23 word "~~35,and~~" and inserting the following: "~~35, and~~".
24 7. Page 7, line 11, by inserting after the word
25 "procedures." the following: "This review shall be
26 completed no later than January 1, 1993."
27 8. Renumber as necessary.

Amendment H—5854 was adopted.

Beatty of Warren offered the following amendment H—5874, to the Senate amendment H—5818, filed by her and moved its adoption:

H—5874

1 Amend the Senate amendment, H—5818, to House File
2 2455, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 2, by striking lines 7 through 13 and
5 inserting the following:

6 "_____. Page 6, line 20, by striking the figure
7 "3.50" and inserting the following: "4.00".
8 _____. Page 6, by inserting after line 20, the
9 following:
10 "It is the intent of the general assembly that the
11 state foster care review board continue to conduct
12 business on a voluntary basis. If the appropriation
13 made in this subsection is not sufficient to fund an
14 administrator for the state board, personnel in the
15 sixth judicial district shall provide administrative
16 assistance to the state board. The funds appropriated
17 for the foster care program shall be used first to
18 fully fund the program in the sixth judicial district
19 and second to implement local board reviews in the
20 eighth judicial district." "
21 2. Renumber as necessary.

Amendment H—5874 was adopted.

Garman of Story asked and received unanimous consent to withdraw amendment H—5860, to the Senate amendment H—5818, filed by her on April 10, 1992.

Beatty of Warren offered the following amendment H—5884, to the Senate amendment H—5818, filed by her and moved its adoption:

H—5884

1 Amend the Senate amendment, H—5818, to House File
2 2455, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 4, by inserting after line 16 the follow-
5 ing:
6 "_____. Page 18, by inserting after line 15 the
7 following:
8 "Sec. _____. Section 331.756, subsection 5, Code
9 1991, is amended to read as follows:
10 5. Enforce all forfeited bonds and recognizances
11 and prosecute all proceedings necessary for the
12 recovery of debts, revenues, moneys, fines, penalties,
13 restitution of court-appointed attorney fees or
14 expense of a public defender, and forfeitures accruing
15 to the state or the county or to a school district or
16 road district in the county, and all suits in the
17 county against public service corporations which are
18 brought in the name of the state. To assist in this
19 duty, the county attorney may procure professional
20 collection services provided by persons or
21 organizations which are generally considered to have
22 knowledge and special abilities which are not
23 generally available to state or local government or
24 may designate another county official or agency to

25 assist with collection efforts.
26 If professional collection services are procured,
27 the county attorney shall enter on the appropriate
28 record of the clerk of the district court an
29 indication of the satisfaction of each obligation to
30 the full extent of all moneys collected in
31 satisfaction of that obligation, including all fees
32 and compensation retained by the collection service
33 incident to the collection and not paid into the
34 office of the clerk.
35 Before a county attorney designates another county
36 official or agency to assist with collection of debts,
37 revenues, moneys, fines, penalties, restitution of
38 court-appointed attorney fees or expense of a public
39 defender, and forfeitures, the board of supervisors of
40 the county must approve the designation.
41 Notwithstanding the disposition provisions of sections
42 602.8106 and 911.3, the county may retain up to
43 thirty-five percent of all moneys collected, excluding
44 amounts collected for victim restitution, as
45 compensation for collection services. The county
46 attorney shall enter on the appropriate record of the
47 clerk of the district court an indication of the
48 satisfaction of each obligation, including the amount
49 retained by the county for collection services and not
50 paid into the office of the clerk." "

Page 2

1 2. By striking page 4, line 19, through page 6,
2 line 16, and inserting the following:
3 " "Sec. _____. Section 331.756, Code 1991, is amended
4 by adding the following new subsections:
5 NEW SUBSECTION. 64A. Assist the department of
6 revenue and finance in the implementation of the
7 setoff under section 421.17, subsection 25, in regard
8 to moneys owed to the state.
9 NEW SUBSECTION. 64B. Make a written report to the
10 department of inspections and appeals within fifteen
11 days of the end of each calendar quarter of the amount
12 of funds which were owed to the state for indigent
13 defense services and which were recouped pursuant to
14 subsection 5 or 64A.
15 Sec. _____. Section 421.17, subsection 25, Code
16 Supplement 1991, is amended to read as follows:
17 25. To establish and maintain a procedure to set
18 off against a debtor's income tax refund or rebate any
19 debt which is in the form of a liquidated sum due,
20 owing, and payable ~~to the clerk of the district court~~
21 as a criminal fine, civil penalty, surcharge, ~~or~~ court
22 costs, or restitution of attorney fees incurred as a
23 result of services provided under chapters 13B and

24 815, and section 232.141. The procedure shall meet
25 the following conditions:
26 a. Before setoff all outstanding tax liabilities
27 collectible by the department shall be satisfied
28 except that no portion of a refund or rebate shall be
29 credited against tax liabilities which are not yet
30 due.
31 b. Before setoff the ~~clerk of the district court~~
32 county attorney shall obtain and forward to the
33 department the full name and social security number of
34 the debtor. The department shall cooperate in the
35 exchange of relevant information with the ~~clerk~~ county
36 attorney. However, only relevant information required
37 by the ~~clerk~~ county attorney shall be provided by the
38 department. The information shall be held in
39 confidence and shall be used for purposes of setoff
40 only.
41 c. The ~~clerk shall, at least quarterly and monthly~~
42 ~~if practicable,~~ county attorney, on the first day of
43 February and August of each calendar year, shall
44 submit to the department for setoff the debts
45 described in this subsection, which are at least fifty
46 dollars.
47 d. Upon submission of a claim the department shall
48 notify the ~~clerk~~ county attorney if the debtor is
49 entitled to a refund or rebate and of the amount of
50 the refund or rebate and the debtor's address on the

Page 3

1 income tax return.
2 e. Upon notice of entitlement to a refund or
3 rebate the ~~clerk~~ county attorney shall send written
4 notification to the debtor of the ~~clerk's~~ county
5 attorney's assertion of rights to all or a portion of
6 the debtor's refund or rebate and the entitlement to
7 recover the debt through the setoff procedure, the
8 basis of the assertion, the opportunity to request
9 that a joint income tax refund or rebate be divided
10 between spouses, and the debtor's opportunity to give
11 written notice of intent to contest the amount of the
12 claim. The ~~clerk~~ county attorney shall send a copy of
13 the notice to the department.
14 f. Upon the request of a debtor or a debtor's
15 spouse to the ~~clerk~~ county attorney, filed within
16 fifteen days from the mailing of the notice of
17 entitlement to a refund or rebate, and upon receipt of
18 the full name and social security number of the
19 debtor's spouse, the ~~clerk~~ county attorney shall
20 notify the department of the request to divide a joint
21 income tax refund or rebate. The department shall
22 upon receipt of the notice divide a joint income tax

23 refund or rebate between the debtor and the debtor's
24 spouse in proportion to each spouse's net income as
25 determined under section 422.7.
26 g. The department shall, after notice has been
27 sent to the debtor by the ~~clerk~~ county attorney, set
28 off the debt against the debtor's income tax refund or
29 rebate. The department shall transfer ~~at least~~
30 ~~quarterly and monthly if practicable,~~ sixty-five
31 percent of the amount set off to the ~~clerk~~ treasurer
32 of state for deposit in the general fund of the state.
33 The remaining thirty-five percent shall be remitted to
34 the county and deposited in the general fund of the
35 county. If the debtor gives timely written notice of
36 intent to contest the amount of the claim, the
37 department shall hold the refund or rebate until final
38 determination of the correct amount of the claim. The
39 ~~clerk~~ county attorney shall notify the debtor in
40 writing upon completion of setoff." "
41 3. Page 6, by striking lines 17 through 20 and
42 inserting the following:
43 "_____. Page 22, by striking lines 23 through 25
44 and inserting the following: "a ~~clerk of the district~~
45 ~~court~~ county attorney under subsection 25, and last
46 priority shall be given"."
47 4. Page 6, by inserting after line 48 the fol-
48 lowing:
49 "Sec. _____. Section 910.2, Code 1991, is amended to
50 read as follows:

Page 4

1 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE
2 ORDERED BY SENTENCING COURT.
3 In all criminal cases except simple misdemeanors
4 under chapter 321, in which there is a plea of guilty,
5 verdict of guilty, or special verdict upon which a
6 judgment of conviction is rendered, the sentencing
7 court shall order that restitution be made by each
8 offender to the victims of the offender's criminal
9 activities and, ~~if the court so orders and~~ to the
10 extent that the offender is reasonably able to ~~do so~~
11 pay, for crime victim assistance reimbursement, court
12 costs, court-appointed attorney's fees or the expense
13 of a public defender when applicable. However,
14 victims shall be paid in full before restitution is
15 paid for crime victim assistance reimbursement, court
16 costs, court-appointed attorney's fees or for the
17 expense of a public defender. In structuring a plan
18 of restitution, the court shall provide for payments
19 in the following order of priority: victim, crime
20 victim assistance reimbursement, court costs, and
21 court-appointed attorney's fees or the expense of a

22 public defender. When the offender is not reasonably
23 able to pay all or a part of the crime victim
24 assistance reimbursement, court costs, court-appointed
25 attorney's fees or the expense of a public defender,
26 the court may require the offender in lieu of that
27 portion of the crime victim assistance reimbursement,
28 court costs, court-appointed attorney's fees, or
29 expense of a public defender for which the offender is
30 not reasonably able to pay, to perform a needed public
31 service for a governmental agency or for a private,
32 nonprofit agency which provides a service to the
33 youth, elderly or poor of the community. When
34 community service is ordered, the court shall set a
35 specific number of hours of service to be performed by
36 the offender. The judicial district department of
37 correctional services shall provide for the assignment
38 of the offender to a public agency or private
39 nonprofit agency to perform the required service.
40 Sec. _____. NEW SECTION. 910.7A JUDGMENT — EN-
41 FORCEMENT.
42 1. An order requiring an offender to pay
43 restitution constitutes a judgment and lien against
44 all property of a liable defendant for the amount the
45 defendant is obligated to pay under the order and may
46 be recorded in any office for the filing of liens
47 against real or personal property.
48 2. A judgment of restitution may be enforced by
49 the state, a victim entitled under the order to
50 receive restitution, a deceased victim's estate, or

Page 5

1 any other beneficiary of the judgment in the same
2 manner as a civil judgment."
3 5. Renumber as necessary.

Amendment H—5884 was adopted, placing out of order lines 11 through 18 of amendment H—5854, previously adopted.

Mertz of Kossuth offered the following amendment H—5878, to the Senate amendment H—5818, filed by her and Connors of Polk and moved its adoption:

H—5878

1 Amend the Senate amendment, H—5818, to House File
2 2455, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 6, by inserting after line 48 the
5 following:
6 "Sec. _____. Sections 123.24 and 123.53, section
7 455C.2, subsection 1, and section 455C.3, subsection
8 5, as amended in this Act, take effect September 1,

9 1992."
10 2. Page 7, line 4, by striking the word "July"
11 and inserting the following: "~~July~~ September".

Amendment H—5878 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his return, on request of McKinney of Dallas.

Beatty of Warren moved that the House concur in the Senate amendment H—5818, as amended.

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

Beatty of Warren 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. 2455)

The ayes were, 53:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Fogarty	Gill	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hatch	Haverland	Hibbard	Jesse
Jochum	Knapp	Koenigs	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Teaford	Wise	Wissing
Mr. Speaker Arnould			

The nays were, 45:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Metcalf
Millage	Miller	Petersen, D. F.	Plasier

Rafferty	Renken	Royer	Shoning
Siegrist	Spenner	Tyrrell	Van Maanen
Weidman			

Absent or not voting, 2:

Holveck	Jay

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2455** be immediately messaged to the Senate.

The House stood at ease at 3:17 p.m., until the fall of the gavel.

The House resumed session at 5:18 p.m., Speaker Arnould in the chair.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2316**, a bill for an act relating to child support recovery, previously deferred and placed on the unfinished business calendar.

Nielsen of Linn offered the following amendment H—5568 filed by the committee on human resources:

H—5568

1 Amend Senate File 2316, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 9, line 28, through page 10,
4 line 1.
5 2. Page 15, by striking lines 10 through 29, and
6 inserting the following:
7 "9. Notwithstanding subsection 8, a substantial
8 change of circumstances exists when the court order
9 for child support deviates ~~from the~~ by twenty percent
10 or more from the amount which would be due pursuant to
11 the most current child support guidelines established
12 pursuant to ~~section 598.21,~~ subsection 4 ~~for a reason~~
13 ~~other than that stated in the original order, unless~~
14 ~~the provisions of the guidelines themselves have~~
15 ~~changed since the entry or subsequent modification of~~
16 ~~the original order~~. Upon application for a
17 modification of an order for child support where
18 services are being received pursuant to chapter 252B,
19 the court shall ~~act in accordance with section 598.21,~~
20 set the amount of child support based upon the most
21 current child support guidelines established pursuant

22 to subsection 4. The child support recovery unit
23 shall, in submitting an application for modification
24 of an order for support, employ additional criteria
25 and procedures for the review and adjustment of
26 support awards, as established by rule."
27 3. Page 22, by inserting after line 31, the
28 following:
29 "Sec. _____. MINIMUM CHILD SUPPORT PAYMENT PLAN.
30 The department of human services shall develop a plan
31 in accordance with this section to provide minimum
32 child support payments in place of welfare payments.
33 The plan shall include a process to establish a
34 minimum child support payment amount for a child in
35 this state. The plan shall provide for wage
36 withholding to collect child support payments from
37 obligors based on ability to pay. If the obligor's
38 child support obligation is less than the minimum
39 child support payment amount, state funds in the
40 amount of the difference would be used to pay the
41 minimum child support payment amount. In developing
42 the plan, the department shall analyze the efforts of
43 other states to develop this type of system, including
44 Wisconsin and New York. The plan shall include a
45 proposal for implementation of a pilot project in
46 fiscal year 1993-1994 and shall be submitted to the
47 general assembly and the governor on or before
48 February 1, 1993."
49 4. By renumbering as necessary.

Haverland of Polk offered the following amendment H—5697, to the committee amendment H—5568, filed by him and moved its adoption:

H—5697

1 Amend the amendment, H—5568, to Senate File 2316,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 44 through 46 and
5 inserting the following: "Wisconsin and New York.
6 The department shall explore the availability of
7 public and private funding sources for developing and
8 implementing a minimum child support payment plan in
9 the state. The department shall submit the plan to
10 the".

Amendment H—5697 was adopted.

Division of the committee amendment H—5568 was requested as follows:

H—5568A, lines 3 and 4.
H—5568B, lines 5 through 26.
H—5568C, lines 27 through 49.

Sherzan of Polk in the chair at 6:00 p.m.

Nielsen of Linn moved the adoption of the committee amendment H—5568A.

A non-record roll call was requested.

The ayes were 43, nays 36.

The committee amendment H—5568A was adopted.

The House resumed consideration of the committee amendment H—5568B.

Plasier of Sioux offered the following amendment H—5903, to the committee amendment H—5568B, filed by him from the floor and moved its adoption:

H—5903

1 Amend the amendment, H—5568, to Senate File 2316,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 9, by striking the word "twenty"
5 and inserting the following: "ten".

Amendment H—5903 was adopted.

On motion by Nielsen of Linn, the committee amendment H—5568B, as amended, was adopted.

The House resumed consideration of the committee amendment H—5568C, as amended.

On motion by Nielsen of Linn, the committee amendment H—5568C, as amended, was adopted.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H—5610 filed by him on March 31, 1992.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H—5699 filed by him on April 2, 1992.

Holveck of Polk offered the following amendment H—5902 filed from the floor by him and Nielsen of Linn and moved its adoption:

H—5902

1 Amend Senate File 2316, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 2, by inserting after line 1 the fol-
4 lowing:
5 "Sec. _____. Section 252B.4, Code 1991, is amended

6 by adding the following new subsection:
7 NEW SUBSECTION. 4. An application fee paid by a
8 recipient of services pursuant to subsection 1 may be
9 recovered by the unit from the person responsible for
10 payment of support and if recovered, shall be used to
11 reimburse the recipient of services.
12 a. The fee shall be an automatic judgment against
13 the person responsible to pay support.
14 b. This subsection shall serve as constructive
15 notice that the fee is a debt due and owing, is an
16 automatic judgment against the person responsible for
17 support, and is assessed as the fee is paid by a
18 recipient of services. The fee may be collected in
19 addition to any support payments or support judgment
20 ordered, and no further notice or hearing is required
21 prior to collecting the fee.
22 c. Notwithstanding any provision to the contrary,
23 the unit may collect the fee through any legal means
24 by which support payments may be collected, including
25 but not limited to income withholding under chapter
26 252D or income tax refund offsets, unless prohibited
27 under federal law.
28 d. The unit is not required to file these
29 judgments with the clerk of the district court, but
30 shall maintain an accurate accounting of the fee
31 assessed, the amount of the fee, and the recovery of
32 the fee.
33 e. Support payments collected shall not be applied
34 to the recovery of the fee until all other support
35 obligations under the support order being enforced,
36 which have accrued through the end of the current
37 calendar month, have been paid or satisfied in full.
38 f. This subsection applies to fees that become due
39 on or after July 1, 1992."
40 2. By renumbering as necessary.

Amendment H—5902 was adopted.

Beatty of Warren offered the following amendment H—5698 filed by her and moved its adoption:

H—5698

1 Amend Senate File 2316, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, by inserting after line 20, the
4 following:
5 "Sec. _____. Section 252B.5, Code 1991, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 8. Provide an opportunity for
8 hearing pursuant to chapter 17A for assistance and
9 nonassistance cases. Hearings shall be available when

support is established under chapter 252C and when a mistake of fact is alleged during the administrative enforcement procedure."

2. Page 6, lines 5 and 6, by striking the words and figure "paragraph b, Code 1991, is" and inserting the following: "paragraphs b and g, Code 1991, are".

3. Page 6, by inserting after line 10, the following:

"g. A statement that if a timely written request for a hearing is received by the office of the child support recovery unit which issued the notice, the responsible person shall have the right to a hearing ~~to be held in district court~~ pursuant to chapter 17A; and that if no timely written response is received, the administrator may enter an order in accordance with the notice and finding of financial responsibility for child support or medical support, or both.

Sec. _____. Section 252C.3, subsection 3, Code 1991, is amended to read as follows:

3. If a timely written response setting forth objections and requesting a hearing is received by the appropriate office of the child support recovery unit, a hearing shall be held ~~in district court~~ pursuant to chapter 17A."

4. Page 6, by striking lines 11 through 21.

5. Page 7, by inserting after line 30 the following:

"Sec. _____. Section 598.21, subsection 4, paragraph b, Code 1991, is amended to read as follows:

b. The guidelines prescribed by the supreme court shall be used by the department of human services in determining child support payments under ~~sections~~ section 252C.2 ~~and 252C.4~~. A variation from the guidelines shall not be considered by the department without a record or written finding, based on stated reasons, that the guidelines would be unjust or inappropriate as determined under criteria prescribed by the supreme court."

6. Page 10, by inserting after line 3, the following:

Page 2

"Sec. _____. Section 252C.4, Code 1991, is repealed."

7. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 41, nays 44.

Amendment H—5698 lost.

Neuhauser of Johnson asked and received unanimous consent to withdraw amendment H—5711 filed by her on April 3, 1992.

Lundby of Linn asked and received unanimous consent to withdraw amendment H—5574 filed by her on March 27, 1992.

Nielsen of Linn offered the following amendment H—5681 filed by her and moved its adoption:

H—5681

1 Amend Senate File 2316 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 16, by inserting after line 11 the
4 following:
5 "Sec. _____. Section 252B.1, subsection 1, Code
6 Supplement 1991, is amended to read as follows:
7 1. "Child" includes but shall not be limited to a
8 stepchild, foster child or legally adopted child and
9 means a child actually or apparently under eighteen
10 years of age, and a dependent person eighteen years of
11 age or over who is unable to maintain the person's
12 self and is likely to become a public charge. "Child"
13 includes "dependent children" as defined in section
14 239.1~~, subsection 3~~."
15 2. By renumbering as necessary.

Amendment H—5681 was adopted.

Bisignano of Polk offered the following amendment H—5473 filed by him:

H—5473

1 Amend Senate File 2316, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 22, by inserting after line 18 the
4 following:
5 "Sec. _____. NEW SECTION. 598.23A CONTEMPT
6 PROCEEDINGS FOR PROVISIONS OF SUPPORT PAYMENTS.
7 1. If a person against whom an order or decree for
8 support has been entered pursuant to this chapter or
9 chapter 234, 252A, 252C, 675, or any other support
10 chapter, or a comparable chapter of a foreign
11 jurisdiction, fails to make payments or provide
12 medical support pursuant to that order or decree, the
13 person may be cited and punished by the court for
14 contempt.
15 2. If a person is cited for contempt, the court
16 may require the posting of a cash bond, within seven
17 calendar days, in an amount equivalent to the current

18 arrearages and an additional amount which is
19 equivalent to at least twelve months of future support
20 obligations.
21 3. If the arrearages are not paid within three
22 months of the hearing, the bond shall be automatically
23 forfeited to cover payment of the full portion of the
24 arrearages and the portion of the bond representing
25 future support obligations shall be automatically
26 forfeited to cover future support payments as they
27 become due."
28 2. By renumbering as necessary.

Bisignano of Polk offered the following amendment H—5729, to amendment H—5473, filed by him and moved its adoption:

H—5729

1 Amend the amendment, H—5473, to Senate File 2316,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 14, by inserting after the word
5 "contempt" the following: "under section 598.23 or
6 this section".

Amendment H—5729 was adopted.

On motion by Bisignano of Polk, amendment H—5473, as amended, was adopted.

Bisignano of Polk offered the following amendment H—5475 filed by him:

H—5475

1 Amend Senate File 2316, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 22, by inserting after line 18, the
4 following:
5 "Sec. _____. NEW SECTION. 598.23A CONTEMPT
6 PROCEEDINGS FOR PROVISIONS OF SUPPORT PAYMENTS.
7 1. If a person against whom an order or decree for
8 support has been entered pursuant to this chapter or
9 chapter 234, 252A, 252C, 675, or any other support
10 chapter, or a comparable chapter of a foreign
11 jurisdiction, fails to make payments or provide
12 medical support pursuant to that order or decree, the
13 person may be cited and punished by the court for
14 contempt.
15 2. If the person is cited for contempt, the court
16 may order that, if the person has available consumer
17 credit including credit cards, consumer loans, or
18 other sources of credit, the person shall use the

19 consumer credit to pay the full amount of the
20 arrearages or so much of the arrearages as the
21 limitations of the consumer credit source allows."
22 2. By renumbering as necessary.

Bisignano of Polk offered the following amendment H—5730, to amendment H—5475, filed by him and moved its adoption:

H—5730

1 Amend the amendment, H—5475, to Senate File 2316,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 14, by inserting after the word
5 "contempt" the following: "under section 598.23 or
6 this section".

Amendment H—5730 was adopted.

Corbett of Linn rose on a point of order that amendment H—5475, as amended, was not germane.

The Speaker ruled the point well taken and amendment H—5475, as amended, not germane.

Hibbard of Madison offered the following amendment H—5876 filed by Hibbard, et al., and moved its adoption:

H—5876

1 Amend Senate File 2316, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 22, by inserting after line 18, the
4 following:
5 "Sec. _____. Section 598.21, Code 1991, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 11. The court shall require that
8 a custodial parent submit to the noncustodial parent,
9 an accounting of expenditures of child support
10 payments received by the custodial parent, accompanied
11 by receipts of expenditures."
12 2. By renumbering as necessary.

Amendment H—5876 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. 2316)

The ayes were, 97:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Sherzan			
Presiding			

The nays were, none.

Absent or not voting, 3:

Blanshan	Jay	Shoning

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2316** be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

Wise of Lee called up for consideration **House File 2462**, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, the Wallace technology transfer foundation, INTERNET, state university of Iowa, and Iowa state university of science and technology and creating the strategic investment fund, amended by the Senate, and moved that the House concur in the following Senate amendment H—5890:

H—5890

1 Amend House File 2462, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, by striking lines 14 through 18 and
4 inserting the following:
5 "The department shall plan for and initiate a long-
6 term process for the continuous improvement of the
7 services provided to the citizens of Iowa using the
8 principles of total quality management."
9 2. By striking page 1, line 35 through page 2,
10 line 2, and inserting the following: "positions:".
11 3. Page 2, line 3, by striking the figure
12 "2,705,555", and inserting the following:
13 "2,505,555".
14 4. Page 2, by striking lines 11 through 15 and
15 inserting the following: "the administration of the
16 targeted small business program:
17 .....$ 273,000".
18 5. Page 2, by inserting after line 26 the
19 following:
20 "_____. Regionally based business outreach program
21 To implement the regionally based business outreach
22 program:
23 .....$ 318,000".
24 6. Page 3, by striking lines 2 through 15 and
25 inserting the following:
26 "_____. Small business investment company
27 capitalization
28 For transfer to the treasurer of state for the
29 purpose of facilitating the organization and private
30 capitalization of the small business investment
31 company under sections 28.162 through 28.164. If the
32 small business investment company for which the funds
33 are to be used is not organized within eighteen months
34 of the effective date of this Act, unused funds shall
35 revert to the general fund of the state:
36 .....$ 200,000".
37 7. Page 4, by striking lines 19 through 24.
38 8. Page 5, line 29, by striking the figure
39 "14.97" and inserting the following: "17.77".
40 9. Page 6, by inserting after line 13 the
41 following:
42 "Notwithstanding section 8.33, pursuant to 1990
43 Iowa Acts, chapter 1255, section 37, subsection 1, as
44 amended by 1991 Iowa Acts, chapter 260, section 1001,
45 the department may use up to $200,000 for a welcome
46 center project based upon the department's
47 prioritization report, dated December 1991, and moneys
48 committed to grantees under contract that remain
49 unexpended on June 30 of any fiscal year shall not
50 revert to any fund but shall be available for

Page 2

1 expenditure for purposes of the contract during the
2 succeeding fiscal year."
3 10. Page 8, by inserting after line 2 the
4 following:
5 Sec. _____. There is appropriated from the general
6 fund, from moneys which would otherwise be
7 appropriated to the peace institute, to the department
8 of economic development for the fiscal year beginning
9 July 1, 1992, and ending June 30, 1993, the following
10 amount, or so much thereof as may be necessary, to be
11 used for the operation of the interstate welcome
12 center system:
13 .....$ 41,586".
14 11. Page 8, by striking lines 10 and 11 and
15 inserting the following: "the remainder of the Iowa
16 community development loan fund available during the
17 fiscal year beginning July 1, 1992, and ending June
18 30, 1993, whichever is greater, to be transferred only
19 to".
20 12. Page 10, line 2, by striking the figure
21 "4.00" and inserting the following: "6.00".
22 13. Page 10, line 13, by inserting after the word
23 "development," the following: "$55,164 shall be
24 allocated to the peace institute, and".
25 14. Page 10, line 20, by striking the figure
26 "750,000", and inserting the following: "846,750".
27 15. By striking page 10, line 33 through page 11,
28 line 29, and inserting the following: "technology:
29 .....$ 3,000,000".
30 16. Page 12, by inserting after line 2 the
31 following:
32 "Sec. _____. There is appropriated from the general
33 fund of the state to the university of northern Iowa
34 for the fiscal year beginning July 1, 1992, and ending
35 June 30, 1993, the following amounts, or so much
36 thereof as is necessary, to be used for the purposes
37 designated:
38 For funding the decision-making institute:
39 .....$ 600,000
40 For funding the applied technology program:
41 .....$ 225,000".
42 17. Page 12, by inserting before line 3 the
43 following:
44 "Sec. _____. Section 15.108, Code Supplement 1991,
45 is amended by adding the following new subsections:
46 NEW SUBSECTION. 10. ECONOMIC DEVELOPMENT PLANNING
47 AND RESEARCH ACTIVITIES. To provide leadership and
48 support for economic and community development
49 activities statewide. To carry out this
50 responsibility, the department may establish a

Page 3

1 research center for economic development programs and
2 services whose duties may include but are not limited
3 to the following:
4 a. Implementation of a comprehensive statewide
5 economic development planning process and provision of
6 leadership, coordination, and support to regional and
7 local economic and community planning efforts.
8 b. Coordination of the delivery of economic and
9 community development programs with other local,
10 regional, state, federal, and private sector programs
11 and activities.
12 c. Collection and analysis of data and
13 information, development of databases and performing
14 research to keep abreast of Iowa's present economic
15 base, changing market demands, and emerging trends,
16 including identification of targeted markets and
17 development of marketing strategies.
18 d. Provision of access to databases to facilitate
19 sales and exports by Iowa businesses.
20 e. Establishment of a database of community and
21 economic information to aid local regional and
22 statewide economic development and service delivery
23 efforts.
24 NEW SUBSECTION. 11. REGIONALLY BASED BUSINESS
25 OUTREACH PROGRAM. To create and stimulate economic
26 opportunity for entrepreneurs and existing businesses
27 in the state by providing outreach, assistance, and
28 support and to coordinate economic development
29 services and programs for individuals, businesses, and
30 communities. To carry out this responsibility the
31 department may establish a regionally based business
32 outreach program to:
33 a. Identify business needs that can be served by
34 programs of the department.
35 b. Assure that there is equal access statewide to
36 a basic set of programs and services to assist
37 business.
38 c. Develop partnerships and better coordination
39 between statewide and regional service providers.
40 d. Offer a regionally based outreach opportunity
41 for existing business.
42 e. Utilize a statewide network for business
43 assistance to provide a mechanism for regular
44 coordination statewide among service providers.
45 f. Promote cooperative efforts among business
46 assistance service providers."
47 18. Page 13, by inserting after line 34, the
48 following:
49 "Sec. _____. Section 15.303, Code 1991, is amended
50 by striking the section and inserting in lieu thereof

Page 4

1 the following:
2 15.303 REGIONALLY BASED BUSINESS OUTREACH PROGRAM
3 — AUTHORITY OF THE DIRECTOR.
4 The director has the authority in regard to the
5 regionally based business outreach program to do any
6 of the following:
7 1. Contract with each community college for the
8 employment of a business outreach specialist to be
9 located within a regional business and industry
10 services center who is to be part of a statewide
11 network for business assistance coordinated by the
12 department.
13 2. Establish regional coordinating councils to
14 coordinate the regional delivery of economic
15 development programs and services to businesses and to
16 establish and adopt the policy and work plan for the
17 business outreach specialist.
18 3. Cooperate with the councils of governments,
19 community colleges, small business development
20 centers, the center for industrial research and
21 service, the Iowa quality coalition, and other public
22 and private service providers in the state to
23 coordinate the delivery of economic development and
24 community development programs and services to avoid
25 duplication in the delivery of such programs and
26 services.
27 4. Adopt policies for the monitoring and
28 enforcement of contracts awarded to community colleges
29 to carry out the purposes of this program. The
30 department may withhold the disbursement of funds for
31 failure to achieve milestones established in the
32 contracts.
33 5. Provide leadership and support in the
34 development and implementation of statewide, regional,
35 and local economic and community development planning
36 efforts.
37 6. Provide information and data to Iowa
38 businesses, communities, and individuals through a
39 central registry.
40 7. Provide coordination, assistance, and support
41 for the operation of regional coordinating councils
42 and for the regionally based business outreach
43 program.
44 Sec. _____. Section 15.305, Code 1991, is amended by
45 striking the section and inserting in lieu thereof the
46 following:
47 15.305 REGIONAL COORDINATING COUNCILS — DUTIES.
48 1. For purposes of establishing regional business
49 and industry services centers, the state is divided
50 into fifteen regions identical to the boundaries for

1 the community colleges under chapter 280A. However,
2 for purposes of the regional business and industry
3 services centers, one or more community colleges may
4 enter into an agreement that all businesses within a
5 county shall be served by the community college that
6 serves the county seat. Each region shall establish a
7 regional coordinating council.
8 2. Membership of the regional coordinating council
9 shall consist of at least twelve members who shall be
10 representative of education, government, business and
11 industry, labor, professional developers, and service
12 organizations in the merged area. Private sector
13 representation shall comprise at least one-half of the
14 membership and shall include at least one member who
15 is a professional developer in the region. Service
16 providers serving a substantial portion of the merged
17 area may have a representative on the regional
18 coordinating council. The appointment and terms of
19 office of the members shall be governed by bylaws
20 adopted by each regional coordinating council.
21 3. A director, officer, employee, member, trustee,
22 or volunteer, of a regional coordinating council is
23 not liable for the debts or obligations of the
24 regional coordinating council and a director, officer,
25 employee, member, trustee, or volunteer is not
26 personally liable for a claim based upon an act or
27 omission of the person performed in the discharge of
28 the person's duties, except for acts or omissions
29 which involve intentional misconduct or known
30 violation of the law, or for a transaction from which
31 the person derives an improper personal benefit.
32 4. The regional coordinating councils shall do all
33 of the following:
34 a. Adopt a multiyear regional business assistance
35 work plan to guide the operation of the business
36 outreach specialist in the delivery of programs and
37 services to businesses in the region and provide
38 annual updates. The work plan may include other
39 activities specifically designed to meet the needs of
40 businesses in the region. The regional coordinating
41 council shall consult with service providers within
42 the region in the preparation and adoption of the work
43 plan and may contract with one or more service
44 providers in its preparation. The work plan shall be
45 submitted to the department and to the president of
46 the community college or the president's designee for
47 review and comment before the adoption of the work
48 plan by the regional coordinating council. Before the
49 release of any state funds by the department to the
50 community college for operation of a regional business

Page 6

1 and industry outreach program, the work plan shall be
2 approved by the department.
3 b. Evaluate and monitor the operation of the
4 regional business and industry outreach program to
5 implement the goals and objectives established in the
6 work plan to deliver economic development programs and
7 services to businesses in the region. The regional
8 coordinating council shall report at least quarterly
9 to the president of the community college or the
10 president's designee and to the department of economic
11 development on the operation of the program. The
12 department shall review and consider the report prior
13 to disbursing funds to the community college.
14 c. Cooperate with the department to promote local,
15 regional, and statewide service delivery systems and
16 to coordinate the delivery of economic development
17 programs and services to businesses in the region.
18 The regional coordinating council may recommend to the
19 department of economic development plans to better
20 coordinate the delivery of services in the region and
21 to avoid duplication of services.
22 d. Elect annually a representative to serve on the
23 advisory council established by the department to
24 provide input on the review and update of the state's
25 economic development strategic plan.
26 e. Conduct a biennial inventory of business
27 assistance service providers to businesses within the
28 region and provide information about available
29 technical services to the department.
30 f. Meet at least quarterly with the board of
31 directors or their designees of the community college,
32 any councils of governments serving a substantial
33 portion of the region, and representatives of any
34 small business development center, incubator, area
35 quality council, professional developers in the
36 region, and the center for industrial research and
37 service serving the region to share information,
38 develop plans and programs, and coordinate the
39 delivery of services within the region.
40 Sec. _____. Section 15.307, Code 1991, is amended by
41 striking the section and inserting in lieu thereof the
42 following:
43 15.307 REGIONALLY BASED BUSINESS OUTREACH PROGRAM.
44 1. The director of the department of economic
45 development is authorized to contract with each
46 community college for employment of a business
47 outreach specialist within a business services center
48 to work with existing business within the region to
49 determine company needs and provide access or referral
50 to services, or if services are not readily accessible

Page 7

1 within the region, to coordinate with other service
2 providers to determine how services should be accessed
3 or provided. The contract shall include but is not
4 limited to the following:
5 a. Procedures for development and adoption of a
6 regional work plan by the regional coordinating
7 council to be implemented by the community college to
8 guide the activities of the business outreach
9 specialist.
10 b. Criteria for employment and evaluation of the
11 business outreach specialist to implement the
12 provisions of the contract in the region. The
13 contract shall include responsibilities and duties of
14 the specialist and other personnel, wage and benefit
15 provisions, and performance measures related to
16 carrying out the provisions of the contract.
17 c. An annual budget for operation of the program
18 and activities agreed to in the contract including
19 provisions related to the transfer of funds to the
20 community college or its designee, as agreed upon by
21 the president of the community college and the
22 director. The budget shall reflect the work plan of
23 the regional coordinating council to implement the
24 intent and purposes of the contract.
25 d. Performance measures for quarterly and annual
26 evaluation of the program and activities agreed to in
27 the contract.
28 2. The duties of the business outreach specialist
29 shall include the activities listed in this section
30 and may include other programs and activities agreed
31 to in the contract. The business outreach specialist
32 shall do all of the following:
33 a. Provide outreach and visitation to
34 entrepreneurs and businesses, including data
35 collection for the business database, needs
36 identification, and information delivery.
37 b. Function as a clearinghouse and referral center
38 for information on business assistance programs and
39 services. The business outreach specialist shall
40 serve as a liaison between businesses in the region,
41 the department, and other business assistance service
42 providers. The specialist shall provide follow-up on
43 referrals.
44 c. Maintain ongoing communication with other
45 business assistance service providers in the region
46 and coordinate the delivery of programs and services
47 between the service providers and businesses. The
48 specialist shall cooperate with other service
49 providers in the region and statewide to be part of a
50 statewide network established by the department to

Page 8

1 create and promote entrepreneurship, business
2 retention, business development, and business
3 expansion.
4 d. Assist the regional coordinating council in
5 preparing and implementing the annual regional
6 business assistance work plan and inventory of
7 business assistance service providers.
8 e. Provide the regional link for the database and
9 information systems of the department. In providing
10 the regional link, the specialist shall do all of the
11 following:
12 (1) Implement and utilize the department's
13 databases to facilitate trade opportunities for
14 businesses in the region, including updating
15 information, and providing trade lead data.
16 (2) Provide information and referral to
17 individuals and businesses about available programs
18 and services.
19 (3) Provide other information and data concerning
20 businesses in the region to the department or other
21 sources.
22 f. Perform other related duties and
23 responsibilities as agreed upon in the contract."
24 19. Page 22, by inserting after line 6, the
25 following:
26 "Sec. _____. Section 28.156, Code 1991, is amended
27 by adding the following new subsection:
28 NEW SUBSECTION. 6. Carry out the duties
29 authorized in section 28.166 regarding the
30 manufacturing technology network and adopt rules
31 pursuant to chapter 17A to implement the program.
32 Sec. _____. Section 28.158, subsection 1, Code 1991,
33 is amended by adding the following new paragraph:
34 NEW PARAGRAPH. g. For the manufacturing
35 technology network.
36 Sec. _____. NEW SECTION. 28.165 PURPOSE — INTENT.
37 The purposes of the manufacturing technology
38 network are:
39 1. To create and stimulate economic opportunity by
40 providing technical assistance to individual industry
41 or to industrial sectors in this state.
42 2. To assist in the identification of
43 opportunities for modernization and increased
44 competitiveness of individual industry or industrial
45 sectors.
46 3. To assure statewide access to industrial
47 technology programs and services.
48 4. To provide specific programs for individual
49 industry or industrial sectors by:
50 a. Developing partnerships and coordination

Page 9

1 between statewide and regional providers of services
2 for modernization and increased competitiveness for
3 Iowa industry.
4 b. Establishing an industrial contact outreach
5 program to evaluate the need for technical services
6 and implementing an industrial needs assessment
7 database.
8 c. Collaborating with a network of specialized
9 technology resource sites throughout the state.
10 5. To facilitate the transfer of university
11 research that is available for commercial application
12 to individual industry or industrial sectors.
13 Sec. _____. NEW SECTION. 28.166 REGIONALLY BASED
14 MANUFACTURING TECHNOLOGY NETWORK.
15 1. The executive director of the foundation may
16 contract with one or more community colleges for
17 employment of an industrial technology outreach
18 specialist within a regional business and industry
19 services center to work with individual industry or
20 industrial sectors to determine company needs and
21 provide technical assistance or referral to services,
22 or to coordinate with other service providers to
23 determine how services should be accessed or provided.
24 The contract shall include but is not limited to the
25 following:
26 a. The establishment of an industrial technology
27 outreach program that will identify needs of
28 individual industry or industrial sectors.
29 b. Criteria for assuring access to programs and
30 services to assist individual industry or industrial
31 sectors.
32 c. An annual budget for operation of the program
33 and activities agreed to in the contract including
34 provisions related to the transfer of funds to the
35 community college, as agreed upon by the president of
36 the community college and the executive director.
37 d. Performance measures for quarterly and annual
38 evaluation of the program and activities agreed to in
39 the contract. The foundation may withhold the
40 disbursement of funds for failure to achieve criteria
41 established in the contract.
42 e. The duties of the industrial technology
43 outreach specialist.
44 2. The foundation may provide or contract for the
45 delivery of technical services to individual industry
46 or industrial sectors."
47 20. Page 22, by inserting after line 12, the
48 following:
49 "Sec. _____. Section 15.306, Code 1991, is
50 repealed."

Page 10

1 21. Page 24, line 31, by striking the word
2 "association" and inserting the following:
3 "administration".
4 22. Page 26, by inserting after line 2, the
5 following:
6 "Sec. _____. All loan repayments under the rural
7 community 2000 program shall be transferred to the
8 Iowa finance authority housing improvement fund under
9 section 220.100."
10 23. Title page, line 4, by inserting after the
11 word "technology" the following: ", the university of
12 northern Iowa, replacing the Iowa economic development
13 network with a regionally based business outreach
14 program, establishing a manufacturing technology
15 network under the Wallace technology transfer
16 foundation, and providing for economic development
17 planning and research activities by the department of
18 economic development."
19 24. By renumbering, relettering, or redesignating
20 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H—5890.

Chapman of Linn called up for consideration **House File 2465**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing effective and applicability provisions, amended by the Senate, and moved that the House concur in the following Senate amendment H—5885:

H—5885

1 Amend House File 2465, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "DEPARTMENT OF EDUCATION
6 Section 1. There is appropriated from the general
7 fund of the state to the department of education for
8 the fiscal year beginning July 1, 1992, and ending
9 June 30, 1993, the following amounts, or so much
10 thereof as may be necessary, to be used for the
11 purposes designated:
12 1. GENERAL ADMINISTRATION
13 For salaries, support, maintenance, miscellaneous
14 purposes, and for not more than the following full-
15 time equivalent positions:
16 .....$ 4,813,000

17 .....FTEs 107.00
18 2. VOCATIONAL EDUCATION ADMINISTRATION
19 For salaries, support, maintenance, miscellaneous
20 purposes, and for not more than the following full-
21 time equivalent positions:
22 .....$ 704,000
23 .....FTEs 26.45
24 3. VOCATIONAL REHABILITATION DIVISION
25 a. For salaries, support, maintenance,
26 miscellaneous purposes, and for not more than the
27 following full-time equivalent positions:
28 .....$ 3,459,000
29 .....FTEs 307.50
30 b. For matching funds for programs to enable
31 severely physically or mentally disabled persons to
32 function more independently, including salaries and
33 support, and for not more than the following full-time
34 equivalent positions:
35 .....$ 20,611
36 .....FTEs 1.50
37 4. CORRECTIONS EDUCATION PROGRAM
38 For educational programs at state penal
39 institutions:
40 .....$ 1,948,000
41 5. SCHOOL FOOD SERVICE
42 For use as state matching funds for federal
43 programs which shall be disbursed according to federal
44 regulations, including salaries, support, maintenance,
45 miscellaneous purposes, and for not more than the
46 following full-time equivalent positions:
47 .....$ 2,809,000
48 .....FTEs 16.00
49 6. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS
50 To provide funds for costs of providing textbooks

Page 2

1 to each resident pupil who attends a nonpublic school
2 as authorized by section 301.1. The funding is
3 limited to $20 per pupil and shall not exceed the
4 comparable services offered to resident public school
5 pupils:
6 .....$ 580,000
7 7. VOCATIONAL AGRICULTURE YOUTH ORGANIZATION
8 To assist a vocational agriculture youth
9 organization sponsored by the schools to support the
10 foundation established by that vocational agriculture
11 youth organization:
12 .....$ 52,000
13 8. COMMUNITY COLLEGES
14 Notwithstanding chapter 286A, for general state
15 financial aid, including general financial aid to

16 merged areas in lieu of personal property tax
17 replacement payments under section 427A.13, to merged
18 areas as defined in section 280A.2, for vocational
19 education programs in accordance with chapters 258 and
20 280A, to purchase instructional equipment for
21 vocational and technical courses of instruction in
22 community colleges, and for salary increases:
23 .....$ 89,880,369
24 The funds appropriated in this subsection shall be
25 allocated as follows:
26 a. Merged Area I .....$ 4,206,487
27 b. Merged Area II .....$ 5,074,870
28 c Merged Area III .....$ 4,893,849
29 d. Merged Area IV .....$ 2,304,140
30 e. Merged Area V .....$ 4,879,078
31 f. Merged Area VI .....$ 4,573,621
32 g. Merged Area VII .....$ 6,282,377
33 h. Merged Area IX .....$ 7,896,127
34 i. Merged Area X .....$ 12,205,095
35 j. Merged Area XI .....$ 13,267,249
36 k. Merged Area XII .....$ 5,176,348
37 l. Merged Area XIII .....$ 5,326,625
38 m. Merged Area XIV .....$ 2,357,483
39 n. Merged Area XV .....$ 7,306,418
40 o. Merged Area XVI .....$ 4,130,602
41 Sec. 2. There is appropriated from the general
42 fund of the state to the department of education for
43 the fiscal year beginning July 1, 1993, and ending
44 June 30, 1994, the following amounts, or so much
45 thereof as is necessary, to be used for the purposes
46 designated:
47 1. Notwithstanding chapter 286A for state
48 financial aid, including general financial aid to
49 merged areas in lieu of personal property tax
50 replacement payments under section 427A.13, to merged

Page 3

1 areas to be accrued as income and used for
2 expenditures incurred by the community colleges during
3 the fiscal year beginning July 1, 1992, and ending
4 June 30, 1993:
5 .....$ 16,450,231
6 The funds appropriated in this section shall be
7 allocated as follows:
8 a. Merged Area I .....$ 777,072
9 b. Merged Area II .....$ 930,993
10 c. Merged Area III .....$ 894,475
11 d. Merged Area IV .....$ 423,103
12 e. Merged Area V .....$ 897,586
13 f. Merged Area VI .....$ 836,461
14 g. Merged Area VII .....$ 1,152,178

15 h. Merged Area IX ..... $ 1,446,020
16 i. Merged Area X ..... $ 2,232,424
17 j. Merged Area XI ..... $ 2,414,311
18 k. Merged Area XII ..... $ 948,649
19 l. Merged Area XIII ..... $ 974,188
20 m. Merged Area XIV ..... $ 431,773
21 n. Merged Area XV ..... $ 1,335,675
22 o. Merged Area XVI ..... $ 755,323
23 2. Funds appropriated by this section shall be
24 allocated pursuant to this section and paid on or
25 about August 15, 1993.
26 Sec. 3. There is appropriated from the general
27 fund of the state to the department of education for
28 the fiscal year beginning July 1, 1992, and ending
29 June 30, 1993, the following amounts, or so much
30 thereof as is necessary, to be used for the purposes
31 designated:
32 1. For general financial aid to merged areas in
33 lieu of personal property tax replacement payments
34 under section 427A.13 to be accrued as income and used
35 for expenditures incurred by the community colleges
36 during the fiscal year beginning July 1, 1991, and
37 ending June 30, 1992:
38 ..... $ 343,308
39 The funds appropriated in this subsection shall be
40 allocated as follows:
41 a. Merged Area I ..... $ 27,015
42 b. Merged Area II ..... $ 20,967
43 c. Merged Area III ..... $ 14,053
44 d. Merged Area IV ..... $ 9,601
45 e. Merged Area V ..... $ 24,896
46 f. Merged Area VI ..... $ 14,311
47 g. Merged Area VII ..... $ 24,001
48 h. Merged Area IX ..... $ 28,653
49 i. Merged Area X ..... $ 40,294
50 j. Merged Area XI ..... $ 59,072

Page 4

1 k. Merged Area XII ..... $ 19,157
2 l. Merged Area XIII ..... $ 16,988
3 m. Merged Area XIV ..... $ 8,635
4 n. Merged Area XV ..... $ 22,816
5 o. Merged Area XVI ..... $ 12,849
6 2. Funds appropriated in subsection 1 shall be
7 allocated pursuant to this section and paid on or
8 about August 15, 1992.
9 Sec. 4. Notwithstanding the appropriation provided
10 in section 294A.25, subsection 1, there is
11 appropriated from the general fund of the state to the
12 department of education for the fiscal year beginning
13 July 1, 1992, and ending June 30, 1993, the following

14 amount, or so much thereof as may be necessary, to be
15 used for the purpose designated and for not more than
16 the following full-time equivalent position:
17 1. Notwithstanding section 294A.25, for the
18 educational excellence program:
19 .....$ 92,297,891
20 .....FTEs 1.00
21 2. To supplement the appropriation in section
22 294A.25 for phase II:
23 .....$ 1,309,031
24 Sec. 5. Notwithstanding the standing
25 appropriations in section 279.51 for the fiscal year
26 beginning July 1, 1992, and ending June 30, 1993, the
27 amount appropriated from the general fund of the state
28 to the department of education pursuant to that
29 section for the following designated purposes shall
30 not exceed the following amounts for programs for at-
31 risk children under section 279.51, subsection 1:
32 .....$ 10,727,640
33 During the fiscal year beginning July 1, 1992, the
34 funds appropriated in this section will be allocated
35 in the same manner as allocated in 1991 Iowa Acts,
36 chapter 267, section 205.
37 Sec. 6. There is appropriated from the general
38 fund of the state to the department of education for
39 the fiscal year beginning July 1, 1992, and ending
40 June 30, 1993, the following amount, or so much
41 thereof as may be necessary, to be used for the
42 purpose designated:
43 For expenditures incurred by school districts
44 during the previous fiscal year for vocational
45 education aid to secondary schools:
6 .....$ 3,483,000
47 Funds appropriated in this section shall be used
48 for expenditures made by school districts to meet the
49 standards set in sections 256.11, 258.4, and 280A.23
50 as a result of the enactment of 1989 Iowa Acts,

Page 5

1 chapter 278. Funds shall be used as reimbursement for
2 vocational education expenditures made by secondary
3 schools in the manner provided by the department of
4 education for implementation of the standards set in
5 1989 Iowa Acts, chapter 278. The department shall
6 inform school districts by July 1, 1991, of the
7 criteria for reimbursement with funds appropriated
8 under this section.
9 Sec. 7. There is appropriated from the general
10 fund of the state to the department of education for
11 the fiscal year beginning July 1, 1993, and ending
12 June 30, 1994, the following amount, or so much

13 thereof as may be necessary, to be used for the
14 purpose designated:
15 For expenditures incurred by school districts
16 during the previous fiscal year for vocational
17 education aid to secondary schools:
18 .....$ 3,483,000
19 Funds appropriated in this section shall be used
20 for expenditures made by school districts to meet the
21 standards set in sections 256.11, 258.4, and 280A.23
22 as a result of the enactment of 1989 Iowa Acts,
23 chapter 278. Funds shall be used as reimbursement for
24 vocational education expenditures made by secondary
25 schools in the manner provided by the department of
26 education for implementation of the standards set in
27 1989 Iowa Acts, chapter 278.
28 COLLEGE STUDENT AID COMMISSION
29 Sec. 8. There is appropriated from the general
30 fund of the state to the college student aid
31 commission for the fiscal year beginning July 1, 1992,
32 and ending June 30, 1993, the following amounts, or so
33 much thereof as may be necessary, to be used for the
34 purposes designated:
35 1. GENERAL ADMINISTRATION
36 For salaries, support, maintenance, miscellaneous
37 purposes, and for not more than the following full-
38 time equivalent positions:
39 .....$ 333,000
40 .....FTEs 7.80
41 2. UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH
42 SCIENCES
43 For grants to seniors and for forgivable loans to
44 freshmen and sophomores and juniors, who are Iowa
45 students attending the university of osteopathic
46 medicine and health sciences, under the grant program
47 pursuant to section 261.18 and the forgivable loan
48 program pursuant to section 261.19A:.
49 .....$ 387,000
50 3. STUDENT AID PROGRAMS

Page 6

1 For payments to students for student aid programs:
2 .....$ 1,500,000
3 From the moneys appropriated in this subsection,
4 $1,425,651 shall be expended for an Iowa grant
5 program, with funds to be allocated to institutions
6 pursuant to section 261.93A. The remainder shall be
7 allocated for the graduate student financial
8 assistance program.
9 It is the intent of the general assembly that the
10 college student aid commission reduce the maximum
11 grant and average grant under the state tuition grant

12 program while maintaining the same number of qualified
13 students receiving grants in the fiscal year beginning
14 July 1, 1992, and ending June 30, 1993, as were
15 provided in the previous fiscal year.
16 Sec. 9. There is appropriated from the loan
17 reserve account to the college student aid commission
18 for the fiscal year beginning July 1, 1992, and ending
19 June 30, 1993, the following amount, or so much
20 thereof as may be necessary, to be used for the
21 purposes designated:
22 For operating costs of the Stafford loan program
23 including salaries, support, maintenance,
24 miscellaneous purposes, and for not more than the
25 following full-time equivalent positions:
26 .....$ 3,894,741
27 .....FTEs 36.52
28 STATE BOARD OF REGENTS
29 Sec. 10. There is appropriated from the general
30 fund of the state to the state board of regents for
31 the fiscal year beginning July 1, 1992, and ending
32 June 30, 1993, the following amounts, or so much
33 thereof as may be necessary, to be used for the
34 purposes designated:
35 1. OFFICE OF STATE BOARD OF REGENTS
36 a. For salaries, support, maintenance,
37 miscellaneous purposes, and for not more than the
38 following full-time equivalent positions:
39 .....$ 1,075,000
40 .....FTEs 17.63
41 The moneys provided in this paragraph shall not be
42 augmented by reimbursements from the institutions
43 under the control of the state board of regents for
44 the funding of the office of the state board of
45 regents.
46 b. For allocation by the state board of regents to
47 the state university of Iowa, the Iowa state
48 university of science and technology, and the
49 university of northern Iowa to reimburse the
50 institutions for deficiencies in their operating funds

Page 7

1 resulting from the pledging of tuitions, student fees
2 and charges, and institutional income to finance the
3 cost of providing academic and administrative
4 buildings and facilities and utility services at the
5 institutions:
6 .....$ 22,927,000
7 c. For funds to be allocated to the southwest Iowa
8 graduate studies center:
9 .....$ 35,000
10 d. For funds to be allocated to the siouxland

11 interstate metropolitan planning council for the
12 tristate graduate center under section 262.9,
13 subsection 21:
14 .....$ 68,000
15 e. For funds to be allocated to the quad-cities
16 graduate studies center:
17 .....$ 145,000
18 2. STATE UNIVERSITY OF IOWA
19 a. General university, including lakeside
20 laboratory
21 For salaries, support, maintenance, equipment,
22 miscellaneous purposes, and for not more than the
23 following full-time equivalent positions:
24 .....$ 167,993,000
25 .....FTEs 3,962.27
26 b. University hospitals
27 For salaries, support, maintenance, equipment,
28 miscellaneous purposes, and for not more than the
29 following full-time equivalent positions for medical
30 and surgical treatment of indigent patients as
31 provided in chapter 255:
32 .....$ 27,359,000
33 .....FTEs 5,364.14
34 Funds appropriated in this paragraph shall not be
35 used to perform abortions except medically necessary
36 abortions, and shall not be used to operate the early
37 termination of pregnancy clinic except for the
38 performance of medically necessary abortions. For the
39 purpose of this paragraph, an abortion is the
40 purposeful interruption of pregnancy with the
41 intention other than to produce a live-born infant or
42 to remove a dead fetus, and a medically necessary
43 abortion is one performed under one of the following
44 conditions:
45 (1) The attending physician certifies that
46 continuing the pregnancy would endanger the life of
47 the pregnant woman.
48 (2) The attending physician certifies that the
49 fetus is physically deformed, mentally deficient, or
50 afflicted with a congenital illness.

Page 8

1 (3) The pregnancy is the result of a rape which is
2 reported within 45 days of the incident to a law
3 enforcement agency or public or private health agency
4 which may include a family physician.
5 (4) The pregnancy is the result of incest which is
6 reported within 150 days of the incident to a law
7 enforcement agency or public or private health agency
8 which may include a family physician.
9 (5) The abortion is a spontaneous abortion,

10 commonly known as a miscarriage, wherein not all of
11 the products of conception are expelled.
12 The total quota allocated to the counties for
13 indigent patients for the fiscal year commencing July
14 1, 1992, shall not be lower than the total quota
15 allocated to the counties for the fiscal year
16 commencing July 1, 1991. The total quota shall be
17 allocated among the counties on the basis of the 1990
18 census pursuant to section 255.16.
19 c. Psychiatric hospital
20 For salaries, support, maintenance, equipment,
21 miscellaneous purposes, and for not more than the
22 following full-time equivalent positions and for the
23 care, treatment, and maintenance of committed and
24 voluntary public patients:
25 .....$ 6,517,000
26 .....FTEs 284.00
27 d. Hospital-school
28 For salaries, support, maintenance, miscellaneous
29 purposes, and for not more than the following full-
30 time equivalent positions:
31 .....$ 5,133,000
32 .....FTEs 165.49
33 e. Oakdale campus
34 For salaries, support, maintenance, miscellaneous
35 purposes, and for not more than the following full-
36 time equivalent positions:
37 .....$ 2,653,000
38 .....FTEs 64.48
39 f. State hygienic laboratory
40 For salaries, support, maintenance, miscellaneous
41 purposes, and for not more than the following full-
42 time equivalent positions:
43 .....$ 2,820,000
44 .....FTEs 100.93
45 g. Family practice program
46 For allocation by the dean of the college of
47 medicine, with approval of the advisory board, to
48 qualified participants, to carry out chapter 148D for
49 the family practice program, including salaries and
50 support, and for not more than the following full-time

Page 9

1 equivalent positions:
2 .....$ 1,694,000
3 .....FTEs 161.44
4 h. Child health care services
5 For specialized child health care services,
6 including childhood cancer diagnostic and treatment
7 network programs, rural comprehensive care for
8 hemophilia patients, and Iowa high-risk infant follow-

9 up program, including salaries and support, and for
10 not more than the following full-time equivalent
11 positions:
12 .....$ 402,000
13 .....FTEs 11.16
14 i. Agricultural health and safety programs
15 For agricultural health and safety programs:
16 .....$ 238,000
17 .....FTEs 3.30
18 j. Statewide tumor registry
19 For the statewide tumor registry and for not more
20 than the following full-time equivalent positions:
21 .....$ 181,000
22 .....FTEs 3.44
23 k. Substance abuse consortium
24 For funds to be allocated to the Iowa consortium
25 for substance abuse research and evaluation:
26 .....$ 58,000
27 .....FTEs 1.50
28 l. Center for biocatalysis
29 For the center for biocatalysis:
30 .....$ 1,304,874
31 m. National advanced driving simulator
32 For the national advanced driving simulator:
33 .....$ 233,138
34 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
35 a. General university
36 For salaries, support, maintenance, equipment,
37 miscellaneous purposes, and for not more than the
38 following full-time equivalent positions:
39 .....$ 136,764,000
40 .....FTEs 3,612.45
41 b. Agricultural experiment station
42 For salaries, support, maintenance, miscellaneous
43 purposes, and for not more than the following full-
44 time equivalent positions:
45 .....$ 23,701,380
46 .....FTEs 481.43
47 Of the funds appropriated in this lettered
48 paragraph, $281,601 shall be used by the school of
49 veterinary medicine for livestock disease research
50 consistent with the recommendation of the livestock

Page 10

1 health advisory council required by chapter 267.
2 c. Cooperative extension service in agriculture
3 and home economics
4 For salaries, support, maintenance, miscellaneous
5 purposes, and for not more than the following full-
6 time equivalent positions:
7 .....$ 16,037,000

8 .....FTEs 446.07
9 Of the funds appropriated in this lettered
10 paragraph, $24,187 shall be expended for a child farm
11 safety program.
12 d. Fire service education
13 For salaries and support and for not more than the
14 following full-time equivalent positions:
15 .....$ 397,000
16 .....FTEs 11.66
17 e. Leopold center
18 For agricultural research grants at Iowa state
19 university under section 266.39B:
20 .....$ 572,000
21 4. UNIVERSITY OF NORTHERN IOWA
22 a. For salaries, support, maintenance, equipment,
23 miscellaneous purposes, and for not more than the
24 following full-time equivalent positions:
25 .....$ 57,388,829
26 .....FTEs 1,382.93
27 b. Recycling and reuse center:
28 .....$ 257,138
29 5. STATE SCHOOL FOR THE DEAF
30 For salaries, support, maintenance, miscellaneous
31 purposes, and for not more than the following full-
32 time equivalent positions:
33 .....$ 5,734,000
34 .....FTEs 122.99
35 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
36 For salaries, support, maintenance, miscellaneous
37 purposes, and for not more than the following full-
38 time equivalent positions:
39 .....$ 3,161,000
40 .....FTEs 89.75
41 7. TUITION AND TRANSPORTATION COSTS
42 For payment to local school boards for the tuition
43 and transportation costs of students residing in the
44 Iowa braille and sight saving school and the state
45 school for the deaf pursuant to section 262.43 and for
46 payment of certain clothing and transportation costs
47 for students at these schools pursuant to section
48 270.5:
49 .....$ 7,000
50 Sec. 11. Reallocations of sums received under

Page 11

1 section 10, subsections 2, 3, 4, 5, and 6, of this
2 Act, including sums received for salaries, shall be
3 reported on a quarterly basis to the co-chairpersons
4 and ranking members of the legislative fiscal
5 committee and the joint education appropriations
6 subcommittee.

7 Sec. 12. For the fiscal year beginning July 1,
8 1992, the state board of regents may use notes, bonds,
9 or other evidences of indebtedness issued under
10 section 262.48 to finance projects that will result in
11 energy cost savings in an amount that will cause the
12 state board to recover the cost of the projects within
13 an average of six years.
14 Sec. 13. The department of human services shall
15 implement a supplemental disproportionate share
16 adjustment applicable to state-owned acute care
17 hospitals with more than five hundred beds and shall
18 reimburse qualifying hospitals pursuant to that
19 adjustment with a supplemental amount for services
20 provided medical assistance recipients. For the
21 purposes of this section, state funds allocated to the
22 college of medicine shall be made available to
23 university hospitals by the college of medicine of the
24 state university of Iowa. The adjustment shall
25 generate payments intended to equal the state
26 appropriation made to a qualifying hospital for
27 treatment of indigent patients as provided in chapter
28 255, plus the funds provided by the college of
29 medicine to the university hospitals in accordance
30 with this section. To the extent of the supplemental
31 disproportionate share adjustment payments, a
32 qualifying hospital shall, after receipt of the funds,
33 transfer to the department of human services an amount
34 equal to the estimated supplemental payments that will
35 be made by the department to the qualifying hospital
36 in that month. The aggregate amounts for a fiscal
37 year shall not exceed the state appropriation made to
38 the qualifying hospital for treatment of indigent
39 patients as provided in chapter 255, plus the funds
40 provided by the college of medicine to the university
41 hospitals in accordance with this section. The amount
42 to be transferred shall be adjusted to reflect any
43 variance between the estimated and actual supplemental
44 payments made in prior months. The department of
45 human services shall deposit the portion of these
46 funds equal to the state share in the department's
47 medical assistance account and transfer the balance to
48 the state GAAP escrow account created in section
49 422.69, subsection 3. To the extent that state funds
50 appropriated to a qualifying hospital for the

Page 12

1 treatment of indigent patients as provided in chapter
2 255, plus the funds provided by the college of
3 medicine to the university hospitals in accordance
4 with this section, have been transferred to the
5 department of human services as a result of these

6 supplemental disproportionate share payments made to
7 the qualifying hospital, the department shall not,
8 directly or indirectly, recoup the supplemental
9 disproportionate share adjustment payments made to a
10 qualifying hospital for any reason, unless an
11 equivalent amount of the funds transferred to the
12 department of human services by a qualifying hospital
13 pursuant to this provision is transferred to the
14 qualifying hospital by the department. The university
15 hospitals shall restore to the college of medicine an
16 amount equal to the funds provided to the university
17 hospitals by the college of medicine in accordance
18 with this section. The department of human services
19 shall, in any compilation of data or other report
20 distributed to the public concerning payments to
21 providers under the medical assistance program, set
22 forth reimbursements to a qualifying hospital through
23 the supplemental disproportionate share adjustment as
24 a separate item and shall not include such payments in
25 the amounts otherwise reported as the reimbursement to
26 a qualifying hospital for services to medical
27 assistance recipients.
28 For purposes of this section, "supplemental
29 disproportionate share payment" means a supplemental
30 payment amount paid for medical assistance to a
31 hospital qualifying for that payment under this
32 section.
33 DEPARTMENT OF CULTURAL AFFAIRS
34 Sec. 14. There is appropriated from the general
35 fund of the state to the department of cultural
36 affairs for the fiscal year beginning July 1, 1992,
37 and ending June 30, 1993, the following amounts, or so
38 much thereof as is necessary, to be used for the
39 purposes designated:
40 1. ARTS DIVISION
41 For salaries, support, maintenance, miscellaneous
42 purposes, including funds to match federal grants, for
43 areawide arts and cultural service organizations which
44 meet the requirements of chapter 303C, and for not
45 more than the following full-time equivalent
46 positions:
47 .....$ 997,000
48 .....FTEs 11.00
49 2. HISTORICAL DIVISION
50 For salaries, support, maintenance, miscellaneous

Page 13

1 purposes, and for not more than the following full-
2 time equivalent positions:
3 .....$ 2,332,000
4 .....FTEs 62.50

5 Of the funds appropriated in this subsection, the
6 division shall allocate $10,000 for the operating and
7 maintenance costs of the Plum Grove residence of
8 former Governor Lucas.
9 3. LIBRARY DIVISION
10 a. For salaries, support, maintenance,
11 miscellaneous purposes, and for not more than the
12 following full-time equivalent positions:
13 .....$ 1,899,000
14 .....FTEs 49.50
15 b. For purposes of the state library:
16 .....$ 1,027,000
17 The amount appropriated in this paragraph
18 represents the amount of state aid that would have
19 gone to the regional library system if the system had
20 not been eliminated by repeal in this Act.
21 4. ADMINISTRATION
22 For salaries, support, maintenance, miscellaneous
23 purposes, and for not more than the following full-
24 time equivalent position:
25 .....$ 56,000
26 .....FTEs 1.00
27 The accounting responsibilities of the department
28 of cultural affairs shall be assumed and performed by
29 the department of management.
30 5. COMMUNITY CULTURAL GRANTS
31 For planning and programming for the community
32 cultural grants program established under section
33 303.3:
34 .....$ 528,000
35 6. PUBLIC BROADCASTING DIVISION
36 For salaries, support, maintenance, capital
37 expenditures, miscellaneous purposes, and for not more
38 than the following full-time equivalent positions:
39 .....$ 5,959,000
40 .....FTEs 96.00
41 Sec. 15. Any moneys contained in the artist
42 endowment fund shall revert and be transferred to the
43 general fund of the state on June 30, 1992.
44 Sec. 16. Notwithstanding section 8.33, funds
45 appropriated in 1991 Iowa Acts, chapter 267, section
46 210, subsection 1, paragraph "b", remaining
47 unencumbered or unobligated on June 30, 1992, shall
48 not revert to the general fund of the state but shall
49 be available for expenditure for the purposes listed
50 in section 10, subsection 1, paragraph "b", of this

1 Act during the fiscal year beginning July 1, 1992, and
2 ending June 30, 1993.

3 Sec. 17. Notwithstanding section 261.20, of the
4 unencumbered or unobligated moneys in the scholarship
5 and tuition grant reserve fund, $317,542 shall be
6 distributed under the Iowa tuition grants, the Iowa
7 scholarship program, vocational-technical tuition
8 grant program, and the work-study program by the
9 college student aid commission, in amounts
10 proportionate to the amounts of funds appropriated to
11 the college student aid commission for the programs by
12 the general assembly for the fiscal year beginning
13 July 1, 1992, and ending June 30, 1993.
14 Sec. 18. Notwithstanding sections 302.1 and
15 302.1A, for the fiscal year beginning July 1, 1992,
16 and ending June 30, 1993, the portion of the interest
17 earned on the permanent school fund that is not
18 transferred to the credit of the first in the nation
19 in education foundation and not transferred to the
20 credit of the national center for gifted and talented
21 education shall be credited as a payment by the
22 historical division of the department of cultural
23 affairs of the principal and interest due on moneys
24 loaned to the historical division under section
25 303.18.
26 Sec. 19. 1992 Iowa Acts, Senate File 2116, section
27 100, subsection 8, is amended to read as follows:
28 8. Appropriations made to school corporations in
29 chapter 257 for state aid to school districts and
30 ~~chapter 286A~~ in 1991 Iowa Acts, chapter 267, section
31 201, subsections 9 and 10, for state aid to ~~area~~
32 ~~schools~~ merged areas shall not be reduced under
33 subsection 1.
34 Sec. 20. Notwithstanding sections 303.1, 303.1A,
35 303.2, 303.2A, 303.7, 303.8, 303.17, 303.87, and
36 303.94, the duties, responsibilities, and rulemaking
37 authority of the director of the department of
38 cultural affairs, and the responsibilities of the
39 administrative section, other than accounting, of the
40 department of cultural affairs, are transferred to the
41 office of the secretary of state. The position of
42 director and the positions within the administrative
43 office, except for the fiscal officer, shall be vacant
44 as of July 1, 1992. Appointment authority granted to
45 the director of the department of cultural affairs is
46 transferred to the governor, subject to senate
47 confirmation. The office of the fiscal officer, for
48 the department of cultural affairs, shall be located
49 in the department of management.
50 Sec. 21. Section 8.29, unnumbered paragraph 4,

Page 15

1 Code 1991, is amended to read as follows:
2 The state board of regents, with the approval of
3 the director of the department of management, shall
4 establish a uniform budgeting and accounting system
5 for the institutions of higher education under its
6 control, and shall require each of the institutions of
7 higher education to begin operating under the uniform
8 system not later than June 30, ~~1976~~ 1994.
9 Sec. 22. Section 12.30, subsection 1, paragraph a,
10 Code 1991, is amended to read as follows:
11 a. "Authority" means a department, or public or
12 quasi-public instrumentality of the state including,
13 but not limited to, the authority created under
14 chapter 175, 175A, 220, 261A, or 307B, ~~or 442A,~~ which
15 has the power to issue obligations, except that
16 "authority" does not include the state board of
17 regents or the Iowa finance authority to the extent it
18 acts pursuant to chapter 280A.
19 Sec. 23. Section 18.136, subsection 3, Code 1991,
20 is amended to read as follows:
21 3. The financing for the procurement costs for the
22 entirety of Part I of the system, and the video, data,
23 and voice capacity for state agencies for Part II and
24 Part III of the system, shall be provided by the
25 state. The financing for the procurement costs for
26 Part II of the system shall be provided eighty percent
27 from the state and twenty percent from the community
28 colleges for the areas in which Part II of the system
29 is located. The basis for the state match is eighty
30 percent of a single interactive video and interactive
31 audio for Parts I and II of the system, and such data
32 and voice capacity as is necessary. The financing for
33 the procurement and maintenance costs for Part III of
34 the system shall be provided eighty percent from the
35 state and twenty percent from the local school boards
36 of the areas which receive transmissions from the
37 system. The local school boards may meet all or part
38 of the match requirements of Part III of the system
39 through a cooperative arrangement with community
40 colleges. The basis for the state match is eighty
41 percent of a single interactive audio and one-way
42 video for Part III of the system, and such data and
43 voice capacity as is necessary. The local school
44 boards and community colleges may meet the match
45 requirements for Part II and Part III of the system
46 from funds they have already spent for their systems,
47 from funds available in the school budget, or from
48 funds received from other nonstate sources. In the
49 case of existing systems, in order to upgrade
50 facilities to the specifications of the state

Page 16

1 communications network, the local school boards and
2 community colleges, in lieu of a cash match, may meet
3 the match requirements from funds they have already
4 spent for their systems provided that the state match
5 does not exceed the lesser of eighty percent of the
6 total cost of the upgraded system or eighty percent of
7 the replacement cost of the system. The
8 communications equipment funds used as a match by a
9 community college shall be calculated based on
10 verified expenditures for capital, equipment,
11 hardware, and software for long-distance learning
12 technologies, including both audio and visual
13 transmission. The communications equipment used as a
14 match shall not subsequently be used as a match by
15 another educational entity or for another part of the
16 system. A local school board may request the school
17 budget review committee to adjust the allowable growth
18 for the school district so that the resulting increase
19 in budget could be used for the match. A local school
20 board may also elect not to become part of the system.
21 Such election shall be made on an annual basis. State
22 matching funds shall not be provided for Part III of
23 the system until Part I and Part II of the system have
24 been completed.
25 Sec. 24. Section 25A.2, subsection 5, Code 1991,
26 is amended to read as follows:
27 5. "State agency" includes all executive
28 departments, agencies, boards, bureaus, and
29 commissions of the state of Iowa, and corporations
30 whose primary function is to act as, and while acting
31 as, instrumentalities or agencies of the state of
32 Iowa, whether or not authorized to sue and be sued in
33 their own names. This definition does not include a
34 contractor with the state of Iowa. Soil and water
35 conservation districts as defined in section 467A.3,
36 subsection 1, and judicial district departments of
37 correctional services as established in section 905.2~~,~~
38 ~~and regional boards of library trustees as defined in~~
39 ~~chapter 303B,~~ are state agencies for purposes of this
40 chapter.
41 Sec. 25. Section 39.21, subsection 1, Code 1991,
42 is amended by striking the subsection.
43 Sec. 26. Section 43.18, unnumbered paragraph 4,
44 Code Supplement 1991, is amended to read as follows:
45 I am further aware that section 43.20, subsection
46 4, unnumbered paragraph 3, does not apply to the
47 offices of county agricultural extension council~~,~~ or
48 soil and water conservation district commission~~, or~~
49 ~~regional library board of trustees~~.
50 Sec. 27. Section 43.67, unnumbered paragraph 4,

Page 17

1 Code Supplement 1991, is amended to read as follows:
2 I am further aware that section 49.41 does not
3 apply to the offices of county agricultural extension
4 council~~,~~ or soil and water conservation district
5 commission~~, or regional library board of trustees~~.
6 Sec. 28. Section 44.3, subsection 2, unnumbered
7 paragraph 4, Code Supplement 1991, is amended to read
8 as follows:
9 I am further aware that section 49.41 does not
10 apply to the offices of county agricultural extension
11 council~~,~~ or soil and water conservation district
12 commission~~, or regional library board of trustees~~.
13 Sec. 29. Section 45.3, unnumbered paragraph 5,
14 Code Supplement 1991, is amended to read as follows:
15 I am further aware that section 49.41 does not
16 apply to the offices of county agricultural extension
17 council~~,~~ or soil and water conservation district
18 commission~~, or regional library board of trustees~~.
19 Sec. 30. Section 49.41, unnumbered paragraph 6,
20 Code Supplement 1991, is amended to read as follows:
21 This section does not apply to the following public
22 offices: county agricultural extension council~~,~~ or
23 soil and water conservation district commission~~, or~~
24 ~~regional library board of trustees~~.
25 Sec. 31. Section 261.25, subsections 1, 2, and 3,
26 Code Supplement 1991, are amended to read as follows:
27 1. There is appropriated from the general fund of
28 the state to the commission for each fiscal year the
29 sum of ~~thirty-two million four hundred eighty~~ thirty
30 million seven hundred twenty-seven thousand dollars
31 for tuition grants.
32 2. There is appropriated from the general fund of
33 the state to the commission for each fiscal year the
34 sum of ~~eight hundred thirteen~~ seven hundred seventy-
35 nine thousand dollars for scholarships.
36 3. There is appropriated from the general fund of
37 the state to the commission for each fiscal year the
38 sum of one million ~~three hundred fifteen~~ two hundred
39 sixty-one thousand dollars for vocational-technical
40 tuition grants.
41 Sec. 32. Section 261.38, subsection 7, Code
42 Supplement 1991, is amended to read as follows:
43 7. The commission may expend funds in the reserve
44 account ~~to~~ and enter into agreements ~~which~~ with the
45 Iowa student loan liquidity corporation in order to
46 increase access for students to ~~a~~ education loan
47 ~~program for guaranteed loans which are not subsidized~~
48 ~~by the federal government~~ programs that the commission
49 determines meet the education needs of Iowa residents.
50 The agreements shall permit the establishment,

Page 18

1 funding, and operation of alternative education loan
2 programs, as described in section 144(b)(1)(B) of the
3 Internal Revenue Code of 1986 as amended, as defined
4 in section 422.3, in addition to programs permitted
5 under the federal Higher Education Act of 1965. In
6 accordance with those agreements, the Iowa student
7 loan liquidity corporation may issue bonds, notes, or
8 other obligations to the public and others for the
9 purpose of funding the alternative education loan
10 programs. This authority to issue such bonds, notes,
11 or other obligations shall be in addition to the
12 authority established in the articles of incorporation
13 and bylaws of the Iowa student loan liquidity
14 corporation.
15 Bonds, notes, or other obligations issued by the
16 Iowa student loan liquidity corporation are not an
17 obligation of this state or any political subdivision
18 of this state within the meaning of any constitutional
19 or statutory debt limitations, but are special
20 obligations of the Iowa student loan liquidity
21 corporation, and the corporation shall not pledge the
22 credit or taxing power of this state or any political
23 subdivision of this state, or make its debts payable
24 out of any of the moneys except those of the
25 corporation.
26 Sec. 33. Section 261.85, unnumbered paragraph 1,
27 Code Supplement 1991, is amended to read as follows:
28 There is appropriated from the general fund of the
29 state to the commission for each fiscal year the sum
30 of ~~three million eighty-five~~ two million nine hundred
31 fifty-eight thousand dollars for the work-study
32 program.
33 Sec. 34. NEW SECTION. 262.34A BID REQUESTS.
34 The state board of regents shall request bids and
35 proposals for materials, products, supplies,
36 provisions, and other needed articles to be purchased
37 at public expense, from Iowa state industries as
38 defined in section 246.802, subsection 2, when the
39 articles are available in the requested quantity and
40 at comparable prices and quality.
41 Sec. 35. NEW SECTION. 262.34B STUDENT FEES —
42 CATEGORIES — APPROVAL.
43 1. By the semester which commences in the fall of
44 1993, fees charged to students enrolled at those
45 universities under the control of the board of regents
46 enumerated in section 262.7, subsections 1 through 3,
47 shall be of one of the following two types:
48 a. Fees charged for purposes of acquisition or
49 construction of self-liquidating and revenue-producing
50 buildings and facilities under sections 262.44 through

1 262.53 and acquiring, purchasing, leasing, or
2 constructing buildings and facilities under chapter
3 262A.
4 b. Fees charged for purposes of funding other
5 student and student-related activities.
6 2. A fee under subsection 1, paragraph "a", that
7 is proposed to be charged during or for an academic
8 period which occurs on or after the first day of the
9 semester which occurs in the fall of 1993, shall be
10 permitted to be charged, increased, and expended in
11 the manner provided under section 262.9, subsection
12 18. Fees that are of the type specified under
13 subsection 1, paragraph "b", shall be charged,
14 increased, and expended only in the following manner:
15 The amount of any proposed fee charge or increase,
16 and the proposed allocations of the total amount of
17 the fees at each of the universities shall be
18 determined by a student fee committee, which shall
19 consist of five students and five university
20 employees. The five student members of the student
21 fee committee of each university shall be appointed by
22 the recognized student government organization of each
23 university. The five university employees shall be
24 appointed by the president of the university. The
25 proposed amount and allocation of fees shall be
26 presented by the student fee committee to the student
27 government organization and the president of the
28 affected university for review no later than April 15
29 of the year which includes the subsequent academic
30 period in which the proposed fee charge or increase or
31 proposed allocation will take effect. The student
32 government organization shall take action to approve
33 or disapprove the proposed amount and allocation no
34 later than the last meeting of the organization during
35 the spring semester which immediately precedes the
36 semester in which the amount will begin to be charged
37 or any of the allocations will take effect. Action
38 shall occur, however, no later than the last day of
39 classes of the spring semester which immediately
40 precedes the semester in which the amount will begin
41 to be charged or any of the allocations will take
42 effect. Once action on the proposal has been taken by
43 the student government organization, the proposal
44 shall be forwarded to the president of the institution
45 for review and the state board of regents for approval
46 at the time provided under section 262.9, subsection
47 18. If no agreement as to the amount of a charge or
48 an increase or the allocation of fees can be reached,
49 the student government organization and the president
50 of the affected university shall submit their

Page 20

1 proposals to the state board of regents for
2 consideration. The state board of regents shall make
3 the final decision on a charge or increase in fees or
4 allocation of fees. The state board of regents shall
5 forward a copy of each proposal to the chairpersons
6 and ranking members of the joint education
7 appropriations subcommittee.
8 Sec. 36. Section 267.5, subsection 3, Code 1991,
9 is amended to read as follows:
10 3. Make recommendations to the Iowa State
11 University college of veterinary medicine concerning
12 the application of funds appropriated ~~by this chapter~~
13 to the college of veterinary medicine. The Iowa State
14 University college of veterinary medicine shall not
15 expend any of the funds appropriated by this chapter
16 until the recommendation of the council concerning
17 that appropriation is adopted or sixty days following
18 the effective date of the appropriation, whichever is
19 earlier.
20 Sec. 37. Section 275.1, unnumbered paragraph 1,
21 Code 1991, is amended to read as follows:
22 It is the policy of the state to encourage
23 economical and efficient school districts which will
24 ensure an equal educational opportunity to all
25 children of the state. All areas of the state shall
26 be in school districts maintaining kindergarten and
27 twelve grades. If a school district ceases to
28 maintain kindergarten and twelve grades except as
29 otherwise provided in section 28E.9, 256.13, 280.15,
30 282.7, subsection 1 or subsections 1 and 3, or 282.8,
31 it shall reorganize within six months or the state
32 board shall attach the school district not maintaining
33 kindergarten and twelve grades to one or more adjacent
34 districts. Voluntary reorganizations under this
35 chapter shall be commenced only if the affected school
36 districts are contiguous or marginally adjacent to one
37 another. A reorganized district shall meet the
38 requirements of section 275.3.
39 Sec. 38. Section 275.1, Code 1991, is amended by
40 adding the following new subsection:
41 NEW SUBSECTION. 4. "Marginally adjacent district"
42 or "marginally adjacent territory" means a district or
43 territory which is separated from a second district or
44 territory by property which is part of a third school
45 district which completely surrounds one of the two
46 districts.
47 Sec. 39. Section 275.4, unnumbered paragraph 2,
48 Code 1991, is amended to read as follows:
49 In addition, the area education agency board shall
50 consult with the ~~commissioner of public instruction~~

1 director of the department of education in the
2 development of surveys and plans. The ~~commissioner of~~
3 ~~public instruction~~ director of the department of
4 education shall provide assistance to the area
5 education agency boards as requested and shall advise
6 the area education agency boards concerning plans of
7 contiguous area education agencies and the
8 reorganization policies adopted by the state board of
9 ~~public instruction~~ education.
10 Sec. 40. Section 275.11, Code 1991, is amended to
11 read as follows:
12 275.11 PROPOSALS INVOLVING TWO OR MORE DISTRICTS.
13 Subject to the approval of the area education
14 agency board, contiguous or marginally adjacent
15 territory located in two or more school districts may
16 be united into a single district in the manner
17 provided in sections 275.12 to 275.22 hereof.
18 Sec. 41. Section 275.23A, subsection 1, Code 1991,
19 is amended to read as follows:
20 1. School districts which have directors who
21 represent director districts as provided in section
22 275.12, subsection 2, paragraphs "b" through "e",
23 shall be divided into director districts on the basis
24 of population as determined from the most recent
25 federal decennial census. The director districts
26 shall be as nearly equal as practicable to the ideal
27 population for the districts as determined by dividing
28 the number of director districts to be established
29 into the population of the school district. The
30 director districts shall be composed of contiguous or
31 marginally adjacent territory as compact as
32 practicable.
33 Sec. 42. Section 280.23, as enacted by 1992 Iowa
34 Acts, House File 2415, section 1, is amended by adding
35 the following new unnumbered paragraph:
36 NEW UNNUMBERED PARAGRAPH. This section does not
37 apply to a person specifically employed by a public
38 school district or an accredited nonpublic school for
39 purposes of performing health services.
40 Sec. 43. Section 280A.50, unnumbered paragraph 1,
41 Code 1991, is amended to read as follows:
42 The department of education shall provide for the
43 establishment of a staff development account in the
44 office of treasurer of state for purposes of providing
45 moneys to community colleges for staff development.
46 There is appropriated from the general fund of the
47 state to the department of education on July 1 of each
48 fiscal year beginning July 1, ~~1992~~ 1993, for crediting
49 to the staff development account for each budget year
50 an amount equal to an amount which is five-tenths of

Page 22

1 one percent of the total state general aid generated
2 under chapter 286A for all community colleges during
3 the base year. In the fiscal years succeeding June
4 30, ~~1993~~ 1994, an additional five-tenths of one
5 percent shall be added to the percent multiplier, used
6 to determine the appropriation in this section, until
7 that percent multiplier reaches four percent. Once
8 the percent multiplier has reached the four percent
9 level, it shall remain at that level for purposes of
10 calculating the amount to be appropriated in
11 succeeding fiscal years. Moneys appropriated by the
12 general assembly to the department of education for
13 the purpose of the staff development program shall be
14 paid to community colleges upon approval by the
15 department of education of an application submitted by
16 a community college. Funds shall be distributed to a
17 community college based upon the proportion that a
18 college's state general aid paid for the base year
19 bears to the total state general aid paid that year to
20 all community colleges.
21 Sec. 44. Section 286A.14A, unnumbered paragraph 1,
22 Code Supplement 1991, is amended to read as follows:
23 The department of education shall provide for the
24 establishment of a community college excellence 2000
25 account in the office of the treasurer of state for
26 deposit of moneys appropriated to the account for
27 purposes of funding quality instructional centers and
28 program and administrative sharing agreements under
29 sections 280A.45 and 280A.46. There is appropriated
30 from the general fund of the state to the department
31 of education for the fiscal year beginning July 1,
32 ~~1992~~ 1993, an amount equal to two and five-tenths
33 percent of the total state general aid generated for
34 all community colleges during the budget year under
35 this chapter for deposit in the community college
36 excellence 2000 account. In the next succeeding two
37 fiscal years, the percent multiplier shall be
38 increased in equal increments until the multiplier
39 reaches seven and one-half percent of the total state
40 general aid generated for all community colleges
41 during the budget year.
42 Sec. 45. Section 294A.25, Code 1991, is amended by
43 adding the following new subsection:
44 NEW SUBSECTION. 5A. Commencing with the fiscal
45 year beginning July 1, 1992, the amount of two hundred
46 fifty thousand dollars from phase III moneys for
47 support of school transformation pilot projects
48 administered by the department of education.
49 Sec. 46. Section 303.2, subsection 3, paragraph e,
50 Code Supplement 1991, is amended to read as follows:

Page 23

1 e. Shall develop and adopt~~, in conjunction with~~
2 ~~the Iowa regional library system,~~ long-range plans for
3 the continued improvement of library services in the
4 state. To insure that the concerns of all types of
5 libraries are addressed, the division shall establish
6 a long-range planning committee to review and evaluate
7 progress and report findings and recommendations to
8 the division ~~and to the trustees of the Iowa regional~~
9 ~~library system at an annual meeting~~.
10 Sec. 47. Section 303.2, subsection 3, paragraph f,
11 Code Supplement 1991, is amended by striking the
12 paragraph.
13 Sec. 48. Section 303.92, subsection 3, paragraph
14 c, Code 1991, is amended to read as follows:
15 c. Shall establish and administer standards for
16 state agency libraries~~, the Iowa regional library~~
17 ~~system,~~ and public libraries.
18 Sec. 49. Section 321.376, subsections 1 and 3,
19 Code Supplement 1991, are amended to read as follows:
20 1. The driver of a school bus shall hold a school
21 bus driver's permit issued annually by the department
22 of education and a driver's license issued by the
23 department valid for the operation of the school bus.
24 The department of education shall charge a fee for the
25 issuance of a school bus driver's permit in the amount
26 of five dollars, which shall be deposited in the
27 ~~general~~ school bus passenger safety fund ~~of the state~~
28 which is created in the state treasury under the
29 control of the department of education. All funds
30 deposited into the school bus passenger safety fund
31 are appropriated and made available to the department
32 of education. Notwithstanding section 8.33, any
33 balance in the fund on June 30 of any fiscal year
34 shall not revert to the general fund of the state. A
35 person holding a temporary restricted license issued
36 under chapter 321J shall be prohibited from operating
37 a school bus. The department shall revoke or refuse
38 to issue a permit to any person who, after notice and
39 opportunity for hearing, is determined to have
40 committed any of the acts proscribed under section
41 321.375, subsection 2. The department of education
42 shall recommend, and the state board of education
43 shall adopt under chapter 17A, rules and procedures
44 for the revocation and issuance of permits to persons.
45 Rules and procedures adopted shall include, but are
46 not limited to, provisions for the revocation of, or
47 refusal to issue, permits to persons who are
48 determined to have committed any of the acts
49 proscribed under section 321.375, subsection 2.
50 3. ~~The department of education shall submit an~~

Page 24

1 ~~annual budget request, separately from the~~
2 ~~department's annual operating budget request, in an~~
3 ~~amount not to exceed the amount collected by the~~
4 ~~department for the issuance of annual school bus~~
5 ~~driver permits.~~ Funds ~~requested~~ deposited in the
6 school bus safety fund shall be designated for
7 purposes of establishing and conducting approved
8 courses of instruction for school bus drivers and for
9 school bus passenger safety programs. The department
10 shall recommend rules for adoption by the state board
11 of education relating to the assessment and collection
12 of funds from the school bus driver fee and relating
13 to distribution of funds for approved courses of
14 instruction.
15 Sec. 50. Section 453.1, subsection 1, Code 1991,
16 is amended to read as follows:
17 1. All funds held in the hands of the following
18 officers or institutions shall be deposited in one or
19 more depositories first approved by the appropriate
20 governing body as indicated: For the treasurer of
21 state, by the executive council; for judicial officers
22 and court employees, by the supreme court; for the
23 county treasurer, recorder, auditor, and sheriff, by
24 the board of supervisors; for the city treasurer or
25 other designated financial officer of a city, by the
26 city council; for the county public hospital or merged
27 area hospital, by the board of hospital trustees; for
28 a memorial hospital, by the memorial hospital
29 commission; for a school corporation, by the board of
30 school directors; for a city utility or combined
31 utility system established under chapter 388, by the
32 utility board; ~~for a regional library established~~
33 ~~under chapter 303B, by the regional board of library~~
34 ~~trustees;~~ and for an electric power agency as defined
35 in section 28F.2, by the governing body of the
36 electric power agency. However, the treasurer of
37 state and the treasurer of each political subdivision
38 or the designated financial officer of a city shall
39 invest all funds not needed for current operating
40 expenses in time certificates of deposit in approved
41 depositories pursuant to this chapter or in
42 investments permitted by section 452.10. The list of
43 public depositories and the amounts severally
44 deposited in the depositories are matters of public
45 record. This subsection does not limit the definition
46 of "public funds" contained in subsection 2.
47 Sec. 51. CATEGORIZING OF FEES. The state board of
48 regents, no later than the semester which begins in
49 the fall of 1992, shall group the student activity fee
50 portion of tuition charged at the three state

Page 25

1 universities under the board's control into the
2 following two categories:
3 1. Fees charged for purposes of acquisition or
4 construction of self-liquidating and revenue-producing
5 buildings and facilities under sections 262.44 through
6 262.53, and acquiring, purchasing, leasing, or
7 constructing buildings and facilities under chapter
8 262A.
9 2. Fees charged for purposes of funding other
10 student and student-related activities and services.
11 Sec. 52. Section 267.8, Code Supplement 1991, is
12 repealed.
13 Sec. 53. Sections 261.19 and 275.59, Code 1991,
14 are repealed.
15 Sec. 54. Chapters 303B and 442A, Code 1991, are
16 repealed.
17 Sec. 55. 1991 Iowa Acts, chapter 267, sections 203
18 and 207, are repealed.
19 Sec. 56. RETROACTIVE APPLICABILITY. Section 19 of
20 this Act is retroactive to March 10, 1992.
21 Sec. 57. EFFECTIVE DATES.
22 1. Section 13 of this Act takes effect October 1,
23 1992.
24 2. Sections 15, 16, 35, 49, and 51 of this Act,
25 being deemed of immediate importance, take effect upon
26 enactment."

The motion lost and the House refused to concur in the Senate amendment H—5885.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2462 and 2465.**

SENATE AMENDMENT CONSIDERED

Fogarty of Palo Alto called up for consideration **House File 2203,** a bill for an act relating to the abandonment and waste of killed or injured game, fur-bearing animals, or other wildlife, and providing a penalty for a violation, amended by the Senate, and moved that the House concur in the following Senate amendment H—5648:

H—5648

1 Amend House File 2203, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 109.123, subsection 1, Code
6 1991, is amended to read as follows:
7 1. A person shall not discharge a firearm or shoot
8 or attempt to shoot a game or furbearing animal within
9 two hundred yards of a building inhabited by people or
10 domestic livestock or within two hundred yards of a
11 feedlot unless the owner or tenant has given consent."

The motion prevailed and the House concurred in the Senate amendment H—5648.

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. 2203)

The ayes were, 97:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Sherzan			
Presiding			

The nays were, none.

Absent or not voting, 3:

Blanshan	Jay	Shoning

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

Speaker Arnould in the chair at 7:12 p.m.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2203** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Sherzan of Polk called up for consideration **House File 2452**, a bill for an act relating to juvenile and criminal justice, establishing a juvenile court judges commission, providing for continuing supervision of delinquents upon attaining the age of majority under certain circumstances and providing penalties, providing for detention of some runaways for a limited period, expanding provisions for automatic waiver to adult court, establishing and increasing criminal offenses and penalties, establishing or amending certain juvenile and criminal procedures and financial responsibility provisions, and providing for related matters, amended by the Senate, and moved that the House concur in the following Senate amendment H—5870:

H—5870

1 Amend House File 2452, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "DIVISION I
6 PREVENTION AND INTERVENTION
7 Section 1. FAMILY PRESERVATION PROGRAMS. There is
8 appropriated from the general fund of the state to the
9 department of human services for the fiscal year
10 beginning July 1, 1992, and ending June 30, 1993, in
11 addition to other appropriations made for the
12 following purpose for that fiscal year, the following
13 amount, or so much thereof as is necessary, to be used
14 for the purpose designated:
15 For creation of pilot programs utilizing mentors in
16 family preservation and reunification projects in Polk
17 and Black Hawk counties:
18 .....$ 235,000
19 Sec. 2. ENHANCED RESIDENTIAL TREATMENT. There is
20 appropriated from the general fund of the state to the
21 department of human services for the fiscal year
22 beginning July 1, 1992, and ending June 30, 1993, in
23 addition to other appropriations made for the
24 following purpose for that fiscal year, the following
25 amount, or so much thereof as is necessary, to be used
26 for the purpose designated:
27 For payment of per diem reimbursement for 30 new
28 enhanced residential treatment beds for juveniles:

29 .....$ 235,000
30 The moneys appropriated in this section shall only
31 be used for payment of per diem reimbursement for at
32 least 30 enhanced residential treatment beds which
33 were not in existence before July 1, 1992, and shall
34 not be used for any other purpose.
35 Sec. 3. HOMELESS, ABUSED, AND RUNAWAY JUVENILES.
36 Of the moneys appropriated under the federal National
37 Affordable Housing Act of 1990 and received in the
38 fiscal year beginning July 1, 1991, $200,000 shall be
39 used in order to provide at least 10 new shelter care
40 beds for juveniles who are homeless, abandoned,
41 abused, have run away from home, or are otherwise
42 unable to safely remain in their home and who are not
43 provided services by the department of human services
44 or the court at the time the shelter care begins. The
45 grants shall be awarded in accordance with federal
46 requirements in order to provide the beds in the areas
47 of the state with the greatest proportion of juveniles
48 who are at-risk of being homeless, abandoned, abused,
49 or otherwise unable to remain safely in their home.
50 Sec. 4. JUVENILE AFTERCARE AND TREATMENT

Page 2

1 DEMONSTRATION GRANT PROGRAM. There is appropriated
2 from the general fund of the state to the juvenile
3 support demonstration grant fund created in this
4 section, for the fiscal year beginning July 1, 1992,
5 and ending June 30, 1993, the following amount, or so
6 much thereof as is necessary, to be used for the
7 purpose designated:
8 For grants to juvenile aftercare and treatment
9 demonstration projects in accordance with this
10 section:
11 .....$ 200,000
12 1. A juvenile aftercare and treatment
13 demonstration grant fund is created in the office of
14 the treasurer of state under the authority of the
15 judicial department and the department of human
16 services. Notwithstanding section 8.33, moneys in the
17 fund which remain unobligated or unexpended at the end
18 of the fiscal year shall not revert to the general
19 fund of the state but shall remain available to
20 provide grants in accordance with this section.
21 2. The judicial department and the department of
22 human services shall jointly establish criteria and
23 requirements for awarding grants from the grant fund.
24 The grants shall be for the provision of aftercare and
25 treatment services to juveniles who have been
26 adjudicated as delinquent or as a child in need of
27 assistance or have received substance abuse treatment

28 and have completed the requirements of the
29 adjudication or treatment. The aftercare and
30 treatment services shall be designed to eliminate the
31 need for further adjudication or treatment. In
32 awarding grants, every effort shall be made to make
33 use of existing funding available for aftercare and
34 treatment services.
35 3. The grants shall be awarded to programs which
36 are based upon successful programs utilizing mentors
37 and other innovative approaches to working with
38 similar juveniles. Programs shall be required to
39 provide evaluation information.
40 Sec. 5. DRUG ABUSE RESISTANCE EDUCATION. There is
41 appropriated from the general fund of the state to the
42 department of public safety for the fiscal year
43 beginning July 1, 1992, and ending June 30, 1993, in
44 addition to other appropriations made for the
45 following purpose for that fiscal year, the following
46 amount, or so much thereof as is necessary, to be used
47 for the purpose designated:
48 For use by the department to provide law
49 enforcement officials for project D.A.R.E. (drug abuse
50 resistance education) within local communities

Page 3

1 targeted to fifth and sixth grade students:
2 .....$ 28,500
3 Sec. 6. Section 232.2, subsection 4, paragraph f,
4 Code Supplement 1991, is amended to read as follows:
5 f. When a child is sixteen years of age or older,
6 a written plan of services which, based upon an
7 assessment of the child's needs, would assist the
8 child in preparing for the transition from foster care
9 to independent living. If the child is interested in
10 pursuing higher education, the plan shall provide for
11 the child's participation in the college student aid
12 commission's program of assistance in applying for
13 federal and state aid under section 261.2.
14 Sec. 7. Section 232.2, subsection 6, Code
15 Supplement 1991, is amended by adding the following
16 new paragraph:
17 NEW PARAGRAPH. o. Who is voluntarily absent
18 without permission from the child's home or placement
19 for a period of time exceeding one week, or who is
20 voluntarily absent without permission from the child's
21 home or placement for a period of time exceeding
22 twenty-four hours on each of three or more separate
23 occasions in a three-month period, and whose health,
24 safety, and welfare are at risk.
25 Sec. 8. Section 232.52, subsection 6, unnumbered
26 paragraph 2, Code Supplement 1991, is amended to read

27 as follows:
28 When the court orders the transfer of legal custody
29 of a child pursuant to subsection 2, paragraph "d",
30 and the child is sixteen years of age or older, the
31 order shall specify the services needed to assist the
32 child in preparing for the transition from foster care
33 to independent living. If the child is interested in
34 pursuing higher education, the plan shall provide for
35 the child's participation in the college student aid
36 commission's program of assistance in applying for
37 federal and state aid under section 261.2.
38 Sec. 9. Section 232.102, subsection 6, Code
39 Supplement 1991, is amended to read as follows:
40 6. The child shall not be placed in the state
41 training school. Moreover, a child who is a child in
42 need of assistance solely due to the fact that the
43 child falls within the definition as set forth in
44 section 232.2, subsection 6, paragraph "o", shall not
45 be placed in the state training school, the Iowa
46 juvenile home, or any residential treatment facility.
47 Sec. 10. Section 232.116, subsection 1, paragraph
48 d, subparagraph (2), Code 1991, is amended to read as
49 follows:
50 (2) The ~~custody of the~~ child has been ~~transferred~~

Page 4

1 removed from the physical custody of the child's
2 parents ~~for placement pursuant to section 232.102 and~~
3 ~~the placement has lasted~~ for a period of at least six
4 consecutive months.
5 Sec. 11. Section 232.116, subsection 1, paragraph
6 e, subparagraph (3), Code 1991, is amended to read as
7 follows:
8 (3) The ~~custody of the~~ child has been ~~transferred~~
9 removed from the physical custody of the child's
10 parents ~~for placement pursuant to section 232.102~~ for
11 at least twelve of the last eighteen months, or for
12 the last twelve consecutive months and any trial
13 period at home has been less than thirty days.
14 Sec. 12. Section 232.116, subsection 1, paragraph
15 g, subparagraph (3), Code 1991, is amended to read as
16 follows:
17 (3) The ~~custody of the~~ child has been ~~transferred~~
18 removed from the physical custody of the child's
19 parents ~~for placement pursuant to section 232.102~~ for
20 at least six months of the last twelve months, or for
21 the last six consecutive months and any trial period
22 at home has been less than thirty days.
23 Sec. 13. Section 237.3, Code 1991, is amended by
24 adding the following new subsection:
25 NEW SUBSECTION. 8. The department, in

26 consultation with the judicial department, the
27 division of criminal and juvenile justice planning of
28 the department of human rights, residential treatment
29 providers, the foster care provider association, and
30 other parties which may be affected, shall review the
31 licensing rules pertaining to residential treatment
32 facilities, and examine whether the rules allow the
33 facilities to accept and provide effective treatment
34 to juveniles with serious problems who might not
35 otherwise be placed in those facilities.
36 Sec. 14. Section 237.15, subsection 1, paragraph
37 i, Code Supplement 1991, is amended to read as
38 follows:
39 i. When a child is sixteen years of age or older,
40 a written plan of services which, based upon an
41 assessment of the child's needs, would assist the
42 child in preparing for the transition from foster care
43 to independent living. If the child is interested in
44 pursuing higher education, the plan shall provide for
45 the child's participation in the college student aid
46 commission's program of assistance in applying for
47 federal and state aid under section 261.2.
48 Sec. 15. Section 261.2, Code 1991, is amended by
49 adding the following new subsection:
50 NEW SUBSECTION. 15. Develop and implement, in

Page 5

1 cooperation with the department of human services and
2 the judicial department, a program to assist juveniles
3 who are sixteen years of age or older and who have a
4 case permanency plan under chapter 232 or 237 or are
5 otherwise under the jurisdiction of chapter 232 in
6 applying for federal and state aid available for
7 higher education.
8 Sec. 16. Section 282.29, Code 1991, is amended by
9 adding the following new unnumbered paragraph:
10 NEW UNNUMBERED PARAGRAPH. If a child who is not
11 identified as requiring special education services is
12 placed for treatment in a facility located outside of
13 this state, the department of revenue and finance
14 shall pay the child's educational costs for the period
15 of time the child is placed at that facility. The
16 payment for the costs shall be based upon the average
17 per pupil tuition and transportation costs for the
18 school district in which the facility is located. The
19 amount paid by the department of revenue and finance
20 shall be deducted monthly from the state foundation
21 aid paid under section 257.16 during the remainder of
22 the fiscal year to all school districts in the state.
23 Sec. 17. Section 321.178, subsection 1, unnumbered
24 paragraph 1, Code Supplement 1991, is amended to read

25 as follows:
26 An approved driver education course as programmed
27 by the department of education shall consist of at
28 least thirty clock hours of classroom instruction, and
29 six or more clock hours of laboratory instruction of
30 which at least three clock hours shall consist of
31 street or highway driving. An approved course shall
32 include a minimum of ~~two~~ four hours of classroom
33 instruction concerning substance abuse as part of its
34 curriculum. After the student has completed three
35 clock hours of street or highway driving and has
36 demonstrated to the instructor an ability to properly
37 operate a motor vehicle and upon written request of a
38 parent or guardian, the instructor may waive the
39 remaining required laboratory instruction.
40 Sec. 18. NEW SECTION. 321J.23 LEGISLATIVE
41 FINDINGS.
42 The general assembly finds and declares as follows:
43 1. Drivers often do not realize the consequences
44 of drinking alcohol or using other drugs, and driving
45 a motor vehicle.
46 2. Prompt intervention is needed to protect
47 society, including drivers, from death or serious
48 long-term injury.
49 3. The conviction of a driver for operating while
50 intoxicated identifies that person as a risk to the

Page 6

1 health and safety of others, as well as to the
2 intoxicated driver.
3 4. Close observation of the effects on others of
4 alcohol and drug use by an intoxicated driver
5 convicted of operating while intoxicated may have a
6 marked effect on recidivism and should therefore be
7 encouraged by the courts.
8 5. The reality education substance abuse
9 prevention program provides guidelines for the
10 operation of an intensive program to discourage
11 recidivism.
12 Sec. 19. NEW SECTION. 321J.24 COURT-ORDERED
13 VISITATION FOR OFFENDERS — IMMUNITY FROM LIABILITY.
14 1. As used in this section, unless the context
15 otherwise requires:
16 a. "Appropriate victim" means a victim whose
17 condition demonstrates the results of a motor vehicle
18 accident involving intoxicated drivers without being
19 excessively traumatic to the participant, as
20 determined by the tour supervisor.
21 b. "Participant" means a person who is sixteen
22 years of age or older but under the age of twenty-one,
23 and who is ordered by the court to participate in the

24 reality education substance abuse prevention program.
25 c. "Program" means the reality education substance
26 abuse prevention program.
27 d. "Program coordinator" means a person appointed
28 by the court to coordinate the person's participation
29 in the program.
30 e. "Tour supervisor" means a person selected by a
31 participant's program coordinator to supervise a tour.
32 2. A reality education substance abuse prevention
33 program is established in those judicial districts
34 where the chief judge of the judicial district
35 authorizes participation in the program. Upon a
36 conviction or adjudication for a violation of section
37 321J.2, or the entry of a deferred judgment concerning
38 a violation of section 321J.2, the court or juvenile
39 court, with the consent of the defendant or delinquent
40 child, may order a defendant who is sixteen years of
41 age or older but under the age of twenty-one or
42 delinquent child who is sixteen years of age or older
43 to participate in the reality education substance
44 abuse prevention program as a term and condition of
45 probation or disposition in addition to any other term
46 or condition of probation or disposition required or
47 authorized by law. The court or juvenile court shall
48 require the defendant or delinquent child to abstain
49 from consuming any controlled substance, alcoholic
50 liquor, wine, or beer before reaching age twenty-one

Page 7

1 while participating in the program.
2 3. The court or juvenile court shall consult with
3 the defendant or delinquent child and the defendant's
4 or delinquent child's attorney, if any, and may
5 consult with any other person, including but not
6 limited to the defendant's or delinquent child's
7 parents or other family members, to determine if the
8 defendant or delinquent child is suitable for the
9 participation in the program, if the program will be
10 educational and meaningful to the defendant or
11 delinquent child, and if any physical, emotional,
12 mental, or other reasons exist which indicate that the
13 program would be inappropriate or would cause any
14 injury to the defendant or delinquent child.
15 4. The court or juvenile court may appoint a
16 program coordinator, to coordinate all tours and
17 select appropriate tour supervisors for each tour.
18 The program coordinator shall monitor compliance by
19 contacting each tour supervisor following the
20 completion of a tour.
21 5. The court or juvenile court may include a
22 requirement for a supervised educational tour by the

23 defendant or delinquent child to any or all of the
24 following:
25 a. A hospital or other emergency medical care
26 facility which regularly receives victims of motor
27 vehicle accidents, to observe treatment of appropriate
28 victims of motor vehicle accidents involving
29 intoxicated drivers, under the supervision of a
30 registered nurse, physician, paramedic, or emergency
31 medical technician.
32 b. A facility for the treatment of chemical
33 substance abuse as defined in section 125.2, under the
34 supervision of appropriately licensed medical
35 personnel.
36 c. If approved by the state or county medical
37 examiner, a morgue or a similar facility to receive
38 appropriate educational material and instruction
39 concerning damage caused by the consumption of alcohol
40 or other drugs, under the supervision of the county
41 medical examiner or deputy medical examiner.
42 However, the court or juvenile court shall not
43 order the defendant or delinquent child to participate
44 in a supervised education tour of a hospital or other
45 facility specified in this subsection, unless the
46 hospital or facility agrees to participate in the
47 program.
48 6. Prior to a tour, the program coordinator shall
49 explain and discuss the experiences which may be
50 encountered during the tour to the participant. If

Page 8

1 the program coordinator determines at any time before
2 or during a tour that the tour may be traumatic or
3 otherwise inappropriate for the participant, the
4 program coordinator shall terminate the tour without
5 prejudice to the participant.
6 7. The court or juvenile court may order a
7 personal conference after the tours with the
8 participant, the participant's attorney, if any, and
9 any other persons if available and deemed necessary by
10 the court or juvenile court, to discuss the
11 experiences of the participant in the program and how
12 those experiences may impact the participant's
13 conduct. The court or juvenile court may order the
14 participant to write a report or letter concerning the
15 participant's experiences in the program.
16 8. Tour supervisors and facilities toured during
17 the program are not liable for any civil damages
18 resulting from injury to the participant, or civil
19 damages caused by the participant during or from any
20 activities related to a tour, except for willful or
21 grossly negligent acts intended to, or reasonably

22 expected to result in, such injury or damage.
23 9. The chief judge of the judicial district shall
24 determine fees to be paid by participants in the
25 program. The judicial department shall use the fees
26 to pay all costs associated with the program. The
27 court shall either require the participant to pay the
28 fee in order to participate in the program, or may
29 waive the fee or collect a lesser amount upon a
30 showing of cause.
31 Sec. 20. Section 910A.14, subsections 1 and 2,
32 Code 1991, are amended to read as follows:
33 1. A court may, upon its own motion or upon motion
34 of any party, order that the testimony of a ~~child~~
35 minor, as defined in section ~~702.5~~ 599.1, be taken in
36 a room other than the courtroom and be televised by
37 closed circuit equipment in the courtroom to be viewed
38 by the court. Only the judge, parties, counsel,
39 persons necessary to operate the equipment, and any
40 person whose presence, in the opinion of the court,
41 would contribute to the welfare and well-being of the
42 ~~child~~ minor may be present in the room with the ~~child~~
43 minor during the ~~child's~~ minor's testimony. In
44 addition, upon a finding of necessity, the court may
45 allow the testimony of a victim or witness with a
46 mental illness, mental retardation, or other
47 developmental disability to be taken as provided in
48 this subsection, regardless of the age of the victim
49 or witness.
50 2. The court may, upon its own motion or upon

Page 9

1 motion of a party, order that the testimony of a ~~child~~
2 minor, as defined in section ~~702.5~~ 599.1, be taken by
3 recorded deposition for use at trial, pursuant to rule
4 of criminal procedure 12(2)(b). In addition to
5 requiring that such testimony be recorded by
6 stenographic means, the court may on motion and
7 hearing, and upon a finding that the ~~child~~ minor is
8 unavailable as provided in Iowa rules of evidence
9 804(a), order the videotaping of the ~~child's~~ minor's
10 testimony for viewing in the courtroom by the court.
11 The videotaping shall comply with the provisions of
12 rule of criminal procedure 12(2)(b), and shall be
13 admissible as evidence in the trial of the cause. In
14 addition, upon a finding of necessity, the court may
15 allow the testimony of a victim or witness with a
16 mental illness, mental retardation, or other
17 developmental disability to be taken as provided in
18 this subsection, regardless of the age of the victim
19 or witness.
20 Sec. 21. Section 910A.15, unnumbered paragraph 1,

21 Code 1991, is amended to read as follows:
22 A prosecuting witness who is a child, ~~as defined in~~
23 ~~section 702.5~~ under the age of eighteen, in a case
24 involving a violation of chapter 709 or section 726.2,
25 726.3, 726.6, or 728.12, is entitled to have the
26 witness's interests represented by a guardian ad litem
27 at all stages of the proceedings arising from such
28 violation. The guardian ad litem shall be a
29 practicing attorney and shall be designated by the
30 court after due consideration is given to the desires
31 and needs of the child and the compatibility of the
32 child and the child's interests with the prospective
33 guardian ad litem. If a guardian ad litem has
34 previously been appointed for the child in a
35 proceeding under chapter 232 or a proceeding in which
36 the juvenile court has waived jurisdiction under
37 section 232.45, the court shall appoint the same
38 guardian ad litem under this section. The guardian ad
39 litem shall receive notice of and may attend all
40 depositions, hearings and trial proceedings to support
41 the child and advocate for the protection of the child
42 but shall not be allowed to separately introduce
43 evidence or to directly examine or cross-examine
44 witnesses. However, the guardian ad litem shall file
45 reports to the court as required by the court.
46 DIVISION II
47 CRIMINAL AND JUVENILE JUSTICE
48 Sec. 22. Section 232.8, Code Supplement 1991, is
49 amended by adding the following new subsection:
50 NEW SUBSECTION. 6. The supreme court shall

Page 10

1 prescribe rules under section 602.4202 to resolve
2 jurisdictional and venue issues when juveniles who are
3 placed in another court's jurisdiction are alleged to
4 have committed subsequent delinquent acts.
5 Sec. 23. Section 232.8, Code Supplement 1991, is
6 amended by adding the following new subsection:
7 NEW SUBSECTION. 7. The juvenile court shall
8 retain jurisdiction over persons who attain their
9 eighteenth birthday, as necessary to effectuate the
10 provisions of sections 232.50 and 232.52 through
11 232.54 pertaining to the youthful offender program,
12 for a period of up to three years beyond the de-
13 linquent's eighteenth birthday.
14 Sec. 24. Section 232.22, subsection 1, Code
15 Supplement 1991, is amended to read as follows:
16 1. ~~No~~ A child shall not be placed in detention
17 unless one of the following conditions is met:
18 a. The child is being held under warrant for
19 another jurisdiction; ~~or~~.

20 b. The child is an escapee from a juvenile
21 correctional or penal institution; ~~or~~.
22 c. There is probable cause to believe that the
23 child has violated conditions of release imposed under
24 section 232.44, subsection 5, paragraph "b", 232.52,
25 or 232.54 and there is a substantial probability that
26 the child will run away or otherwise be unavailable
27 for subsequent court appearance; ~~or~~.
28 d. There is probable cause to believe the child
29 has committed a delinquent act, and one of the
30 following conditions is met:
31 (1) There is a substantial probability that the
32 child will run away or otherwise be unavailable for
33 subsequent court appearance; ~~or~~.
34 (2) There is a serious risk that the child if
35 released may commit an act which would inflict serious
36 bodily harm on the child or on another; ~~or~~.
37 (3) There is a serious risk that the child if
38 released may commit serious damage to the property of
39 others.
40 Sec. 25. Section 232.22, subsection 1, Code
41 Supplement 1991, is amended by adding the following
42 new paragraph:
43 NEW PARAGRAPH. e. There is probable cause to
44 believe that the child has committed a delinquent act
45 involving possession with intent to deliver any of the
46 following controlled substances:
47 (1) A mixture or substance containing cocaine
48 base, also known as crack cocaine, and if the act was
49 committed by an adult, it would be a violation of
50 section 204.401, subsection 1, paragraph "a",

Page 11

1 subparagraph (3), paragraph "b", subparagraph (3), or
2 paragraph "c", subparagraph (3).
3 (2) A mixture or substance containing cocaine, its
4 salts, optical and geometric isomers, and salts of
5 isomers, and if the act was committed by an adult, it
6 would be a violation of section 204.401, subsection 1,
7 paragraph "a", subparagraph (2), subparagraph
8 subdivision (b), paragraph "b", subparagraph (2),
9 subparagraph subdivision (b), or paragraph "c", sub-
10 paragraph (2), subparagraph subdivision (b).
11 (3) A mixture or substance containing
12 methamphetamine, its salts, isomers, and salts of
13 isomers, and if the act was committed by an adult, it
14 would be a violation of section 204.401, subsection 1,
15 paragraph "c", subparagraph (6).
16 Sec. 26. Section 232.50, Code 1991, is amended by
17 adding the following new subsection:
18 NEW SUBSECTION. 5. If a child is sixteen years of

19 age or older, at the dispositional hearing, the court
20 shall determine if jurisdiction of the child should be
21 extended beyond the age of eighteen. Extended
22 jurisdiction determinations shall be consistent with
23 the rules and provisions of the youthful offender
24 program as set forth in sections 234.50 through
25 234.53. Subject to the other limitations contained in
26 this subsection, the court may extend jurisdiction for
27 participation in the youthful offender program upon
28 finding each of the following:
29 a. The child is sixteen years of age or older and
30 would qualify for placement at the state training
31 school pursuant to section 232.52, subsection 2,
32 paragraph "e".
33 b. The child falls within the other qualifications
34 and limitations of the youthful offender program
35 pursuant to section 234.53.
36 c. Participation in the youthful offender program
37 is necessary for the rehabilitation of the child.
38 Upon finding each of the factors listed in
39 paragraphs "a" through "c", the court shall provide
40 equal access to the youthful offender program.
41 Sec. 27. Section 232.52, subsection 2, paragraph
42 d, Code Supplement 1991, is amended by adding the
43 following new subparagraph:
44 NEW SUBPARAGRAPH. (4) The department of human
45 services for purposes of placement at a youthful
46 offender program facility established pursuant to
47 section 234.53. In addition to making each of the
48 findings specified in section 232.50, subsection 5,
49 prior to transferring custody for placement in a
50 youthful offender program facility, the court must

Page 12

1 find that the delinquent meets the qualifications for
2 placement in such a facility pursuant to section
3 234.53, subsection 6.
4 Sec. 28. Section 232.52, Code Supplement 1991, is
5 amended by adding the following new subsection:
6 NEW SUBSECTION. 10. If the court has determined
7 that jurisdiction of the delinquent is to be extended
8 beyond the age of eighteen pursuant to section 232.50,
9 subsection 5, or section 232.54, subsection 7, for
10 participation in the youthful offender program, any of
11 the dispositions provided in this section may be
12 ordered. All conditions and requirements affecting
13 court orders, dispositions, or dispositional reviews
14 in this section shall apply to an order or proceeding
15 involving a person over whom jurisdiction has been
16 extended for participation in the youthful offender
17 program.

18 Sec. 29. Section 232.53, subsection 2, Code 1991,
19 is amended to read as follows:
20 2. ~~All~~ Except as otherwise specifically provided
21 in subsection 5, all dispositional orders entered
22 prior to the child attaining the age of seventeen
23 years and six months shall automatically terminate
24 when the child becomes eighteen years of age.
25 Dispositional orders entered subsequent to the child
26 attaining the age of seventeen years and six months
27 and prior to the child's eighteenth birthday shall
28 automatically terminate one year after the date of
29 disposition, except as otherwise provided in extending
30 jurisdiction for participation in the youthful
31 offender program pursuant to section 232.50,
32 subsection 5, or section 232.54, subsection 7. In the
33 case of an adult within the jurisdiction of the court
34 under the provisions of section 232.8, subsection 1,
35 the dispositional order shall automatically terminate
36 one year after the last date upon which jurisdiction
37 could attach.
38 Sec. 30. Section 232.53, Code 1991, is amended by
39 adding the following new subsection:
40 NEW SUBSECTION. 5. Notwithstanding any other
41 provision of this section or any other law to the
42 contrary, a disposition over a person as to whom the
43 court has extended its jurisdiction pursuant to
44 section 232.50, subsection 5, or section 232.54,
45 subsection 7, for participation in the youthful
46 offender program, may remain in effect for a period of
47 up to three years from the person's eighteenth
48 birthday, unless the time period would be in excess of
49 the maximum possible duration of the sentence which
50 may be imposed on an adult for the commission of the

Page 13

1 act which the person has been found by the court to
2 have committed.
3 Sec. 31. Section 232.54, Code 1991, is amended by
4 adding the following new subsection:
5 NEW SUBSECTION. 7. Upon application of a juvenile
6 court officer, the department, a person or agency to
7 whom custody has been transferred, the child who is
8 the subject of the order, or upon its own motion, the
9 court may order the jurisdiction of the child to be
10 extended beyond the person's eighteenth birthday in
11 order for the person to participate in the youthful
12 offender program, and may continue or modify the
13 current dispositional order or enter a substituted
14 dispositional order. The court shall not grant the
15 application unless the court finds each of the
16 criteria established in section 232.50, subsection 5.

17 The continued or modified dispositional order or
18 substituted dispositional order shall follow the
19 qualifications, conditions, and limitations set forth
20 in section 232.53, subsection 5, and sections 232.50
21 through 232.53. Notice shall be afforded all parties,
22 and a hearing shall be held at the request of any
23 party or upon the court's own motion.
24 Sec. 32. Section 232.148, subsection 2, Code 1991,
25 is amended to read as follows:
26 2. Fingerprints and photographs of a child who has
27 been taken into custody and who is fourteen years of
28 age or older may be taken and filed by a criminal
29 justice agency investigating the commission of a
30 public offense constituting a felony or an aggravated
31 misdemeanor. ~~However, fingerprint and photograph~~
32 ~~files of a child who enters into an informal~~
33 ~~adjustment or consent decree shall be retained only if~~
34 ~~the child is notified at the time of entering into the~~
35 ~~informal adjustment or consent decree that the files~~
36 ~~will be permanently retained by the criminal justice~~
37 ~~agency.~~
38 Sec. 33. Section 233.2, Code 1991, is amended to
39 read as follows:
40 233.2 PENALTY — NOT A BAR.
41 A violation of section 233.1 is ~~a simple~~ an
42 aggravated misdemeanor. A conviction does not bar a
43 prosecution of the convicted person for ~~an~~ another
44 indictable offense when the acts which caused or
45 contributed to the delinquency or dependency of the
46 child are indictable.
47 Sec. 34. NEW SECTION. 234.50 YOUTHFUL OFFENDER
48 ADVISORY COMMITTEE ESTABLISHED — RULES.
49 1. The department of human services shall
50 establish a youthful offender advisory committee. The

Page 14

1 advisory committee shall consist of nine members, with
2 five voting members as follows:
3 a. A representative of the department of human
4 services, appointed by the director.
5 b. A representative of the judicial department,
6 appointed by the chief justice of the supreme court.
7 c. A representative of the division of criminal
8 and juvenile justice planning of the department of
9 human rights, appointed by the administrator of the
10 division of criminal and juvenile justice planning.
11 d. A representative of the department of
12 corrections, appointed by the director of the
13 department of corrections.

14 e. A representative of youth service providers,
15 appointed by the director of the department of human
16 services from a list of names provided by youth
17 service providers.
18 The nonvoting members of the advisory committee
19 shall be two state representatives, one appointed by
20 the speaker of the house of representatives and one by
21 the minority leader of the house, and two state
22 senators, one appointed by the majority leader of the
23 senate and one by the minority leader of the senate.
24 2. Except as otherwise provided for the initial
25 appointments, voting members shall be appointed for
26 four-year terms and nonvoting members shall be
27 appointed for two-year terms, commencing in May 1 in
28 the year of appointment and expiring on April 30 in
29 the year of expiration. A member shall serve no more
30 than two consecutive terms, excluding the terms of the
31 initial advisory committee.
32 3. Vacancies shall be filled in the same manner as
33 original appointments. A vacancy shall be filled for
34 the unexpired term.
35 4. The advisory committee shall elect a
36 chairperson from among its own voting members.
37 5. Voting members of the advisory committee shall
38 be paid their actual and necessary expenses incurred
39 in the performance of their duties as provided in
40 section 7E.6. Nonvoting members shall be paid their
41 actual and necessary expenses from the funds
42 appropriated under section 2.12.
43 6. The advisory committee shall meet at least
44 every other month and may hold special meetings on the
45 call of the chairperson or as requested by a quorum of
46 the advisory committee. A majority of the voting
47 members shall constitute a quorum.
48 7. The department of human services shall adopt
49 rules as necessary for the operation of the advisory
50 committee in the performance of its duties.

Page 15

1 Sec. 35. NEW SECTION. 234.51 ADMINISTRATIVE
2 ACTIVITIES.
3 The administrative functions and staff services of
4 the youthful offender advisory committee shall be
5 performed by the department of human services. The
6 advisory committee shall be located in the department
7 of human services offices.
8 Sec. 36. NEW SECTION. 234.52 DUTIES OF ADVISORY
9 COMMITTEE.
10 The youthful offender advisory committee shall do
11 all of the following:

12 1. Establish a youthful offender program as
13 provided in this chapter.
14 2. Annually report the results of its activities
15 to the governor and the general assembly.
16 3. Perform other duties as specified by law.
17 Sec. 37. NEW SECTION. 234.53 YOUTHFUL OFFENDER
18 PROGRAM.
19 1. As used in this section, unless the context
20 otherwise requires, "youthful offender" means a person
21 who is sixteen years of age or older, who is subject
22 to delinquency proceedings of the juvenile court
23 pursuant to chapter 232, and who would qualify for
24 placement at the state training school pursuant to
25 section 232.52, subsection 2, paragraph "e".
26 2. The youthful offender advisory committee shall
27 establish a youthful offender program. The youthful
28 offender program shall be designed to meet the needs
29 of one hundred four youthful offenders, with a limit
30 of thirteen youthful defenders from each judicial
31 district, on or before October 1, 1993, until April 1,
32 1995. After April 1, 1995, the youthful offender
33 program shall be designed to meet the needs of eighty
34 youthful offenders, with a limit of ten youthful
35 offenders from each judicial district.
36 3. The youthful offender program shall be designed
37 to meet the needs of youthful offenders with intensive
38 programming needs, including but not limited to
39 youthful offenders having a dual diagnosis.
40 4. The advisory committee may establish youthful
41 offender program facilities in more than one location,
42 and may include public and private facilities. The
43 department of human services shall assist the advisory
44 committee by issuing requests for proposals and
45 entering into contracts with other state agencies,
46 political subdivisions, or others, including private
47 individuals or entities, to establish youthful
48 offender program facilities, as determined necessary
49 by the advisory committee. In addition, if the
50 advisory committee determines that a youthful offender

Page 16

1 program facility should be operated by the department
2 of human services, and a facility is available to meet
3 the needs of the youthful offender program as designed
4 by the advisory committee, the department of human
5 services shall operate a youthful offender program
6 facility and include the youthful offender program
7 facility in the department's budget proposals.
8 5. If the court orders a youth adjudicated as
9 delinquent placed in a youthful offender program
10 facility, the youth may be transferred originally to

11 the diagnosis and evaluation center at the state
12 training school at Eldora for the identification of
13 appropriate treatment needs. Upon undergoing an
14 initial diagnosis and evaluation screening at the
15 state training school, the department of human
16 services shall place the youthful offender in a
17 youthful offender program facility or file a motion
18 with the court to modify the dispositional order.
19 6. a. The court shall not order a person under
20 the age of eighteen placed in a youthful offender
21 program facility unless the child meets the
22 qualification and limitations specified in this
23 section, and the court finds each of the following:
24 (1) Placement in the youthful offender program
25 facility is necessary for the rehabilitation of the
26 child.
27 (2) Placement in the youthful offender program
28 facility is in the best interests of the child and the
29 community.
30 b. In making the determination as to whether a
31 child should be placed in a youthful offender program
32 facility pursuant to paragraph "a", the court shall
33 examine the following factors:
34 (1) The nature of the delinquent act and the
35 circumstances under which it was committed.
36 (2) The nature and extent of the child's prior
37 contacts with juvenile authorities, including past
38 efforts of such authorities to treat and rehabilitate
39 the child and the response to such efforts.
40 (3) The programs, facilities, and personnel
41 available in the youthful offender program facilities
42 as opposed to other programs, facilities, and
43 personnel available to the juvenile court for
44 rehabilitation and treatment of the child.
45 c. The court shall not order a person eighteen
46 years of age or older to a youthful offender program
47 facility unless the person meets the qualifications
48 and limitations specified in this section, other
49 measures taken have been inadequate to rehabilitate
50 the person, and the court determines that placement in

Page 17

1 the youthful offender program facility is necessary
2 for the rehabilitation of the person.
3 7. The advisory committee shall establish specific
4 guidelines for the youthful offender program
5 facilities to utilize in working with the court to
6 provide follow-up services, transitional services,
7 supervision, and after care for persons released from
8 the facilities.

9 Sec. 38. Section 614.1, Code Supplement 1991, is
10 amended by adding the following new subsection:
11 NEW SUBSECTION. 13. RACKETEER INFLUENCED CORRUPT
12 ORGANIZATIONS ACT. A civil action for a violation of
13 the racketeer influenced corrupt organizations Act
14 shall be brought within the period specified in
15 section 733.9.
16 Sec. 39. NEW SECTION. 733.1 SHORT TITLE.
17 This chapter shall be known and may be cited as the
18 "Racketeer Influenced and Corrupt Organizations (RICO)
19 Act".
20 Sec. 40. NEW SECTION. 733.2 DEFINITIONS.
21 As used in this chapter, unless the context
22 otherwise requires:
23 1. "Documentary material" or "material" means any
24 book, paper, document, writing, drawing, graph, chart,
25 photograph, phonograph record, magnetic tape, computer
26 printout, other data compilation from which
27 information can be obtained or from which information
28 can be translated into useable form, or any other
29 tangible item.
30 2. "Enterprise" means any individual, sole
31 proprietorship, partnership, corporation, business
32 trust, or other profit or nonprofit legal entity, and
33 includes but is not limited to any union, association,
34 or group of individuals associated in fact although
35 not a legal entity, and both illicit and licit
36 enterprises and governmental and nongovernmental
37 entities.
38 3. "Pattern of racketeering activity" means
39 engaging in at least two incidents of racketeering
40 activity that have the same or similar intents,
41 results, accomplices, victims, or methods of
42 commission, or otherwise are interrelated by
43 distinguishing characteristics, including a nexus to
44 the same enterprise, and are not isolated incidents,
45 provided at least one of the incidents occurred on or
46 after July 1, 1992, and that the last of the incidents
47 occurred within five years after a prior incident of
48 racketeering activity.
49 4. "Pecuniary value" means any of the following:
50 a. Anything of value in the form of money, a

Page 18

1 negotiable instrument, a commercial interest, or
2 anything else the primary significance of which is
3 economic advantage.
4 b. Any other property or service that has a value
5 in excess of one hundred dollars.

6 5. "Person" means any individual or entity capable
7 of holding a legal or beneficial interest in real or
8 personal property.
9 6. "Racketeering activity" means to commit, to
10 attempt to commit, to conspire to commit, or to
11 solicit, coerce, or intimidate another person to
12 commit conduct which constitutes a public offense in
13 violation of any of the following provisions:
14 a. Chapter 204, relating to controlled substances.
15 b. Chapter 707, homicide and related offenses.
16 c. Section 708.3, assault while participating in a
17 felony.
18 d. Section 708.4, willful injury.
19 e. Section 708.5, administering harmful
20 substances.
21 f. Section 708.6, terrorism.
22 g. Section 708.8, going armed with intent.
23 h. Chapter 709, sexual abuse and related offenses.
24 i. Sections 710.2 through 710.5, kidnapping and
25 child stealing.
26 j. Section 710.7, false imprisonment.
27 k. Chapter 711, robbery and extortion.
28 l. Chapter 712, arson and related offenses.
29 m. Sections 713.3 and 713.4, burglary in the first
30 degree and attempted burglary in the first degree.
31 n. Section 723A.2, criminal gang participation.
32 o. Section 724.3, unauthorized possession of
33 offensive weapons.
34 p. Chapter 725, vice provisions.
35 7. "Unlawful debt" means any money or other thing
36 of value constituting principal or interest of a debt
37 that is legally unenforceable in the state in whole or
38 in part because the debt was incurred or contracted in
39 gambling activity or in the business of lending money
40 at a usurious rate, in violation of state or federal
41 law.
42 Sec. 41. NEW SECTION. 733.3 RACKETEERING
43 PROHIBITED.
44 1. It is unlawful for any person who has knowingly
45 received any proceeds derived, directly or indirectly,
46 from a pattern of racketeering activity or through the
47 collection of an unlawful debt to use or invest,
48 whether directly or indirectly, any part of such
49 proceeds, or the proceeds derived from the investment
50 or use thereof, in the acquisition of any title to, or

Page 19

1 any right, interest, or equity in, real property or in
2 the establishment or operation of any enterprise.
3 2. It is unlawful for any person, through a
4 pattern of racketeering activity or through the

5 collection of an unlawful debt, to acquire or
6 maintain, directly or indirectly, any interest in or
7 control of any real property or enterprise.
8 3. It is unlawful for any person employed by, or
9 associated with, any enterprise to conduct or
10 participate, directly or indirectly, in the enterprise
11 through a pattern of racketeering activity or the
12 collection of an unlawful debt.
13 4. It is unlawful for any person to conspire or
14 endeavor to violate any of the provisions of
15 subsections 1 through 3.
16 Sec. 42. NEW SECTION. 733.4 CRIMINAL PENALTIES.
17 A person who violates section 733.3 commits a class
18 "D" felony. Notwithstanding section 902.9, in lieu of
19 the fine authorized by section 902.9, if a person
20 violates this section and derives a pecuniary value or
21 causes personal injury, property damage, or other
22 loss, the court may sentence the person to pay a fine
23 that does not exceed three times the gross value
24 gained or three times the gross loss caused, whichever
25 is greater, plus court costs and the costs of
26 investigation and prosecution, reasonably incurred.
27 Prior to imposing a fine in excess of the amount
28 authorized in section 902.9, the court shall hold a
29 hearing to determine the amount of the fine.
30 Sec. 43. NEW SECTION. 733.5 INJUNCTIVE RELIEF.
31 1. The attorney general, a county attorney, or any
32 person aggrieved by a violation of section 733.3 may
33 seek injunctive relief, and the court may grant
34 injunctive relief in either a civil or criminal action
35 alleging a violation of section 733.3. However, an
36 injunction by the court entered pursuant to this
37 section shall make due provision for the rights of
38 persons who have not acted in violation of section
39 733.3.
40 2. Orders and judgments entered pursuant to this
41 section relating to a violation of section 733.3 may
42 include, but are not limited to, the following:
43 a. Divestiture by the defendant of any interest in
44 any enterprise, including but not limited to real
45 property.
46 b. The imposition of reasonable restrictions upon
47 the future activities or investments of any defendant,
48 including, but not limited to, prohibiting any
49 defendant from engaging in the same type of endeavor
50 as the enterprise in which the defendant was engaged

Page 20

1 in violation of section 733.3.
2 c. The dissolution or reorganization of any
3 enterprise.

4 d. The suspension or revocation of a license,
5 permit, or prior approval granted to any enterprise by
6 any agency of the state.
7 e. The revocation and surrender of the articles of
8 incorporation of a corporation organized under the
9 laws of the state, or the revocation and surrender of
10 a certificate of authority to transact business in the
11 state by a foreign corporation, upon finding that the
12 board of directors or a managerial agent acting on
13 behalf of the corporation, in conducting the affairs
14 of the corporation, has authorized or engaged in
15 conduct in violation of section 733.3, and that, for
16 the prevention of future criminal activity, the public
17 interest requires the articles of incorporation
18 revoked and the corporation dissolved or the
19 certificate revoked.
20 3. In a proceeding seeking relief pursuant to this
21 section, such relief shall be granted in conformity
22 with the principles that govern injunctive relief from
23 threatened loss or damage in other cases, except that
24 no showing of special or irreparable injury shall be
25 required, notwithstanding Iowa rule of civil procedure
26 321 or any other provision of law to the contrary.
27 Upon the execution of a bond against damages for an
28 injunction improvidently granted and a showing of
29 immediate danger of significant loss or damage, a
30 temporary restraining order and a preliminary
31 injunction may be issued before a final determination
32 on the merits. In an action by the attorney general
33 or a county attorney, pending final determination on
34 the merits, the court may at any time enter
35 injunctions, prohibitions, or restraining orders, or
36 take such actions, including the acceptance of
37 satisfactory performance bonds, as the court deems
38 appropriate.
39 Sec. 44. NEW SECTION. 733.6 SEIZURE AND
40 FORFEITURE LAW APPLICABLE.
41 1. In addition to any other remedy provided in
42 this chapter, the seizure and forfeiture provisions of
43 chapter 809 shall apply, and forfeited property shall
44 be disposed of in accordance with section 809.13.
45 2. An injured person shall have a right or claim
46 to forfeited property or to the proceeds of forfeited
47 property superior to any right or claim the state has
48 in the same property or proceeds.
49 Sec. 45. NEW SECTION. 733.7 CIVIL ACTIONS.
50 1. The attorney general, a county attorney, or any

Page 21

1 aggrieved person may bring a civil action for
2 injunctive relief as specified in section 733.5,
3 concerning a violation of section 733.3.
4 2. A person who is injured by reason of a
5 violation of section 733.3 shall have a cause of
6 action for three times the actual damages sustained
7 and, when appropriate, punitive damages, as well as
8 recovery of attorney fees, court costs, and other
9 costs of investigation and litigation, if such costs
10 and fees are reasonably incurred.
11 3. The attorney general or a county attorney may
12 bring an action for civil penalties for any violation
13 of section 733.3. Upon proof of a violation, the
14 court shall impose a civil penalty of not more than
15 two hundred fifty thousand dollars.
16 4. In a civil action instituted by the attorney
17 general or a county attorney, regardless of the relief
18 sought, upon entry of a final judgment or decree in
19 favor of the state, the attorney general or the county
20 attorney shall be entitled to recover attorney fees,
21 court costs, and costs of investigation and
22 litigation, reasonably incurred. The amounts
23 recovered may include costs and expenses of state and
24 local governmental departments and agencies incurred
25 in connection with the investigation or litigation.
26 5. A party in any civil action brought pursuant to
27 this chapter may demand a trial by jury.
28 6. Upon application, the attorney general may
29 intervene in any civil action brought by a person
30 other than a county attorney pursuant to this chapter,
31 if the attorney general certifies that in the opinion
32 of the attorney general, the action or proceeding is
33 of general public importance. In an action in which
34 the attorney general intervenes, the state shall be
35 entitled to the same relief as if the attorney general
36 instituted the action or proceeding.
37 7. A final judgment or decree rendered in favor of
38 the state in a criminal proceeding under section 733.4
39 shall estop the defendant in any subsequent civil
40 action or proceeding brought by the attorney general
41 or any other person as to all matters as to which the
42 judgment or decree would be an estoppel as between the
43 state and the defendant.
44 8. The application of one civil remedy under any
45 provision of this chapter shall not preclude the
46 application of any other remedy, civil or criminal,
47 under this chapter or any other provision of law.
48 Civil remedies pursuant to this chapter are
49 supplemental and are not mutually exclusive.
50 Sec. 46. NEW SECTION. 733.8 INVESTIGATIVE AU-

Page 22

1 THORITY — SUBPOENA POWER.
2 1. In a civil action in which the attorney general
3 or county attorney is the plaintiff or the attorney
4 general has intervened, due to the belief that a
5 person or other enterprise has engaged in, or is
6 engaging in, a violation of this chapter, the attorney
7 general or county attorney may administer oaths or
8 affirmations, subpoena witnesses or documentary
9 material, and collect evidence pursuant to the Iowa
10 rules of civil procedure.
11 2. If documentary material that the attorney
12 general or county attorney seeks to obtain by subpoena
13 is located outside the state, the person or enterprise
14 subpoenaed may make the documentary material available
15 at the place where it is located. The attorney
16 general or county attorney may designate
17 representatives, including officials of the
18 jurisdiction in which the documentary material is
19 located, to inspect the material on behalf of the
20 attorney general or county attorney, and may respond
21 to similar requests from officials of other
22 jurisdictions.
23 3. Upon failure of a person or enterprise, without
24 lawful excuse, to obey a subpoena, and after
25 reasonable notice to the person or enterprise, the
26 attorney general or county attorney may apply to the
27 district court where the person or enterprise resides,
28 is found, or transacts business, for an order
29 compelling compliance.
30 Sec. 47. NEW SECTION. 733.9 STATUTE OF
31 LIMITATIONS.
32 Notwithstanding any other provision of law to the
33 contrary, a criminal or civil proceeding pursuant to
34 this chapter may be brought at any time within five
35 years after the conduct in violation of section 733.3
36 terminates or the cause of action accrues. If a
37 criminal prosecution or civil action or proceeding is
38 brought, or intervened in, to punish, prevent, or
39 restrain a violation of this chapter, the running of
40 the period of limitations prescribed by this section
41 with respect to any civil cause of action by a person
42 other than the attorney general or a county attorney
43 which is based in whole or in part upon the matter
44 complained of in the prosecution, action, or
45 proceeding shall be suspended during the pendency of
46 the prosecution, action, or proceeding and for two
47 years following the termination of the prosecution,
48 action, or proceeding.
49 Sec. 48. Section 802.3, Code 1991, is amended to
50 read as follows:

Page 23

1 802.3 FELONY – AGGRAVATED OR SERIOUS MISDEMEANOR
2 – RICO VIOLATIONS.
3 1. In all cases, except those enumerated in
4 subsection 2 and in sections 802.1 and 802.2, an
5 indictment or information for a felony or aggravated
6 or serious misdemeanor shall be found within three
7 years after its commission.
8 2. An action for a criminal violation of the
9 racketeer influenced corrupt organizations Act
10 pursuant to section 733.4 shall be brought within the
11 period specified in section 733.9.
12 Sec. 49. BOOT CAMP PILOT PROJECT.
13 1. The youthful offender advisory committee
14 created in section 234.50 shall establish a boot camp
15 pilot project as one of the youthful offender
16 facilities provided for in section 234.53. The
17 advisory committee shall establish the boot camp pilot
18 project to meet the needs of up to twenty-four of the
19 youthful offenders. The boot camp pilot project shall
20 not be restricted to youthful offenders from any
21 particular judicial district.
22 2. The pilot program shall be established for a
23 period commencing October 1, 1993, and ending April 1,
24 1995.
25 3. The boot camp pilot project shall emphasize job
26 training and education. The advisory committee shall
27 submit a report to the general assembly on or before
28 January 15, 1995, pertaining to the boot camp pilot
29 project and containing recommendations concerning
30 future use of boot camp facilities.
31 4. After an initial diagnosis and evaluation at
32 the state training school, the department may place
33 offenders in the boot camp pilot project upon a
34 determination that the youthful offender is
35 appropriately suited for the boot camp and may
36 reasonably be expected to be rehabilitated through
37 participation in the pilot project. However, the
38 department shall not place youthful offenders in the
39 boot camp pilot project if the offenders have a
40 chemical dependency as defined in section 125.2.
41 Sec. 50. INITIAL YOUTHFUL OFFENDER ADVISORY
42 COMMITTEE – IMPLEMENTATION – EFFECTIVE DATE.
43 1. In order to effectuate the purposes of this Act
44 and to implement the provisions of this Act pertaining
45 to the youthful offender advisory committee by July 1,
46 1992, the department of human services shall
47 coordinate the establishment of the initial youthful
48 offender advisory committee. The initial youthful
49 offender advisory committee shall be appointed in the
50 manner specified in the section of this Act

Page 24

1 establishing a new section 234.50, subsection 1, and
2 the appointing entities shall cooperate with the
3 department of human services to establish the initial
4 youthful offender advisory committee by July 1, 1992.
5 2. The terms of the initial members of the
6 advisory committee shall commence on July 1, 1992, and
7 expire as follows:
8 a. For the representative of the department of
9 human services, on April 30, 1993.
10 b. For the representative of the judicial
11 department, on April 30, 1994.
12 c. For the representative of the division of
13 criminal and juvenile justice planning, on April 30,
14 1995.
15 d. For the representative of the department of
16 corrections and the representative of youth service
17 providers, on April 30, 1996.
18 e. For the nonvoting legislative members, on April
19 30, 1993.
20 3. The department of human services shall provide
21 administrative services as are necessary to implement
22 this section. The department shall coordinate the
23 first meetings of the initial advisory committee.
24 4. This section, being deemed of immediate
25 importance, shall take effect upon enactment.
26 Sec. 51. IMPLEMENTATION AND EFFECTIVE DATE
27 CONCERNING YOUTHFUL OFFENDER PROVISIONS.
28 1. The sections of Division II of this Act which
29 amend section 232.8 by adding a new subsection 7, and
30 amend sections 232.50, 232.52, 232.53, and 232.54,
31 which provide procedures for the juvenile court to
32 order persons to participate in the youthful offender
33 program, take effect July 1, 1993.
34 2. Although the provisions cited in subsection 1
35 take effect July 1, 1993, the court shall not utilize
36 these sections unless the youthful offender program is
37 established as provided in section 234.53, subsection
38 2.
39 DIVISION III
40 EVALUATION
41 Sec. 52. Section 601K.135, Code 1991, is amended
42 by adding the following new unnumbered paragraph:
43 NEW UNNUMBERED PARAGRAPH. Beginning in 1992, the
44 division shall include in the plans, updates, and
45 reports required by this section an identification and
46 evaluation of existing juvenile treatment programs
47 based upon quantifiable goals established by the
48 division, utilizing its existing computer capacity and
49 access.
50 Sec. 53. NEW SECTION. 601K.138 MULTIAGENCY DATA

Page 25

1 BASE CONCERNING JUVENILES.
2 1. The division shall coordinate the development
3 of a multiagency data base to track the progress of
4 juveniles through various state and local agencies and
5 programs. The division shall develop a plan which
6 utilizes existing data bases, including the Iowa court
7 information system, the federally mandated national
8 adoption and foster care information system, and the
9 other state and local data bases pertaining to
10 juveniles, to the extent possible.
11 2. The department of human services, department of
12 corrections, judicial department, department of public
13 safety, department of education, local school
14 districts, and other state agencies and political
15 subdivisions shall cooperate with the division in the
16 development of the plan.
17 3. The data base shall be designed to track the
18 progress of juveniles in various programs, evaluate
19 the experiences of juveniles, and evaluate the success
20 of the services provided.
21 4. The division shall develop the plan within the
22 context of existing federal privacy and
23 confidentiality requirements. The plan shall build
24 upon existing resources and facilities to the extent
25 possible.
26 5. The plan shall include proposed guidelines for
27 the sharing of information by case management teams,
28 consisting of designated representatives of various
29 state and local agencies and political subdivisions to
30 coordinate the delivery of services to juveniles under
31 the jurisdiction of the juvenile court. The
32 guidelines shall be developed to structure and improve
33 the information sharing procedures of case management
34 teams established pursuant to any applicable state or
35 federal law or approved by the juvenile court with
36 respect to a juvenile who is the recipient of the case
37 management team services. The plan shall also contain
38 proposals for changes in state laws or rules to
39 facilitate the exchange of information among members
40 of case management teams.
41 6. The division shall submit a report on the plan
42 required by this section to the general assembly on or
43 before January 15, 1994."
44 2. Title page, by striking lines 1 through 10 and
45 inserting the following: "An Act relating to criminal
46 and juvenile justice and public programs involving
47 juveniles, making appropriations, granting the
48 juvenile court jurisdiction over chronic runaways,
49 establishing a youthful offender program and a boot
50 camp pilot project, establishing racketeer influenced

Page 26

1 corrupt organizations provisions including criminal
2 and civil penalties, increasing certain criminal
3 penalties, and providing implementation and effective
4 date provisions."

The motion lost and the House refused to concur in the Senate amendment H—5870.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2452** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2190**, a bill for an act to permit the director of the department of education to waive compliance with the minimum education standards for accredited schools under certain circumstances, and providing a repealer, previously deferred and placed on the unfinished business calendar.

Wissing of Scott offered the following amendment H—5524 filed by the committee on education and moved its adoption:

H—5524

1 Amend Senate File 2190, as passed by the Senate, as
2 follows:
3 1. Page 1, line 4, by inserting after the word
4 "standards" the following: "contained in section
5 256.11 and rules adopted by the state board of
6 education".
7 2. Page 1, line 12, by inserting after the word
8 "standards" the following: "contained in section
9 256.11 and rules adopted by the state board of
10 education".
11 3. Page 1, by inserting after line 32, the
12 following:
13 "Sec. _____. Section 256.11, subsection 5, paragraph
14 e, Code Supplement 1991, is amended to read as
15 follows:
16 e. Two additional units of ~~general~~ mathematics.
17 Sec. _____. NEW SECTION. 256.37 SCHOOL
18 RESTRUCTURING AND EFFECTIVENESS — POLICY — FINDINGS.
19 It is the policy of the state of Iowa to provide an
20 education system that prepares the children of this
21 state to meet and exceed the technological,
22 informational, and communications demands of our
23 society. The general assembly finds that the current
24 education system must be transformed to deliver the

25 enriched educational program that the adults of the
26 future will need to have to compete in tomorrow's
27 world. The general assembly further finds that the
28 education system must strive to reach the following
29 goals:
30 1. All children in Iowa must start school ready to
31 learn.
32 2. Iowa's high school graduation rate must
33 increase to at least ninety percent.
34 3. Students graduating from Iowa's education
35 system must demonstrate competency in challenging
36 subject matter, and must have learned to use their
37 minds well, so they may be prepared for responsible
38 citizenship, further learning, and productive
39 employment in a global economy.
40 4. Iowa students must be first in the world in
41 science and mathematics achievement.
42 5. Every adult Iowan must be literate and possess
43 the knowledge and skills necessary to compete in a
44 global economy and exercise the rights and
45 responsibilities of citizenship.
46 6. Every school in Iowa must be free of drugs and
47 violence and offer a disciplined environment conducive
48 to learning."
49 4. Title page, line 1, by inserting after the
50 word "Act" the following: "relating to educational

Page 2

1 standards,".
2 5. By numbering and renumbering as necessary.

The committee amendment H—5524 was adopted.

Iverson of Wright offered the following amendment H—5565 filed by Iverson, et al.:

H—5565

1 Amend Senate File 2190, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting before line 1 the follow-
4 ing:
5 "Section 1. Section 256.7, Code Supplement 1991,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 22. By July 1, 1994, adopt rules
8 relating to student matriculation that prohibit a
9 student from receiving a high school diploma unless
10 the student successfully meets the minimum standards
11 established by the department for student achievement
12 for the third, seventh, and tenth grades."
13 2. Page 1, by inserting after line 32, the
14 following:

15 "Sec. _____. Section 256.9, Code Supplement 1991, is
16 amended by adding the following new subsections:
17 NEW SUBSECTION. 47. By July 1, 1993, in
18 consultation with school districts, area education
19 agencies, and members of the general public, establish
20 a set of minimum competencies or standards that a
21 student enrolled in the third, seventh, and tenth
22 grades must meet in order to receive a high school
23 diploma. Standards adopted shall include, but are not
24 limited to, alternative standards for students
25 requiring special education under chapter 281.
26 NEW SUBSECTION. 48. By July 1, 1994, develop in
27 conjunction with local schools and school districts a
28 method or methods for assessing or measuring the
29 educational attainments of students in the third,
30 seventh, and tenth grades to determine whether the
31 students have met or have failed to meet the minimum
32 competencies or standards for student achievement.
33 Sec. _____. NEW SECTION. 280.12A STUDENT
34 ACHIEVEMENT STANDARDS – EVALUATIONS – REPORTING.
35 The board of directors of a public school district
36 and the authorities in charge of a nonpublic school,
37 in addition to the goals and plans determined and
38 implemented under section 280.12, shall implement by
39 July 1, 1995, student achievement standards
40 established by the department of education for
41 students in the third, seventh, and tenth grades. In
42 implementing the standards, schools and school
43 districts shall require all of the following:
44 1. That a student is not to receive a high school
45 diploma without having met the standards of this
46 section required of students at the third, seventh,
47 and tenth grade levels.
48 2. That a student who has not met the standards of
49 this section required of students at the third,
50 seventh, and tenth grade levels shall receive a

Page 2

1 certificate of attendance in lieu of a high school
2 diploma.
3 3. A remedial instructional program for students
4 who fail to meet the requirements in the third,
5 seventh, or tenth grade standards. The remedial
6 instructional program shall include, but is not
7 limited to, one or more conferences between the
8 parent, guardian, or custodian, the student's teacher,
9 and the principal of the school that the student is
10 attending; notification of a student's parent,
11 guardian, or custodian, if a student fails to meet the
12 school or school district achievement standards; and
13 development of an individualized education program

14 designed to assist the student in meeting the
15 standards. Students who initially fail to meet the
16 standards for the third, seventh, or tenth grade shall
17 have unlimited opportunities to meet the requirements
18 during the next succeeding year. Examination times
19 shall be scheduled at regular designated intervals
20 during a school year. Conferences between a student's
21 parent, guardian, or custodian, and school officials
22 may also include the student.
23 4. An annual report describing the results of the
24 administration of the assessment or measurement
25 methods for student achievement which shall be
26 forwarded to the department of education.
27 Sec. _____. The department of education shall by
28 January 15, 1993, report to the general assembly on
29 the status of the development of minimum student
30 standards or competencies for third, seventh, and
31 tenth grade students and the methods for assessing or
32 measuring whether students completing those grades
33 have met the standards or competencies."
34 3. Title page, line 3, by inserting after the
35 word "circumstances," the following: "providing for
36 the establishment of student performance standards,".
37 4. By numbering and renumbering as necessary.

Wise of Lee rose on a point of order that amendment H—5565 was not germane.

The Speaker ruled the point well taken and amendment H—5565 not germane.

Iverson of Wright asked for unanimous consent to consider amendment H—5565.

Objection was raised.

Iverson of Wright moved that the rules be suspended to consider amendment H—5565.

A non-record roll call was requested.

The ayes were 44, nays 50.

The motion to suspend the rules lost.

Spear of Lee offered the following amendment H—5551 filed by him and moved its adoption:

H—5551

1 Amend Senate File 2190, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking line 16 and inserting the

4 following: "district's comprehensive school
5 transformation plan as described in section 294A.14,
6 unnumbered paragraph 13, including but not".

Amendment H—5551 lost.

Wissing of Scott offered the following amendment H—5652 filed by him and Iverson of Wright and moved its adoption:

H—5652

1 Amend Senate File 2190, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 32 the
4 following:
5 "Sec. _____. Section 256.11A, subsection 3,
6 unnumbered paragraph 1, and subsection 4, unnumbered
7 paragraph 1, Code 1991, are amended to read as
8 follows:
9 Schools and school districts unable to meet the
10 standard adopted by the state board under section
11 256.17, Code Supplement 1987, and contained in section
12 256.11, subsection 9A, effective July 1, 1989,
13 requiring that on July 1, 1989, each board operating a
14 kindergarten through grade twelve program provide an
15 articulated sequential elementary-secondary guidance
16 program may, not later than January 1, 1989, for the
17 school year beginning July 1, 1989, file a written
18 request to the department of education that the
19 department waive the requirement for that school or
20 school district. The procedures specified in
21 subsection 5 apply to the request. Not later than
22 ~~January 1, 1990~~ August 1, 1992, for the school year
23 beginning July 1, ~~1990~~ 1992, the board or authorities
24 may request a one-year extension of the waiver. ~~Not~~
25 ~~later than January 1, 1991, for the school year~~
26 ~~beginning July 1, 1991, the board or authorities may~~
27 ~~request an additional one-year extension of the~~
28 ~~waiver.~~
29 Schools and school districts are not required to
30 meet the standard adopted by the state board of
31 education under section 256.17, Code Supplement 1987,
32 and contained in section 256.11, subsection 9,
33 paragraph "b", effective July 1, 1990, that requires
34 the board to establish and operate a media services
35 program to support the total curriculum until July 1,
36 1990, except as otherwise provided in this subsection.
37 Not later than ~~January~~ August 1, ~~1990~~ 1992, for the
38 school year beginning July 1, ~~1990~~ 1992, the board of
39 directors of a school district, or authorities in
40 charge of a nonpublic school, may file a written
41 request with the department of education that the

42 department waive the requirement for that district or
43 school. The procedures specified in subsection 5
44 apply to the request. ~~Not later than January 1, 1991,~~
45 ~~for the school year beginning July 1, 1991, the board~~
46 ~~of directors of a school district, or authorities in~~
47 ~~charge of a nonpublic school, may file a request for a~~
48 ~~one-year extension of the waiver.~~"
49 2. Title page, line 1, by inserting after the
50 word "Act" the following: "relating to educational

Page 2

1 standards,".
2 3. By renumbering as necessary.

Amendment H—5652 was adopted, placing out of order line 49, page 1, through line 1, page 2 of the committee amendment H—5524, previously adopted.

Iverson of Wright offered the following amendment H—5561 filed by him:

H—5561

1 Amend Senate File 2190, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 32, the
4 following:
5 "Sec. _____. Section 256.11A, subsection 2, Code
6 1991, is amended to read as follows:
7 2. Schools and school districts are not required
8 to meet the requirement stated in the standards
9 adopted by the state board under section 256.17, Code
10 Supplement 1987, that prohibits an individual who is
11 employed or contracted as superintendent from also
12 serving as a principal in that school or school
13 district ~~until July 1, 1990, except as otherwise~~
14 ~~provided in this subsection,~~ if the individual serves
15 as a principal of an elementary school that contains
16 only one section of each grade level that is taught in
17 the elementary school. ~~Not later than January 1,~~
18 ~~1990, for the school year beginning July 1, 1990, the~~
19 ~~board of directors of a school district or authorities~~
20 ~~in charge of a nonpublic school, may file a written~~
21 ~~request with the department of education that the~~
22 ~~department waive the requirement for that district or~~
23 ~~school. The procedures specified in subsection 5~~
24 ~~apply to the request.~~"
25 2. Title page, line 3, by inserting after the
26 word "circumstances," the following: "providing for
27 an exception to a minimum standard,".
28 3. By numbering and renumbering as necessary.

Wise of Lee rose on a point of order that amendment H—5561 was not germane.

The Speaker ruled the point well taken and amendment H—5561 not germane.

Daggett of Adams offered the following amendment H—5562 filed by him:

H—5562

1 Amend Senate File 2190, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 32, the
4 following:
5 "Sec. _____. NEW SECTION. 256.11B ALTERNATIVE
6 ACCREDITATION PROCESS.
7 1. As an alternative to the standards and
8 accreditation procedures contained in sections 256.11
9 and 256.11A, and the rules adopted by the state board
10 of education to implement the standards and
11 accreditation procedures, the department of education
12 shall recommend rules for adoption by the state board
13 under chapter 17A which provide for the establishment
14 of an alternative performance-based system for
15 accrediting public and nonpublic schools by the school
16 year which begins July 1, 1993. In developing
17 recommendations, the director of the department of
18 education shall appoint an advisory committee to
19 assist the department. The committee shall include,
20 but is not limited to, representatives from schools
21 and school districts of different sizes around the
22 state.
23 2. The performance-based accreditation system
24 shall be based on performance and outcome measures.
25 The measures adopted in the state board's rules shall
26 include, but are not limited to, the plans for pupil
27 performance required under section 280.12, subsection
28 1, paragraphs "c" and "d", the student achievement
29 goals developed under the guidelines established in
30 section 280.18, and a requirement that schools and
31 school districts identify the means that will be used
32 to determine and to report on the achievement of all
33 segments of the student population.
34 3. The recommendations for rules relating to the
35 alternative accreditation procedures shall include all
36 of the following:
37 a. A requirement that, by January 15 of each year,
38 the board of directors of each school district and the
39 authorities in charge of each nonpublic school, shall
40 notify the department of education of its intent to
41 seek accreditation under the alternative performance-

42 based accreditation procedures for the following
43 school year. A school district or nonpublic school
44 which notifies the department that it has chosen to be
45 accredited under this section is not subject to the
46 standards specified in sections 256.11 and 256.11A.
47 b. A procedure for determining whether a school
48 district or nonpublic school is to be accredited under
49 this section, which shall be identical to the
50 accreditation procedures contained in section 256.11,

Page 2

1 subsections 10 through 12.
2 c. A provision that, if the state board determines
3 in its review of the accreditation committee's report
4 under the alternative performance-based accreditation
5 procedures that a school or school district does not
6 meet the alternative performance-based standards, the
7 state board, in cooperation with the school or school
8 district may choose to use the accreditation standards
9 contained in sections 256.11 and 256.11A, as well as
10 the standards under this section, as part of the plan
11 prescribing the procedures to be taken by the district
12 to correct any deficiencies in meeting the alternative
13 performance-based accreditation standards.
14 d. A provision for an annual review and approval
15 process for the accreditation standards and procedures
16 established under this section, to be performed by the
17 state board of education. The process shall include,
18 but is not limited to, consideration of additional or
19 revised methods of measuring performance and outcomes
20 for the purpose of accrediting schools and school
21 districts.
22 e. A requirement that schools and school districts
23 which seek accreditation under the alternative
24 performance-based accreditation standards shall comply
25 with the practitioner licensing requirements contained
26 in chapter 260."
27 2. Title page, line 3, by inserting after the
28 word "circumstances," the following: "providing an
29 alternative method of accreditation,".
30 3. By renumbering as necessary.

Wise of Lee rose on a point of order that amendment H—5562 was not germane.

The Speaker ruled the point well taken and amendment H—5562 not germane.

Daggett of Adams moved that the rules be suspended to consider amendment H—5562.

Roll call was requested by Daggett of Adams and Van Maanen of Mahaska.

On the question "Shall the rules be suspended to consider amendment H–5562?" (S.F. 2190)

The ayes were, 45:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Metcalf
Millage	Miller	Petersen, D. F.	Plasier
Rafferty	Renken	Royer	Shoning
Siegrist	Spenner	Tyrrell	Van Maanen
Weidman			

The nays were, 53:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Brammer	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Fogarty	Gill	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hatch
Haverland	Hibbard	Holveck	Jesse
Jochum	Knapp	Koenigs	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Teaford	Wise	Wissing
Mr. Speaker Arnould			

Absent or not voting, 2:

Blanshan	Jay

The motion to suspend the rules lost.

Wissing 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. 2190)

The ayes were, 98:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau

Bisignano	Black	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker Arnould		

The nays were, none.

Absent or not voting, 2:

Blanshan	Jay

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2190** be immediately messaged to the Senate.

Ways and Means Calendar

House File 2468, a bill for an act authorizing the department of revenue and finance to enter into tax agreements with Indian tribes, 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. 2468)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker Arnould			

The nays were, none.

Absent or not voting, 3:

Blanshan	Jay	Jesse

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2468** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2167**, a bill for an act to establish a family support program, making teachers participating in the program eligible for receipt of funds under phase III of the educational excellence program, and providing effective dates, previously deferred and placed on the unfinished business calendar.

Neuhauser of Johnson offered the following amendment H—5526 filed by the committee on education and moved its adoption:

H–5526

1 Amend Senate File 2167, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. LEGISLATIVE INTENT. The general
6 assembly finds that research in child development
7 shows that the single most important factor in success
8 in school and life is the involvement of parents in
9 their children's education in order to meet the goal
10 that every child in Iowa will be ready for school. It
11 is the intent of the general assembly to ensure that
12 all children are ready for school and that parents
13 have the opportunity to learn about the developmental
14 needs of young children and values which will benefit
15 the children and society at large. These values
16 include, but are not limited to, self-discipline,
17 responsibility for oneself, hard work, kindness,
18 honesty, respect for authority, and respect for the
19 views of others. It is also the intent of the general
20 assembly to provide access to appropriate health care
21 from birth through age five."
22 2. Page 1, line 21, by striking the word "first-
23 time".
24 3. Page 1, line 23, by striking the word "three"
25 and inserting the following: "five".
26 4. Page 1, by inserting after line 33 the
27 following:
28 "A family support program shall meet multicultural
29 nonsexist guidelines. The program shall encourage
30 parents to be aware of practices that may affect
31 equitable development of children. The program shall
32 include parents in the planning, implementation, and
33 evaluation of the program. A program shall be
34 designed to meet the needs of the residents of the
35 participating district and may use unique approaches
36 to provide for those needs. The goals of a family
37 support program shall include, but are not limited to,
38 the following:
39 a. Family involvement as a key component of school
40 improvement with an emphasis on communication and
41 active family participation in family support
42 programming.
43 b. Family participation in the planning and
44 decision-making process for the program and
45 encouragement of long-term parental involvement in
46 their children's education.
47 c. Meeting the educational and developmental needs
48 of expectant parents and parents of young children.
49 d. Developmentally appropriate activities for
50 children that include those skills necessary for

Page 2

1 adaptation to both the home and school environments."
2 5. Page 1, by striking lines 34 and 35 and
3 inserting the following:
4 "2. The department of education shall develop
5 guidelines for family support programs. Program
6 components may include, but are not limited to, all of
7 the following:"
8 6. Page 2, by striking line 1.
9 7. Page 2, line 2, by inserting after the word
10 "Instruction" the following: ", techniques,".
11 8. Page 2, line 3, by inserting after the word
12 "mental," the following: "character,".
13 9. Page 2, line 5, by inserting after the word
14 "Instruction" the following: ", techniques,".
15 10. Page 2, line 6, by striking the words
16 "providing for" and inserting the following:
17 "assisting in".
18 11. Page 2, by striking line 8 and inserting the
19 following:
20 "c. Assistance to parents about learning".
21 12. Page 2, line 9, by inserting after the word
22 "for" the following: "both".
23 13. Page 2, by striking lines 25 through 32.
24 14. By striking page 3, line 29 through page 4,
25 line 8, and inserting the following:
26 "Sec. _____. NEW SECTION. 256A.5 DISTRICT ADVISORY
27 COMMITTEES.
28 The board of directors of a school district shall
29 appoint an advisory committee for each family support
30 program. The members shall include participating
31 parents and members of the community which
32 participates in the program, such as members of the
33 district's local early childhood education committees
34 and".
35 15. Page 4, line 17, by striking the word
36 "council" and inserting the following: "committee".
37 16. Page 4, line 19, by striking the word "four"
38 and inserting the following: "six".
39 17. Page 4, line 20, by striking the word
40 "council" and inserting the following: "committee".
41 18. Page 4, by inserting after line 22 the
42 following:
43 "The child development coordinating council shall
44 develop a resource directory of parent involvement
45 programs to assist districts in planning family
46 support programs."
47 19. By numbering and renumbering as necessary.

The committee amendment H—5526 was adopted.

Murphy of Dubuque in the chair at 7:56 p.m.

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. 2167)

The ayes were, 76:

Adams	Arnould, Spkr.	Baker	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Brammer	Brand
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Gill	Gipp	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
McKinney	McNeal	Mertz	Metcalf
Millage	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Rafferty	Renaud	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Wise	Wissing	Murphy Presiding

The nays were, 22:

Banks	Branstad	Corbett	Daggett
De Groot	Garman	Grubbs	Hahn
Hanson, D. R.	Iverson	Krebsbach	Kremer
Maulsby	McKean	Miller	Petersen, D. F.
Plasier	Renken	Royer	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 2:

Blanshan	Jay

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2167** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Connors of Polk called up for consideration **Senate File 260,** a bill for an act relating to the right of cities and counties to enter into lease, lease-purchase, or loan agreements, issue general or essential purpose bonds, and by requiring an election under certain conditions for real property and providing an applicability date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5864 to the House amendment:

H—5864

1 Amend the House amendment, S—5078, to Senate File
2 260, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 4, line 25, by striking the figure "1992"
5 and inserting the following: "1993".

The motion prevailed and the House concurred in the Senate amendment H—5864, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 260)

The ayes were, 96:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner

Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Murphy Presiding

The nays were, 2:

Doderer	Peterson, M. K.

Absent or not voting, 2:

Blanshan	Jay

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

Speaker Arnould in the chair at 8:20 p.m.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 260** be immediately messaged to the Senate.

MOTION TO RECONSIDER LOST

Svoboda of Tama called up for consideration the motion to reconsider filed by her from the floor and moved to reconsider the vote by which the House on April 14, 1992 refused to concur in the Senate amendment H—5856 (found on page 1336 of the House Journal) to **Senate File 2244,** a bill for an act relating to the care and feeding of swine by cooperative associations and providing an effective date.

Roll call was requested by Brown of Lucas and Hatch of Polk.

On the question "Shall the House reconsider the vote by which the House refused to concur in the Senate amendment H—5856?" (S.F. 2244)

The ayes were, 33:

Baker	Beatty	Bernau	Bisignano
Brammer	Brand	Brown	Burke
Cohoon	Connors	Diemer	Dvorsky
Eddie	Halvorson, R. N.	Hammond	Hansen, S. D.
Hatch	Hibbard	Holveck	Jesse
Jochum	McKean	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Shearer
Sherzan	Shoultz	Spenner	Wise
Mr. Speaker Arnould			

The nays were, 64:

Adams	Banks	Bartz	Beaman
Bennett	Black	Branstad	Carpenter

Chapman	Corbett	Daggett	De Groot
Dickinson	Doderer	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Harbor	Haverland	Hester
Hurley	Iverson	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Siegrist	Spear	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wissing

Absent or not voting, 3:

Blanshan	Jay	Shoning

The motion lost, placing out of order the motion to reconsider filed by Bernau of Story from the floor.

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 14, 1992, amended and passed the following bill in which the concurrence of the House is asked:

House File 2454, a bill for an act relating to efficiency in government, and making appropriations.

Also: That the Senate has on April 14, 1992, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2347, a bill for an act relating to agriculture and natural resources, by making appropriations and statutory changes, and providing effective dates.

Also: That the Senate has on April 14, 1992, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2355, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and providing for effective and applicability dates.

Also: That the Senate has on April 14, 1992, passed the following bill in which the concurrence of the House is asked:

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

JOHN F. DWYER, Secretary

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 14th day of April, 1992: House File 2390.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 13, 1992, he approved and transmitted to the Secretary of State the following bills:

Senate File 200, an act relating to soil conservation by providing for protection of land subject to a public interest.

Senate File 2145, an act relating to the use of genetic testing in employment situations by employers, employment agencies, labor organizations, and licensing agencies, and providing civil remedies.

Senate File 2266, an act relating to the property offenses of theft, fraudulent practices, false use of a credit card, criminal mischief, computer damage, and computer theft, and changing the dollar values of the property involved in order to commit various degrees of these offenses.

Senate File 2338, an act relating to the use of local sales and services tax moneys.

Senate File 2344, an act relating to the allocation of moneys by the Iowa finance authority.

Also: That on April 14, 1992, he approved and transmitted to the Secretary of State the following bills:

House File 2209, an act relating to agricultural land tenure studies.

House File 2249, an act relating to the regulation of milk and increasing certain fees.

House File 2298, an act relating to school bus inspections and providing for repeal of the Act.

House File 2322, an act relating to child day care and similar services concerning the state day care advisory committee and statewide resource and referral services.

House File 2326, an act relating to the civil penalties established for violation of utility board statutes, regulations, or orders.

House File 2403, an act relating to the notice to be given to owners of certain property held by banking or other financial organizations.

Senate File 84, an act relating to the purchase of recycled products including recycled paper by state agencies.

Senate File 2024, an act relating to the employment of a commission of veteran affairs' executive director to serve two or more counties and providing for training of executive directors of county commissions of veteran affairs.

Senate File 2059, an act relating to the theft of milk containers and the applicability of a penalty and providing an effective date.

Senate File 2063, an act authorizing the department of human services to close the Des Moines district office in reorganizing the department's field operations service delivery system and providing an effective date.

Senate File 2179, an act relating to entities and subject matter under the regulatory authority of the regulated industries unit of the division of insurance, including residential service contracts, continuing care retirement communities, perpetual care cemeteries, funeral services and merchandise, and cemetery merchandise, and providing an effective date.

Senate File 2342, an act establishing a department of human services' field services organizational structure and providing an effective date.

COMMUNICATION RECEIVED

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

DEPARTMENT OF PUBLIC HEALTH

The 1991 Annual Report, pursuant to Chapter 135.11, Code of Iowa.

PRESENTATION OF VISITORS

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

Twenty-two sixth grade students from Meservey-Thornton Elementary School, Thornton, accompanied by Alice Heitland. By Bartz of Worth.

Thirty fifth grade students from Western Hills Elementary School, West Des Moines, accompanied by Joan Strentz. By Carpenter of Polk.

Ten state government class students from Lamoni High School, Lamoni, accompanied by Brad Kunecke. By Daggett of Adams.

Thirty sixth grade students from Sheffield-Chapin Elementary School, Sheffield, accompanied by Connie Stille, Miss Patricia Morey, Mr. Tom Wolf and Mr. Charles Rabey. By Iverson of Wright.

Thirteen fourth grade students from Vernon Middle School, Marion, accompanied by Jenny Carstens. By Lundby of Linn.

Eighty fifth grade students from Audubon Middle School, Audubon, accompanied by Bob Clark. By Peterson of Carroll.

SUBCOMMITTEE ASSIGNMENTS

House File 2210

Ways and Means: Groninga, Chair; Bennett, Blanshan, Dickinson and Iverson.

Senate File 2362

Appropriations: Dvorsky, Chair; Brand and McNeal.

Senate File 2363

Appropriations: Jochum, Chair; Halvorson of Clayton and Peterson of Carroll.

Senate File 2366

Appropriations: Hammond, Chair; Hester and Teaford.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 741 Ways and Means

Relating to bond issuance elections and authorizing a political subdivision to impose an income surtax to partially fund the issuance of certain bonds.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 2364, a bill for an act relating to the time for paying of drainage or levee tax assessments and providing effective and applicability provisions.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H–5896** April 14, 1992.

AMENDMENTS FILED

H–5895	S.F.	2320	Lageschulte of Bremer Hanson of Black Hawk
H–5896	S.F.	2364	Committee on Ways and Means
H–5897	S.F.	2203	Haverland of Polk
H–5898	H.F.	2471	Peterson of Carroll
H–5899	S.F.	2271	Carpenter of Polk

H–5900	H.F.	2466	Halvorson of Webster
H–5901	H.F.	2466	Halvorson of Webster
H–5904	S.F.	2254	Connors of Polk
			Dvorsky of Johnson
			Bisignano of Polk
H–5905	H.F.	2413	Black of Jasper
H–5906	H.F.	2459	Kremer of Buchanan
H–5907	H.F.	2459	Spenner of Henry
			Spear of Lee
			Cohoon of Des Moines
H–5908	S.F.	2354	Doderer of Johnson
H–5909	H.F.	2454	Senate Amendment
H–5910	S.F.	2355	Senate Amendment
H–5911	H.F.	2466	Halvorson of Webster

On motion by McKinney of Dallas, the House adjourned at 8:46 p.m., until 9:00 a.m., Wednesday, April 15, 1992.

JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day — Sixty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 15, 1992

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

Prayer was offered by Joan Leonard, Principal, Christ the King School, Des Moines.

The Journal of Tuesday, April 14, 1992, was approved.

PETITION FILED

The following petition was received and placed on file:

By Peterson of Carroll, from three hundred eighty-five constituents of the 95th District favoring regional libraries.

SENATE MESSAGE CONSIDERED

Senate File 2367, by committee on appropriations, a bill for an act relating to and making appropriations for the fiscal year ending June 30, 1992, to various departments and agencies of state government and providing an effective date.

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 April 15, 1992, insisted on its amendment to House File 2462, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, the Wallace technology transfer foundation, INTERNET, state university of Iowa, and Iowa state university of science and technology and creating the strategic investment fund, and the members of the conference committee on the part of the Senate are: The Senator from Dallas, Senator Riordan, Chair; the Senator from Linn, Senator Running; the Senator from Audubon, Senator Hutchins; the Senator from Polk, Senator Kramer; the Senator from Chickasaw, Senator Borlaug.

Also: That the Senate has on April 13, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2197, a bill for an act relating to state and local foster care review boards.

JOHN F. DWYER, Secretary

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Arnould invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the Second Regular Session of the Seventy-fourth General Assembly were presented to the following Pages by Speaker Arnould and Minority Leader Van Maanen of Mahaska:

Julie Allen
Athena Andersen
Sara Billings
Kathleen Conwell
Jennifer Costello
Amy Marie Farley
Daniel Friederich
Tanis Geise
Anthony Goltz
Michelle Harris
Amelia Holden
Ginger Hull
Rhonda Jaennette
Angela Mason
Sarah Nordin
Amy Parsons
Joel Plantinga
Molly Richardson
Michaela Sailer
Heather Schlegel
Amy Shearer
Adam Tarr
Rosemary Valenta
Karen Warren
Renee Wickett
McCaine Zimmer

The House rose and expressed its appreciation.

SENATE AMENDMENT CONSIDERED

Schrader of Marion called up for consideration **Senate File 2257**, a bill for an act relating to the regulation of hunting preserves and providing penalties for violations, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5855, to the House amendment:

H—5855

1 Amend the House amendment, S—5418, to Senate File
2 2257, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 13, by inserting after the word
5 "released." the following: "However, not more than
6 twenty-five percent of the total number of the hen
7 pheasants which are released shall be taken on a game
8 preserve."
9 2. Page 1, by striking lines 15 through 20.

The motion lost and the House refused to concur in the Senate amendment H—5855.

Ways and Means Calendar

Senate File 2354, a bill for an act relating to the regulation of insurance, requiring certain reports to the commissioner, establishing and continuing certain requirements for insurance companies doing business in Iowa and for agents, amending provisions relating to guaranty funds, self-insurers, and charitable organizations, increasing allowable credit life insurance amounts, amending provisions relating to the regulation of health maintenance organizations, increasing certain fees, and establishing penalties, with report of committee recommending passage was taken up for consideration.

Doderer of Johnson offered the following amendment H—5908 filed by her and moved its adoption:

H—5908

1 Amend Senate File 2354, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 21, by inserting after line 22 the
4 following:
5 "Sec. _____. Section 32 of this Act shall not apply
6 to a medicare supplemental policy delivered, issued
7 for delivery, continued, or renewed before January 1,
8 1992."
9 2. Renumber as necessary.

Amendment H—5908 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2354)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby

McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker Arnould			

The nays were, 1:

Miller

Absent or not voting, 2:

Branstad Jay

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

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2257 and 2354.**

SENATE AMENDMENT CONSIDERED

Nielsen of Linn called up for consideration **House File 2435,** a bill for an act relating to the administration of the Wallace technology transfer foundation, amended by the Senate, and moved that the House concur in the following Senate amendment H—5720:

H—5720

1 Amend House File 2435, as passed by the House, as
2 follows:
3 1. Page 1, by striking line 10 and inserting the
4 following:
5 "(1) The governor's science advisor."
6 2. Page 1, by inserting after line 12 the
7 following:
8 "(_____) The secretary of agriculture or the
9 secretary's designee."
10 3. Page 1, by striking lines 24 and 25 and
11 inserting the following:
12 "(2) One person appointed by the secretary of
13 agriculture who is directly involved in agriculture-
14 related enterprises."
15 4. By numbering and renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5720.

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

On the question "Shall the bill pass?" (H.F. 2435)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker Arnould			

The nays were, 1:

Miller

Absent or not voting, 2:

Jay Tyrrell

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 2271**, a bill for an act relating to employees' use of lawful products during nonworking hours, and providing civil enforcement procedures, previously deferred and placed on the unfinished business calendar.

Gill of Woodbury offered the following amendment H—5858 filed by him:

H—5858

1 Amend Senate File 2271, 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. 730.6 EMPLOYEE USE OF
6 LAWFUL PRODUCTS DURING NONWORKING HOURS.
7 1. An employer shall not refuse to hire,
8 discharge, or otherwise disadvantage a person with
9 respect to compensation, terms, conditions, or
10 privileges of employment because the person uses
11 lawful products off the premises of the employer
12 during nonworking hours.
13 2. This section does not apply to the use of
14 lawful products which impair an employee's ability to
15 perform the employee's assigned duties. This section
16 does not apply to an employer which has previously
17 manifested as its primary purpose its discouragement
18 of the use of one or more lawful products by the
19 general public in its legal charter, by-laws, or
20 established organizational or business plan, and which
21 has provided written notification of this purpose to
22 its employees and applicants for employment.
23 3. Notwithstanding subsection 1, an employer may
24 offer, impose, or have in effect a health, disability,
25 or life insurance policy or health care services
26 coverage which distinguishes between employees
27 regarding the type or the price of coverage based upon
28 the employee's use of lawful products, if differential
29 premium rates charged employees reflect a differential
30 cost to the employer, the differential rates are filed
31 with and approved by the insurance division of the
32 department of commerce, and the employer provides
33 employees with a statement delineating the
34 differential rates used by the insurance carrier.
35 4. a. An action in district court may be brought
36 for a violation of this section. A person who
37 violates this section or who aids in the violation of
38 this section is liable to an aggrieved employee or
39 applicant for employment for affirmative relief,
40 including reinstatement or hiring with or without back

41 pay, or other equitable relief as the court deems
42 appropriate. If the court finds that the violation of
43 this section has been willful, the court may order
44 liquidated damages in an amount not to exceed five
45 thousand dollars per violation.
46 b. An action for injunctive relief may be brought
47 in district court by an aggrieved employee or
48 applicant for employment, the county attorney, or the
49 attorney general to enjoin a person from committing an
50 act in violation of this section.

Page 2

1 c. In an action brought pursuant to this
2 subsection, the district court may award reasonable
3 attorney fees and court costs to a party proving a
4 violation of this section."

Hammond of Story asked and received unanimous consent to defer action on amendment H—5873, to amendment H—5858.

Gill of Woodbury offered the following amendment H—5914, to amendment H—5858, filed from the floor by Gill, McNeal and Renaud and moved its adoption:

H—5914

1 Amend the amendment, H—5858, to Senate File 2271,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, lines 10 and 11, by striking the words
5 "the person uses lawful products" and inserting the
6 following: "of the lawful use of lawful products by
7 the person".
8 2. Page 1, line 16, by striking the word
9 "previously".
10 3. Page 1, by striking lines 42 through 45, and
11 inserting the following: "appropriate."

Amendment H—5914 was adopted.

Gill of Woodbury offered the following amendment H—5913, to amendment H—5858, filed by him from the floor and moved its adoption:

H—5913

1 Amend the House amendment, H—5858, to Senate File
2 2271, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, by striking line 4 and inserting the
5 following: "violation of this section.
6 5. This section does not affect labor contracts
7 which exist before or on March 1, 1992." "

Roll call was requested by Lundby of Linn and Millage of Scott.

On the question "Shall amendment H—5913, to amendment H—5858, be adopted?" (S.F. 2271)

The ayes were, 50:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Fogarty	Gill	Groninga
Gruhn	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jesse	Jochum
Knapp	Koenigs	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Wise
Wissing	Mr. Speaker Arnould		

The nays were, 49:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson, D. E.	Hanson, D. R.
Harbor	Hester	Hurley	Iverson
Johnson	Kistler	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McNeal	Mertz	Metcalf	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Royer	Shoning	Siegrist
Spenner	Teaford	Tyrrell	Van Maanen
Weidman			

Absent or not voting, 1:

Jay

Amendment H—5913 was adopted.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—5899, to amendment H—5858, filed by her on April 14, 1992.

Hammond of Story asked and received unanimous consent to withdraw amendment H—5873, to amendment H—5858, previously deferred, filed by her on April 13, 1992.

Gill of Woodbury moved the adoption of amendment H—5858, as amended.

Amendment H—5858, as amended, was adopted placing the following amendments out of order:

H—5444 filed by McNeal of Hardin on March 23, 1992.
H—5585 filed by Teaford of Black Hawk on March 30, 1992.
H—5661 filed by Jay of Appanoose on April 2, 1992.
H—5739 filed by Hansen of Woodbury on April 6, 1992.

Gill 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?" (S.F. 2271)

The ayes were, 48:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Fogarty	Groninga	Gruhn
Hansen, S. D.	Hatch	Haverland	Hibbard
Holveck	Jesse	Jochum	Knapp
Lundby	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Spear	Wise	Wissing	Mr. Speaker Arnould

The nays were, 51:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gill	Gipp	Grubbs	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson, D. E.
Hanson, D. R.	Harbor	Hester	Hurley
Iverson	Johnson	Kistler	Koenigs
Krebsbach	Kremer	Lageschulte	Maulsby
McKean	McNeal	Metcalf	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Royer	Shoning	Shoultz
Siegrist	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 1:

Jay

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2435** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Blanshan of Greene called up for consideration **House File 2362,** a bill for an act relating to franchise agreements and their enforcement by establishing certain duties and limitations on franchisors, providing certain exemptions, and establishing a civil cause of action, amended by the Senate, and moved that the House concur in the following Senate amendment H—5867:

H—5867

1 Amend House File 2362, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by striking lines 8 and 9.
4 2. Page 6, by striking lines 3 through 5 and in-
5 serting the following: "voting power in the
6 franchise."
7 3. Page 6, line 12, by striking the word "thirty"
8 and inserting the following: "sixty".
9 4. Page 6, line 34, by striking the word "thirty"
10 and inserting the following: "sixty".
11 5. Page 7, line 4, by striking the word "thirty-
12 day" and inserting the following: "sixty-day".
13 6. Page 10, by striking lines 21 and 22, and
14 inserting the following: "independent appraiser shall
15 be final and binding, and subject to judicial review
16 under chapter 679A."
17 7. Page 11, by striking line 2 and inserting the
18 following: "appraiser shall be final and binding, and
19 subject to judicial review under chapter 679A."
20 8. Page 11, line 21, by inserting after the word
21 "days" the following: "or more than ninety days".
22 9. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5867.

Blanshan of Greene 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. 2362)

The ayes were, 87:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau

Bisignano	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jesse	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Rafferty	Renaud
Royer	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker Arnould	

The nays were, 11:

Black	Carpenter	Chapman	Groninga
Jochum	Metcalf	Petersen, D. F.	Plasier
Renken	Shoning	Tyrrell	

Absent or not voting, 2:

Jay	Millage

Under the provision of Rule 76, conflict of interest, Millage of Scott refrained from voting.

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

The House stood at ease at 10:50 a.m., until the fall of the gavel.

The House resumed session at 10:58 a.m., Speaker Arnould in the chair.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2362** be immediately messaged to the Senate.

Ways and Means Calendar

Senate File 531, a bill for an act relating to the refund of property taxes paid by a nonprofit entity providing services to the blind

and providing an effective date, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 531)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wissing
Mr. Speaker Arnould			

The nays were, none.

Absent or not voting, 3:

Jay	Shoultz	Wise

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 531** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1992, amended and passed the following bill in which the concurrence of the House is asked:

House File 2287, a bill for an act to establish a community-based workplace learning program, and providing an effective date.

Also: That the Senate has on April 15, 1992, amended and passed the following bill in which the concurrence of the House is asked:

House File 2334, a bill for an act relating to the regulation of aquaculture by the department of natural resources, and by providing penalties for violations.

Also: That the Senate has on April 15, 1992, passed the following bill in which the concurrence of the House is asked:

Senate File 2352, a bill for an act setting minimum fines for certain criminal convictions, and increasing the civil penalty assessed for certain motor vehicle license revocations.

JOHN F. DWYER, Secretary

On motion by McKinney of Dallas, the House was recessed at 11:14 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould 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 15, 1992, insisted on its amendment to House File 2465, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing effective and applicability provisions, and the members of the conference committee on the part of the Senate are: The Senator from Johnson, Senator Varn, Chair; the Senator from Decatur, Senator Boswell; the Senator from Fayette, Senator Murphy; the Senator from Black Hawk, Senator Lind; the Senator from Clayton, Senator Tieden.

JOHN F. DWYER, Secretary

QUORUM CALL

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

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of **Senate File 2339**, a bill for an act relating to the regulation of state banks by increasing the minimum time within which an examination of a state bank must occur, amending certain provisions relating to investment authority and asset valuation of a state bank, providing greater flexibility regarding public hearings, and providing for the continued suspension of certain banking laws, previously deferred and placed on the unfinished business calendar.

Holveck of Polk offered the following amendment H—5664 filed by him and Sherzan of Polk and moved its adoption:

H—5664

1 Amend Senate File 2339, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking line 28 and inserting the
4 following: "superintendent shall, ~~upon~~ give adequate
5 notice of the pending application, and may afford
6 all".
7 2. Page 1, line 32, by inserting after the word
8 "application." the following:
9 "The superintendent shall conduct such hearing if
10 any interested person files an objection to the
11 pending application and requests a hearing."
12 3. Page 3, by striking lines 23 and 24, and
13 inserting the following: "the pending application,
14 the superintendent shall, ~~upon~~ give adequate notice of
15 the pending application, and may afford all interested
16 parties an".
17 4. Page 3, line 27, by inserting after the word
18 "application." the following:
19 "The superintendent shall conduct such hearing if
20 any interested person files an objection to the
21 pending application and requests a hearing."
22 5. Page 4, by striking line 9 and inserting the
23 following: "superintendent shall, ~~upon~~ give adequate
24 notice of the pending application, and may afford
25 all".
26 6. Page 4, line 13, by inserting after the word
27 "application." the following:
28 "The superintendent shall conduct such hearing if
29 any interested person files an objection to the
30 pending application and requests a hearing."

Amendment H—5664 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?" (S.F. 2339)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hibbard	Holveck	Hurley	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, none.

Absent or not voting, 4:

Hammond	Hester	Jay	Plasier

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2339** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Black of Jasper called up for consideration **House File 2413,** a bill for an act relating to operation by all-terrain vehicles and snowmobiles on certain underpasses, amended by the Senate amendment H—5803 as follows:

H—5803

1 Amend House File 2413, as passed by the House, as
2 follows:
3 1. Page 1, line 6, by striking the word "all" and
4 inserting the following: "either".
5 2. Page 1, by inserting before line 19 the
6 following:
7 "Sec. _____. Section 321G.9, subsection 4, paragraph
8 b, Code 1991, is amended to read as follows:
9 b. On that portion of county roadways that have
10 not been plowed ~~during~~ since the ~~snow season~~ most
11 recent measurable snowfall of at least one inch of
12 snow or not maintained or utilized for the operation
13 of conventional two-wheel drive motor vehicles."
14 3. Title page, line 2, by inserting after the
15 word "underpasses" the following: "and roadways".
16 4. By renumbering, relettering, or redesignating
17 and correcting internal references as necessary.

Black of Jasper offered the following amendment H—5905, to the Senate amendment H—5803, filed by him and moved its adoption:

H—5905

1 Amend the Senate amendment, H—5803, to House File
2 2413, as passed by the House, as follows:
3 1. Page 1, by striking lines 5 through 17.

Amendment H—5905 was adopted.

On motion by Black of Jasper, the House concurred in the Senate amendment H—5803, as amended.

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

On the question "Shall the bill pass?" (H.F. 2413)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. E.

Hanson, D. R.	Harbor	Hatch	Haverland
Hibbard	Holveck	Hurley	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, none.

Absent or not voting, 4:

Hammond	Hester	Jay	Plasier

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2413** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2065**, a bill for an act relating to violations of an individual's rights, and establishing additional criminal offenses, previously deferred and placed on the unfinished business calendar.

Hibbard of Madison asked and received unanimous consent to defer action on the committee amendment H—5573 for the consideration of amendment H—5918.

Hibbard of Madison offered the following amendment H—5918 filed from the floor by Hibbard, Beatty, Carpenter and Shoning:

H—5918

1 Amend Senate File 2065, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking everything after the
4 enacting clause and inserting the following:
5 "Section 1. Section 80B.11, subsection 3, Code
6 Supplement 1991, is amended by adding the following
7 new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. In-service training
9 under this subsection shall include the requirement
10 that by December 31, 1994, all law enforcement
11 officers complete a course on investigation,
12 identification, and reporting of public offenses based
13 on the race, color, religion, ancestry, national
14 origin, political affiliation, sex, sexual
15 orientation, age, or disability of the victim. The
16 director shall consult with the civil rights
17 commission, the department of public safety, and the
18 prosecuting attorneys training coordinator in
19 developing the requirements for this course and may
20 contract with outside providers for this course.
21 Sec. 2. Section 692.15, Code 1991, is amended by
22 adding the following new unnumbered paragraph:
23 NEW UNNUMBERED PARAGRAPH. The hate crimes listed
24 in section 729A.2 are subject to the reporting
25 requirements of this section.
26 Sec. 3. NEW SECTION. 708.2C ASSAULT IN VIOLATION
27 OF INDIVIDUAL RIGHTS – PENALTIES.
28 1. For the purposes of this chapter, "assault in
29 violation of individual rights" means an assault, as
30 defined in section 708.1, which is a hate crime as
31 defined in section 729A.2.
32 2. A person who commits an assault in violation of
33 individual rights, with the intent to inflict a
34 serious injury upon another, is guilty of a class "D"
35 felony.
36 3. A person who commits an assault in violation of
37 individual rights without the intent to inflict a
38 serious injury upon another, and who causes bodily
39 injury or disabling mental illness, is guilty of an
40 aggravated misdemeanor.
41 4. A person who commits an assault in violation of
42 individual rights and uses or displays a dangerous
43 weapon in connection with the assault, is guilty of a
44 class "D" felony.
45 5. Any other assault in violation of individual
46 rights, except as otherwise provided, is a serious
47 misdemeanor.
48 Sec. 4. NEW SECTION. 712.9 VIOLATIONS OF
49 INDIVIDUAL RIGHTS – PENALTIES.
50 A violation of sections 712.3 through 712.8, which

Page 2

1 is also a hate crime as defined in section 729A.2,
2 shall be classified and punished as an offense one
3 degree higher than the underlying offense.
4 Sec. 5. NEW SECTION. 716.7A CRIMINAL MISCHIEF IN
5 VIOLATION OF INDIVIDUAL RIGHTS.
6 A violation of sections 716.5 through 716.6, which

7 is also a hate crime as defined in section 729A.2,
8 shall be classified and punished as an offense one
9 degree higher than the underlying offense.
10 Sec. 6. Section 716.8, Code 1991, is amended by
11 adding the following new subsections:
12 NEW SUBSECTION. 3. A person who knowingly
13 trespasses on the property of another with the intent
14 to commit a hate crime, as defined in section 729A.2,
15 commits a serious misdemeanor.
16 NEW SUBSECTION. 4. A person committing a trespass
17 as defined in section 716.7 with the intent to commit
18 a hate crime which results in injury to any person or
19 damage in an amount more than one hundred dollars to
20 anything, animate or inanimate, located thereon or
21 therein commits an aggravated misdemeanor.
22 Sec. 7. Section 729.5, subsections 1, 3, 4, and 5,
23 Code 1991, are amended by striking the subsections.
24 Sec. 8. NEW SECTION. 729A.1 VIOLATIONS OF AN
25 INDIVIDUAL'S RIGHTS PROHIBITED.
26 1. Persons within the state of Iowa have the right
27 to be free from any violence, or intimidation by
28 threat of violence, committed against their persons or
29 property because of their race, color, religion,
30 ancestry, national origin, political affiliation, sex,
31 sexual orientation, age, or disability.
32 Sec. 9. NEW SECTION. 729A.2 VIOLATION OF
33 INDIVIDUAL RIGHTS – HATE CRIME.
34 "Hate crime" means one of the following public
35 offenses when committed against a person or a person's
36 property because of the person's race, color,
37 religion, ancestry, national origin, political
38 affiliation, sex, sexual orientation, age, or
39 disability, or the person's association with a person
40 of a certain race, color, religion, ancestry, national
41 origin, political affiliation, sex, sexual
42 orientation, age, or disability:
43 1. Assault in violation of individual rights under
44 section 708.2C.
45 2. Violations of individual rights under section
46 712.9.
47 3. Criminal mischief in violation of individual
48 rights under section 716.7A.
49 4. Trespass in violation of individual rights
50 under section 716.8, subsections 3 and 4.

Page 3

1 Sec. 10. NEW SECTION. 729A.3 LOCAL ORDINANCES.
2 This chapter does not prohibit political
3 subdivisions from enacting ordinances which are
4 consistent with this chapter. Local ordinances
5 reasonably regulating the time, place, or manner of

6 the exercise of constitutional rights are permissible.
7 Sec. 11. NEW SECTION. 729A.4 VIOLATION OF
8 INDIVIDUAL RIGHTS – SENSITIVITY TRAINING.
9 The prosecuting attorneys training coordinator
10 shall develop a course of instruction for law
11 enforcement personnel and prosecuting attorneys
12 designed to sensitize those persons to the existence
13 of violations of individual rights and the criteria
14 for determining whether a violation of individual
15 rights has occurred. The prosecuting attorneys
16 training coordinator shall consult with the civil
17 rights commission, the office of the attorney general,
18 and the department of public safety regarding the
19 content and provision of this course of instruction.
20 Sec. 12. NEW SECTION. 729A.5 CIVIL REMEDIES.
21 A victim who has suffered physical, emotional, or
22 financial harm as a result of a violation of this
23 chapter due to the commission of a hate crime is
24 entitled to and may bring an action for injunctive
25 relief, general and special damages, reasonable
26 attorneys fees, and costs.
27 An action brought pursuant to this section must be
28 brought within two years after the date of the
29 violation of this chapter.
30 In an action brought pursuant to this section, the
31 burden of proof shall be the same as in other civil
32 actions for similar relief.
33 This section does not apply to complaints or
34 discriminatory or unfair practices under chapter 601A.
35 Sec. 13. There is appropriated from the general
36 fund of the state to the Iowa law enforcement academy
37 for the fiscal year beginning July 1, 1992, and ending
38 June 30, 1993, the following amount, or so much
39 thereof as is necessary, to be used for the purpose
40 designated:
41 For in-service training as provided for in section
42 1 of this Act:
43 .....$ 10,000
44 Sec. 14. There is appropriated from the general
45 fund of the state to the prosecuting attorneys
46 training coordinator in the department of justice for
47 the fiscal year beginning July 1, 1992, and ending
48 June 30, 1993, the following amount or so much thereof
49 as is necessary, to be used for the purpose
50 designated:

Page 4

1 For a course of instruction as provided in section
2 13 of this Act:
3 .....$ 10,000
4 Sec. 15. Section 80.40, Code 1991, is repealed."

Grubbs of Scott offered the following amendment H—5921, to amendment H—5918, filed by him from the floor and moved its adoption:

H—5921

1 Amend amendment H—5918, to Senate File 2065, as
2 passed by the Senate, as follows:
3 1. By striking page 3, line 35 through page 4,
4 line 3.

Amendment H—5921 was adopted.

Hibbard of Madison moved the adoption of amendment H—5918, as amended.

Amendment H—5918, as amended, was adopted, placing the following amendments out of order:

H—5573, previously deferred, filed by the committee on judiciary and law enforcement on March 27, 1992.

H—5696, to the committee amendment H—5573, filed by Bartz, et al., on April 2, 1992.

H—5719, to the committee amendment H—5573, filed by Bartz of Worth on April 6, 1992.

H—5760, to the committee amendment H—5573, filed by Beatty of Warren on April 7, 1992.

H—5772, to the committee amendment H—5573, filed by Bartz, et al., on April 7, 1992.

H—5793, to the committee amendment H—5573, filed by Beatty of Warren on April 7, 1992.

H—5872, to the committee amendment H—5573, filed by Carpenter, et al., on April 13, 1992.

H—5715 filed by Bartz of Worth on April 3, 1992.

Connors of Polk in the chair at 2:55 p.m.

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. 2065)

The ayes were, 96:

Adams	Arnould, Spkr.	Baker	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Burke	Carpenter	Chapman
Cohoon	Corbett	Daggett	De Groot

Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Connors Presiding

The nays were, 2:

Banks Bartz

Absent or not voting, 2:

Branstad Jay

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

Speaker Arnould in the chair at 3:27 p.m.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2065** be immediately messaged to the Senate.

The House resumed consideration of **Senate File 2201,** a bill for an act prohibiting discriminatory practices based upon a person's sexual orientation, previously deferred and placed on the unfinished business calendar.

Connors of Polk offered the following amendment H—5642 filed by him and moved its adoption:

H—5642

1 Amend Senate File 2201, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 2, line 35, through page 3,
4 line 5.
5 2. Page 4, by striking lines 4 through 9.

6 3. Page 6, line 22, by striking the word "For".
7 4. Page 6, by striking lines 23 through 25.
8 5. Page 7, by striking lines 16 through 21.
9 6. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 8, nays 54.

Amendment H—5642 lost.

Baker of Polk in the chair at 3:55 p.m.

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

Blanshan of Greene in the chair at 4:39 p.m.

Speaker Arnould in the chair at 5:05 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?" (S.F. 2201)

The ayes were, 44:

Baker	Beatty	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Gill	Groninga	Gruhn
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jesse	Jochum
McKinney	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Peterson, M. K.	Renaud
Schrader	Shearer	Sherzan	Shoultz
Teaford	Wise	Wissing	Mr. Speaker Arnould

The nays were, 55:

Adams	Banks	Bartz	Beaman
Bennett	Branstad	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Gipp	Grubbs	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. E.	Hanson, D. R.
Harbor	Hester	Hurley	Iverson
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Pavich	Petersen, D. F.	Plasier	Poncy
Rafferty	Renken	Royer	Shoning

Siegrist	Spear	Spenner	Svoboda
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 1:

Jay

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

HOUSE INSISTS

Shoultz of Black Hawk called up for consideration **Senate File 2347**, a bill for an act relating to agriculture and natural resources, by making appropriations and statutory changes, and providing effective dates, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED
(Senate File 2347)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2347: Shoultz of Black Hawk, Chair; Muhlbauer of Crawford, Hahn of Muscatine, Kistler of Jefferson and Schrader of Marion.

CONFERENCE COMMITTEE APPOINTED
(House File 2465)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2465: Chapman of Linn, Chair; Corbett of Linn, Lageschulte of Bremer, Adams of Hamilton and Neuhauser of Johnson.

CONFERENCE COMMITTEE APPOINTED
(House File 2462)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2462: Wise of Lee, Chair; Poncy of Wapello, Hanson of Black Hawk, Harbor of Mills and Dvorsky of Johnson.

Unfinished Business Calendar

The House resumed consideration of **Senate File 414**, a bill for an act relating to landlords and tenants, previously deferred and placed on the unfinished business calendar.

Poncy of Wapello offered the following amendment H—5492 filed by the committee on judiciary and law enforcement:

H—5492

1 Amend Senate File 414, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 9, by inserting after the figure
4 "648" the following: ", except as otherwise provided
5 in subsection 3".
6 2. Page 1, by inserting after line 29 the
7 following:
8 "3. This section shall not apply to a tenant if
9 the activities causing the clear and present danger,
10 as defined in subsection 2, are conducted by a person
11 on the premises other than the tenant and the tenant
12 takes at least one of the following measures against
13 the person conducting the activities:
14 a. The tenant seeks a protective order,
15 restraining order, order to vacate the homestead, or
16 other similar relief pursuant to chapter 236, 598, or
17 910A, or any other applicable provision which would
18 apply to the person conducting the activities causing
19 the clear and present danger.
20 b. The tenant reports the activities causing the
21 clear and present danger to a law enforcement agency
22 or the county attorney in an effort to initiate a
23 criminal action against the person conducting the
24 activities.
25 c. The tenant writes a letter to the person
26 conducting the activities causing the clear and
27 present danger, telling the person not to return to
28 the premises and that a return to the premises may
29 result in a trespass action against the person, and
30 the tenant sends a copy of the letter to a law
31 enforcement agency whose jurisdiction includes the
32 premises."
33 3. Page 2, by striking lines 6 through 11.
34 4. Page 2, line 20, by inserting after the figure
35 "648" the following: ", except as otherwise provided
36 in subsection 3".
37 5. Page 3, by inserting after line 5 the
38 following:
39 "3. This section shall not apply to a tenant if
40 the activities causing the clear and present danger,
41 as defined in subsection 2, are conducted by a person
42 on the premises other than the tenant and the tenant
43 takes at least one of the following measures against
44 the person conducting the activities:
45 a. The tenant seeks a protective order,
46 restraining order, order to vacate the homestead, or
47 other similar relief pursuant to chapter 236, 598, or
48 910A, or any other applicable provision which would
49 apply to the person conducting the activities causing
50 the clear and present danger.

Page 2

1 b. The tenant reports the activities causing the
2 clear and present danger to a law enforcement agency
3 or the county attorney in an effort to initiate a
4 criminal action against the person conducting the
5 activities.
6 c. The tenant writes a letter to the person
7 conducting the activities causing the clear and
8 present danger, telling the person not to return to
9 the premises and that a return to the premises may
10 result in a trespass action against the person, and
11 the tenant sends a copy of the letter to a law
12 enforcement agency whose jurisdiction includes the
13 premises."
14 6. Page 3, by striking lines 17 through 22.
15 7. By renumbering and correcting internal
16 references as necessary.

Poncy of Wapello offered the following amendment H—5695, to the committee amendment H—5492, filed by him and moved its adoption:

H—5695

1 Amend the amendment, H—5492, to Senate File 414, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 29, by inserting after the word
5 "trespass" the following: "or other".
6 2. Page 1, line 32, by inserting after the word
7 "premises." the following: "If the tenant has
8 previously written a letter to the person as provided
9 in this paragraph, without taking an action specified
10 in paragraph "a" or "b" or filing a trespass or other
11 action, and the person to whom the letter was sent
12 conducts further activities causing a clear and
13 present danger, the tenant must take one of the
14 actions specified in paragraph "a" or "b" to be exempt
15 from proceedings pursuant to subsection 1.
16 However, in order to fall within the exemptions
17 provided within this subsection, the tenant must
18 provide written proof to the landlord, prior to the
19 commencement of a suit against the tenant, that the
20 tenant has taken one of the measures specified in
21 paragraphs "a" through "c"."
22 3. Page 1, by inserting before line 33 the
23 following:
24 "_____. Page 2, by striking line 5 and inserting
25 the following:
26 "2. By sending notice by certified or restricted
27 certified mail, whether or not the tenant signs a

28 receipt for the notice." "
29 4. Page 2, line 10, by inserting after the word
30 "trespass" the following: "or other".
31 5. Page 2, line 13, by inserting after the word
32 "premises." the following: "If the tenant has
33 previously written a letter to the person as provided
34 in this paragraph, without taking an action specified
35 in paragraph "a" or "b" or filing a trespass or other
36 action, and the person to whom the letter was sent
37 conducts further activities causing a clear and
38 present danger, the tenant must take one of the
39 actions specified in paragraph "a" or "b" to be exempt
40 from proceedings pursuant to subsection 1.
41 However, in order to fall within the exemptions
42 provided within this subsection, the tenant must
43 provide written proof to the landlord, prior to the
44 commencement of a suit against the tenant, that the
45 tenant has taken one of the measures specified in
46 paragraphs "a" through "c".
47 6. Page 2, by inserting before line 14 the fol-
48 lowing:
49 "_____. Page 3, by striking line 16 and inserting
50 the following:

Page 2

1 "2. By sending notice by certified or restricted
2 certified mail, whether or not the tenant signs a
3 receipt for the notice." "
4 7. By renumbering and correcting internal
5 references as necessary.

Amendment H—5695 was adopted.

Sherzan of Polk asked and received unanimous consent to withdraw amendment H—5614, to the committee amendment H—5492, filed by him on March 31, 1992.

On motion by Poncy of Wapello, the committee amendment H—5492, 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. 414)

The ayes were, 98:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter

Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker Arnould		

The nays were, none.

Absent or not voting, 2:

Bisignano	Jay

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 414** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1992, amended and passed the following bill in which the concurrence of the House is asked:

House File 2412, a bill for an act relating to educational finance matters.

Also: That the Senate has on April 15, 1992, passed the following bill in which the concurrence of the Senate was asked:

House File 2449, a bill for an act relating to the exemption of prosthetic devices oxygen equipment, and certain other drugs and devices from the state sales and use tax and providing a retroactive applicability date.

JOHN F. DWYER, Secretary

The House stood at ease at 5:39 p.m., until the fall of the gavel.

The House resumed session at 7:47 p.m., Speaker Arnould in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-two members present, thirty-eight absent.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2320.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2320**, a bill for an act relating to state aid to school corporations and providing effective date and applicability provisions, previously deferred and placed on the unfinished business calendar.

Ollie of Clinton offered the following amendment H—5925 filed by him from the floor:

H—5925

1 Amend Senate File 2320, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 257.6, subsection 1,
6 unnumbered paragraph 3, Code 1991, is amended to read
7 as follows:
8 A school district shall certify its actual
9 enrollment to the department of education by October 1
10 of each year, and the department shall promptly
11 forward the information to the department of
12 management. ~~The department of management shall~~
13 ~~determine whether a district is entitled to an advance~~
14 ~~for increasing enrollment on the basis of its actual~~
15 ~~enrollment.~~
16 Sec. 2. Section 257.6, subsection 4, Code 1991, is
17 amended by striking the subsection and inserting in
18 lieu thereof the following:
19 4. BUDGET ENROLLMENT. Budget enrollment for the
20 budget year is the basic enrollment for the budget
21 year.
22 Sec. 3. Section 257.8, subsection 1, unnumbered
23 paragraph 2, Code 1991, is amended to read as follows:

24 On or before each ~~September~~ December 15 thereafter,
25 the department of management shall compute a state
26 percent of growth for the budget year next following
27 the budget year. The state percents of growth shall
28 be forwarded to the director of the department of
29 education.
30 Sec. 4. Section 257.9, subsections 3 and 4, Code
31 1991, are amended to read as follows:
32 3. Special education support services state cost
33 per pupil for ~~1991-1992~~ 1992-1993. For the budget
34 year beginning July 1, ~~1991~~ 1992, for the special
35 education support services state cost per pupil, the
36 department of management shall divide the total of the
37 approved budgets of the area education agencies for
38 special education support services for that year as
39 approved by the state board of education within the
40 time frames specified under section 273.3, subsection
41 12, by the total of the weighted enrollment for
42 special education support services in the state for
43 the budget year. The special education support
44 services state cost per pupil for the budget year is
45 the amount calculated by the department of management
46 under this subsection.
47 4. Special education support services state cost
48 per pupil for ~~1992-1993~~ 1993-1994 and succeeding
49 years. For the budget year beginning July 1, ~~1992~~
50 1993, and succeeding budget years, the special

Page 2

1 education support services state cost per pupil for
2 the budget year is the special education support
3 services state cost per pupil for the base year plus
4 the special education support services allowable
5 growth for the budget year.
6 Sec. 5. Section 257.10, subsections 3 and 4, Code
7 1991, are amended to read as follows:
8 3. Special education support services district
9 cost per pupil for ~~1991-1992~~ 1992-1993. For the
10 budget year beginning July 1, ~~1991~~ 1992, for the
11 special education support services district cost per
12 pupil, the department of management shall divide the
13 approved budget of each area education agency for
14 special education support services for that year as
15 approved by the state board of education, within the
16 time frames specified under section 273.3, subsection
17 12, by the total of the weighted enrollment for
18 special education support services in the area for
19 that budget year.
20 The special education support services district
21 cost per pupil for each school district in an area for
22 the budget year is the amount calculated by the
23 department of management under this subsection.

24 4. Special education support services district
25 cost per pupil for ~~1992-1993~~ 1993-1994 and succeeding
26 years. For the budget year beginning July 1, ~~1992~~
27 1993, and succeeding budget years, the special
28 education support services district cost per pupil for
29 the budget year is the special education support
30 services district cost per pupil for the base year
31 plus the special education support services allowable
32 growth for the budget year.
33 Notwithstanding the special education support
34 services district cost per pupil for the budget year
35 beginning July 1, 1991, calculated under subsection 3,
36 for area education agencies that have fewer than three
37 and five-tenths public school pupils per square mile,
38 the special education support services district cost
39 per pupil for the budget year beginning July 1, 1991,
40 is one hundred forty-seven dollars.
41 Sec. 6. Section 257.14, unnumbered paragraph 1,
42 Code 1991, is amended to read as follows:
43 For the budget years commencing July 1, 1991, ~~and~~
44 July 1, 1992, and July 1, 1993, if the department of
45 management determines that the regular program
46 district cost of a school district for a budget year
47 is less than the total of the regular program district
48 cost plus any adjustment added under this section for
49 the base year for that school district, the department
50 of management shall provide a budget adjustment for

Page 3

1 that district for that budget year that is equal to
2 the difference.
3 Sec. 7. Section 257.16, unnumbered paragraph 2,
4 Code Supplement 1991, is amended to read as follows:
5 All state aids paid under this chapter, unless
6 otherwise stated, shall be paid in monthly
7 installments beginning on September 15 of a budget
8 year and ending on or about June 15 of the budget year
9 ~~and the installments shall be as nearly equal as~~
10 ~~possible~~ as determined by the department of
11 management, taking into consideration the relative
12 budget and cash position of the state resources.
13 ~~However, the state aid paid to school districts under~~
14 ~~section 257.13 shall be paid in monthly installments~~
15 ~~beginning on December 15 and ending on June 15 of a~~
16 ~~budget year.~~
17 Sec. 8. Section 257.20, unnumbered paragraph 1,
18 Code Supplement 1991, is amended to read as follows:
19 In order to determine the amount of instructional
20 support state aid and the amount of local funding for
21 the instructional support program for a district, the
22 department of management shall divide the total

23 assessed valuation in the state by the total budget
24 enrollment for the budget year in the state to
25 determine a state assessed valuation per pupil and
26 shall divide the assessed valuation in each district
27 by the district's budget enrollment for the budget
28 year to determine the district assessed valuation per
29 pupil. The department of management shall multiply
30 the ratio of the state's valuation per pupil to the
31 district's valuation per pupil by twenty-five
32 hundredths and subtract that result from one to
33 determine the portion of the instructional support
34 program budget that is local funding. The remaining
35 portion of the budget shall be funded by instructional
36 support state aid. <u>However, for the budget year</u>
37 <u>beginning July 1, 1992, only, the amount of state aid</u>
38 <u>is three and one-quarter percent less than the amount</u>
39 <u>computed under this paragraph for that budget year.</u>
40 Sec. 9. Section 265.6, Code 1991, is amended to
41 read as follows:
42 265.6 STATE AID APPLICABLE.
43 If the state board of regents has established a
44 laboratory school, it shall receive state aid pursuant
45 to chapters 257 and 281 for each pupil enrolled in the
46 laboratory school in the same amount as the public
47 school district in which the pupil resides would
48 receive aid for that pupil and shall transmit the
49 amount received to the institution of higher education
50 at which the laboratory school has been established.

Page 4

1 If the board of a school district terminates a
2 contract with the state board of regents for
3 attendance of pupils in a laboratory school, the
4 school district shall inform the department of
5 management of the number of these pupils who are
6 enrolled in the district on the third Friday of the
7 following September. The department of management
8 shall pay to the school district, from funds
9 appropriated in section 257.16, an amount equal to the
10 amount of state aid paid for each pupil in that school
11 district for that school year in payments made as
12 provided in section 257.16. ~~However, payments shall~~
13 ~~not be made for pupils for which an advance is~~
14 ~~received by the district under section 257.13.~~
15 Sec. 10. <u>NEW SECTION</u>. 282.27 CHILDREN LIVING IN
16 PSYCHIATRIC HOSPITALS OR INSTITUTIONS — PAYMENT.
17 The public school district in which is located a
18 psychiatric unit of a hospital licensed under chapter
19 135B or a psychiatric medical institution for children
20 licensed under chapter 135H, which is not operated by
21 the state, shall be responsible for the provision of

22 educational services to children residing in the unit
23 or institution. Children residing in the unit or
24 institution shall be included in the basic enrollment
25 of their districts of residence, as defined in section
26 282.31, subsection 4.
27 The board of directors of each district of
28 residence shall pay to the school district in which is
29 located such psychiatric unit or institution, for the
30 provision of educational services to the child, a
31 portion of the district of residence's district cost
32 per pupil for each of such children based upon the
33 proportion that the time each child is provided
34 educational services while in such unit or institution
35 is to the total time for which the child is provided
36 educational services during a normal school year.
37 Sec. 11. Section 299A.8, Code Supplement 1991, is
38 amended to read as follows:
39 299A.8 DUAL ENROLLMENT.
40 If a parent, guardian, or legal custodian of a
41 child who is receiving competent private instruction
42 under this chapter submits a request, the child shall
43 also be registered in a public school for dual
44 enrollment purposes. If the child is enrolled in a
45 public school district for dual enrollment purposes,
46 the child shall be permitted to participate in any
47 academic activities in the district and shall also be
48 permitted to participate on the same basis as public
49 school children in any extracurricular activities
50 available to children in the child's grade or group,

Page 5

1 and the parent, guardian, or legal custodian shall not
2 be required to pay the costs of any annual testing
3 under this chapter. If the child is enrolled for dual
4 enrollment purposes, the child shall be included in
5 the public school's basic enrollment under ~~sections~~
6 ~~442.4 and~~ section 257.6 ~~and shall be counted as one~~
7 ~~pupil~~ in the proportion that the time for which the
8 child is enrolled and receives instruction from
9 practitioners employed by the public school district
10 for the school year is to the time that a full-time
11 pupil carrying a normal course schedule, at the same
12 grade level, in the same school district, and for the
13 same school year, is enrolled and receives
14 instruction.
15 If a child is receiving competent private
16 instruction through a home school assistance program
17 which provides instruction or instructional
18 supervision through a public school district by a
19 teacher who is employed by the district, the child
20 shall be registered in the public school district for

21 dual enrollment purposes, included in the public
22 school's basic enrollment under section 257.6, and
23 counted as one pupil.
24 Sec. 12. Section 257.13, Code 1991, is repealed.
25 Sec. 13. If as a result of the provisions in this
26 Act the amount of state foundation aid appropriated to
27 a school district is reduced below the amount the
28 school district would have otherwise received, that
29 school district shall not reduce the amount that it is
30 required to pay the area education agency for costs of
31 special education support services in order to
32 compensate for the reduced state aid.
33 Sec. 14. Sections 1, 2, 7, 8, 9, 10, 11, and 12 of
34 this Act, being deemed of immediate importance, take
35 effect upon enactment for the purpose of computations
36 required for payment of state aid to and levying of
37 property taxes by school districts for the budget year
38 beginning July 1, 1992.
39 Sec. 15. Section 6 of this Act takes effect July
40 1, 1992, for the purpose of computations required for
41 payment of state aid to and levying of property taxes
42 by school districts for the budget year beginning July
43 1, 1993.
44 Sec. 16. Section 3 of this Act takes effect July
45 1, 1992, for the purpose of computing state percent of
46 growth for the budget year beginning July 1, 1994."

Daggett of Adams offered the following amendment H—5929, to amendment H—5925, filed by him from the floor and moved its adoption:

H—5929

1 Amend the amendment, H—5925, to Senate File 2320 as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 5 through 21 and
5 inserting the following:
6 " "Section 1. Section 257.6, subsection 4, Code
7 1991, is amended to read as follows:
8 4. BUDGET ENROLLMENT. Budget enrollment for the
9 budget year shall be calculated for each school
10 district by the department of management in the manner
11 provided in this subsection. If the basic enrollment
12 of a school district has declined from one year to the
13 next during any of the five years prior to the base
14 year, the district may be eligible for an enrollment
15 adjustment based upon the percent of the enrollment
16 decline and the number of years that have elapsed
17 since the decline occurred. The budget enrollment for
18 the budget year shall be calculated by adding together
19 the following percents of enrollment decline in the

20 district's basic enrollment from one base year to the
21 preceding base year for each of the five preceding
22 base years, commencing with the percent of change
23 between the basic enrollment for the budget year and
24 the basic enrollment for the base year, adding the sum
25 of the percents to one hundred and multiplying the
26 total by the basic enrollment for the budget year:

	Years between the Base Year and the Year of Decline				
Percent of Decline	1	2	3	4	5
Less than 1	0	0	0	0	0
1.0 through 2.9	2	2	~~1~~ 0	~~1~~ 0	0
3.0 through 4.9	4	3	2	~~2~~ 1	~~1~~ 0
5.0 through 6.9	6	5	4	~~3~~ 2	~~2~~ 1
7.0 and over	8	7	5	~~4~~ 3	~~3~~ 2

However, if a district's actual enrollment for a
budget year is greater than its budget enrollment, the
district is eligible for an advance for increasing
enrollment as provided in section 257.13."

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

"Sec. 20. Section 257.13, unnumbered paragraph 1,
Code 1991, is amended by striking the unnumbered
paragraph and inserting in lieu thereof the following:

If a district's actual enrollment for the budget
year, determined under section 257.6, is greater than
its budget enrollment for the budget year, the
district is granted an advance from the state of an
amount equal to the product of the applicable
percentage multiplied by its regular program district

Page 2

1 cost per pupil for the budget year and further
2 multiplied by the difference between the actual
3 enrollment for that budget year and the budget
4 enrollment for that budget year. For purposes of the
5 computation in this section, the applicable percentage
6 is determined by the following schedule:

Percent Increase in Budget to Actual Enrollment	Applicable Percentage
1. Less than 3%	50%
2. 3% or more	75%

The advance under this paragraph is miscellaneous
income."

3. Page 3, by striking lines 13 through 16 and
inserting the following: "However, the state aid paid
to school districts under section 257.13 shall be paid
in monthly installments beginning on December 15 and
ending on June 15 of a budget year."

18 4. Page 4, by inserting after line 36, the
19 following:
20 "Sec. _____. Section 294A.25, subsection 1, Code
21 1991, is amended to read as follows:
22 1. For the fiscal year beginning July 1, ~~1990~~
23 1992, there is appropriated from the general fund of
24 the state to the department of education the amount of
25 ~~ninety-two~~ sixty-two million ~~one~~ five hundred seven
26 thousand ~~eighty-five~~ dollars to be used to improve
27 teacher salaries. For each fiscal year thereafter,
28 there is appropriated an amount equal to the amount
29 appropriated for the fiscal year beginning July 1,
30 ~~1990~~ 1992, plus an amount sufficient to pay the costs
31 of the additional funding provided for school
32 districts and area education agencies under sections
33 294A.9 and 294A.14. The moneys shall be distributed
34 as provided in this section."
35 5. Page 5, by striking line 24.
36 6. Page 5, line 33, by inserting after the figure
37 "12," the following: "20,".
38 7. By numbering, renumbering, and correcting
39 internal references.

Roll call was requested by Ollie of Clinton and Wise of Lee.

On the question "Shall amendment H—5929, to amendment H—5925, be adopted?" (S.F. 2320)

The ayes were, 39:

Banks	Bartz	Beaman	Beatty
Bennett	Brammer	Branstad	Daggett
De Groot	Dickinson	Eddie	Garman
Gipp	Hahn	Halvorson, R. A.	Hanson, D. R.
Harbor	Haverland	Hester	Hurley
Iverson	Kistler	Koenigs	Krebsbach
Maulsby	McKean	McNeal	Miller
Muhlbauer	Petersen, D. F.	Plasier	Renken
Royer	Shoning	Spear	Spenner
Tyrrell	Van Maanen	Weidman	

The nays were, 58:

Adams	Baker	Bernau	Bisignano
Black	Blanshan	Brand	Brown
Burke	Carpenter	Chapman	Cohoon
Connors	Corbett	Diemer	Doderer
Dvorsky	Fogarty	Gill	Groninga
Grubbs	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hibbard	Holveck
Jochum	Johnson	Knapp	Kremer
Lageschulte	Lundby	McKinney	Mertz
Metcalf	Millage	Murphy	Neuhauser

Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Rafferty	Renaud
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Svoboda	Teaford	Wise
Wissing	Mr. Speaker Arnould		

Absent or not voting, 3:

Hatch	Jay	Jesse

Amendment H—5929 lost.

Bartz of Worth offered the following amendment H—5926, to amendment H—5925, filed by him from the floor:

H—5926

1 Amend the amendment, H—5925, to Senate File 2320,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by inserting after line 39 the
5 following:
6 "Sec. _____. Section 257.28, Code 1991, is amended
7 by adding the following new unnumbered paragraphs:
8 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
9 requirement in the first unnumbered paragraph of
10 section 257.29 that the regular program district cost
11 per pupil for a budget year is one hundred ten percent
12 of the regular state cost per pupil, if a school
13 district had adopted an enrichment levy of fifteen
14 percent of the state cost per pupil multiplied by the
15 budget enrollment in the district prior to July 1,
16 1992, and upon expiration of the period for which the
17 enrichment levy was adopted, adopts a resolution for
18 the use of the instructional support program
19 established in section 257.18, the board of directors
20 may participate in the educational improvement program
21 as provided in section 257.29. The maximum percent of
22 the regular district cost of the district that may be
23 used under this paragraph shall not exceed five
24 percent.
25 NEW UNNUMBERED PARAGRAPH. Once approved at an
26 election, the authority of the board to use the
27 educational improvement program shall continue until
28 the expiration of the period of time for which the
29 instructional support program was adopted. The use of
30 the educational improvement program may continue for
31 subsequent periods provided it is voted on and adopted
32 at the same time as the instructional support program
33 is adopted."

Bartz of Worth asked and received unanimous consent to withdraw amendment H—5926.

Lageschulte of Bremer offered the following amendment H—5927, to amendment H—5925, filed by him and Hanson of Black Hawk from the floor:

H—5927

1 Amend amendment, H—5925, to Senate File 2320, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 5, by inserting after line 32 the
5 following:
6 "Sec. _____. If a school district will receive less
7 state foundation aid under chapter 257 for the budget
8 year beginning July 1, 1992, because of the enactment
9 of this Act or other Act enacted during the 1992
10 Session, the board of directors may use up to one-half
11 of any phase III moneys available to that district
12 under chapter 294A for purposes of the district's
13 controlled budget. The amount of phase III moneys
14 used shall not exceed the amount of state foundation
15 aid the school district did not receive."

De Groot of Lyon in the chair at 8:26 p.m.

Lageschulte of Bremer moved the adoption of amendment H—5927, to amendment H—5925.

Roll call was requested by Ollie of Clinton and Wise of Lee.

On the question "Shall amendment H—5927, to amendment H—5925, be adopted?" (S.F. 2320)

The ayes were, 46:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Daggett	Dickinson
Diemer	Eddie	Fogarty	Garman
Gipp	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Harbor	Haverland	Hester
Hurley	Iverson	Johnson	Kistler
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Petersen, D. F.	Plasier	Renken
Royer	Spear	Tyrrell	Van Maanen
Weidman	De Groot Presiding		

The nays were, 50:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Burke
Chapman	Cohoon	Connors	Corbett
Doderer	Dvorsky	Gill	Groninga
Grubbs	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hibbard	Holveck	Jochum
Knapp	McKinney	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Rafferty	Renaud
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spenner	Svoboda	Teaford
Wise	Wissing		

Absent or not voting, 4:

Hatch	Jay	Jesse	Shoultz

Amendment H—5927 lost.

Brammer of Linn offered the following amendment H—5931, to amendment H—5925, filed by him from the floor and moved its adoption:

H—5931

1 Amend amendment, H—5925 to Senate File 2320 as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 5, by inserting before line 33, the
5 following:
6 "Sec. _____. Notwithstanding the appropriation
7 provided in section 294A.25, subsection 1, from the
8 general fund of the state to the department of
9 education for the fiscal year beginning July 1, 1992,
10 for the educational excellence program, if as a result
11 of insufficient general fund of the state revenues or
12 as a result of executive action pursuant to section
13 8.31, the amount appropriated for state foundation aid
14 to school districts under section 257.16 is
15 insufficient to fully fund such aid to school
16 districts, the department of management may transfer
17 from the amount appropriated pursuant to section
18 294A.25 which is available for phase III payments, the
19 amount of the shortfall for state foundation aid for
20 school districts, not to exceed the amount available
21 for phase III. Before moneys shall be transferred
22 pursuant to this section, the department of management
23 shall notify the legislative fiscal bureau and the
24 chairpersons and ranking members of the committees on
25 appropriation."

Amendment H—5931 lost.

Ollie of Clinton moved the adoption of amendment H—5925.

A non-record roll call was requested.

The ayes were 38, nays 7.

Amendment H—5925 was adopted, placing the following amendments out of order:

H—5722 filed by Bartz of Worth on April 6, 1992.
H—5888, to amendment H—5722, filed by Maulsby of Calhoun on April 13, 1992.
H—5871 filed by Brammer of Linn on April 13, 1992.
H—5895 filed by Lageschulte of Bremer and Hanson of Black Hawk on April 14, 1992.

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. 2320)

The ayes were, 67:

Adams	Arnould, Spkr.	Baker	Bartz
Beaman	Bennett	Bernau	Bisignano
Blanshan	Brown	Burke	Chapman
Connors	Daggett	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Gill
Gipp	Groninga	Gruhn	Hahn
Halvorson, R. A.	Hammond	Hanson, D. E.	Hanson, D. R.
Harbor	Hester	Hibbard	Holveck
Iverson	Jochum	Johnson	Kistler
Koenigs	Lageschulte	McKean	McKinney
McNeal	Mertz	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Poncy	Renken	Royer	Shearer
Sherzan	Shoning	Shoultz	Spear
Spenner	Teaford	Tyrrell	Van Maanen
Weidman	Wissing	De Groot Presiding	

The nays were, 30:

Banks	Beatty	Black	Brammer
Brand	Branstad	Carpenter	Cohoon
Corbett	Dickinson	Garman	Grubbs
Halvorson, R. N.	Hansen, S. D.	Haverland	Hurley
Knapp	Krebsbach	Kremer	Lundby

Maulsby	Metcalf	Millage	Plasier
Rafferty	Renaud	Schrader	Siegrist
Svoboda	Wise		

Absent or not voting, 3:

Hatch	Jay	Jesse

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2320** be immediately messaged to the Senate.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 15, 1992, he approved and transmitted to the Secretary of State the following bills:

House File 51, an act relating to the applicability to garnishments of the sheriff's duty to levy.

House File 2185, an act relating to jury source lists.

House File 2241, an act relating to the regulation of pet shops.

House File 2275, an act relating to the establishment of a preference for the purchase of recycled lubricating and industrial oils by the department of general services, the state board of regents, the state department of transportation, and the department for the blind.

House File 2285, an act relating to the permanent appointment of employees assigned through a personnel interchange program.

House File 2325, an act relating to the duties of the Iowa department of public health regarding referrals to mental health institutions for persons requiring substance abuse treatment, the time frames and fees relating to birth certificates, the persons authorized to certify the facts of a birth and provide medical information regarding the birth and the time frame for such certification, certification of freedom from infectious or contagious diseases for cosmetologists and barbers, and voluntary certification of ophthalmic dispensers.

Senate File 316, an act to prohibit sexual harassment of state employees, of persons in the care or custody of a state employee or institution, and of persons attending a state educational institution.

Senate File 2005, an act relating to the Iowa affordable heating program and providing for an effective date.

Senate File 2110, an act exempting twelfth grade students from physical education requirements under certain conditions.

Senate File 2217, an act relating to distribution of funds within, payments made by, and payments made to the department of economic development.

Senate File 2235, an act relating to the requirements of an abstractor participating in the title guaranty program.

Senate File 2255, an act relating to the fee charged for filing termination of financing statements under the uniform commercial Code.

PRESENTATION OF VISITORS

Carpenter of Polk presented to the House Karlos Kirby, Des Moines, member of the 1992 Winter Olympics United States Bobsled Team. Karlos graduated from Valley High School, Des Moines and the University of New Mexico. He will compete in the 1994 Winter Olympics in Norway.

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

Fifty-five sixth grade students from Greenfield Elementary School, Greenfield, accompanied by Rana Glade. By Beaman of Clarke.

Eighty sixth grade students from Okoboji Middle School, Milford, accompanied by Evelyn Anderson, Jan Burns and Judy Hagedorn. By Gruhn of Dickinson.

Forty ninth grade students from Oelwein High School, Oelwein, accompanied by Mitch Murphy and Steve Peik. By Hurley of Fayette.

Fifteen students from Charles City High School, Charles City, accompanied by Mr. Koenigsfeld. By Krebsbach of Mitchell.

Sixty fourth grade students from Carey Elementary School, Waverly, accompanied by Mary Rose. By Lageschulte of Bremer.

Fifty fifth grade students from BCL-UW, Conrad, accompanied by Jon Ehm and Mary Pieper. By Renken of Grundy, McNeal of Hardin and Svoboda of Tama.

Eleven students from Council Bluffs, accompanied by Dick Miller and Ellen Thayer. By Siegrist and Pavich of Pottawattamie.

Thirty-five fifth grade students from Whittier Elementary School, Oskaloosa, accompanied by Donna De Groot. By Van Maanen of Mahaska.

SUBCOMMITTEE ASSIGNMENT

Senate File 2357

Ways and Means: Knapp, Chair; Burke and Metcalf.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 741

Ways and Means: Groninga, Chair; Bennett, Blanshan, Dickinson and Iverson.

RESOLUTIONS FILED

HCR 118, by Muhlbauer, a concurrent resolution to request that the President of the United States, the Administrator of the United States Environmental Protection Agency, and the Congress of the United States support the ethanol fuel industry by ensuring the proper implementation of the federal Clean Air Act.

Laid over under **Rule 25.**

HR 106, by Hatch, a resolution relating to the Sunrider Expedition.

Laid over under **Rule 25.**

AMENDMENTS FILED

H–5912	S.F.	2218	Neuhauser of Johnson
H–5915	H.F.	2471	Halvorson of Clayton
H–5916	H.F.	2287	Senate Amendment
H–5917	H.F.	2334	Senate Amendment
H–5919	H.F.	2466	Peterson of Carroll
H–5920	H.F.	2466	Peterson of Carroll
H–5922	H.F.	2471	Halvorson of Clayton Harbor of Mills
H–5923	H.F.	2471	Harbor of Mills Halvorson of Clayton
H–5924	H.F.	2412	Senate Amendment
H–5928	H.F.	2466	Neuhauser of Johnson Carpenter of Polk

On motion by McKinney of Dallas, the House adjourned at 8:49 p.m., until 9:00 a.m., Thursday, April 16, 1992.

JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day — Sixty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 16, 1992

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

Prayer was offered by the Honorable Minnette Doderer, state representative from Johnson County.

The Journal of Wednesday, April 15, 1992 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Clinton, for April 16 and 17, 1992, on request of Bennett of Ida.

PETITIONS FILED

The following petitions were received and placed on file:

By Peterson of Carroll, from sixty-four constituents favoring Phase III for education.

By Peterson of Carroll, from two hundred forty-nine constituents favoring sales tax for education funding.

By Shearer of Louisa, from the city of Brighton opposing the use of road use tax funds.

INTRODUCTION OF BILL

House File 2476, by McKinney and Van Maanen, a bill for an act relating to sexual abuse or sexual exploitation by a counselor or therapist and making penalites applicable.

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

SENATE MESSAGE CONSIDERED

Senate File 2352, by committee on ways and means, a bill for an act setting minimum fines for certain criminal convictions, and increasing the civil penalty assessed for certain motor vehicle license revocations.

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

CONSIDERATION OF BILLS
Regular Calendar

House File 2466, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions, with report of committee recommending amendment and passage was taken up for consideration.

The House stood at ease at 9:25 a.m., until the fall of the gavel.

The House resumed session at 10:34 a.m., Speaker Arnould in the chair.

Peterson of Carroll offered the following amendment H—5863 filed by the committee on state government:

H—5863

1 Amend House File 2466 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "DIVISION I
5 Section 1. Section 68B.1, Code 1991, is amended by
6 striking the section and inserting in lieu thereof the
7 following:
8 68B.1 LEGISLATIVE INTENT.
9 It is the intent of the general assembly to create
10 a system through which ethical issues, including
11 matters of conduct of public officials and public
12 employees and issues related to the financing of
13 campaigns of elected public officials on the state and
14 local level, may be addressed in a fair, nonpolitical,
15 and open manner and which will allow state and local
16 officials and employees to seek advice when in doubt
17 as to the ethical propriety of specific action. The
18 Iowa ethics and campaign finance board is therefore
19 established to serve as an instrument for discipline,
20 redress, and guidance for persons elected to or
21 employed in positions within the executive and
22 legislative branches of state government and for
23 persons elected to or employed in positions in local
24 government. The supreme court is required to
25 prescribe rules establishing a code of ethics which is
26 substantially similar to the provisions of this
27 chapter which shall apply to those persons who are
28 subject to the administrative or disciplinary
29 authority of the supreme court.
30 Sec. 2. Section 68B.2, Code 1991, is amended by
31 striking the section and inserting in lieu thereof the

32 following:
33 68B.2 DEFINITIONS.
34 As used in this chapter, unless the context
35 otherwise requires:
36 1. "Agency" means a department, division, board,
37 commission, bureau, or office of the executive or
38 legislative branch of state government, the office of
39 attorney general, the state board of regents,
40 community colleges, and the office of the governor,
41 including a regulatory agency, or any political
42 subdivisions of the state.
43 2. "Anything of value" includes all of the
44 following:
45 a. A pecuniary item, including money, or a bank
46 bill or note.
47 b. A promissory note, bill of exchange, order,
48 draft, warrant, check, or bond given for the payment
49 of money.
50 c. A contract, agreement, promise, or other

Page 2

1 obligation for an advance conveyance, forgiveness of
2 indebtedness, deposit, distribution, loan payment,
3 gift, pledge, or transfer of money.
4 d. A stock, bond, note, or other investment
5 interest in an entity.
6 e. A receipt given for the payment of money or
7 other property.
8 f. A right in action.
9 g. A gift, tangible good, chattel, or an interest
10 in a gift, tangible good, or chattel.
11 h. A loan or forgiveness of indebtedness.
12 i. A work of art, antique, or collectible.
13 j. An automobile or other means of personal
14 transportation.
15 k. Real property or an interest in real property,
16 including title to realty, a fee simple or partial
17 interest, present or future, contingent or vested in
18 real property, a leasehold interest, or other
19 beneficial interest in real property.
20 l. An honorarium or compensation for services.
21 m. A rebate or discount unless the rebate or
22 discount is made in the ordinary course of business to
23 a member of the public without regard to that person's
24 status as a public official or public employee.
25 n. The sale or trade of something for reasonable
26 compensation that would ordinarily not be available to
27 a member of the public.
28 o. A promise or offer of employment.
29 p. Any other thing of value that is pecuniary or
30 compensatory in value to a person.

31 q. Any other thing determined to be of value in
32 rules adopted by the board.
33 3. "Board" means the Iowa ethics and campaign
34 finance board established in section 68B.10A.
35 4. "Candidate" means a candidate under chapter 56.
36 5. "Candidate's committee" means the committee
37 designated by the candidate, as provided under chapter
38 56, to receive contributions, expend funds, or incur
39 indebtedness on behalf of the candidate in the
40 aggregate as follows:
41 a. For a state, or county office, in excess of two
42 hundred fifty dollars in any calendar year.
43 b. For a city or school office, in excess of five
44 hundred dollars in any calendar year.
45 6. "Committee" includes a political committee and
46 a candidate's committee as defined in section 56.2.
47 7. "Compensation" means any money, thing of value,
48 or financial benefit conferred in return for services
49 rendered or to be rendered.
50 8. "Contribution" means a gift, loan, advance,

Page 3

1 deposit, rebate, refund, transfer of money, an in-kind
2 transfer, or the payment of compensation for the
3 personal services of another person.
4 10. a. "Gift" means a rendering of anything of
5 value in return for which legal consideration of equal
6 or greater value is not given and received, if the
7 donor is in any of the following categories:
8 (1) Is doing or seeking to do business of any kind
9 with the donee's agency.
10 (2) Is engaged in activities which are regulated
11 or controlled by the donee's agency.
12 (3) Has financial interests which may be
13 substantially and materially affected, in a manner
14 distinguishable from the public generally, by the
15 performance or nonperformance of the donee's official
16 duty.
17 (4) Is a lobbyist with respect to matters within
18 the donee's jurisdiction.
19 b. However, "gift" does not mean any of the
20 following:
21 (1) Contributions to a candidate or a candidate's
22 committee.
23 (2) Informational material relevant to a public
24 servant's official functions, such as books,
25 pamphlets, reports, documents, or periodicals.
26 (3) Anything received from a person related within
27 the fourth degree by kinship or marriage, unless the
28 donor is acting as an agent or intermediary for
29 another person not so related.

30 (4) An inheritance.
31 (5) Anything available or distributed to the
32 public generally without regard to the official status
33 of the recipient.
34 (6) Actual expenses of a donee for food,
35 beverages, travel, and lodging for a meeting, which is
36 given in return for participation in a panel or
37 speaking engagement at the meeting when the expenses
38 relate directly to the day or days on which the donee
39 has participation or presentation responsibilities.
40 (7) Plaques or items of negligible resale value
41 given as recognition for public services.
42 (8) Items with a cumulative retail value of less
43 than three dollars that are received from any one
44 donor during one calendar day.
45 (9) Items solicited or given to any national or
46 regional organization in which states or political
47 subdivisions are members.
48 (10) Items received as part of a regularly
49 scheduled event that is part of a conference, seminar,
50 or other meeting that is sponsored and directed by any

Page 4

1 national or regional organization in which states or
2 political subdivisions are members.
3 11. a. "Honorarium" means anything of value that
4 is accepted by, or on behalf of, a holder of public
5 office as consideration for an appearance, speech, or
6 article.
7 b. "Honorarium" does not include either of the
8 following:
9 (1) Actual expenses of a donee for food,
10 beverages, travel, and lodging paid as provided under
11 subsection 10, paragraph "b", subparagraph (6).
12 (2) A nonmonetary gift or series of nonmonetary
13 gifts donated within thirty days to a public body, a
14 bona fide educational or charitable organization, or
15 the department of general services as provided in
16 section 68B.7B, subsection 3.
17 12. "Immediate family members" means the spouse
18 and minor children of a public official or public
19 employee.
20 14. "Legislative employee" means a full-time
21 official or employee of the general assembly but does
22 not include members of the general assembly.
23 15. a. "Lobbyist" means a person who does any of
24 the following:
25 (1) Is paid compensation for encouraging the
26 passage, defeat, or modification of legislation or
27 regulation, or for influencing the decision of the
28 members of the general assembly, a state agency, or

29 any statewide elected official.
30 (2) Represents on a regular basis an organization
31 which has as one of its purposes the encouragement of
32 the passage, defeat, or modification of legislation or
33 regulation, or the influencing of a decision of the
34 members of the general assembly, a state agency, or
35 any statewide elected official.
36 (3) Is a federal, state, or local government
37 official or employee who represents the official
38 position of the official or employee's agency and who
39 encourages the passage, defeat, or modification of
40 legislation or regulation, or the influencing of a
41 decision of the members of the general assembly, a
42 state agency, or any statewide elected official.
43 b. "Lobbyist" does not mean:
44 (1) Officials and employees of a political party
45 organized in the state of Iowa representing more than
46 two percent of the total votes cast for governor in
47 the last preceding general election, but only when
48 representing the political party in an official
49 capacity.
50 (2) Representatives of the news media only when

Page 5

1 engaged in the reporting and dissemination of news and
2 editorials.
3 (4) The governor and lieutenant governor of the
4 state of Iowa, all other statewide elected officials,
5 and elected federal officials.
6 (7) Persons whose activities are limited to formal
7 appearances to give testimony at public sessions of
8 committees of the general assembly or public hearings
9 of state agencies and whose appearances as a result of
10 testifying, are recorded in the records of the
11 committee or agency.
12 (8) A person who appears or communicates as a
13 lawyer representing a client in a contested case
14 proceeding under chapter 17A.
15 16. "Local employee" means a person employed by a
16 political subdivision of this state.
17 17. "Local official" means an officeholder of a
18 political subdivision of this state.
19 18. "Member of the general assembly" means an
20 individual duly elected to the senate or the house of
21 representatives of the state of Iowa.
22 19. "Official" means an officer of the state of
23 Iowa receiving a salary or per diem whether elected or
24 appointed or whether serving full-time or part-time
25 but does not include officers or employees of
26 political subdivisions of the state. "Official"
27 includes but is not limited to supervisory personnel,

28 members and employees of the governor's office,
29 members of other statewide elected offices, and
30 members of state agencies and does not include members
31 of the general assembly, legislative employees, or
32 officers or employees of the judicial branch of
33 government who are not members or employees of the
34 office of attorney general.
35 20. "Person" means, without limitation, any
36 individual, corporation, business trust, estate,
37 trust, partnership or association, labor union, or any
38 other legal entity.
39 21. "Political committee" means political
40 committee as defined in section 56.2.
41 22. "Public disclosure" means a written report
42 filed with the board by a person as required by this
43 chapter or required by rules adopted by the board and
44 issued pursuant to this chapter.
45 23. "Public employee" means employees, legislative
46 employees, and local employees.
47 24. "Public office" means any state, county, city,
48 or school office or any other office of a political
49 subdivision of the state that is filled by election.
50 25. "Public official" means officials, local

Page 6

1 officials, and members of the general assembly.
2 26. "Regulatory agency" means the department of
3 agriculture and land stewardship, department of
4 employment services, department of commerce, Iowa
5 department of public health, department of public
6 safety, department of education, state board of
7 regents, department of human services, department of
8 revenue and finance, department of inspections and
9 appeals, department of personnel, public employment
10 relations board, state department of transportation,
11 civil rights commission, department of public defense,
12 and department of natural resources.
13 27. "State employee" means a paid employee of the
14 state of Iowa and does not include an independent
15 contractor, an employee of the judicial department, a
16 legislative employee, or an employee of a political
17 subdivision of the state. "State employee" includes
18 but is not limited to all clerical personnel.
19 Sec. 3. Section 68B.3, Code 1991, is amended to
20 read as follows:
21 68B.3 WHEN PUBLIC BIDS REQUIRED.
22 ~~No~~ An official, state employee, member of the
23 general assembly, or legislative employee shall not
24 sell, in any one occurrence, any goods or services
25 having a value in excess of five hundred dollars to
26 any state agency or any political subdivision of the

27 state unless pursuant to an award or contract let
28 after public notice and competitive bidding or unless
29 permitted upon a showing of good cause by the board.
30 This section shall not apply to the publication of
31 resolutions, advertisements, or other legal
32 propositions or notices in newspapers designated
33 pursuant to law for such purpose and for which the
34 rates are fixed pursuant to law.
35 Sec. 4. NEW SECTION. 68B.4A SALES BY LEGISLATIVE
36 EMPLOYEES.
37 A full-time legislative employee shall not sell,
38 either directly or indirectly, any goods or services
39 to individuals, associations, or corporations which
40 employ persons who are registered lobbyists before the
41 general assembly, except when the legislative employee
42 has met all of the following conditions:
43 1. The consent of the person or persons
44 responsible for hiring or approving the hiring of the
45 legislative employee is obtained.
46 2. The duties and functions performed by the
47 legislative employee for the general assembly are not
48 related to the legislative authority of the general
49 assembly over the individual, association, or
50 corporation, or the selling of goods or services by

Page 7

1 the legislative employee to the individuals,
2 associations, or corporations does not affect the
3 employee's duties or functions at the general
4 assembly.
5 3. The selling of any goods or services by the
6 legislative employee to an individual, association, or
7 corporation does not include lobbying of the general
8 assembly.
9 4. The selling of any goods or services by the
10 legislative employee does not cause the official or
11 employee to sell goods or services to the general
12 assembly on behalf of the individual, association, or
13 corporation.
14 Sec. 5. NEW SECTION. 68B.4B SALES BY MEMBERS OF
15 THE OFFICE OF THE GOVERNOR.
16 A full-time member of the office of the governor
17 shall not sell, either directly or indirectly, any
18 goods or services to individuals, associations, or
19 corporations which employ persons who are registered
20 lobbyists before the general assembly, except when the
21 member of the office of the governor has met all of
22 the following conditions:
23 1. The consent of the person or persons
24 responsible for hiring or approving the hiring of the
25 member of the office of the governor is obtained.

26 2. The duties and functions performed by the
27 member for the office of the governor are not related
28 to the authority of the office of the governor over
29 the individual, association, or corporation, or the
30 selling of goods or services by the member of the
31 office of the governor to the individuals,
32 associations, or corporations does not affect the
33 member's duties or functions at the office of the
34 governor.
35 3. The selling of any goods or services by the
36 member of the office of the governor to an individual,
37 association, or corporation does not include lobbying
38 of the office of the governor.
39 4. The selling of any goods or services by the
40 member of the office of the governor does not cause
41 the member to sell goods or services to the office of
42 the governor on behalf of the individual, association,
43 or corporation.
44 Sec. 6. Section 68B.5, Code 1991, is amended by
45 striking the section and inserting in lieu thereof the
46 following:
47 68B.5 TWO-YEAR BAN ON LOBBYING ACTIVITIES AFTER
48 SERVICE.
49 1. A person who has served as an official, state
50 employee, member of the general assembly, or

Page 8

1 legislative employee shall not within two years after
2 the termination of service or employment become a
3 lobbyist.
4 2. Upon application, the board may grant a waiver
5 to permit an employee or legislative employee to
6 become a lobbyist if the board finds that there exists
7 no potential for use of undue influence or unfair
8 advantage by the former employee based upon the nature
9 and extent of the prior governmental service of the
10 former employee.
11 3. This section shall not apply to a person who is
12 a former official, state employee, member of the
13 general assembly, or legislative employee who, within
14 two years of leaving service or employment with the
15 state, is elected to another office of the state or to
16 an office of a political subdivision of the state and
17 appears or communicates on behalf of that office.
18 Sec. 7. Section 68B.6, Code 1991, is amended to
19 read as follows:
20 68B.6 SERVICES AGAINST STATE PROHIBITED.
21 No official, state employee, or legislative
22 employee shall receive, directly or indirectly, or
23 enter into any agreement, express or implied, for any
24 compensation, in whatever form, for the appearance or

25 rendition of services by that person or another
26 against the interest of the state in relation to any
27 case, proceeding, application, or other matter before
28 any state agency, any court of the state of Iowa, any
29 federal court, or any federal bureau, agency,
30 commission or department.
31 Sec. 8. Section 68B.7, unnumbered paragraph 1,
32 Code 1991, is amended to read as follows:
33 ~~No~~ A person who has served as an official, ~~or~~ state
34 employee of a state agency, member of the general
35 assembly, or legislative employee shall not within a
36 period of two years after the termination of such
37 service or employment appear before ~~such state~~ the
38 agency or receive compensation for any services
39 rendered on behalf of any person, firm, corporation,
40 or association in relation to any case, proceeding, or
41 application with respect to which ~~such~~ the person was
42 directly concerned and personally participated during
43 the period of service or employment.
44 DIVISION II
45 Sec. 9. NEW SECTION. 68B.7A LEGISLATIVE INTENT.
46 It is the goal of the general assembly that public
47 officials and public employees of the state be
48 extremely cautious and circumspect about accepting a
49 gratuity or favor, especially from persons that have a
50 substantial interest in the legislative,

Page 9

1 administrative, or political actions of the official
2 or employee. Even where there is a genuine personal
3 friendship, the acceptance of personal benefits from
4 those who could gain advantage by influencing official
5 actions raises suspicions that tend to undermine the
6 public trust. It is therefore the intent of the
7 general assembly that the provisions of this division
8 be construed to discourage all gratuities, but to
9 prohibit only those that create unacceptable conflicts
10 of interest or appearances of impropriety.
11 Sec. 10. NEW SECTION. 68B.7B GIFTS ACCEPTED OR
12 RECEIVED.
13 1. Except as otherwise provided in this section, a
14 public official, public employee, or candidate, or
15 that person's immediate family member shall not,
16 directly or indirectly, accept or receive any gift or
17 series of gifts.
18 2. Except as otherwise provided in this section, a
19 person shall not, directly or indirectly, offer or
20 make a gift or a series of gifts to a public official,
21 public employee, or candidate. Except as otherwise
22 provided in this section, a person shall not, directly
23 or indirectly, join with one or more other persons to

24 offer or make a gift or a series of gifts to a public
25 official, public employee, or candidate.
26 3. A person may give, and a public official,
27 public employee, or candidate, or the person's
28 immediate family member, may accept a nonmonetary gift
29 or a series of nonmonetary gifts and not be in
30 violation of this section if the nonmonetary gift or
31 series of nonmonetary gifts is donated within thirty
32 days to a public body, the department of general
33 services, or a bona fide educational or charitable
34 organization, if no part of the net earnings of the
35 educational or charitable organization inures to the
36 benefit of any private stockholder or other
37 individual. All such items donated to the department
38 of general services shall be disposed of by assignment
39 to state agencies for official use or by public sale.
40 4. Gifts of food and drink, with an annual
41 cumulative value of fifty dollars or less per donee,
42 consumed in the presence of the donor, may be received
43 or accepted from any one donor by a public official,
44 public employee, candidate, or member of the person's
45 immediate family provided that the person receiving or
46 accepting the gifts of food and drink reports the
47 receipt or acceptance of any items received at any one
48 time in the manner provided by the board. All gifts
49 made by a lobbyist or other representative of an
50 organization shall be deemed to have been made by the

Page 10

1 lobbyist or the representative and the client,
2 organization, and any affiliate of the client or
3 organization that the lobbyist or the representative
4 represents.
5 6. Gifts of food, beverages, travel, and lodging
6 which would otherwise be prohibited may be received by
7 a public official or public employee if:
8 a. The public official or public employee is
9 officially representing an agency in a delegation
10 whose sole purpose is to attract a specific new
11 business to locate in the state or encourage expansion
12 or retention of an existing business already
13 established in the state.
14 b. The donor of the gifts is not the business
15 being contacted.
16 c. The public official or public employee makes a
17 planned presentation to the business on behalf of the
18 public official's or public employee's agency.
19 d. A report of the gifts received by the public
20 official or public employee is filed with the board.
21 The board shall adopt rules regarding the
22 confidentiality of the report.
23 7. A public official, public employee, candidate,

24 or the person's immediate family member shall not
25 solicit any gift or series of gifts at any time.
26 8. A person shall not request, and a member of the
27 general assembly shall not agree, that a member of the
28 general assembly sell tickets for a community related
29 social event that is to be held for members of the
30 general assembly in Polk county during the legislative
31 session. This section shall not apply to Polk county
32 or city of Des Moines events that are open to the
33 public generally or are held only for Polk county or
34 city of Des Moines legislators.
35 Sec. 11. NEW SECTION. 68B.7C HONORARIA —
36 EXPENSES.
37 1. A public official or public employee shall not
38 seek or accept an honorarium as defined in section
39 68B.2. This section does not prohibit a public
40 official or public employee from accepting an
41 honorarium from a governmental entity from another
42 state, from a university from another state, or from a
43 nonprofit educational or civic institution from
44 another state, provided that the amount paid is
45 reasonable and commensurate with the services to be
46 performed and that the circumstances under which the
47 services are to be performed do not create a conflict
48 of interest or appearance of impropriety.
49 2. A public official or public employee may accept
50 an honorarium otherwise prohibited under subsection 1,

Page 11

1 if, prior to the receipt of the honorarium, the board
2 grants the person a waiver of the requirements of this
3 section that is based upon a finding that the offering
4 and acceptance of the honorarium meets all of the
5 following conditions:
6 a. The amount of the honorarium is reasonable and
7 commensurate with the services to be performed.
8 b. The receipt of the honorarium will not create
9 the appearance of impropriety.
10 c. The receipt of the honorarium will not create a
11 conflict of interest for the official or employee.
12 d. The public official or public employee is not
13 being invited primarily because of the person's office
14 or particular position of employment but, because of
15 some special expertise or other qualification.
16 3. Honoraria received under subsection 2 shall be
17 disclosed in the manner provided by the board under
18 section 68B.10B, subsection 2.
19 Sec. 12. Section 68B.8, Code 1991, is amended to
20 read as follows:
21 68B.8 ADDITIONAL PENALTY.
22 In addition to any penalty contained in any other

23 provision of law, a person who knowingly and
24 intentionally violates a provision of ~~section 68B.3 to~~
25 ~~68B.6~~ sections 68B.3 through 68B.7C is guilty of a
26 serious misdemeanor and may be reprimanded, suspended,
27 or dismissed from the person's position or otherwise
28 sanctioned.
29 DIVISION III
30 Sec. 13. Section 68B.10, Code 1991, is amended to
31 read as follows:
32 68B.10 LEGISLATIVE ETHICS COMMITTEE.
33 1. There shall be an ethics committee in the
34 senate and an ethics committee in the house, each to
35 consist of ~~seven~~ six members; three members to be
36 appointed by the majority leader in each house, ~~two~~
37 and three members by the minority leader in each house
38 ~~and two individuals who shall not be employees of the~~
39 ~~general assembly by the chief justice of the Iowa~~
40 ~~supreme court~~. A member of the ethics committee may
41 disqualify himself or herself from participating in
42 any proceeding upon submission of a written statement
43 that the member cannot render an impartial and
44 unbiased decision in a case. A member is ineligible
45 to participate in committee meetings, as a member of
46 the committee, in any proceeding relating to the
47 member's own conduct. A member may be disqualified by
48 a unanimous vote of the remaining eligible members of
49 the committee. If a member of the ethics committee is
50 disqualified from or is ineligible to participate in

Page 12

1 any committee proceedings, the authority responsible
2 for the original appointment of the disqualified or
3 ineligible member shall appoint a replacement member
4 who shall serve during the period of the original
5 member's disqualification or ineligibility.
6 ~~The two individuals appointed by the chief justice~~
7 ~~of the supreme court shall receive a per diem as~~
8 ~~specified in section 7E.6 and travel expenses at the~~
9 ~~same rate as paid members of interim committees for~~
10 ~~attending meetings of the ethics committee.~~
11 2. Members ~~of the general assembly~~ shall receive a
12 per diem as specified in section 7E.6 and travel
13 expenses at the same rate as paid members of interim
14 committees for attending meetings held when the
15 general assembly is not in session. The per diem and
16 expenses shall be paid from funds appropriated by
17 section 2.12.
18 ~~The president pro tempore of the senate is~~
19 ~~designated as chairperson of the senate committee.~~
20 3. The ~~house~~ committee of each house shall elect a
21 chairperson. The chairperson of each committee shall

have the following powers, duties and functions:

a. Preside over meetings of the committee.

b. Call meetings of the committee upon receipt of recommendations from the board relating to findings of ethical violations of members of the general assembly.

4. The ethics committee of each house shall have the following powers, duties, and functions:

~~1. Prepare a code of ethics within thirty days after the commencement of the session.~~

~~2. Prepare rules relating to lobbyists and lobbying activities in the general assembly.~~

~~3. Issue advisory opinions interpreting the intent of constitutional and statutory provisions relating to legislators and lobbyists as well as interpreting the code of ethics and rules issued pursuant to this section. Opinions shall be issued when approved by a majority of the seven members and may be issued upon the written request of a member of the general assembly or upon the committee's initiation. Opinions are not binding on the legislator or lobbyist.~~

~~4.~~ a. Receive ~~and investigate complaints and charges against members of its house alleging a violation of the code of ethics, rules governing lobbyists, this chapter, or other~~ matters referred to it by its house or the board. The committee shall recommend rules for the receipt and processing of ~~complaints made~~ recommendations received relating to findings of ethical violations of members of the general assembly during the legislative session and

Page 13

those ~~made~~ received after the general assembly adjourns.

~~5~~ b. Recommend legislation relating to legislative ethics and lobbying activities.

PARAGRAPH DIVIDED. The ethics committees may employ independent legal counsel to assist them in carrying out their duties under this chapter with the approval of a committee's house when the general assembly is in session and with the approval of the ~~rules and administration~~ committee charged with the responsibility for the administration of that house when the general assembly is not in session. Payment of costs for the independent legal counsel shall be made from section 2.12.

~~The code of ethics and rules relating to lobbyists and lobbying activities shall not become effective until approved by the members of the house to which the proposed code and rules apply. The code or rules may be amended either upon the recommendation of the ethics committee or by members of the general~~

21 ~~assembly.~~
22 Violation of the code of ethics or recommendations
23 received from the board may result in censure,
24 reprimand, or other sanctions as determined by a
25 majority of the member's house. However, a member may
26 be suspended or expelled and the member's salary
27 forfeited only if directed by a two-thirds vote of the
28 member's house. A suspension, expulsion, or
29 forfeiture of salary shall be for the duration
30 specified in the directing resolution. However, it
31 shall not extend beyond the end of the general
32 assembly during which the violation occurred.
33 ~~Violation of a rule relating to lobbyists and lobbying~~
34 ~~activities may result in censure, reprimand, or other~~
35 ~~sanctions as determined by a majority of the members~~
36 ~~of the house in which the violation occurred.~~
37 ~~However, a lobbyist may be suspended from lobbying~~
38 ~~activities for the duration provided in the directing~~
39 ~~resolution only if directed by a two-thirds vote of~~
40 ~~the house in which the violation occurred.~~
41 Sec. 14. NEW SECTION. 68B.10A IOWA ETHICS AND
42 CAMPAIGN FINANCE BOARD — ESTABLISHED.
43 1. An Iowa ethics and campaign finance board is
44 established as an independent agency. Effective
45 effective January 1, 1993, the board shall administer
46 and set standards for, investigate complaints relating
47 to, and monitor the ethics and campaign finance
48 practices of officials and employees in the executive
49 and legislative branches of state government, of local
50 officials and employees in local government, and of

Page 14

1 candidates for public office, and monitor and set
2 standards for the conduct of lobbyists. The board
3 shall consist of twelve members of the general public
4 who shall be appointed as follows:
5 a. Four members to be appointed by the governor,
6 not more than two of whom shall be of the same gender
7 or political party. One of the members shall be a
8 former elected public official.
9 b. Four members, one of whom shall be a member of
10 the majority party appointed by the president of the
11 senate, one of whom shall be a member of the minority
12 party appointed by the minority leader of the senate,
13 one of whom shall be a member of the majority party
14 appointed by the speaker of the house of
15 representatives, and one of whom shall be a member of
16 the minority party appointed by the minority leader of
17 the house of representatives. Not more than two of
18 the members appointed under this paragraph shall be of
19 the same gender. One of the members shall be a former

20 elected public official.
21 c. Four members to be appointed by the chief
22 justice of the supreme court, not more than two of
23 whom shall be of the same gender or political party.
24 One of the members shall be a former elected public
25 official.
26 2. Members shall serve staggered six-year terms
27 beginning and ending as provided in section 69.19.
28 Any vacancy on the board shall be filled by
29 appointment for the unexpired portion of the term,
30 within ninety days of the vacancy and in accordance
31 with the procedures for regular appointments. A
32 member of the board may be reappointed to serve
33 additional terms on the board. However, no member
34 shall serve more than two full terms on the board.
35 Members may be removed in the manner provided in
36 chapter 69. A member or employee of the board shall
37 also meet all of the following criteria:
38 a. The member or employee shall not hold or be a
39 candidate for any other public office while the person
40 is a member or employee of the board.
41 b. The member or employee shall not hold office in
42 any political party or political committee or
43 candidate's committee.
44 c. The member shall not be an employee of or be
45 directly responsible to the member's appointing
46 authority. An employee of the board shall not be an
47 employee of or be directly responsible to the
48 governor, the supreme court, or the general assembly.
49 3. The board shall annually elect one member to
50 serve as the chairperson of the board and one member

Page 15

1 to serve as vice chairperson. The vice chairperson
2 shall act as the chairperson in the absence or
3 disability of the chairperson or in the event of a
4 vacancy in that office. The chairperson shall, in
5 addition to other responsibilities assigned by the
6 board, be responsible for calling for and presiding at
7 regular meetings or special proceedings of the board.
8 Seven members of the board shall constitute a quorum.
9 An affirmative vote of a majority of the members of
10 the board is required for any official action or
11 recommendation of the full board. The quorum and
12 voting requirements shall not, however, preclude the
13 formation of subcommittees of the board for purposes
14 of developing and making recommendations to the full
15 board for official action.
16 4. Members of the board shall receive a per diem
17 as specified in section 7E.6 while conducting business
18 of the board, and payment of actual and necessary

19 expenses incurred in the performance of their duties.
20 Members of the board shall file statements of
21 financial interest under section 68B.10F.
22 5. The board shall employ a full-time executive
23 secretary who shall be the board's chief
24 administrative officer. The board shall employ or
25 contract for the employment of legal counsel
26 notwithstanding section 13.7, and any other personnel
27 as may be necessary to carry out the duties of the
28 board. The board's legal counsel shall be the chief
29 legal officer of the board, shall advise the board on
30 all legal matters, and, upon the instructions of the
31 board, may commence any actions as may be appropriate.
32 Notwithstanding section 19A.3, all of the board's
33 employees, except for the executive secretary and
34 legal counsel, shall be employed subject to the merit
35 system provisions of chapter 19A.
36 Sec. 15. NEW SECTION. 68B.10B DUTIES OF THE
37 BOARD.
38 The duties of the board shall include, but are not
39 limited to, all of the following:
40 1. Adopt rules pursuant to chapter 17A and conduct
41 hearings under section 68B.10C and chapter 17A, as
42 necessary to carry out the purposes of this chapter
43 and chapter 56.
44 2. Develop, prescribe, furnish, and distribute any
45 forms necessary for the implementation of the
46 procedures contained in this chapter and chapter 56
47 for the filing of reports and statements by persons
48 required to file the reports and statements under this
49 chapter and chapter 56.
50 3. Review the contents of all disclosure reports

Page 16

1 and statements filed with the board and promptly
2 advise each person or committee of errors found. The
3 board may verify information contained in the reports
4 with other parties to assure accurate disclosure. The
5 board, upon its own motion, may initiate action and
6 conduct a hearing relating to requirements under this
7 chapter or chapter 56. The board may require a county
8 commissioner of elections to periodically file summary
9 reports with the board.
10 4. Prepare and publish a manual setting forth
11 examples of approved uniform systems of accounts and
12 approved methods of disclosure for use by persons
13 required to file statements and reports under this
14 chapter and chapter 56. The board shall also prepare
15 and publish other educational materials, and any other
16 reports or materials deemed appropriate by the board,
17 and conduct regular educational programs for public

18 officials and employees, lobbyists, and candidates for
19 public office relating to the requirements imposed
20 upon public officials and employees, lobbyists, and
21 candidates for public office under this chapter and
22 chapter 56. The board shall at least annually provide
23 all public officials and public employees with
24 notification of the contents of this chapter and
25 chapter 56 by distributing copies of educational
26 materials to associations that represent the interests
27 of the various governmental entities for dissemination
28 to their membership.
29 5. Assure that the statements and reports which
30 have been filed in accordance with this chapter and
31 chapter 56 are available for public inspection and
32 copying during the regular office hours of the office
33 in which they are filed and not later than by the end
34 of the day during which a report or statement was
35 received. Rules adopted relating to public inspection
36 and copying of statements and reports may include a
37 charge for any copying and mailing of the reports and
38 statements, shall provide for the mailing of copies
39 upon the request of any person and upon prior receipt
40 of payment of the costs by the board, and shall
41 prohibit the use of the information copied from
42 reports and statements for soliciting contributions or
43 for any commercial purpose by any person other than
44 statutory political committees.
45 6. Require that the candidate of a candidate's
46 committee, or the chairperson of a political
47 committee, is responsible for filing disclosure
48 reports under chapter 56, and shall receive notice
49 from the board if the committee has failed to file a
50 disclosure report at the time required under chapter

Page 17

1 56. A candidate of a candidate's committee, or the
2 chairperson of a political committee may be subject to
3 a civil penalty for failure to file a disclosure
4 report required under section 56.6, subsection 1.
5 7. Establish and impose penalties, and
6 recommendations for punishment of persons who are
7 subject to penalties of or punishment by the board or
8 by other bodies, for the failure to comply with the
9 requirements of this chapter or chapter 56.
10 8. Determine, in case of dispute, at what time a
11 person has become a candidate.
12 9. Preserve reports and statements filed with the
13 board for a period of five years from the date of
14 receipt.
15 10. Establish a procedure for requesting and
16 issuing formal and informal board opinions to persons

17 subject to the authority of the board under this
18 chapter or chapter 56. Advice contained in formal
19 board opinions shall, if followed, constitute a
20 defense to a complaint alleging a violation of this
21 chapter, chapter 56, or rules of the board that is
22 based on the same facts and circumstances.
23 11. Establish rules relating to ethical conduct
24 for persons holding a public office of the state or a
25 political subdivision, including candidates, and for
26 employees of the legislative and executive branch of
27 state government and of political subdivisions of the
28 state and regulations governing the conduct of
29 lobbyists, including but not limited to conflicts of
30 interest, abuse of office, misuse of public property,
31 use of confidential information, participation in
32 matters in which a public official or employee has a
33 financial interest, and rejection of improper offers.
34 12. Establish fees, where necessary, to cover the
35 costs associated with preparing, printing, and
36 distributing materials to persons subject to the
37 authority of the board.
38 Sec. 16. NEW SECTION. 68B.10C COMPLAINTS —
39 PROCEDURE.
40 1. Any person may file a complaint alleging that a
41 public official, public employee, candidate for public
42 office, or a lobbyist has committed a violation of
43 this chapter, chapter 56, or the rules adopted by the
44 board. The board shall prescribe and provide forms
45 for this purpose. The complaint shall include the
46 name and address of the complainant and a statement of
47 the facts believed to be true that form the basis of
48 the complaint, including the sources of information
49 and approximate dates of the acts alleged and a
50 certification by the complainant under penalty of

Page 18

1 perjury that the facts stated to be true are true to
2 the best of the complainant's knowledge.
3 2. Unless the chairperson of the board concludes
4 that immediate notification would prejudice a
5 preliminary investigation or subject the complainant
6 to an unreasonable risk, a copy of the complaint, upon
7 the filing of the complaint, shall be mailed to the
8 party charged with a violation. If a determination is
9 made by the chairperson not to notify the party
10 charged within a period of ten days after the filing
11 of the complaint of the existence and the filing of
12 the complaint, the board must approve and establish
13 the time and conditions under which the party charged
14 will be informed of the filing and contents of the
15 complaint.

16 3. a. The board staff shall review the complaint
17 to determine if the complaint meets the requirements
18 for formal sufficiency. If the complaint is
19 deficient, the complaint shall be returned to the
20 complainant with a statement of the nature of the
21 deficiency. If the complaint is sufficient as to
22 form, the complaint shall be evaluated by legal
23 counsel for the board.
24 b. The board's legal counsel shall advise the
25 chairperson of the board whether the complaint states
26 a valid charge which may be investigated. A valid
27 complaint must allege all of the following:
28 (1) Facts, that if true, establish a violation of
29 a provision of this chapter, chapter 56, or the rules
30 adopted by the board for which civil penalties or
31 other remedies are provided.
32 (2) That the conduct providing the basis for the
33 complaint occurred within three years of the
34 complaint.
35 (3) That the party charged with a violation is a
36 party subject to the jurisdiction of the board.
37 c. Upon receiving legal counsel's evaluation of
38 the validity of the complaint, the chairperson shall
39 refer the complaint to the board, in the manner
40 provided under rules adopted by the board, for a
41 determination of the substantive validity of the
42 complaint.
43 d. If the board determines the complaint is not
44 valid, the complaint shall be dismissed and returned
45 to the complainant with a notice of dismissal stating
46 the reason or reasons for the dismissal. If the board
47 determines that the complaint is valid it shall be
48 referred to the board staff for investigation.
49 e. The board may also, without the filing of a
50 complaint, initiate investigations on the board's own

Page 19

1 motion into matters subject to the board's
2 jurisdiction.
3 4. The purpose of an investigation by the board
4 and board staff is to determine whether there is
5 probable cause to proceed with an adjudicatory hearing
6 on the matter. In conducting investigations and
7 holding hearings, the board may require by subpoena
8 the attendance and testimony of witnesses and may
9 subpoena books, papers, records, and any other real
10 evidence relating to the matter before the board. The
11 board shall have the additional authority provided in
12 section 17A.13. Hearings conducted by the board shall
13 be conducted in the manner prescribed in section
14 17A.12. The rules of evidence applicable under

15 section 17A.14 shall also apply in hearings conducted
16 by the board. A preponderance of clear and convincing
17 evidence shall be required to support a finding that
18 the person, candidate, or committee has committed a
19 violation. If a complaint is filed or initiated less
20 than ninety days before the election for a public
21 office, for which the person named in the complaint is
22 the incumbent officeholder or is a candidate, the
23 board shall, if possible, set the hearing at the
24 earliest available date so as to allow the issue to be
25 resolved before the election. An extension of time
26 for a hearing may be granted when both parties
27 mutually agree on an alternate date for the hearing.
28 Parties to a complaint may, subject to the approval of
29 the board, negotiate for settlement of disputes that
30 are before the board. Terms of any negotiated
31 settlements shall be publicly recorded.
32 5. The board shall maintain the confidentiality of
33 a complaint unless either the complainant or the
34 alleged violator publicly discloses the existence of a
35 complaint or a preliminary investigation. The board,
36 upon such a disclosure by the complainant or the
37 alleged violator, may publicly confirm the existence
38 of the preliminary inquiry and, in the board's
39 discretion, make public the complaint and any
40 documents which were issued to either party to the
41 complaint. The board's investigations and
42 deliberations relating to probable cause
43 determinations shall be confidential. However,
44 investigative materials may be furnished to the proper
45 prosecutional authorities by the board. If the board
46 determines, at any stage in the proceedings that take
47 place prior to hearing, that the complaint is
48 groundless, the complaint shall be dismissed and the
49 complainant and the party charged shall be notified.
50 If, after investigation, the board determines evidence

Page 20

1 exists which, if believed, would support a finding of
2 a violation of this chapter, chapter 56, or the rules
3 adopted by the board, a finding of probable cause
4 shall be made, and hearing shall be ordered. The
5 determination of probable cause, notice of hearing,
6 and final decision of the board shall be public
7 records. After the determination of probable cause,
8 all adjudicatory proceedings of the board, except for
9 the deliberations of the board on the evidence, shall
10 be public. The board may impose a civil penalty not
11 to exceed two thousand dollars upon a person who
12 violates the confidentiality of proceedings or records
13 provided for in this section. If the board determines

14 that a complaint is frivolous or has been filed in bad
15 faith, the board may order the complainant to pay the
16 costs of the proceeding and may impose a civil penalty
17 not to exceed two thousand dollars.
18 6. The board shall determine what role legal
19 counsel for the board shall assume in the conducting
20 of investigations. In addition, upon the request of
21 the board, an appropriate county attorney or the
22 attorney general shall assist the board in any
23 investigation. At board hearings, the complaint shall
24 be prosecuted by legal counsel unless, upon the
25 request of the board, the complaint is prosecuted by
26 the attorney general.
27 7. Upon a finding by the board that the party
28 charged has engaged in an act or practice that
29 violates this chapter, chapter 56, or rules adopted by
30 the board, the board shall proceed as provided under
31 section 68B.10D. Upon a finding that the party
32 charged has not engaged in an act or practice which
33 violates this chapter, chapter 56, or the rules
34 adopted by the board, the complaint shall be dismissed
35 and the party charged and the complainant shall be
36 notified.
37 8. The right of an appropriate county attorney or
38 the attorney general to commence and maintain a
39 district court prosecution for criminal violations of
40 the law is unaffected by any proceedings under this
41 section.
42 9. The board shall by rule pursuant to chapter 17A
43 establish procedures to implement this section.
44 Sec. 17. NEW SECTION. 68B.10D PENALTIES —
45 RECOMMENDED ACTIONS.
46 The board, after a hearing and upon a finding by a
47 preponderance of clear and convincing evidence that a
48 violation of a provision of this chapter, chapter 56,
49 or rules adopted by the board has occurred, may do one
50 or more of the following:

Page 21

1 1. Issue an order requiring the violator to cease
2 and desist from the violation found.
3 2. Issue an order requiring the violator to file
4 any report, statement or other information as required
5 by this chapter, chapter 56, or rules adopted by the
6 board.
7 3. Publicly reprimand the violator for violations
8 of this chapter, chapter 56, or rules adopted by the
9 board in writing and provide a copy of the reprimand
10 to the violator's appointing authority.

11 4. Make a written recommendation to the violator's
12 appointing authority that the violator be removed or
13 suspended from office, and include in the
14 recommendation the length of the suspension.
15 5. If the violator is a member of the general
16 assembly, make a written recommendation to the house
17 of which the violator is a member that the legislator
18 be censured, reprimanded, suspended, expelled from
19 office, or recommend other sanctions as deemed
20 appropriate by the board.
21 6. If the violator is an elected official other
22 than an official who can only be removed by
23 impeachment, make a written recommendation to the
24 attorney general or the appropriate county attorney
25 that an action for removal from office be initiated
26 pursuant to chapter 66.
27 7. If the violator is a lobbyist, censure,
28 reprimand, or impose other sanctions deemed
29 appropriate by the board. A lobbyist may also be
30 suspended from lobbying activities if the board finds
31 that suspension is an appropriate sanction for the
32 violation committed.
33 8. Issue an order requiring the violator to pay a
34 civil penalty of not more than two thousand dollars
35 for each violation of this chapter, chapter 56, or
36 rules adopted by the board.
37 9. Refer the complaint and supporting information
38 to the attorney general or appropriate county attorney
39 with a recommendation for prosecution or enforcement
40 of criminal penalties.
41 If a person fails to comply with an order of the
42 board under subsection 1, 2, or 8, the board may
43 petition the district court having jurisdiction for an
44 order for enforcement of the order of the board. The
45 enforcement proceeding shall be conducted as provided
46 in section 68B.10E.
47 Sec. 18. NEW SECTION. 68B.10E JUDICIAL REVIEW –
48 ENFORCEMENT.
49 Judicial review of the actions of the board may be
50 sought in accordance with chapter 17A. Judicial

Page 22

1 enforcement of orders of the board may be sought in
2 accordance with chapter 17A.
3 Sec. 19. NEW SECTION. 68B.10F PERSONAL FINANCIAL
4 DISCLOSURE – CONTENTS OF STATEMENT.
5 1. A candidate for public office shall file a
6 statement of financial interests with the board
7 concerning the calendar year preceding the year in
8 which the election is to be held for which the
9 candidate has filed. The statement shall be filed no

10 later than thirty days after the date on which the
11 person formally becomes a candidate. Public officials
12 and certain employees shall also, if required by the
13 board by rule, file a statement of financial interests
14 for the preceding year with the board in the manner
15 and at times provided by the board.
16 2. The board shall adopt rules providing for the
17 disclosure of sources of income and significant
18 financial interests of all public officials. The
19 rules shall establish standards for different levels
20 of disclosure of sources of income and significant
21 financial interests depending upon the nature and size
22 of the political subdivision of the state that the
23 official represents and the level of responsibility or
24 authority of the office which is held. Rules may
25 provide for a waiver of personal financial disclosure
26 for county or local elected officials, or any other
27 person who, as defined in the rules of the board, do
28 not occupy a position involving a substantial and
29 material exercise of administrative discretion in the
30 formulation of public policy, expenditure of public
31 funds, enforcement of laws and rules of the state, or
32 the execution of any other public trust, including
33 appointees to boards, commissions, councils, and
34 committees.
35 Sec. 20. NEW SECTION. 68B.10G APPLICABILITY —
36 LOBBYIST REGISTRATION REQUIRED.
37 1. All lobbyists shall, on or before the day their
38 lobbying activity begins, register with the board by
39 filing a lobbyist's registration statement on forms
40 approved by the board. Lobbyists engaged in lobbying
41 activities before the general assembly, the office of
42 the governor, or any state agency, may file the
43 statement with the chief clerk of the house of
44 representatives, secretary of the senate, the office
45 of the governor, or any state agency. The board shall
46 provide appropriate registration forms to the general
47 assembly, the office of the governor, and state
48 agencies. Persons receiving registration statement
49 filings from lobbyists shall forward a copy of the
50 statements to the board. The board shall forward

Page 23

1 copies of the statements to the entities for which
2 each lobbyist is registered to lobby.
3 2. Registration shall be valid from the date of
4 registration until the expiration of the registration
5 period for the type of lobbying in which the person
6 will be engaging. Any change in or addition to the
7 information shall be registered with the board within
8 ten days after the change or addition is known to the
9 lobbyist.

10 3. For persons registered to lobby before the
11 general assembly, registration expires upon the
12 commencement of the next regular session of the
13 general assembly, except that the board may adopt and
14 implement a reasonable preregistration procedure in
15 advance of each regular session during which persons
16 may register for that session and the following
17 legislative interim. For persons registered to lobby
18 before the office of the governor or a state agency,
19 registration expires upon the commencement of a new
20 calendar year. The board may adopt and implement a
21 reasonable preregistration procedure in advance of
22 each new calendar year during which persons may
23 register for that year.
24 4. If a lobbyist's service on behalf of a
25 particular employer, client, or cause is concluded
26 prior to the end of the calendar year, the lobbyist
27 may cancel the registration on appropriate forms
28 supplied by the board. The cancellation forms shall
29 be filed by the lobbyist in the place where the
30 lobbyist filed the original registration. Persons
31 receiving forms canceling a lobbyist's registration
32 shall forward the forms to the board. Upon
33 cancellation of registration, a lobbyist is prohibited
34 from engaging in any lobbying activity on behalf of
35 that particular employer, client, or cause until
36 reregistering and complying with the rules of the
37 board.
38 5. All federal, state, and local officials or
39 employees representing the official positions of their
40 departments, commissions, boards, or agencies shall
41 present to the board a letter of authorization from
42 their department or agency heads prior to the
43 commencement of their lobbying. The lobbyist
44 registration statement of these officials and
45 employees shall not be deemed complete until the
46 letter of authorization is attached. Federal, state,
47 and local officials who wish to lobby in opposition to
48 the official position of their departments,
49 commissions, boards, or agencies must indicate this on
50 their lobbyist registration statements.

Page 24

1 Sec. 21. NEW SECTION. 68B.10H LOBBYIST
2 REPORTING.
3 1. A lobbyist shall file, on forms prescribed by
4 the board, a separate report with the board disclosing
5 the following: the lobbyist's clients; contributions,
6 expenditures, and gifts that were made for purposes of
7 lobbying and were initiated or paid by the lobbyist on
8 behalf of each of the lobbyist's clients during the

9 prior calendar month; all campaign contributions made
10 by the lobbyist; and the recipient of the
11 contributions, expenditures, gifts, or campaign
12 contributions.
13 2. The report of contributions, expenditures, and
14 gifts must be filed with the board on a monthly basis
15 on dates to be determined by the board.
16 Sec. 22. NEW SECTION. 68B.10I LOBBYIST'S CLIENT
17 REPORTING.
18 1. No later than January 31 and July 31 of each
19 year, a lobbyist's client shall file with the board a
20 report that contains information on all salaries,
21 fees, and retainers paid by the lobbyist's client to
22 the lobbyist for lobbying purposes during the
23 preceding six calendar months.
24 2. The report due January 31 shall include a
25 cumulative total of all lobbying expenditures for the
26 preceding calendar year.
27 Sec. 23. Section 68B.11, Code 1991, is amended by
28 striking the section and inserting in lieu thereof the
29 following:
30 68B.11 SUPREME COURT RULES.
31 The supreme court of this state shall adopt rules
32 establishing a code of ethics for officials and
33 employees of the judicial department of this state,
34 and the immediate family members of the officials and
35 employees. Rules adopted shall include provisions
36 relating to the receipt or acceptance of gifts and
37 honoraria, interests in public contracts, services
38 against the state, and financial disclosure which are
39 substantially similar to the requirements of this
40 chapter and chapter 56.
41 Sec. 24. Section 56.2, Code Supplement 1991, is
42 amended by adding the following new subsection:
43 NEW SUBSECTION. 1A. "Board" means the Iowa ethics
44 and campaign finance board under section 68B.10A.
45 Sec. 25. Section 56.2, subsection 3, Code
46 Supplement 1991, is amended to read as follows:
47 3. "Candidate" means any individual who has taken
48 affirmative action to seek nomination or election to a
49 public office ~~but~~ and shall ~~exclude~~ also include any
50 judge standing for retention in a judicial election.

Page 25

1 Sec. 26. Section 56.2, subsection 5, Code
2 Supplement 1991, is amended by striking the subsection
3 and inserting in lieu thereof the following:
4 5. "Commissioner" means the county commissioner of
5 elections designated under section 47.2.
6 Sec. 27. Section 56.2, subsection 11, Code
7 Supplement 1991, is amended to read as follows:

8 11. "Disclosure report" means a statement of
9 contributions received, expenditures made, and
10 indebtedness incurred on forms prescribed by rules
11 ~~promulgated~~ adopted by the ~~commission~~ board in
12 accordance with chapter 17A.
13 Sec. 28. Section 56.2, subsection 16, Code
14 Supplement 1991, is amended to read as follows:
15 16. "Public office" means any ~~federal,~~ state,
16 county, city, or school office filled by election.
17 Sec. 29. Section 56.4, Code 1991, is amended to
18 read as follows:
19 56.4 REPORTS FILED WITH ~~COMMISSION~~ BOARD.
20 All statements and reports required to be filed
21 under this chapter for a state office shall be filed
22 with the ~~commission~~ board. If the statement or report
23 is filed for or by a candidate for a seat in the
24 general assembly, the report or statement shall also
25 be filed with the commissioner of elections of each
26 county within the district. All statements and
27 reports required to be filed under this chapter for a
28 county, city, or school office shall be filed with the
29 commissioner. Statements and reports on a ballot
30 issue shall be filed with the commissioner responsible
31 under section 47.2 for conducting the election at
32 which the issue is voted upon, except that statements
33 and reports on a statewide ballot issue shall be filed
34 with the ~~commission~~ board. Copies of any reports
35 filed with a commissioner shall be provided by the
36 commissioner to the ~~commission~~ board on its request.
37 State statutory political committees shall file all
38 statements and reports with the ~~commission~~ board. All
39 other statutory political committees shall file the
40 statements and reports with the commissioner with a
41 copy sent to the ~~commission~~ board.
42 Political committees supporting or opposing
43 candidates for both federal office and any elected
44 office created by law or the Constitution of the state
45 of Iowa shall file statements and reports with the
46 ~~commission~~ board in addition to any federal reports
47 required to be filed with the secretary of state.
48 Political committees supporting or opposing
49 candidates or ballot issues for statewide elections
50 and for county, municipal or school elections may file

Page 26

1 all activity on one report with the ~~commission~~ board
2 and shall send a copy to the commissioner responsible
3 under section 47.2 for conducting the election.
4 Sec. 30. Section 56.5, subsections 3 and 5, Code
5 Supplement 1991, are amended to read as follows:

6 3. Any change in information previously submitted
7 in a statement of organization or notice in case of
8 dissolution of the committee shall be reported to the
9 ~~commission~~ board or commissioner not more than thirty
10 days from the date of the change or dissolution.
11 5. A committee not domiciled in Iowa which makes a
12 contribution to a candidate's committee or political
13 committee domiciled in Iowa shall disclose each
14 contribution to the ~~commission~~ board. A committee not
15 domiciled in Iowa which is not registered and filing
16 full disclosure reports of all financial activities
17 with the federal election commission or another
18 state's disclosure commission shall register and file
19 full disclosure reports with the ~~commission~~ board
20 pursuant to this chapter. A committee which is
21 currently filing a disclosure report in another
22 jurisdiction shall either file a statement of
23 organization under subsections 1 and 2 and file
24 disclosure reports, the same as those required of
25 Iowa-domiciled committees, under section 56.6, or
26 shall file one copy of a verified statement with the
27 ~~commission~~ board and a second copy with the treasurer
28 of the committee receiving the contribution. The form
29 shall be completed and filed at the time the
30 contribution is made. The verified statement shall be
31 on forms prescribed by the ~~commission~~ board. The form
32 shall include the complete name, address, and
33 telephone number of the contributing committee, the
34 state or federal jurisdiction under which it is
35 registered or operates, the identification of any
36 parent entity or other affiliates or sponsors, its
37 purpose, the name and address of an Iowa resident
38 authorized to receive service of original notice and
39 the name and address of the receiving committee, the
40 amount of the cash or in-kind contribution, and the
41 date the contribution was made.
42 Sec. 31. Section 56.6, subsection 1, paragraph a;
43 subsection 2; subsection 3, paragraph k; and
44 subsection 5, Code Supplement 1991, are amended to
45 read as follows:
46 a. Each treasurer of a committee shall file with
47 the ~~commission~~ board or commissioner, or both if
48 required under section 56.4 disclosure reports of
49 contributions received and disbursed on forms
50 prescribed by rules as provided by chapter 17A. The

Page 27

1 reports from all committees, except those committees
2 for municipal and school elective offices and for
3 local ballot issues, shall be filed on the twentieth
4 day or mailed bearing a United States postal service

5 postmark dated on or before the nineteenth day of
6 January, May, July, and October of each year. The
7 May, July, and October reports shall be current as of
8 five days prior to the filing deadline. The January
9 report shall be the annual report covering activity
10 through December 31. However, a state or county
11 statutory political committee is not required to file
12 the May and July reports for a year in which no
13 primary or general election is held. A candidate's
14 committee, other than for municipal and school
15 elective offices, for a year in which the candidate is
16 not standing for election, is not required to file the
17 May, July, and October reports. Reports for
18 committees for a ballot issue placed before the voters
19 of the entire state shall be filed at the January,
20 May, July, and October deadlines.
21 2. If any committee, after having filed a
22 statement of organization or one or more disclosure
23 reports, dissolves or determines that it shall no
24 longer receive contributions or make disbursements,
25 the treasurer of the committee shall notify the
26 ~~commission~~ board or the commissioner within thirty
27 days following such dissolution by filing a
28 dissolution report on forms prescribed by the
29 ~~commission~~ board. Moneys refunded in accordance with
30 a dissolution statement shall be considered a
31 disbursement or expense but the names of persons
32 receiving refunds need not be released or reported
33 unless the contributors' names were required to be
34 reported when the contribution was received.
35 k. Other pertinent information required by this
36 chapter, by rules adopted pursuant to this chapter, or
37 forms approved by the ~~commission~~ board.
38 5. A committee shall not dissolve until all loans,
39 debts and obligations are paid, forgiven or
40 transferred and the remaining money in the account is
41 distributed according to the organization statement.
42 If a loan is transferred or forgiven, the amount of
43 the transferred or forgiven loan must be reported as
44 an in-kind contribution and deducted from the loans
45 payable balance on the disclosure form. A statutory
46 political committee is prohibited from dissolving, but
47 may be placed in an inactive status upon the approval
48 of the ~~commission~~ board. Inactive status may be
49 requested for a statutory political committee when no
50 officers exist and the statutory political committee

Page 28

1 has ceased to function. The request shall be made by
2 the previous treasurer or chairperson of the committee
3 and by the appropriate state statutory political

4 committee. A statutory political committee granted
5 inactive status shall not solicit or expend funds in
6 its name until the committee reorganizes and fulfills
7 the requirements of a political committee under this
8 chapter.
9 Sec. 32. Section 56.6, subsection 1, paragraph c,
10 Code Supplement 1991, is amended by striking the
11 paragraph.
12 Sec. 33. Section 56.13, unnumbered paragraph 1,
13 Code 1991, is amended to read as follows:
14 Action involving a contribution or expenditure
15 which must be reported under this chapter and which is
16 taken by any person, candidate's committee or
17 political committee on behalf of a candidate, if known
18 and approved by the candidate, shall be deemed action
19 by the candidate and reported by the candidate's
20 committee. It shall be presumed that a candidate
21 approves the action if the candidate had knowledge of
22 it and failed to file a statement of disavowal with
23 the commissioner or ~~commission~~ board and take
24 corrective action within seventy-two hours of the
25 action. A person, candidate's committee or political
26 committee taking such action independently of that
27 candidate's committee shall notify that candidate's
28 committee in writing within twenty-four hours of
29 taking the action. The notification shall provide
30 that candidate's committee with the cost of the
31 promotion at fair market value. A copy of the
32 notification shall be sent to the ~~commission~~ board.
33 Sec. 34. NEW SECTION. 56.15A PROHIBITING
34 CONTRIBUTIONS DURING THE LEGISLATIVE SESSION.
35 A lobbyist or political committee, other than a
36 state statutory political committee, county statutory
37 political committee, or a national political party,
38 shall not contribute to, act as an agent or
39 intermediary for contributions to, or arrange for the
40 making of contributions to the campaign funds of an
41 elected state official, member of the general
42 assembly, or candidate for public office on the state
43 level on any day during the regular legislative
44 session and, in the case of the governor or a
45 gubernatorial candidate, during the thirty days
46 following the adjournment of a regular legislative
47 session allowed for the signing of bills. This
48 section shall not apply to the receipt of
49 contributions by an elected state official, member of
50 the general assembly, or other state official who has

Page 29

1 taken affirmative action to seek nomination or
2 election to a federal elective office.

3 Sec. 35. Section 56.20, Code 1991, is amended to
4 read as follows:
5 56.20 RULES ~~PROMULGATED~~ ADOPTED.
6 The director of revenue and finance, in co-
7 operation with the director of the department of
8 management and the Iowa ethics and campaign finance
9 ~~disclosure commission~~ board, shall administer the
10 provisions of sections 56.18 to 56.26 and they shall
11 ~~promulgate~~ adopt all necessary rules in accordance
12 with chapter 17A.
13 Sec. 36. Section 56.23, Code 1991, is amended to
14 read as follows:
15 56.23 FUNDS — CAMPAIGN EXPENSES ONLY.
16 The chairperson of the state statutory political
17 committee shall produce evidence to the director of
18 revenue and finance and the Iowa ethics and campaign
19 finance ~~disclosure commission~~ board not later than the
20 twenty-fifth day of January each year, that all income
21 tax checkoff funds expended for campaign expenses have
22 been utilized exclusively for campaign expenses.
23 The Iowa ethics and campaign finance ~~disclosure~~
24 ~~commission~~ board shall issue, prior to the payment of
25 any money, guidelines which explain which expenses and
26 evidence thereof qualify as acceptable campaign
27 expenses.
28 Should the Iowa ethics and campaign finance
29 ~~disclosure commission~~ board and the director of
30 revenue and finance determine that any part of the
31 funds have been used for noncampaign or improper
32 expenses, they may order the political party or the
33 candidate to return all or any part of the total funds
34 paid to that political party for that election. When
35 ~~such~~ the funds are returned, they shall be deposited
36 in the general fund of the state.
37 Sec. 37. Section 56.41, subsection 1, Code
38 Supplement 1991, is amended to read as follows:
39 1. A candidate and the candidate's committee shall
40 use campaign funds only for campaign purposes or
41 constituency services, and shall not use campaign
42 funds for personal expenses.
43 Sec. 38. Section 56.41, Code Supplement 1991, is
44 amended by adding the following new subsection:
45 NEW SUBSECTION. 3. The board shall adopt rules
46 which list items that represent proper campaign
47 expenses.
48 Sec. 39. Section 56.42, subsections 1, 2, and 5,
49 Code Supplement 1991, are amended to read as follows:
50 1. In addition to the uses permitted under section

Page 30

1 56.41, a candidate's committee may only transfer
2 campaign funds in one or more of the following ways:
3 a. Contributions to charitable organizations.
4 b. Contributions to national, state, or local
5 political party central committees~~, or other~~
6 ~~candidate's committees~~.
7 c. Transfers to the treasurer of state for deposit
8 in the general fund of the state.
9 d. Return of contributions to contributors on a
10 pro rata basis, except that any contributor who
11 contributed five dollars or less may be excluded from
12 the distribution.
13 2. If an unexpended balance of campaign funds
14 remains when a ~~candidate ceases to be a candidate or~~
15 ~~the~~ candidate's committee dissolves, the unexpended
16 balance shall be transferred pursuant to subsection 1.
17 5. A candidate, ~~or~~ candidate's committee, or any
18 other person shall not directly or indirectly receive
19 or transfer campaign funds with the intent of
20 circumventing the requirements of this section. A
21 candidate for statewide or legislative office shall
22 not establish, direct, or maintain a political
23 committee.
24 Sec. 40. Section 331.756, subsection 15, Code
25 1991, is amended to read as follows:
26 15. Review ~~the~~ any report and recommendations of
27 the ~~campaign finance disclosure commission~~ Iowa ethics
28 and campaign finance board and proceed to institute
29 ~~the~~ any recommended actions or advise the ~~commission~~
30 board that prosecution is not merited ~~as provided in~~
31 ~~section 56.11, subsection~~ 4 under chapter 56 or 68B.
32 Sec. 41. Section 602.1609, Code 1991, is amended
33 to read as follows:
34 602.1609 COMPLIANCE WITH ~~GIFT~~ ETHICS LAW.
35 Judicial officers and court employees shall comply
36 with rules ~~adopted~~ prescribed by the supreme court
37 ~~under section 68B.11~~ with respect to ethical conduct
38 including the ~~reporting~~ acceptance and receipt of
39 gifts ~~received~~ and honoraria, interests in public
40 contracts, services against the state, and financial
41 disclosure. In prescribing rules, the supreme court
42 shall include any appropriate provisions and
43 limitations contained in chapter 68B. Violations are
44 subject to the ~~criminal~~ imposition of criminal and
45 civil penalties in the manner provided ~~in that section~~
46 by law.
47 Sec. 42. Section 602.2101, Code 1991, is amended
48 to read as follows:
49 602.2101 AUTHORITY.
50 The supreme court may retire, discipline, or remove

Page 31

1 a judicial officer from office or may discipline or
2 remove an employee of the judicial department for
3 cause as provided in this part.
4 Sec. 43. Section 602.2103, Code 1991, is amended
5 to read as follows:
6 602.2103 OPERATION OF COMMISSION.
7 A quorum of the commission is four members. Only
8 those commission members that are present at
9 commission meetings or hearings may vote. An
10 application by the commission to the supreme court to
11 retire, discipline, or remove a judicial officer, or
12 discipline or remove an employee of the judicial
13 department, or an action by the commission which
14 affects the final disposition of a complaint, requires
15 the affirmative vote of at least four commission
16 members. Notwithstanding chapter 21 and chapter 22,
17 all records, papers, proceedings, meetings, and
18 hearings of the commission are confidential, but if
19 the commission applies to the supreme court to retire,
20 discipline, or remove a judicial officer, or to
21 discipline or remove an employee of the judicial
22 department, the application and all of the records and
23 papers in that proceeding are public documents.
24 Sec. 44. Section 602.2104, Code 1991, is amended
25 to read as follows:
26 602.2104 PROCEDURE BEFORE COMMISSION.
27 1. Charges before the commission shall be in
28 writing but may be simple and informal. The
29 commission shall investigate each charge as indicated
30 by its gravity. If the charge is groundless, it shall
31 be dismissed by the commission. If the charge appears
32 to be substantiated but does not warrant application
33 to the supreme court, the commission may dispose of it
34 informally by conference with or communication to the
35 judicial officer or employee of the judicial
36 department involved. If the charge appears to be
37 substantiated and if proved would warrant application
38 to the supreme court, notice shall be given to the
39 judicial officer and a hearing shall be held before
40 the commission. The commission may employ
41 investigative personnel, in addition to the executive
42 secretary, as it deems necessary. The commission may
43 also employ or contract for the employment of legal
44 counsel.
45 2. In case of a hearing before the commission,
46 written notice of the charge and of the time and place
47 of hearing shall be mailed to ~~the~~ a judicial officer
48 or an employee of the judicial department at the
49 ~~officer's~~ person's residence at least twenty days
50 prior to the time set for hearing. Hearing shall be

1 held in the county where the judicial officer or
2 employee of the judicial department resides unless the
3 commission and the judicial officer or employee of the
4 judicial department agree to a different location.
5 The judicial officer shall continue to perform
6 judicial duties during the pendency of the charge and
7 the employee shall continue to perform the employee's
8 assigned duties, unless otherwise ordered by the
9 commission. The commission has subpoena power on
10 behalf of the state and the judicial officer~~, and~~
11 ~~disobedience~~ or employee of the judicial department.
12 Disobedience of the commission's subpoena is
13 punishable as contempt in the district court for the
14 county in which the ~~hearing~~ proceeding is held. The
15 attorney general shall prosecute the charge before the
16 commission on behalf of the state. ~~The~~ A judicial
17 officer or employee of the judicial department may
18 defend and has the right to participate in person and
19 by counsel, to cross-examine, to be confronted by the
20 witnesses, and to present evidence in accordance with
21 the rules of civil procedure. A complete record shall
22 be made of the evidence by a court reporter. In
23 accordance with its findings on the evidence, the
24 commission shall dismiss the charge or make
25 application to the supreme court to retire,
26 discipline, or remove the judicial officer or to
27 discipline or remove an employee of the judicial
28 department.
29 Sec. 45. Section 602.2106, Code 1991, is amended
30 to read as follows:
31 602.2106 PROCEDURE BEFORE SUPREME COURT.
32 1. If the commission submits an application to the
33 supreme court to retire, discipline, or remove a
34 judicial officer or to discipline or remove an
35 employee of the judicial department, the commission
36 shall promptly file in the supreme court a transcript
37 of the hearing before the commission. The statutes
38 and rules relative to proceedings in appeals of equity
39 suits apply.
40 2. The attorney general shall prosecute the
41 proceedings in the supreme court on behalf of the
42 state, and the judicial officer or employee of the
43 judicial department may defend in person and by
44 counsel.
45 3. Upon application by the commission, the supreme
46 court may do ~~either~~ any of the following:
47 a. Retire the judicial officer for permanent
48 physical or mental disability which substantially
49 interferes with the performance of judicial duties.
50 b. Discipline or remove the judicial officer for

1 persistent failure to perform duties, habitual
2 intemperance, willful misconduct in office, conduct
3 which brings judicial office into disrepute, or
4 substantial violation of the canons of judicial
5 ethics. Discipline may include suspension without pay
6 for a definite period of time not to exceed twelve
7 months.
8 c. Discipline or remove an employee of the
9 judicial department for conduct which violates the
10 code of ethics prescribed by the supreme court for
11 court employees.
12 4. If the supreme court finds that the application
13 should be granted in whole or in part, it shall render
14 the decree that it deems appropriate.
15 Sec. 46. Section 602.2107, Code 1991, is amended
16 to read as follows:
17 602.2107 CIVIL IMMUNITY.
18 The making of charges before the commission, the
19 giving of evidence or information before the
20 commission or to an investigator or legal counsel
21 employed by the commission, and the presentation of
22 transcripts, extensions of evidence, briefs, and
23 arguments in the supreme court are privileged in
24 actions for defamation.
25 Sec. 47. INITIAL APPOINTMENTS TO STATE ETHICS AND
26 CAMPAIGN FINANCE BOARD. Notwithstanding any contrary
27 requirements contained in section 68B.10A the initial
28 appointments to the Iowa ethics and campaign finance
29 board shall be made by July 1, 1992, and staggered as
30 follows:
31 1. Two of the appointees of the governor and the
32 two appointees of the senate shall serve an initial
33 term of two years.
34 2. Two of the appointees of the supreme court and
35 the two appointees of the house of representatives
36 shall serve an initial term of four years.
37 3. Two of the appointees of the governor and two
38 of the appointees of the supreme court shall serve an
39 initial term of six years.
40 The board shall adopt any emergency or transition
41 rules necessary for the assumption of its duties by
42 January 1, 1993, and for the transition and transfer
43 of any matters currently pending before the ethics
44 committees of either house of the general assembly or
45 before the campaign finance disclosure commission.
46 Sec. 48. Section 6 of this Act shall apply to
47 officials, employees, members of the general assembly,
48 or legislative employees who are employed, hold
49 office, or terminate service or employment on or after
50 the date of enactment of this Act.

Page 34

1 Sec. 49. Section 56.9, 56.10A, and 56.11, Code
2 1991, are repealed.
3 Sec. 50. Section 56.10, Code Supplement 1991, is
4 repealed.
5 Sec. 51. Sections 1, 2, 9, 10, 11, 12, 13,
6 sections 19 through 33, and sections 35, 36, 49, and
7 50 of this Act take effect January 1, 1993.
8 Sec. 52. Sections 6, 7, 13, 14, 39, 47, and 48 of
9 this Act, being deemed of immediate importance, take
10 effect upon enactment.
11 Sec. 53. CODIFICATION. The Code editor shall
12 renumber the sections in chapter 68B, reserving
13 section numbers if appropriate, as the Code editor
14 sees fit."

Peterson of Carroll offered the following amendment H—5881, to the committee amendment H—5863, filed by him and moved its adoption:

H—5881

1 Amend the amendment, H—5863, to House File 2466, as
2 follows:
3 1. Page 1, line 42, by striking the word
4 "subdivisions" and inserting the following:
5 "subdivision".
6 2. Page 4, lines 4 and 5, by striking the words
7 "holder of public office" and inserting the following:
8 "public official or public employee".
9 3. Page 4, line 6, by inserting after the word
10 "article" the following: "if the person giving the
11 thing of value is in any of the following categories:
12 (1) Is doing or seeking to do business of any kind
13 with the agency in which the public official or public
14 employee serves or is employed.
15 (2) Is engaged in activities which are regulated
16 or controlled by the public official's or public
17 employee's agency.
18 (3) Has financial interests which may be
19 substantially and materially affected, in a manner
20 distinguishable from the public generally, by the
21 performance or nonperformance of the public official's
22 or public employee's official duties.
23 (4) Is a lobbyist with respect to matters within
24 the public official's or public employee's
25 jurisdiction".
26 4. Page 13, line 45, by striking the word
27 "effective".
28 5. Page 26, line 48, by striking the figure
29 "56.4" and inserting the following: "56.4,".

30 6. Page 30, line 26, by striking the word
31 "recommendations" and inserting the following:
32 "~~recommendations~~ recommendation".

Amendment H—5881 was adopted.

Peterson of Carroll offered the following amendment H—5933, to the committee amendment H—5863, filed by him from the floor and moved its adoption:

H—5933

1 Amend the amendment, H—5863, to House File 2466, as
2 follows:
3 1. Page 5, line 13, by striking the words
4 "representing a client" and inserting the following:
5 "licensed to practice law in this state representing a
6 client before any agency or".

Amendment H—5933 was adopted.

Peterson of Carroll offered the following amendment H—5920, to the committee amendment H—5863, filed by him and moved its adoption:

H—5920

1 Amend amendment, H—5863, to House File 2466, as
2 follows:
3 1. Page 5, line 45, by inserting after the word
4 "means" the following: "state".
5 2. Page 8, line 5, by striking the word "an" and
6 inserting the following: "a state".
7 3. Page 22, line 27, by striking the word
8 "person" and inserting the following: "persons".
9 4. Page 33, line 46, by striking the words
10 "Section 6" and inserting the following: "Sections 6
11 and 7".

Amendment H—5920 was adopted.

SPECIAL PRESENTATION OF VISITORS

Black of Jasper presented to the House the Honorable Robert Anderson, Executive Director, Iowa Peace Institute. Mr. Anderson introduced to the House the following visitors to the Iowa Peace Institute from the Bulgarian Association for Fair Elections and Civil Rights: Ekaterina Mikhailova, Ventzislav Loukanov, Michael Koytchev, Alexander Stoychev, Nickolai Nickolov and Margutt Kevorkyan.

The House rose and expressed its welcome.

Neuhauser of Johnson offered the following amendment H—5928, to the committee amendment H—5863, filed by her and Carpenter of Polk and moved its adoption:

H—5928

1 Amend amendment, H—5863, to House File 2466, as
2 follows:
3 1. Page 6, by striking lines 19 through 34 and
4 inserting the following:
5 "Sec. _____. Section 68B.3, Code 1991, is amended by
6 striking the section and inserting in lieu thereof the
7 following:
8 68B.3 WHEN PUBLIC BIDS REQUIRED — DISCLOSURE OF
9 INCOME FROM OTHER SALES.
10 1. An official, state employee, member of the
11 general assembly, or legislative employee shall not
12 sell, in any one occurrence, any goods or services
13 having a value in excess of five hundred dollars to
14 any state agency unless the sale is made pursuant to
15 an award or contract let after public notice and
16 competitive bidding. The board may, however, grant a
17 waiver of the requirements of this subsection upon a
18 showing of good cause by the official, state employee,
19 member of the general assembly, or legislative
20 employee. This subsection shall not apply to the
21 publication of resolutions, advertisements, or other
22 legal propositions or notices in newspapers designated
23 pursuant to law for the publication of legal
24 propositions or notices and for which rates are fixed
25 pursuant to law.
26 For purposes of this section, "services" does not
27 include instruction at an accredited education
28 institution if the person providing the instruction
29 meets the minimum education and licensing requirements
30 established for teachers at the education institution.
31 2. An official, state employee, member of the
32 general assembly, or legislative employee who sells
33 goods or services to a political subdivision of the
34 state shall disclose whether income has been received
35 from commissions from the sales in the manner and on
36 forms provided by the board under section 68B.10F."
37 2. By renumbering as necessary.

Amendment H—5928 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Eddie of Buena Vista, until his return, on request of Spenner of Henry.

Bisignano of Polk offered the following amendment H—5935, to the committee amendment H—5863, filed from the floor by Bisignano, Jochum, Sherzan, Renaud, Baker, Jesse, Hibbard, Gruhn, Doderer, Mertz, Bernau and Black and moved its adoption:

H—5935

1 Amend the amendment, H—5863, to House File 2466, as
2 follows:
3 1. Page 9, line 41, by striking the word "fifty"
4 and inserting the following: "thirty-five".
5 2. Page 9, line 48, by inserting after the word
6 "board." the following: "Gifts given to or received
7 by a member of a public official's, public employee's,
8 or candidate's immediate family shall be deemed to
9 have been given to the public official, public
10 employee, or candidate, for purposes of calculating
11 the amount of gifts received."

Roll call was requested by Bisignano of Polk and Bernau of Story.

On the question "Shall amendment H—5935, to the committee amendment H—5863, be adopted?" (H.F. 2466)

The ayes were, 79:

Adams	Banks	Bartz	Beaman
Beatty	Bernau	Bisignano	Black
Brand	Burke	Carpenter	Chapman
Cohoon	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jesse	Jochum
Kistler	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Nielsen
Osterberg	Pavich	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Sherzan	Shoning	Shoultz	Siegrist
Spenner	Svoboda	Tyrrell	Van Maanen
Weidman	Wise	Wissing	

The nays were, 12:

Bennett	Blanshan	Branstad	Knapp
McKinney	Neuhauser	Ollie	Peterson, M. K.
Schrader	Shearer	Spear	Arnould, Spkr.

Absent or not voting, 9:

Baker	Brammer	Brown	Connors
Eddie	Jay	Johnson	Petersen, D. F.
Teaford			

Amendment H—5935 was adopted.

Halvorson of Webster offered the following amendment H—5911, to the committee amendment H—5863, filed by him:

H—5911

1 Amend the amendment, H—5863, to House File 2466, as
2 follows:
3 1. By striking page 9, line 40, through page 10,
4 line 4.
5 2. By renumbering as necessary.

Schrader of Marion in the chair at 11:29 a.m.

Speaker Arnould in the chair at 11:34 a.m.

Halvorson of Webster moved the adoption of amendment H—5911, to the committee amendment H—5863.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 46, nays 47.

Amendment H—5911 lost.

Peterson of Carroll offered the following amendment H—5919, to the committee amendment H—5863, filed by him and moved its adoption:

H—5919

1 Amend the amendment, H—5863, to House File 2466, as
2 follows:
3 1. Page 11, by inserting after line 18 the
4 following:
5 "Sec. _____. NEW SECTION. 68B.7D LOANS — RECEIPT
6 FROM LOBBYISTS PROHIBITED.
7 A public official, public employee, or candidate
8 shall not, directly or indirectly, seek or accept a
9 loan or series of loans from a person who is a
10 lobbyist.
11 A lobbyist shall not, directly or indirectly, offer
12 or make a loan or series of loans to a public
13 official, public employee, or candidate. A lobbyist
14 shall also not, directly or indirectly, join with one
15 or more persons to offer or make a loan or series of

16 loans to a public official, public employee, or
17 candidate."
18 2. By numbering, renumbering, and changing
19 internal references as necessary.

Amendment H—5919 was adopted.

Halvorson of Webster offered the following amendment H—5900, to the committee amendment H—5863, filed by him and moved its adoption:

H—5900

1 Amend the amendment, H—5863, to House File 2466, as
2 follows:
3 1. Page 22, line 6, by inserting after the word
4 "interests" the following: ", including
5 indebtedness,".
6 2. Page 22, line 13, by inserting after the word
7 "interests" the following: ", including
8 indebtedness,".

Amendment H—5900 lost.

(The committee amendment H—5863, as amended, to House File 2466 pending at recess.)

On motion by McKinney of Dallas, the House was recessed at 12:10 p.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould 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 16, 1992, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2345, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund and providing an effective date.

Also: That the Senate has on April 16, 1992, appointed the conference committee to Senate File 2347, a bill for an act relating to agriculture and natural resources, by making appropriations and statutory changes, and providing effective dates, and the members of the Senate are: The Senator from Tama, Senator Husak, Chair; the Senator from Kossuth, Senator Priebe; the Senator from Palo Alto, Senator Kibbie; the Senator from Fremont, Senator McLaren; the Senator from Pottawattamie, Senator Hester.

JOHN F. DWYER, Secretary

QUORUM CALL

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

BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 2466**, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions, and the committee amendment H—5863, found on pages 1518 through 1552 of the House Journal, as amended.

Halvorson of Webster offered the following amendment H—5901, to the committee amendment H—5863, filed by him and moved its adoption:

H—5901

1 Amend the amendment, H—5863, to House File 2466, as
2 follows:
3 1. Page 22, by inserting after line 34, the
4 following:
5 "_____. The board shall also adopt rules providing
6 for disclosure of significant indebtedness by public
7 officials for whom disclosure of sources of income or
8 significant financial interests is required. Rules
9 adopted may provide exclusions for certain kinds or
10 classes of indebtedness. Rules adopted shall provide
11 for a process by which a public official may seek to
12 have a particular type of indebtedness excluded from
13 disclosure. The board in determining whether a
14 particular kind or class of indebtedness shall be
15 disclosed shall determine whether the public interests
16 served by the disclosure of the indebtedness outweigh
17 the interests served by allowing the information to
18 remain private."
19 2. By numbering, renumbering and changing
20 internal references as necessary.

A non-record roll call was requested.

The ayes were 11, nays 44.

Amendment H—5901 lost.

Halvorson of Webster asked and received unanimous consent to defer action on amendment H—5934, to the committee amendment H—5863.

Metcalf of Polk offered the following amendment H—5939, to the committee amendment H—5863, filed from the floor by her and Millage of Scott and moved its adoption:

H—5939

1 Amend the amendment, H—5863, to House File 2466 as
2 follows:
3 1. Page 33, line 47, by striking the words ",
4 members of the general assembly".
5 2. Page 33, line 50, by inserting after the word
6 "Act" the following: "and members of the general
7 assembly who are, were, or will be elected to serve in
8 the seventy-fourth or any subsequent general assembly".

Roll call was requested by McKean of Jones and Miller of Cherokee.

Rule 75 was invoked.

On the question "Shall amendment H—5939, to the committee amendment H—5863, be adopted?" (H.F. 2466)

The ayes were, 46:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. E.	Hanson, D. R.	Harbor
Hester	Hurley	Iverson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Metcalf
Millage	Miller	Petersen, D. F.	Plasier
Rafferty	Renken	Royer	Shoning
Siegrist	Spenner	Tyrrell	Van Maanen
Weidman	Wissing		

The nays were, 49:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Fogarty	Gill	Groninga	Gruhn
Hammond	Hansen, S. D.	Haverland	Hibbard
Holveck	Jesse	Jochum	Knapp
Koenigs	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Pavich	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoultz
Spear	Svoboda	Teaford	Wise
Mr. Speaker Arnould			

Absent or not voting, 5:

Brammer Hatch Jay Johnson
Osterberg

Amendment H—5939 lost.

Halvorson of Clayton asked and received unanimous consent to defer action on amendment H—5938, to the committee amendment H—5863.

Halvorson of Clayton offered amendment H—5944, to the committee amendment H—5863, filed from the floor by him and Harbor of Mills. Division was requested as follows:

H—5944

1 Amend the amendment, H—5863, to House File 2466, as
2 follows:

H—5944A

3 1. Page 3, by striking lines 42 through 44, and
4 inserting the following:
5 "(_____) Food and drink received during a calendar
6 day which is consumed in the presence of the donor and
7 has a value not exceeding thirty-five dollars. Food
8 and drink given to or received by a member of a public
9 official's, public employee's, or candidate's
10 immediate family shall be deemed to have been given to
11 the public official, public employee, or candidate,
12 for purposes of calculating the amount of the food and
13 drink received."

H—5944B

14 2. By striking page 9, line 40 through page 10,
15 line 4.
16 3. By numbering and renumbering as necessary.

Dvorsky of Johnson in the chair at 3:23 p.m.

Halvorson of Clayton moved the adoption of amendment H—5944A, to the committee amendment H—5863.

A non-record roll call was requested.

The ayes were 17, nays 56.

Amendment H—5944A lost.

The Speaker announced that amendment H—5944B was identical to amendment H—5911 previously considered and, therefore, out of order.

Halvorson of Clayton offered the following amendment H—5941, to the committee amendment H—5863, filed from the floor by him and Harbor of Mills and moved its adoption:

H—5941

1 Amend the amendment, H—5863, to House File 2466, as
2 follows:
3 1. Page 3, by striking lines 42 through 44.
4 2. By renumbering as necessary.

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

On the question "Shall amendment H—5941, to the committee amendment H—5863, be adopted?" (H.F. 2466)

The ayes were, 48:

Banks	Bartz	Beaman	Bennett
Bernau	Bisignano	Brand	Branstad
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. E.	Harbor	Hester
Hibbard	Hurley	Iverson	Kistler
Knapp	Krebsbach	Kremer	Lundby
Maulsby	Mertz	Millage	Murphy
Petersen, D. F.	Rafferty	Renken	Royer
Sherzan	Shoning	Siegrist	Spenner
Svoboda	Tyrrell	Van Maanen	Weidman

The nays were, 49:

Adams	Arnould, Spkr.	Baker	Beatty
Black	Blanshan	Brown	Burke
Carpenter	Chapman	Cohoon	Doderer
Fogarty	Gill	Groninga	Gruhn
Hammond	Hansen, S. D.	Hanson, D. R.	Hatch
Haverland	Holveck	Jesse	Jochum
Koenigs	Lageschulte	McKean	McKinney
McNeal	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Plasier	Poncy
Renaud	Schrader	Shearer	Shoultz
Spear	Teaford	Wise	Wissing
Dvorsky Presiding			

Absent or not voting, 3:

Brammer	Jay	Johnson

Amendment H—5941 lost.

Tyrrell of Iowa asked and received unanimous consent to defer action on amendment H—5942, to the committee amendment H—5863.

Harbor of Mills asked and received unanimous consent to withdraw amendment H—5794, to the committee amendment H—5863, filed by him and Halvorson of Clayton on April 7, 1992.

Halvorson of Webster asked and received unanimous consent to defer action on amendment H—5934, to the committee amendment H—5863.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—5938, previously deferred, to the committee amendment H—5863, filed from the floor by Halvorson of Clayton, Bisignano, Harbor and Jochum.

Speaker Arnould in the chair at 3:50 p.m.

Hansen of Woodbury offered the following amendment H—5949, to the committee amendment H—5863, filed by him from the floor and moved its adoption:

H—5949

1 Amend the amendment, H—5863, to House File 2466 as
2 follows:
3 1. Page 4, by inserting after line 22, the
4 following:
5 "_____. "Lobby" means to advocate the passage or
6 defeat of a measure."
7 2. Page 4, by striking lines 36 through 42.
8 3. Page 5, by inserting after line 18, the
9 following:
10 "_____. "Measure" means a bill, joint resolution,
11 concurrent resolution, amendment, nomination, or other
12 matter which has been proposed to or which is pending
13 before the general assembly or any of its committees
14 or subcommittees."
15 4. Page 5, by inserting after line 46, the
16 following:
17 "_____. "Public funds" means funds appropriated by
18 the general assembly or funds obtained from other tax
19 revenues of this state."
20 5. Page 8, by inserting after line 30, the
21 following:
22 "Sec. _____. NEW SECTION. 68B.6A USE OF PUBLIC
23 FUNDS — GOVERNMENT LOBBYING PROHIBITED.
24 Public funds shall not be used to lobby. This
25 provision does not prohibit the use of public funds
26 for dissemination of factual information relative to a
27 measure upon the request of the chairperson of the

28 appropriate standing committee or subcommittee of the
29 general assembly, or upon the request of an elected
30 member of the general assembly.
31 Lobbying by a government employee, other than an
32 elected official or the elected official's designee,
33 at a time when the employee is on official business or
34 is performing duties for which the employee receives a
35 salary paid with public funds, constitutes a use of
36 public funds prohibited by this section.
37 A person who violates this section is guilty of a
38 serious misdemeanor."
39 6. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 48, nays 29.

Amendment H—5949 was adopted.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—5942, previously deferred, to the committee amendment H—5863, filed by him from the floor.

Halvorson of Webster offered the following amendment H—5934, previously deferred, to the committee amendment H—5863, filed by him from the floor:

H—5934

1 Amend the Committee amendment, H—5863, to House
2 File 2466, as follows:
3 1. Page 24, by inserting after line 26 the
4 following:
5 "Sec. _____. NEW SECTION. 68B.10J ATTEMPT TO
6 INFLUENCE A PUBLIC OFFICIAL OR EMPLOYEE – EXTORTION.
7 1. A person commits a public offense when the
8 person attempts to influence the official decisions,
9 votes, opinions, or exercise of official duties of any
10 public official, public employee, or the action of the
11 agency in which the public official or public employee
12 serves or is employed by means of fraud or deceit. A
13 person who engages in conduct knowing or having reason
14 to know that the conduct violates this subsection
15 commits an aggravated misdemeanor.
16 2. a. A person commits the public offense of
17 extortion if the person attempts to influence the
18 official decisions, votes, opinions, or exercise of
19 official duties of any public official, public
20 employee, or the action of the agency in which the
21 public official or public employee serves or is
22 employed by any of the following means:
23 (1) Threat of violence or other reprisal,

24 including economic or noneconomic reprisal, against
25 any person or property.
26 (2) Threat made by a member of the general
27 assembly concerning the success or failure of a bill,
28 resolution, or amendment.
29 (3) Threat made by a member of the general
30 assembly concerning the budget of an agency in which
31 the public official or public employee serves or is
32 employed.
33 (4) Threat made by a member of the general
34 assembly concerning the removal from office or
35 employment of a public official or public employee.
36 b. A person who engages in conduct knowing or
37 having reason to know that the conduct violates this
38 subsection commits a class "D" felony.
39 3. This section does not apply to a constituent of
40 a public official who threatens to vote against or to
41 attempt to convince others to vote against the public
42 official in an election in which the public official
43 stands for office, or to a member of the general
44 assembly who discusses the reduction of a budget or
45 the removal from office or employment of a public
46 official or public employee during a public meeting or
47 in the course of public debate, so long as the
48 discussion of reducing a budget or removal from office
49 or employment is based on concerns of the member
50 related to the public official's or public employee's

Page 2

1 official duties.
2 4. For purposes of this section, "agency" includes
3 the general assembly.
4 Sec. _____. NEW SECTION. 68B.10K FIRST DEGREE
5 OFFICIAL MISCONDUCT.
6 1. A public official or public employee commits
7 the public offense of first degree official misconduct
8 if, with intent to obtain a personal benefit or to
9 cause harm to another, the public official or public
10 employee intentionally does any of the following:
11 a. Commits an act relating to the public
12 official's or public employee's office or employment
13 that is an unauthorized performance of the public
14 official's or public employee's duties or exercise of
15 authority.
16 b. Fails to perform a duty that the public
17 official or public employee is required to perform by
18 virtue of holding the person's position.
19 c. Violates any statute, rule, or regulation
20 relating to the public official's or public employee's
21 office or employment.
22 2. A public official or public employee commits

23 the public offense of first degree official misconduct
24 if, with the intent to obtain personal benefit,
25 benefit for another, or cause harm to another, the
26 public official influences the retaining or employment
27 by a person of any particular lobbyist or group of
28 lobbyists.
29 3. A person who violates this section commits an
30 aggravated misdemeanor.
31 Sec. _____. NEW SECTION. 68B.10L SECOND DEGREE
32 OFFICIAL MISCONDUCT.
33 1. A public official or public employee commits
34 the public offense of second degree official
35 misconduct if the public official or public employee
36 knowingly, arbitrarily, or capriciously does any of
37 the following:
38 a. Fails to perform a duty that the public
39 official or public employee is required to perform by
40 virtue of holding the person's position.
41 b. Violates any statute, rule, or regulation
42 relating to the public official's or public employee's
43 office or employment.
44 2. A person who violates this section commits a
45 serious misdemeanor.
46 Sec. _____. NEW SECTION. 68B.10M BRIBERY OF PUBLIC
47 OFFICIALS.
48 1. A public official who directly or indirectly
49 solicits, demands, receives, or consents to receive
50 anything of value, either for the public official's

Page 3

1 own benefit or for the benefit of another person, in
2 exchange for the public official's vote, exercise or
3 nonexercise of official influence or an official duty,
4 or the taking of or failing to take other official
5 action, or with the understanding that the thing of
6 value will influence the public official's exercise of
7 official influence or duty, or decision to take
8 official action, commits the public offense of
9 bribery.
10 2. A public official who directly or indirectly
11 solicits or demands that anything of value be given to
12 another person as consideration for the public
13 official's vote, exercise or nonexercise of the public
14 official's influence or duty or who gives or withholds
15 the public official's vote, or exercise of official
16 influence or duty, as consideration for the giving or
17 promise of giving anything of value to another person
18 commits the public offense of bribery.
19 3. A person who engages in conduct knowing or
20 having reason to know that the conduct violates this
21 section commits a class "D" felony.

22 4. For purposes of this section, "anything of
23 value" includes anything which has a noneconomic
24 value, including but not limited to, the appointment
25 to a position of power or influence.
26 Sec. _____. NEW SECTION. 68B.10N BRIBERY AND
27 INFLUENCE IN THE GENERAL ASSEMBLY.
28 1. A member of the general assembly who offers or
29 promises to give the member's vote or exercise the
30 member's influence in favor of or against any bill,
31 resolution, or amendment that has been or is proposed
32 to be introduced in the general assembly as
33 consideration for, or conditioned upon, another member
34 of the general assembly giving or promising to give
35 the other member's vote or exercise the other member's
36 influence in favor of or against any bill, resolution,
37 or amendment that has been or is proposed to be
38 introduced in the general assembly commits the public
39 offense of solicitation of bribery.
40 A member of the general assembly who offers,
41 promises, or agrees to give the member's vote or
42 exercise the member's influence in favor of or against
43 any bill, resolution, or amendment that is introduced
44 in the general assembly on condition that another
45 member promises to, agrees to, or actually gives, the
46 other member's vote or exercise the other member's
47 influence, and the other member who promises or agrees
48 to give the member's votes or exercise the member's
49 influence in accordance with the terms of the offer,
50 promise, or agreement, commit the public offense of

Page 4

1 bribery if both members give the respective members'
2 votes or exercise the members' influence in accordance
3 with the terms of the offer, promise, or agreement.
4 2. A member of the general assembly who offers,
5 promises, or agrees to exercise the member's authority
6 or influence the appointment of another member to a
7 position of influence, control, or power as
8 consideration for, or conditioned upon, the other
9 member of the general assembly giving or promising to
10 give the other member's vote or exercise the other
11 member's influence in favor of or against any bill,
12 resolution, or amendment, or for giving or promising
13 to give the other member's vote or exercise the other
14 member's influence in any other matter, including the
15 election of members to leadership positions, where
16 both members act in accordance with the terms of the
17 offer, promise, or agreement, both members commit the
18 public offense of bribery.
19 3. A person who engages in conduct knowing or
20 having reason to know that the conduct violates this

21 section commits a class "D" felony.
22 4. This section shall not apply to committee or
23 subcommittee discussions or work on a bill,
24 resolution, or amendment, or any other discussions
25 between members, through which items, within a bill,
26 resolution, or amendment that the committee,
27 subcommittee, or members are discussing or working on,
28 are altered or funds reallocated through the amendment
29 process. Such discussions or work must be directly
30 related to the items involved in the bill, resolution,
31 or amendment."
32 2. Renumber as necessary.

Jochum of Dubuque rose on a point of order that amendment H—5934 was not germane, to the committee amendment H—5863.

The Speaker ruled the point well taken and amendment H—5934 not germane, to the committee amendment H—5863.

Halvorson of Webster asked for unanimous consent to suspend the rules to consider amendment H—5934.

Objection was raised.

Halvorson of Webster moved to suspend the rules to consider amendment H—5934.

A non-record roll call was requested.

The ayes were 8, nays 52.

The motion to suspend the rules lost.

Dickinson of Jackson in the chair at 5:25 p.m.

Speaker Arnould in the chair at 6:14 p.m.

On motion by Peterson of Carroll, the committee amendment H—5863, 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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 2466)

The ayes were, 77:

Adams	Baker	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brand	Brown
Burke	Carpenter	Chapman	Cohoon

Connors	Daggett	De Groot	Dickinson
Doderer	Dvorsky	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson, D. E.	Hanson, D. R.	Hatch	Haverland
Hester	Holveck	Hurley	Iverson
Jochum	Kistler	Knapp	Koenigs
Krebsbach	Lageschulte	Lundby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Wise	Wissing
Mr. Speaker Arnould			

The nays were, 19:

Banks	Branstad	Corbett	Eddie
Hahn	Hansen, S. D.	Harbor	Hibbard
Jesse	Kremer	Maulsby	Miller
Muhlbauer	Petersen, D. F.	Renken	Royer
Shoning	Van Maanen	Weidman	

Absent or not voting, 4:

Brammer	Diemer	Jay	Johnson

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2466** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 16, 1992, adopted the following resolution in which the concurrence of the Senate was asked:

House Joint Resolution 2010, a joint resolution proposing an amendment to the Constitution of the State of Iowa to restrict the expenditure of license fees and excise taxes received from hunting, fishing, and trapping activities or equipment, and other public or private funds appropriated, allocated, or given for fish, game, and wildlife protection purposes.

Also: That the Senate has on April 16, 1992, amended and passed the following bill in which the concurrence of the House is asked:

House File 2382, a bill for an act relating to the purchase or sale of wild animals illegally taken, transported, or possessed by a person, and subjecting violators to a criminal penalty.

Also: That the Senate has on April 16, 1992, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2413, a bill for an act relating to operation by all-terrain vehicles and snowmobiles on certain underpasses.

Also: That the Senate has on April 16, 1992, insisted on its amendment to House File 2452, a bill for an act relating to juvenile and criminal justice, establishing a juvenile court judges commission, providing for continuing supervision of delinquents upon attaining the age of majority under certain circumstances and providing penalties, providing for detention of some runaways for a limited period, expanding provisions for automatic waiver to adult court, establishing and increasing criminal offenses and penalties, establishing or amending certain juvenile and criminal procedures and financial responsibility provisions, and providing for related matters, and the members of the conference committee on the part of the Senate are: The Senator from Story, Senator Rosenberg, Chair; the Senator from Woodbury, Senator Sturgeon; the Senator from Marion, Senator Peterson; the Senator from Buena Vista, Senator Fuhrman; the Senator from Osceola, Senator Vande Hoef.

Also: That the Senate has on April 16, 1992, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2036, a bill for an act relating to regulating the investment of public funds and providing an effective date.

Also: That the Senate has on April 16, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2167, a bill for an act to establish a family support program, making teachers participating in the program eligible for receipt of funds under phase III of the educational excellence program, and providing effective dates.

Also: That the Senate has on April 16, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2190, a bill for an act to permit the director of the department of education to waive compliance with the minimum education standards for accredited schools under certain circumstances, and providing a repealer.

Also: That the Senate has on April 16, 1992, receded from the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2257, a bill for an act relating to the regulation of hunting preserves and providing penalties for violations.

Also: That the Senate has on April 16, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2339, a bill for an act relating to the regulation of state banks by increasing the minimum time within which an examination of a state bank must occur, amending

certain provisions relating to investment authority and asset valuation of a state bank, providing greater flexibility regarding public hearings, and providing for the continued suspension of certain banking laws.

Also: That the Senate has on April 16, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2354, a bill for an act relating to the regulation of insurance, requiring certain reports to the commissioner, establishing and continuing certain requirements for insurance companies doing business in Iowa and for agents, amending provisions relating to guaranty funds, self-insurers, and charitable organizations, increasing allowable credit life insurance amounts, amending provisions relating to the regulation of health maintenance organizations, increasing certain fees, and establishing penalties.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Teaford of Black Hawk called up for consideration **House File 2457**, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, and the department of human rights, amended by the Senate, and moved that the House concur in the following Senate amendment H—5805:

H—5805

1 Amend House File 2457, as passed by the House, as
2 follows:
3 1. Page 3, by striking line 28 and inserting the
4 following:
5 " .....$ 1,196,686".
6 2. Page 4, by striking lines 15 through 18.
7 3. Page 4, by inserting after line 24, the
8 following:
9 "e. HEALTH DATA CLEARINGHOUSE. For the health
10 data clearinghouse of the health data commission:
11 .....$ 310,250
12 The funds appropriated under this paragraph shall
13 be used for the collection, verification, updating,
14 and storage of data, including long-term care data,
15 received pursuant to chapters 145 and 255A, and for
16 the production of mandated reports. The health data
17 commission shall establish a fee schedule, in
18 consultation with its consultant, for the costs of
19 providing data to organizations which request the
20 data. The fee established shall be based upon the
21 marginal cost and a portion of the fixed cost of
22 providing the data.
23 Notwithstanding section 145.3, subsection 5, the
24 health data commission may contract to purchase a tape
25 from the Iowa hospital association containing data

26 from all in-patient admissions to Iowa hospitals. The
27 health data commission shall specify the data to be
28 contained on the tape to ensure the utility of the
29 tape for the production of health data commission
30 reports."
31 4. Page 4, line 29, by striking the figure
32 "2,286,888" and inserting the following: "2,227,880".
33 5. Page 4, line 30, by striking the figure
34 "75.50" and inserting the following: "74.00".
35 6. Page 4, line 31, by striking the figure
36 "61,131" and inserting the following: "72,750".
37 7. Page 5, by striking lines 18 through 21.
38 8. Page 6, by striking line 2 and inserting the
39 following:
40 " .....$ 3,120,870".
41 9. Page 6, line 5, by striking the figure
42 "514,415" and inserting the following: "563,694".
43 10. Page 6, line 6, by striking the figure
44 "224,494" and inserting the following: "273,773".
45 11. Page 6, by striking line 16 and inserting the
46 following:
47 " .....$ 392,931".
48 12. Page 6, by striking line 22 and inserting the
49 following:
50 " .....$ 115,613".

Page 2

1 13. Page 6, by striking line 24 and inserting the
2 following:
3 " .....$ 61,693".
4 14. Page 6, line 32, by striking the figure
5 "80,308" and inserting the following: "97,937".
6 15. Page 7, by striking lines 18 through 21.
7 16. Page 7, by inserting before line 22, the
8 following:
9 "(10) The department shall work with the
10 department of elder affairs to realize the "Healthy
11 Iowans 2000" goal of providing nutrition screening to
12 90 percent of the elderly persons participating in
13 well-elderly screening clinics, congregate meal
14 programs, and homemaker-home health aide programs, and
15 shall submit a progress report to the general assembly
16 by January 1, 1993, regarding the number of personnel
17 trained and the number of persons served.
18 (11) The department shall continue efforts to
19 realize the "Healthy Iowans 2000" goal of the
20 involvement of 50 counties in the Iowa community
21 nutrition coalition by January 1, 1993, and shall
22 submit a progress report to the general assembly by
23 January 1, 1993."

24 17. Page 9, line 27, by inserting after the word
25 "purposes." the following: "In providing services to
26 elderly persons, the service provider shall coordinate
27 efforts with the integrated case management for frail
28 elderly program of the department of elder affairs."
29 18. Page 16, line 32, by striking the figure
30 "164,739" and inserting the following: "127,016".
31 19. Page 16, line 33, by striking the figure
32 "4.00" and inserting the following: "3.00".
33 20. Page 18, by inserting after line 6, the
34 following:
35 "Sec. _____. NEW SECTION. 135.22A ADVISORY COUNCIL
36 ON HEAD INJURIES.
37 1. For purposes of this section, unless the
38 context otherwise requires:
39 a. "Head injury" means "brain injury" as defined
40 in section 135.22.
41 b. "Council" means the advisory council on head
42 injuries.
43 2. The advisory council on head injuries is
44 established. The following persons or their designees
45 shall serve as ex officio, nonvoting members of the
46 council:
47 a. The director of public health.
48 b. The director of human services and any division
49 administrators of the department of human services so
50 assigned by the director.

Page 3

1 c. The director of the department of education.
2 d. The chief of the special education bureau of
3 the department of education.
4 e. The administrator of the division of vocational
5 rehabilitation of the department of education.
6 f. The director of the department for the blind.
7 g. The commissioner of insurance.
8 3. The council shall be composed of a minimum of
9 nine members appointed by the governor in addition to
10 the ex officio members, and the governor may appoint
11 additional members. Insofar as practicable, the
12 council shall include persons with head injuries,
13 family members of persons with head injuries,
14 representatives of industry, labor, business, and
15 agriculture, representatives of federal, state, and
16 local government, and representatives of religious,
17 charitable, fraternal, civic, educational, medical,
18 legal, veteran, welfare, and other professional groups
19 and organizations. Members shall be appointed
20 representing every geographic and employment area of
21 the state and shall include members of both sexes.

22 4. Members of the council appointed by the
23 governor shall be appointed for terms of two years.
24 Vacancies on the council shall be filled for the
25 remainder of the term of the original appointment.
26 Members whose terms expire may be reappointed.
27 5. The members of the council shall appoint a
28 chairperson and a vice chairperson and other officers
29 as the council deems necessary. The officers shall
30 serve until their successors are appointed and
31 qualified. Members of the council shall receive
32 actual expenses for their services. Members may also
33 be eligible to receive compensation as provided in
34 section 7E.6. The council shall adopt rules pursuant
35 to chapter 17A.
36 6. The council shall:
37 a. Promote meetings and programs for the
38 discussion of methods to reduce the debilitating
39 effects of head injuries, and disseminate information
40 in cooperation with any other department, agency, or
41 entity on the prevention, evaluation, care, treatment,
42 and rehabilitation of persons affected by head
43 injuries.
44 b. Study and review current prevention,
45 evaluation, care, treatment, and rehabilitation
46 technologies and recommend appropriate preparation,
47 training, retraining, and distribution of manpower and
48 resources in the provision of services to persons with
49 head injuries through private and public residential
50 facilities, day programs, and other specialized

Page 4

1 services.
2 c. Participate in developing and disseminating
3 criteria and standards which may be required for
4 future funding or licensing of facilities, day
5 programs, and other specialized services for persons
6 with head injuries in this state.
7 d. Make recommendations to the governor for
8 developing and administering a state plan to provide
9 services for persons with head injuries.
10 e. Meet at least quarterly.
11 f. Report on or before February 15 of each year to
12 the governor and the general assembly on council
13 activities, and submit recommendations believed
14 necessary to promote the welfare of persons with head
15 injuries.
16 7. The council is assigned to the department for
17 administrative purposes. The director shall be
18 responsible for budgeting, program coordination, and
19 related management functions.

20 8. The council may receive gifts, grants, or
21 donations made for any of the purposes of its programs
22 and disburse and administer them in accordance with
23 their terms and under the direction of the director.
24 Sec. _____. Section 135.22, subsection 1, Code 1991,
25 is amended to read as follows:
26 1. As used in this section, section 135.22A, and
27 section 225C.23, ~~and section 601K.80,~~ "brain injury"
28 means clinically evident brain damage or spinal cord
29 injury resulting directly or indirectly from trauma,
30 infection, anoxia, or vascular lesions not primarily
31 related to degenerative or aging processes, which
32 temporarily or permanently impairs a person's physical
33 or cognitive functions.
34 Sec. _____. Section 601K.80, Code 1991, is
35 repealed."
36 21. By striking page 18, line 22, through page
37 19, line 6.
38 22. Page 19, by inserting after line 6 the
39 following:
40 "Sec. _____. INTERIM STUDY — LICENSING AND
41 EXAMINING BOARDS. The legislative council is
42 requested to establish an interim study committee to
43 review and make recommendations for the reorganization
44 of professional licensure and the professional
45 examining boards under the purview of the Iowa
46 department of public health. The study shall include
47 but not be limited to an evaluation of and
48 recommendation regarding the establishment of a health
49 profession review commission to address scope of
50 practice issues."

Page 5

1 23. By renumbering, relettering, or redesignating
2 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H—5805.

HOUSE INSISTS

Haverland of Polk called up for consideration **Senate File 2307**, a bill for an act relating to the establishment of an Iowa statewide health insurance plan and providing for the applicability of the Act, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED
(Senate File 2307)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2307: Haverland of Polk, Chair; Plasier of Sioux, Hurley of Fayette, Osterberg of Linn and Hammond of Story.

SENATE AMENDMENT CONSIDERED

Shoultz of Black Hawk called up for consideration **House File 547**, a bill for an act relating to the inclusion of certain types of refuse-derived fuel in the calculation of the waste reduction goal requirement of a city or county, amended by the Senate amendment H—5649 as follows:

H—5649

1 Amend House File 547 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 18, the
4 following:
5 "Sec. _____. Section 455D.3, Code 1991, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
8 455D.1, subsection 6, facilities which employ
9 combustion of solid waste with energy recovery and
10 refuse-derived fuel, which are included in an approved
11 comprehensive plan, and which were in operation prior
12 to July 1, 1989, may include these processes in the
13 definition of recycling for the purpose of meeting the
14 state goal."
15 2. By renumbering as necessary.

Shoultz of Black Hawk offered the following amendment H—5940, to the Senate amendment H—5649, filed from the floor by Shoultz, Osterberg, Bernau and Hammond and moved its adoption:

H—5940

1 Amend the Senate amendment, H—5649, to House File
2 547, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, line 14, by inserting after the word
5 "goal" the following: "if at least thirty-five
6 percent of the waste reduction goal, required to be
7 met by July 1, 2000, pursuant to section 455D.3, is
8 met through volume reduction at the source and
9 recycling and reuse, as established pursuant to
10 section 455B.301A, subsection 1, paragraphs "a" and
11 "b" ".

Amendment H—5940 was adopted.

On motion by Shoultz of Black Hawk, the House concurred in the Senate amendment H—5649, as amended.

Shoultz of Black Hawk 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. 547)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jesse	Jochum	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker Arnould	

The nays were, none.

Absent or not voting, 5:

Brammer	Diemer	Jay	Johnson
Shoning			

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

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that

the following bills be immediately messaged to the Senate: **House Files 547 and 2457 and Senate File 2307.**

SENATE AMENDMENT CONSIDERED

Wise of Lee called up for consideration **House File 2287**, a bill for an act to establish a community-based workplace learning program, and providing an effective date, amended by the Senate amendment H—5916 as follows:

H—5916

1 Amend House File 2287, as amended and passed by the
2 House, as follows:
3 1. Page 1, line 34, by striking the words "to not
4 only" and inserting the following: "not only to".
5 2. Page 2, line 1, by inserting after the word
6 "arrive." the following: "Districts are also
7 encouraged to provide academic experiences which are
8 articulated with and reinforce experiences of students
9 in the workplace setting."
10 3. Page 2, by striking lines 8 and 9 and
11 inserting the following: "establish community-based
12 workplace learning".
13 4. Page 2, by striking lines 16 through 20 and
14 inserting the following: "market needs. An approved
15 workstart program may consist of two of the required
16 sequential units in one of the six occupational
17 service areas in grades nine through twelve."
18 5. Page 2, lines 28 and 29, by striking the words
19 "after completing secondary or postsecondary
20 education".
21 6. Page 2, line 30, by striking the word "basic".
22 7. Page 2, by striking line 31 and inserting the
23 following: "competency-based job-specific skills
24 needed to enter high performance workplace
25 employment".
26 8. Page 2, line 33, by striking the words "with
27 a" and inserting the following: "with".
28 9. Page 2, by striking line 34, and inserting the
29 following: "postsecondary advanced programs of
30 preparation, United States department of labor-
31 approved apprenticeship programs, and other
32 appropriate job".
33 10. Page 2, line 35, by inserting after the word
34 "programs." the following: "Schools and school
35 districts are encouraged to work with current
36 employers of students attending instruction in the
37 schools or school districts in order to articulate
38 educational programming with the work experiences of
39 the students."
40 11. Page 3, by striking lines 5 through 8 and

41 inserting the following:
42 "2. Each school or school district that desires to
43 establish a workstart program shall appoint a local".
44 12. Page 3, by striking lines 12 and 13 and
45 inserting the following: "Council members shall".
46 13. Page 3, line 14, by inserting before the word
47 "members" the following: "local secondary and post-
48 secondary educators,".
49 14. Page 3, line 15, by striking the word "local"
50 and inserting the following: "appropriate".

Page 2

1 15. Page 3, line 20, by striking the words "level
2 job" and inserting the following: "performance
3 workplace employment".
4 16. Page 3, line 28, by striking the words "level
5 job" and inserting the following: "performance
6 workplace employment".
7 17. Page 4, line 7, by striking the word
8 "compliments" and inserting the following:
9 "complements".
10 18. Page 4, lines 20 and 21, by striking the
11 words "who are less than sixteen years of age".
12 19. Page 4, line 23, by striking the word "may"
13 and inserting the following: "shall".
14 20. Page 4, by striking lines 24 through 26 and
15 inserting the following: "include instruction in
16 skills that are necessary to succeed in high
17 performance workplace employment."
18 21. Page 4, by striking line 34 and inserting the
19 following: "program shall be coordinated by an
20 education practitioner possessing the appropriate
21 license and endorsements for the vocational service
22 area, and may be directed at the worksite by".
23 22. Page 5, line 3, by striking the word "local"
24 and inserting the following: "United States
25 department of labor-approved apprenticeship programs
26 and other".
27 23. Page 5, by striking lines 21 through 28 and
28 inserting the following: "agreement with the school
29 or school district. The plan may provide for the
30 utilization of phase III and other".
31 24. By striking page 5, line 32 through page 6,
32 line 8.
33 25. Page 6, by striking lines 9 through 20, and
34 inserting the following:
35 "6. The department of education shall adopt
36 guidelines for the establishment of workstart
37 programs. Guidelines may include, but are not limited
38 to acceptable levels of business financial
39 participation in a workstart program, maximum hour and

40 workload guidelines for education practitioners
41 working in or supervising a workstart program, and
42 maximum and minimum class size guidelines for the
43 preparation and workplace phases of a workstart
44 program."
45 26. Page 6, by striking lines 29 and 30 and
46 inserting the following:
47 "Sec. _____. EFFECTIVE DATE. This Act takes effect
48 July 1, 1993."
49 27. By renumbering, relettering, or redesignating
50 and correcting internal references as necessary.

Wise of Lee offered the following amendment H—5937, to the Senate amendment H—5916, filed by him from the floor and moved its adoption:

H—5937

1 Amend the Senate amendment, H—5916, to House File
2 2287, as amended and passed by the House, as follows:
3 1. Page 1, line 17, by inserting after the word
4 "twelve" the following: ", and shall receive priority
5 for receipt of vocational education secondary funds".
6 2. Page 1, by striking lines 44 through 48.
7 3. Page 2, by striking lines 31 and 32.
8 4. Page 2, by striking lines 45 through 48.
9 5. By renumbering as necessary.

Amendment H—5937 was adopted.

On motion by Wise of Lee, the House concurred in the Senate amendment H—5916, as amended.

Wise of Lee 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. 2287)

The ayes were, 92:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Hatch
Haverland	Hester	Hibbard	Holveck

Hurley	Iverson	Jesse	Jochum
Kistler	Knapp	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, none.

Absent or not voting, 8:

Brammer	Diemer	Halvorson, R. A.	Harbor
Jay	Johnson	Koenigs	Shoning

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2287** be immediately messaged to the Senate.

MOTION TO RECONSIDER LOST

Gill of Woodbury called up for consideration the motion to reconsider Senate File 2271, filed from the floor, and moved to reconsider the vote by which **Senate File 2271,** a bill for an act relating to employees' use of lawful products during nonworking hours, and providing civil enforcement procedures, failed to pass the House on April 15, 1992.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 42, nays 49.

The motion to reconsider lost.

MOTION TO RECONSIDER WITHDRAWN

Miller of Cherokee asked and received unanimous consent to withdraw the motion to reconsider **House File 2370,** a bill for an act relating to health insurance availability to employees of small employers and providing for certain assessments, filed by him on April 13, 1992.

SENATE AMENDMENT CONSIDERED

Hammond of Story called up for consideration **Senate File 2355**, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and providing for effective and applicability dates, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5910, to the House amendment:

H—5910

1 Amend the House amendment, S—5644, to Senate File
2 2355, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 15 through 33.
5 2. Page 1, by striking lines 37 and 38.
6 3. Page 2, by striking lines 1 through 3 and
7 inserting the following:
8 "_____. Page 8, by striking lines 5 through 9 and
9 inserting the following: "licensed physician, the
10 department shall review the feasibility of providing
11 medical assistance reimbursement for the diagnostic
12 services necessary to provide the low back pain
13 treatment services, as a means of encouraging
14 utilization of cost-effective treatment and reducing
15 medical assistance costs.
16 _____. It is the intent of the general assembly"."
17 4. Page 2, by striking lines 19 through 30.
18 5. Page 2, by striking lines 31 through 33 and
19 inserting the following:
20 "_____. The department shall develop program
21 standards, admission criteria, and reimbursement rates
22 which are consistent with the day treatment needs of
23 children and adolescents with".
24 6. Page 3, by striking lines 19 and 20.
25 7. Page 4, line 26, by striking the figure
26 "42,942,651" and inserting the following:
27 "52,947,599".
28 8. Page 4, by striking line 32 and inserting the
29 following: "1,405. The department may adopt
30 emergency rules in order to implement the provisions
31 of this subsection on July 1, 1992."
32 9. Page 5, by striking line 12 and inserting the
33 following:
34 "_____. Page 21, line 15, by inserting after the
35 word "adoption" the following: "and foster care".
36 _____. Page 21, line 16, by striking the figure
37 "150,000" and inserting the following: "104,625"."
38 10. Page 5, by striking lines 26 and 27 and
39 inserting the following:
40 "_____. By striking page 23, line 23, through page

24, line 2 and inserting the following:
"_____. The department shall draw from the reasonable efforts model court project in continuing training seminars for child welfare practitioners".
"_____. Page 24, line 16, by striking the figure "80,000" and inserting the following: "63,160"."
11. Page 5, by striking lines 30 through 41 and inserting the following:
"_____. Page 25, by striking lines 1 through 3 and inserting the following: "may use up to $110,530 of

Page 2

the funds appropriated in this section.
_____. The department shall allocate up to $1,050,000"."
12. By striking page 6, line 6, through page 7, line 4, and inserting the following: "services. The department may adopt emergency rules to implement the provisions of this subsection.
_____. Of the funds appropriated in this section, up".
13. Page 7, line 15, by inserting after the word "age." the following: "The department may adopt emergency rules to implement the provisions of this subsection."
14. Page 7, line 16, by striking the figure "6" and inserting the following: "_____".
15. By striking page 9, line 17, through page 13, line 21, and inserting the following:
"_____. Page 41, by striking lines 13 and 14 and inserting the following: "incurred under this subsection. However, the state's financial liability for the costs of care, which is provided under a federally approved home and community-based waiver and which would otherwise be approved for provision in an intermediate care facility for the mentally retarded, is limited to $2,082,086. When the state's financial liability limit for the waiver cost has been reached, any amount of the"."
16. Page 13, by striking lines 26 through 29 and inserting the following:
"_____. Page 48, by striking line 4 and inserting the following:
" .....FTEs 355.01"."
17. By striking page 13, line 50 through page 14, line 2 and inserting the following:
"2. Complete a detailed work plan for the full development, testing, pilot implementation, and full implementation of the X-PERT system by August 1, 1994. The work plan shall".
18. Page 14, by striking line 24 and inserting

40 the following: "federal requirements.
41 _____. The department shall review and utilize small
42 area analysis to identify differences in utilization
43 of physician and hospital services. Within funds
44 appropriated, the department shall seek to revise
45 reimbursement methodologies for providers and shall
46 seek to equalize reimbursement rates between
47 providers. In addition, the department shall identify
48 incentives to reward efficient, effective, and quality
49 care." "
50 19. Page 14, by inserting after line 36 the

Page 3

1 following:
2 "_____. Page 52, by striking lines 4 through 21."
3 20. Page 14, by striking line 37.
4 21. Page 14, line 38, by striking the words
5 " "located." the following:"
6 22. Page 14, line 38, by striking the words
7 "Notwithstanding any other".
8 23. Page 14, by striking lines 39 through 43.
9 24. Page 14, line 44, by striking the figure
10 "8.31."
11 25. Page 14, line 44, by striking the words "Any
12 contract providing for a private entity to".
13 26. By striking page 14, line 45, through page
14 15, line 1.
15 27. Page 15, line 40, by inserting after the word
16 "acupuncture" the following: "in accordance with
17 rules defining the scope of practice adopted by the
18 board".
19 28. Page 16, by striking lines 11 through 16 and
20 inserting the following:
21 "b. Presents evidence of the successful completion
22 of a certification and examination process approved by
23 the board.
24 c. Presents evidence of the successful completion
25 of a training program approved by the board."
26 29. Page 16, by inserting after line 20, the
27 following:
28 "3. The board may establish necessary achievement
29 levels on all examinations for a passing grade and may
30 adopt rules relating to examinations."
31 30. Page 17, by inserting after line 27 the
32 following:
33 "7. Any other acts or offenses in violation of
34 rules of the board."
35 31. Page 17, by striking lines 37 through 40 and
36 inserting the following:
37 "This chapter does not apply to a person who is
38 licensed as a physician as defined in section 135.1 or

39 as a dentist."
40 32. Page 17, lines 46 and 47, by striking the
41 words "EVALUATION OF CONDITION" and inserting the
42 following: "PRESCRIPTION OR REFERRAL".
43 33. Page 17, line 50 through page 18, line 1, by
44 striking the words "until the person's condition has
45 been evaluated by" and inserting the following:
46 "without a prescription or referral from".
47 34. By striking page 18, line 49, through page
48 19, line 8, and inserting the following:
49 "Sec. _____. Section 226.7, Code 1991, is amended by
50 adding the following new unnumbered paragraph:

Page 4

1 NEW UNNUMBERED PARAGRAPH. If the district court
2 commits a patient to a state mental health institute
3 and a bed for the patient is not available, the
4 institute shall assist the court in locating an
5 alternative placement for the patient."
6 35. Page 19, by striking line 9.
7 36. By renumbering, relettering, or redesignating
8 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H—5910, to the House amendment.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2355** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 16, 1992, insisted on its amendment to Senate File 2244, a bill for an act relating to the care and feeding of swine by cooperative associations and providing an effective date, and the members of the Conference Committee on the part of the Senate are: The Senator from Kossuth, Senator Priebe, Chair; the Senator from Cerro Gordo, Senator Miller; the Senator from Dallas, Senator Riordan; the Senator from Mahaska, Senator Hedge; the Senator from Marshall, Senator Soorholtz.

JOHN F. DWYER, Secretary

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 16th day of April, 1992: House File 2456.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

Kistler of Jefferson presented to the House the Honorable George Swearingen and his wife Marian, former member of the House representing Keokuk County.

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

Sixty fifth grade students from Western Hills Elementary School, West Des Moines, accompanied by Paul Linn. By Carpenter of Polk.

Thirty-seven fourth and fifth grade students from Lakeside Elementary School, Middle Amana, accompanied by Beverly Merritt. By Dvorsky of Johnson and Tyrrell of Iowa.

Fourteen students from Bennett, accompanied by Bill Huckstadt. By Osterberg of Linn.

Forty-four eighth grade students from Peet Junior High School, Cedar Falls, accompanied by Carol Haurum. By Teaford of Black Hawk.

SUBCOMMITTEE ASSIGNMENTS

House File 2476

Judiciary and Law Enforcement: Brammer, Chair; Beatty and Millage.

Senate File 2352

Judiciary and Law Enforcement: Jay, Chair; Hansen of Woodbury and Millage.

Senate File 2367

Appropriations: Jochum, Chair; Bisignano, Brand, Gipp and Halvorson of Clayton.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 742 Ways and Means

Relating to authorizing the use of state income tax withholding moneys for debt service costs incurred in funding capital improvements for purposes of a federal project and providing a repeal date.

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 2361, a bill for an act relating to and making appropriations of petroleum overcharge funds.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 1992.

Committee Joint Resolution (Formerly House Joint Resolution 2013), to nullify an administrative rule of the department of human services relating to the imposition of copayments for certain medical assistance services, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 1992.

COMMITTEE ON WAYS AND MEANS

Senate File 2353, a bill for an act relating to cosmetology arts and sciences and imposing fees and penalties, and increasing fees.

Fiscal Note is required.

Recommended **Do Pass** April 16, 1992.

Senate File 2357, a bill for an act providing for the purchase of traffic-control devices with special assessments levied against commercial or industrial property.

Fiscal Note is required.

Recommended **Do Pass** April 16, 1992.

Committee Bill (Formerly House Study Bill 737), relating to the repeal of the seed capital tax credit and providing an effective date.

Fiscal Note is required.

Recommended **Do Pass** April 16, 1992.

Committee Bill (Formerly House Study Bill 740), relating to motor vehicle registration fees and providing for income tax deductions for a portion of those fees and providing effective date and applicability provisions.

Fiscal Note is required.

Recommended **Do Pass** April 16, 1992.

AMENDMENTS FILED

H—5943	S.F.	2035	Teaford of Black Hawk
			Bisignano of Polk
H—5945	S.F.	2345	Senate Amendment
H—5947	S.F.	506	Sherzan of Polk
H—5950	S.F.	506	Blanshan of Greene
Wissing of Scott			Mertz of Kossuth
Dvorsky of Johnson			Brand of Benton
Brammer of Linn			Burke of Marshall
Chapman of Linn			Svoboda of Tama
Fogarty of Palo Alto			Koenigs of Mitchell
Beatty of Warren			Nielsen of Linn
Dickinson of Jackson			Adams of Hamilton
Murphy of Dubuque			Haverland of Polk
			Teaford of Black Hawk
H—5951	H.F.	2382	Senate Amendment
H—5952	S.F.	2036	Senate Amendment
H—5955	S.F.	2353	Metcalf of Polk
			Murphy of Dubuque
			Renaud of Polk
H—5956	S.F.	2271	Halvorson of Webster

On motion by McKinney of Dallas, the House adjourned at 7:02 p.m., until 9:00 a.m., Friday, April 17, 1992.

JOURNAL OF THE HOUSE

Ninety-sixth Calendar Day — Sixty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 17, 1992

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

Prayer was offered by the Honorable John Connors, state representative from Polk County.

The Journal of Thursday, April 16, 1992, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Teaford of Black Hawk on request of McKinney of Dallas; Holveck of Polk, until his arrival, on request of McKinney of Dallas; Brammer of Linn on request of Dvorsky of Johnson.

INTRODUCTION OF BILLS

House Joint Resolution 2014, by committee on appropriations, a joint resolution to nullify an administrative rule of the department of human services relating to the imposition of copayments for certain medical assistance services, and providing an effective date.

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

House File 2477, by committee on ways and means, a bill for an act relating to motor vehicle registration fees and providing for income tax deductions for a portion of those fees and providing effective date and applicability provisions.

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

House File 2478, by committee on ways and means, a bill for an act relating to the repeal of the seed capital tax credit 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 April 16, 1992, amended and passed the following bill in which the concurrence of the House is asked:

House File 2250, a bill for an act relating to an employee's choice of care under the workers' compensation law.

Also: That the Senate has on April 16, 1992, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2061, a bill for an act exempting overweight vehicles transporting solid waste from unloading requirements.

Also: That the Senate has on April 16, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2148, a bill for an act relating to the cost of disciplinary hearings conducted by professional licensing boards, and providing an effective date.

Also: That the Senate has, on April 17, 1992, appointed the conference committee to Senate File 2307, a bill for an act relating to the establishment of an Iowa statewide health insurance plan and providing for the applicability of the Act, and the members of the Senate are: The Senator from Johnson, Senator Varn, Chair; the Senator from Woodbury, Senator Sturgeon; the Senator from Boone, Senator Sorensen; the Senator from Webster, Senator Kersten; the Senator from Black Hawk, Senator Slife.

Also: That the Senate has on April 16, 1992, adopted the following resolution in which the concurrence of the House is asked:

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

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Gruhn of Dickinson called up for consideration **House File 2343**, a bill for an act relating to soil and water conservation by providing for financial incentives, amended by the Senate, and moved that the House concur in the following Senate amendment H—5865:

H—5865

1 Amend House File 2343, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 15 the
4 following:
5 "Sec. _____. Section 467A.43, Code 1991, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. A landowner shall not be
8 liable for a claim based upon or arising out of a
9 claim of negligent design or specification, negligent
10 adoption of design or specification, or negligent
11 installation, construction, or reconstruction of a
12 soil and water construction practice or an erosion
13 control practice that was installed, constructed, or
14 reconstructed in accordance with generally recognized

15 engineering or safety standards, criteria, or design
16 theory in existence at the time of the installation,
17 construction, or reconstruction. A soil and water
18 conservation practice or an erosion control practice
19 installed, constructed, or reconstructed in compliance
20 with rules adopted by the division and currently in
21 effect shall be deemed to be installed, constructed,
22 or reconstructed according to generally recognized
23 engineering or safety standards, criteria, or design
24 theory in existence at the time of the installation,
25 construction, or reconstruction. A claim shall not be
26 allowed for failure to upgrade, improve, or alter any
27 aspect of an existing soil and water conservation
28 practice or erosion control practice to a new,
29 changed, or altered design standard. This section
30 does not apply to a claim based on a failure of a
31 landowner to upgrade, improve, or alter a soil and
32 water conservation practice or erosion control
33 practice in violation of law. This section does not
34 apply to claims based upon gross negligence."
35 2. Page 4, by striking lines 2 and 3 and
36 inserting the following: "Financial incentive
37 programs are established within the division in order
38 to protect the long-".
39 3. Page 4, lines 28 and 29, by striking the words
40 "FINANCIAL INCENTIVE PROGRAMS" and inserting the
41 following: "VOLUNTARY ESTABLISHMENT OF SOIL AND WATER
42 CONSERVATION PRACTICES".
43 4. Page 5, line 7, by inserting before the word
44 "contour" the following: "no-till planting, ridge-
45 till planting, contouring, and".
46 5. Page 5, line 27, by striking the word
47 "seventy-five" and inserting the following: "one
48 hundred".
49 6. Page 5, line 29, by striking the word
50 "seventy-five" and inserting the following: "one

Page 2

1 hundred".
2 7. Page 8, line 24, by inserting after the figure
3 "467A.64" the following: "and section 467A.66".
4 8. By renumbering, relettering, or redesignating
5 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5865.

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

On the question "Shall the bill pass?" (H.F. 2343)

The ayes were, 92:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Haverland	Hester	Hibbard	Hurley
Iverson	Jesse	Jochum	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, 3:

Bernau	Halvorson, R. N.	Hatch

Absent or not voting, 5:

Brammer	Holveck	Jay	Johnson
Teaford			

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

SENATE AMENDMENT CONSIDERED

Ollie of Clinton called up for consideration **House File 2412**, a bill for an act relating to educational finance matters, amended by the Senate, and moved that the House concur in the following Senate amendment H—5924:

H—5924

1 Amend House File 2412, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 11.6, subsection 1, unnumbered
6 paragraph 1, Code Supplement 1991, is amended to read
7 as follows:
8 The financial condition and transactions of all
9 cities and city offices, counties, county hospitals
10 organized under chapters 347 and 347A, memorial
11 hospitals organized under chapter 37, entities
12 organized under chapter 28E having gross receipts in
13 excess of one hundred thousand dollars in a fiscal
14 year, merged areas, area education agencies, and all
15 school offices in school districts, shall be examined
16 at least once each year, except that cities having a
17 population of seven hundred or more but less than two
18 thousand shall be examined at least once every four
19 years, and cities having a population of less than
20 seven hundred may be examined as otherwise provided in
21 this section. The examination shall cover the fiscal
22 year next preceding the year in which the audit is
23 conducted. The examination of school offices shall
24 include an audit of all school funds, the certified
25 annual financial report, and the certified enrollment
26 as provided in section 257.11. Examinations of
27 community colleges shall include an audit of eligible
28 and noneligible contact hours as defined in section
29 286A.2. Eligible and noneligible contact hours and
30 ~~the~~ any differences in certified enrollment shall be
31 ~~certified~~ reported to the department of management.
32 Sec. _____. Section 257.6, subsection 1, Code 1991,
33 is amended by adding the following new unnumbered
34 paragraph:
35 NEW UNNUMBERED PARAGRAPH. The department of
36 management shall adjust the enrollment of the school
37 district for the audit year based upon reports filed
38 under section 11.6, and shall further adjust the
39 budget of the second year succeeding the audit year
40 for the property tax and state aid portions of the
41 reported differences in enrollments for the year
42 succeeding the audit year."
43 2. Page 1, by inserting before line 1, the
44 following:
45 "Section 1. Section 257.29, Code 1991, is amended
46 by adding the following new unnumbered paragraph:
47 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
48 requirement in the first unnumbered paragraph of this
49 section that the regular program district cost per
50 pupil for a budget year is one hundred ten percent of

Page 2

1 the regular state cost per pupil, the board of
2 directors may participate in the educational
3 improvement program as provided in this section if the

4 school district had adopted an enrichment levy of
5 fifteen percent of the state cost per pupil multiplied
6 by the budget enrollment in the district prior to July
7 1, 1992, and upon expiration of the period for which
8 the enrichment levy was adopted, adopts a resolution
9 for the use of the instructional support program
10 established in section 257.18. The maximum percent of
11 the regular district cost of the district that may be
12 used under this paragraph shall not exceed five
13 percent."
14 3. Page 3, by striking lines 8 through 21.
15 4. By renumbering, relettering, or redesignating
16 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5924.

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

On the question "Shall the bill pass?" (H.F. 2412)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Hurley	Iverson
Jesse	Jochum	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker Arnould	

The nays were, none.

Absent or not voting, 5:

Brammer Holveck Jay Johnson
Teaford

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 10:13 a.m., until the fall of the gavel.

The House resumed session at 10:55 a.m., Speaker Arnould in the chair.

CONSIDERATION OF BILLS
Ways and Means Calendar

House File 2475, a bill for an act relating to waste tire management, including the imposing of fees, was taken up for consideration.

Osterberg of Linn offered the following amendment H—5959 filed from the floor by Osterberg, Shoultz, Banks and Gipp and moved its adoption:

H—5959

1 Amend House File 2475 as follows:
2 1. Page 1, line 14, by inserting after the word
3 "collection" the following: "or processing".
4 2. Page 1, line 16, by inserting after the word
5 "COLLECTION" the following: "OR PROCESSING".
6 3. Page 1, line 17, by inserting after the word
7 "collection" the following: "or processing".
8 4. Page 1, line 21, by inserting after the word
9 "facility." the following: "The financial assurance
10 instrument shall be used to provide for closure of the
11 waste tire collection or processing facility."
12 5. Page 1, line 27, by striking the word
13 "credit," and inserting the following: "credit in a
14 form prescribed by the department, or".
15 6. Page 1, line 28, by striking the words ", or a
16 corporate guarantee".
17 7. Page 1, by inserting after line 28, the
18 following:
19 "3A. If the owner or operator of a waste tire
20 collection or processing site chooses to provide
21 financial assurance in the form of a surety bond, the
22 bond shall be executed by a surety company authorized
23 to do business in this state. The bond shall be
24 continuous in nature until canceled by the surety. A
25 surety shall provide at least ninety day's notice in
26 writing to the owner or operator and to the department
27 indicating the surety's intent to cancel the bond and
28 the effective date of the cancellation. The surety

29 bond shall be for the benefit of the citizens of this
30 state and shall be conditioned upon compliance with
31 this section. The surety's liability under this
32 subsection is limited to the amount of the bond or the
33 amount of the damages or moneys due, whichever is
34 less. However, this subsection does not limit the
35 amount of damages recoverable from an owner or
36 operator in the amount of the surety bond. This
37 subsection shall not limit the recovery of damages to
38 the surety bond. The bond shall be made in a form
39 prescribed by the commissioner of insurance and
40 written by a company authorized by the commissioner of
41 insurance to do business in this state. If a surety
42 bond is canceled which has been provided as financial
43 assurance under this subsection, the owner or operator
44 of the waste tire collection or processing site shall
45 demonstrate to the department within thirty days of
46 the cancellation, a means of continued compliance with
47 the financial assurance requirements of this section.
48 If a means of continued compliance is not demonstrated
49 within the thirty-day period, the department shall
50 suspend the permit for the site, and the owner or

Page 2

1 operator shall perform proper closure of the site
2 within thirty days. If the owner or operator does not
3 properly close the site within the time period
4 allowed, the department shall file a claim with the
5 surety company, prior to the effective date of
6 cancellation of the bond, to collect the amount of the
7 bond for use in performing proper closure. A person
8 who fails to provide for proper closure,
9 notwithstanding collection by the department of the
10 amount of the bond, is guilty of a serious
11 misdemeanor."
12 8. By striking page 1, line 29, through page 2,
13 line 5, and inserting the following:
14 "4. Financial assurance shall be provided in the
15 amounts as follows:
16 a. For a waste tire collection or processing site
17 initially permitted on or after July 1, 1992, the
18 financial assurance instrument for a waste tire
19 collection site shall provide coverage in an amount
20 which is equivalent to eighty-five cents per tire
21 collected by the site and the financial assurance
22 instrument for a waste tire processing site shall
23 provide coverage in an amount which is equivalent to
24 eighty-five cents per tire collected for processing by
25 the site which is above the three-day processing
26 supply of tires for the site as determined by the
27 department.

28 b. For a waste tire collection or processing site
29 in existence prior to July 1, 1992, a waste tire
30 collection site shall provide a financial assurance
31 instrument in an amount which is eighty-five cents per
32 additional tire collected after July 1, 1992, and a
33 waste tire processing site shall provide a financial
34 assurance instrument in an amount which is eighty-five
35 cents per additional tire collected for processing,
36 above the three-day processing supply of tires for the
37 site as determined by the department, after July 1,
38 1992.
39 c. Six months after the adoption of financial
40 assurance rules by the department, for a waste tire
41 collection or processing site in existence prior to
42 July 1, 1992, the financial assurance instrument shall
43 provide coverage in an amount which is equivalent to
44 eighty-five cents per tire based upon one-half of the
45 aggregate amount of tires collected prior to July 1,
46 1992, and remaining on site. One year after the
47 adoption of financial assurance rules by the
48 department, a waste tire collection or processing site
49 shall provide a financial assurance instrument in an
50 amount which is eighty-five cents per tire for all

Page 3

1 waste tires stored at the site above the three-day
2 processing supply of tires."
3 9. Page 2, line 14, by inserting after the word
4 "collection" the following: "or processing".
5 10. Page 2, line 17, by inserting after the word
6 "COLLECTION" the following: "OR PROCESSING".
7 11. Page 2, line 18, by inserting after the word
8 "collection" the following: "or processing".
9 12. Page 2, line 26, by inserting after the word
10 "collection" the following: "or processing".
11 13. Title page, line 2, by inserting after the
12 word "fees" the following: "and providing a penalty".
13 14. By renumbering as necessary.

Amendment H—5959 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. 2475)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand

Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Holveck	Hurley	Iverson
Jesse	Jochum	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker Arnould	

The nays were, 1:

Hibbard

Absent or not voting, 4:

Brammer	Jay	Johnson	Teaford

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

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2412 and 2475.**

SENATE AMENDMENT CONSIDERED

Jesse of Jasper called up for consideration **House File 2256,** a bill for an act relating to the local siting for new sanitary landfills and waste incinerators and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—5866:

H—5866

1 Amend House File 2256, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 18, by inserting after the word
4 "located." the following: "The requirements of this
5 section do not apply to the expansion of an existing
6 sanitary landfill owned by a private agency which
7 disposes of waste which the agency generates on
8 property owned by the agency."
9 2. Page 2, line 14, by striking the word "ten"
10 and inserting the following: "twenty".
11 3. Page 3, by inserting after line 8, the
12 following:
13 "Sec. _____. Section 455D.9, subsection 3, Code
14 1991, is amended to read as follows:
15 3. The department shall develop rules which define
16 yard waste and provide for the safe and proper method
17 of composting. The rules adopted for a composting
18 facility to be located on property owned by an
19 applicant for a permit prior to July 1, 1992, when the
20 property is located within twenty miles of a
21 metropolitan area of two hundred fifty thousand or
22 more, shall require that prior to the issuance of a
23 permit for a composting facility, the applicant shall
24 submit an economic impact statement to the department.
25 For the purpose of this subsection, "economic impact
26 statement" means an estimate of the economic impact of
27 the siting of a composting facility at a specific
28 location on affected property owners."
29 4. By renumbering, relettering, or redesignating
30 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5866.

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

On the question "Shall the bill pass?" (H.F. 2256)

The ayes were, 94:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester

Hibbard	Holveck	Hurley	Iverson
Jesse	Jochum	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker Arnould		

The nays were, 2:

Corbett	Lundby

Absent or not voting, 4:

Brammer	Jay	Johnson	Teaford

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 2343,** a bill for an act relating to motor vehicle laws by changing to multiyear licensing for certain motor vehicle related dealers and changing fees, making certain changes related to commercial drivers' licensing, expanding the definition of motor vehicle license, providing an exemption for the sale of antique vehicles, providing for a physician's report of incompetency to operate a motor vehicle, expanding the seat belt exemption, creating a penalty for violating a license restriction, and making other technical changes, previously deferred and placed on the unfinished business calendar.

Koenigs of Mitchell offered the following amendment H—5549 filed by the committee on transportation:

H—5549

1 Amend Senate File 2343, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 1, the
4 following:
5 "Section 1. Section 321.57, Code 1991, is amended
6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. A dealer licensed as a
8 wholesaler for a new motor vehicle model under chapter
9 322 may operate a new motor vehicle of that model,
10 owned by the wholesaler, upon the highway when there
11 is displayed on the vehicle a special plate issued to
12 the wholesaler as provided in sections 321.58 through
13 321.62 and when operated solely for the purposes of
14 demonstration, show, or exhibition."
15 2. Page 1, line 18, by inserting after the word
16 "dealership." the following: "A dealer licensed as a
17 wholesaler for a new motor vehicle model pursuant to
18 chapter 322, shall furnish satisfactory evidence of
19 valid written authorization from the manufacturer of
20 the new motor vehicle of the dealer's status as a
21 wholesaler of the new motor vehicle model."
22 3. Page 2, by inserting after line 5, the
23 following:
24 "Sec. _____. NEW SECTION. 321.64 IMPLEMENTATION OF
25 MULTIYEAR LICENSING AND ISSUANCE OF SPECIAL PLATES.
26 To implement the change from a calendar year to
27 multiyear certificate as provided in section 321.58
28 and to implement the change from calendar year to
29 multiyear special plates as provided in section
30 321.60, each certificate or special plate shall have
31 an expiration month as established by the department
32 with fees prorated based upon the number of months for
33 which the certificate or special plate was issued."
34 4. Page 10, by inserting after line 6, the
35 following:
36 "Sec. _____. NEW SECTION. 314.26 SAFETY CONCERNS.
37 In addition, cities, counties and the department
38 shall take safety concerns into account in the design,
39 construction, reconstruction, relocation, repair, or
40 maintenance of roads, streets, or highways."
41 5. Page 10, by inserting after line 14, the
42 following:
43 "Sec. _____. Section 321.34, Code Supplement 1991,
44 is amended by adding the following new subsection:
45 NEW SUBSECTION. 15. LEASED VEHICLES.
46 Registration plates under this section may be issued
47 to the lessee of a motor vehicle if the lessee
48 provides evidence of a lease for a period of more than
49 sixty days and if the lessee complies with the
50 requirements, under this section, for issuance of the

Page 2

1 specific registration plates."
2 6. Page 11, by inserting after line 17 the
3 following:

4 "Sec. _____. NEW SECTION. 321.385A CITATION FOR
5 UNLIGHTED HEADLAMP. A citation issued for failure to
6 have head lamps as required under section 321.385
7 shall first provide for a seventy-two hour period
8 within which the person charged with the violation
9 shall replace or repair the headlamp. If the person
10 complies with the directive to replace or repair the
11 headlamp within the allotted time period, the citation
12 shall be expunged. If the person fails to comply
13 within the allotted time period, the citation shall be
14 processed in the same manner as other citations. A
15 citation issued under this section shall include a
16 written notice of replacement or repair which shall
17 indicate the date of replacement or repair and the
18 manner in which the replacement or repair occurred and
19 which shall be returned to the issuing authority
20 within the seventy-two hour time period.
21 A citation issued for failure to have rear lamps as
22 required under section 321.387 or a rear registration
23 plate light as required under section 321.388 shall
24 first provide for a seventy-two hour period within
25 which the person charged with the violation shall
26 replace or repair the lamps or light. If the person
27 complies with the directive to replace or repair the
28 lamps or light within the allotted time period, the
29 citation shall be expunged. If the person fails to
30 comply within the allotted time period, the citation
31 shall be processed in the same manner as other
32 citations.
33 Sec. _____. Section 321.387, Code 1991, is amended
34 to read as follows:
35 321.387 REAR LAMPS.
36 Every motor vehicle and every vehicle which is
37 being drawn at the end of a train of vehicles shall be
38 equipped with a lighted rear lamp or lamps, exhibiting
39 a red light plainly visible from a distance of five
40 hundred feet to the rear. All lamps and lighting
41 equipment originally manufactured on a motor vehicle
42 shall be kept in working condition or shall be
43 replaced with equivalent equipment.
44 Sec. _____. Section 321.415, subsections 1 and 2,
45 Code 1991, are amended to read as follows:
46 1. Whenever a driver of a vehicle approaches an
47 oncoming vehicle within ~~five hundred~~ one thousand
48 feet, the driver shall use a distribution of light, or
49 composite beam, so aimed that the glaring rays are not
50 projected into the eyes of the oncoming driver. The

Page 3

1 lowermost distribution of light, or composite beam,
2 specified in section 321.409, subsection 2, shall be

3 deemed to avoid glare at all times, regardless of road
4 contour and loading.
5 2. Whenever the driver of a vehicle follows
6 another vehicle within ~~two~~ four hundred feet to the
7 rear, except when engaged in the act of overtaking and
8 passing, the driver shall use a distribution of light
9 permissible under this chapter other than the
10 uppermost distribution of light specified in section
11 321.409, subsection 1."
12 7. Page 11, line 31, by striking the word
13 "paragraph" and inserting the following:
14 "paragraphs".
15 8. Page 11, by inserting after line 35 the
16 following:
17 "NEW UNNUMBERED PARAGRAPH. Rules adopted under
18 this section shall not apply to vehicles used in
19 combination provided the gross vehicle weight rating
20 of the towing unit is ten thousand pounds or less and
21 the gross combination weight rating is twenty-six
22 thousand pounds or less."
23 9. Page 12, by inserting after line 5, the
24 following:
25 "Sec. _____. Section 805.8, subsection 2, paragraph
26 i, Code 1991, is amended to read as follows:
27 i. For violations involving failures to yield or
28 to observe pedestrians and other vehicles under
29 sections 321.257, subsection 2, 321.288, 321.298,
30 ~~321.300,~~ 321.307, 321.308, 321.313, 321.319, 321.320,
31 321.321, 321.329, 321.333, and 321.367, the scheduled
32 fine is twenty dollars.
33 Sec. _____. Section 805.8, subsection 2, paragraph
34 r, Code 1991, is amended to read as follows:
35 r. For failure to have a valid license or permit
36 for operating a motor vehicle on the highways of this
37 state, the scheduled fine is ~~fifteen~~ twenty dollars.
38 Sec. _____. Sections 321.300 and 321.301, Code 1991,
39 are repealed."
40 10. Title page, by striking lines 2 through 9 and
41 inserting the following: "licensing for certain motor
42 vehicle-related dealers and changing fees, making
43 certain changes related to commercial drivers'
44 licensing, expanding the definition of motor vehicle
45 license, creating a penalty for violating a license
46 restriction, relating to the operation of new motor
47 vehicle models by a dealer licensed as a wholesaler,
48 requiring consideration of safety concerns for
49 location of roadways, allowing special registration
50 plates for leased motor vehicles, relating to the sale

Page 4

1 of certain antique vehicles, relating to lighting
2 devices and citations issued for failing to have
3 certain lighting devices, increasing the penalty for
4 failure to have a valid license or permit, providing
5 for a physician's report of incompetency to operate a
6 motor vehicle, expanding the seat belt exemption,
7 exempting certain commercial vehicles from motor
8 carrier safety regulations, eliminating a yield to
9 honking passer requirement, and making other technical
10 changes."
11 11. By renumbering and relettering as necessary.

Blanshan of Greene offered the following amendment H—5576, to the committee amendment H—5549, filed by him:

H—5576

1 Amend amendment, H—5549, to Senate File 2343, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 36 through 40 and
5 inserting the following:
6 " "Sec. _____. Section 314.24, Code 1991, is amended
7 to read as follows:
8 314.24 NATURAL AND HISTORIC PRESERVATION.
9 Cities, counties, and the department shall to the
10 extent practicable preserve and protect the natural
11 and historic heritage of the state in the design,
12 construction, reconstruction, relocation, repair, or
13 maintenance of roads, streets, or highways.
14 Destruction or damage to natural areas, including but
15 not limited to prime agricultural land, parks,
16 preserves, woodlands, wetlands, recreation areas,
17 greenbelts, historical sites, or archaeological sites
18 shall be avoided, if reasonable alternatives are
19 available for the location of roads, streets, or
20 highways at no significantly greater cost <u>or with no</u>
21 <u>significant increase in safety concerns</u>. In
22 implementing this section, cities, counties, and the
23 department shall make a diligent effort to identify
24 and examine the comparative cost of utilizing
25 alternative locations for roads, streets, or
26 highways." "
27 2. By renumbering as necessary.

McKean of Jones rose on a point of order that amendment H—5576 was not germane, to the committee amendment H—5549.

The Speaker ruled the point well taken and amendment H—5576 not germane, to the committee amendment H—5549.

Banks of Plymouth offered the following amendment H—5713, to the committee amendment H—5549, filed by him:

H—5713

1 Amend the amendment, H—5549, to Senate File 2343,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by inserting after line 3 the
5 following:
6 "Sec _____. Section 321.194, Code 1991, is amended
7 by adding the following new subsection:
8 NEW SUBSECTION. 1A. Driver's license issued for
9 transportation of handicapped parent or guardian.
10 a. The department may issue a class "C" driver's
11 license to a person between the ages of fourteen and
12 eighteen for the purpose of transporting a handicapped
13 parent or guardian in accordance with all of the
14 following:
15 (1) The applicant successfully completes an
16 approved driver's education course, unless the
17 applicant can demonstrate that completion of the
18 course would impose a hardship, as determined in
19 accordance with subsection 1.
20 (2) The applicant's parent or guardian has been
21 issued a special identification card. The special
22 identification card shall only be issued in accordance
23 with all of the following:
24 (a) The applicant's parent or guardian provides a
25 statement to the department from a physician licensed
26 under chapter 148, 149, 150, or 150A, or a
27 chiropractor licensed under chapter 151, written on
28 the physician's or chiropractor's stationery, stating
29 the nature of the parent's or guardian's handicap and
30 such additional information as required by rules
31 adopted by the department.
32 (b) The applicant's parent or guardian
33 successfully completes the written examination portion
34 of the driver's test and the vision test which are
35 required for issuance of a motor vehicle license under
36 section 321.186.
37 (c) The applicant's parent or guardian
38 demonstrates a hardship requiring issuance of the
39 special minor's license. The department shall adopt
40 rules defining the term "hardship" for purposes of
41 transporting a handicapped parent or guardian and
42 establish procedures for the demonstration and
43 determination of when a "hardship" warranting issuance
44 of a special minor's license under this subsection
45 exists.

46 b. The special minor's license issued under this
47 subsection entitles the holder, while having the
48 license in the holder's immediate possession, to
49 operate a class "C" motor vehicle as follows:
50 (1) During the hours of six a.m. to ten p.m. when

Page 2

1 accompanied by a parent or guardian who has in the
2 parent's or guardian's possession a special
3 identification card issued under paragraph "a",
4 subparagraph (2).
5 (2) At any time if the holder is at least sixteen
6 years of age and is accompanied in accordance with
7 section 321.180, subsection 1, paragraph "b"."
8 2. Page 4, line 6, by inserting after the word
9 "vehicle," the following: "relating to special
10 minor's licenses,".
11 3. By renumbering as necessary.

Koenigs of Mitchell rose on a point of order that amendment H—5713 was not germane, to the committee amendment H—5549.

The Speaker ruled the point well taken and amendment H—5713 not germane, to the committee amendment H—5549.

Division of the committee amendment H—5549 was requested as follows:

H—5549A — lines 3 through 33 and 41 through 50, page 1; and all of pages 2, 3 and 4.
H—5549B — lines 34 through 40, page 1.

On motion by Koenigs of Mitchell, the committee amendment H—5549A was adopted.

McKean of Jones rose on a point of order that the committee amendment H—5549B was not germane.

The Speaker ruled the point well taken and the committee amendment H—5549B not germane.

Brown of Lucas asked and received unanimous consent to defer action on amendment H—5777.

Brown of Lucas offered the following amendment H—5608 filed by him and Hibbard of Madison and moved its adoption:

H—5608

1 Amend Senate File 2343, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 10, line 33 through page 11,

4 line 11.
5 2. By renumbering as necessary.

Amendment H—5608 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware, for the remainder of the day, on request of McKean of Jones.

Cohoon of Des Moines offered the following amendment H—5962 filed from the floor by him and Doderer of Johnson:

H—5962

1 Amend Senate File 2343, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 11, by inserting before line 12 the
4 following:
5 "Sec. _____. Section 321.189, subsection 2,
6 paragraph a, Code 1991, is amended to read as follows:
7 a. Appearing on the driver's license shall be a
8 distinguishing number assigned to the licensee; the
9 licensee's full name, date of birth, sex, and
10 residence address; a colored photograph; a physical
11 description of the licensee; the name of the state;
12 the dates of issuance and expiration; and the usual
13 signature of the licensee. The license shall identify
14 the class of vehicle the licensee may operate and the
15 applicable endorsements and restrictions which the
16 department shall require by rule. At the request of a
17 licensee, the department shall not place the
18 licensee's residence address on the face of the
19 driver's license."
20 2. By renumbering as necessary.

Weidman of Cass rose on a point of order that amendment H—5962 was not germane.

The Speaker ruled the point not well taken and amendment H—5962 germane.

Cohoon of Des Moines moved the adoption of amendment H—5962.

A non-record roll call was requested.

The ayes were 37, nays 51.

Amendment H—5962 lost.

Brown of Lucas offered amendment H—5777, previously deferred, filed by him and Hibbard of Madison. Division was requested as follows:

H–5777

1 Amend Senate File 2343, as amended, passed, and
2 reprinted by the Senate, as follows:

H–5777A

3 1. Page 11, line 5, by inserting after the word
4 "manner." the following: "The physician shall make
5 reasonable efforts to notify the person who is the
6 subject of the report, in writing. The written
7 notification shall state the nature of the disclosure
8 and the reason for the disclosure."

H–5777B

9 2. Page 11, line 8, by inserting after the words
10 "the report." the following: "A physician licensed
11 under chapter 148, 150, or 150A shall post a notice in
12 the physician's patient waiting room which states that
13 Iowa law allows the physician to send a report to the
14 state department of transportation which assesses a
15 patient's mental or physical competency to operate a
16 motor vehicle in a safe manner."

H–5777C

17 3. Page 11, line 11, by inserting after the word
18 "manner." the following: "Any report received by the
19 department from a physician under this section shall
20 be kept confidential. Information regulated by
21 chapter 141 shall be subject to the provisions of
22 sections 141.23 and 141.24."

Brown of Lucas moved the adoption of amendment H–5777A.

Roll call was requested by McNeal of Hardin and Hibbard of Madison.

On the question "Shall amendment H–5777A be adopted?" (S.F. 2343)

The ayes were, 51:

Adams	Baker	Bartz	Beaman
Beatty	Bernau	Bisignano	Brand
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
Doderer	Dvorsky	Gill	Groninga
Gruhn	Hammond	Hanson, D. E.	Hatch
Haverland	Hibbard	Holveck	Hurley
Jesse	Jochum	Kistler	Krebsbach
Lundby	Maulsby	Mertz	Neuhauser

Nielsen	Osterberg	Pavich	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Svoboda
Wise	Wissing	Mr. Speaker Arnould	

The nays were, 41:

Banks	Bennett	Black	Blanshan
Branstad	De Groot	Dickinson	Diemer
Eddie	Fogarty	Garman	Gipp
Grubbs	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Hester	Iverson	Knapp
Koenigs	Kremer	Lageschulte	McKean
McNeal	Metcalf	Millage	Miller
Muhlbauer	Murphy	Ollie	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renken	Spenner	Tyrrell	Van Maanen
Weidman			

Absent or not voting, 8:

Brammer	Hanson, D. R.	Harbor	Jay
Johnson	McKinney	Royer	Teaford

Amendment H—5777A was adopted.

Brown of Lucas moved the adoption of amendment H—5777B.

Amendment H—5777B lost.

Brown of Lucas moved the adoption of amendment H—5777C.

Roll call was requested by Brown of Lucas and Shearer of Louisa.

On the question "Shall amendment H—5777C be adopted?" (S.F. 2343)

The ayes were, 54:

Adams	Bartz	Beatty	Bernau
Bisignano	Brand	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	Doderer	Dvorsky
Fogarty	Gill	Groninga	Grubbs
Hammond	Hansen, S. D.	Hanson, D. E.	Hatch
Haverland	Hibbard	Holveck	Hurley
Jesse	Jochum	Kistler	Krebsbach
Lundby	McKinney	McNeal	Mertz
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Rafferty	Renaud	Schrader
Shearer	Sherzan	Shoultz	Siegrist
Spear	Spenner	Svoboda	Tyrrell
Wissing	Mr. Speaker Arnould		

The nays were, 36:

Banks	Beaman	Bennett	Black
Blanshan	Branstad	De Groot	Dickinson
Diemer	Eddie	Garman	Gipp
Gruhn	Hahn	Halvorson, R. N.	Hester
Iverson	Knapp	Koenigs	Kremer
Lageschulte	Maulsby	McKean	Metcalf
Millage	Miller	Muhlbauer	Murphy
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renken	Van Maanen	Weidman	Wise

Absent or not voting, 10:

Baker	Brammer	Halvorson, R. A.	Hanson, D. R.
Harbor	Jay	Johnson	Royer
Shoning	Teaford		

Amendment H—5777C 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?" (S.F. 2343)

The ayes were, 90:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jesse	Jochum
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker Arnould		

The nays were, none.

Absent or not voting, 10:

Brammer	Halvorson, R. A.	Hanson, D. R.	Harbor
Jay	Johnson	Osterberg	Royer
Shoning	Teaford		

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

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2256 and Senate File 2343.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 1, 1992, amended and passed the following bill in which the concurrence of the House is asked:

House File 242, a bill for an act relating to adoption and permanent termination of parental rights records, and providing penalties.

Also: That the Senate has on April 17, 1992, 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 2287, a bill for an act to establish a community-based workplace learning program, and providing an effective date.

Also: That the Senate has on April 17, 1992, amended and passed the following bill in which the concurrence of the House is asked:

House File 2372, a bill for an act permitting a political subdivision to become a debtor under chapter 9 of the federal Bankruptcy Code under certain circumstances.

Also: That the Senate has, on April 17, 1992, insisted on its amendment to House File 2457, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, and the department of human rights, and the members of the conference committee on the part of the Senate are: The Senator from Polk, Senator Buhr, Chair; the Senator from Cerro Gordo, Senator Miller; the Senator from Jones, Senator Hannon; the Senator from Clinton, Senator Rittmer; the Senator from Scott, Senator Tinsman.

Also: That the Senate has on April 17, 1992, passed the following bill in which the concurrence of the Senate was asked:

House File 2470, a bill for an act relating to real property that qualifies for property tax exemptions in a revitalization area and providing effective and applicability provisions.

Also: That the Senate has on April 17, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2065, a bill for an act relating to violations of an individual's rights, and establishing additional criminal offenses.

Also: That the Senate has, on April 17, 1992, insisted on its amendment to Senate File 2355, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and providing for effective and applicability dates, and the members of the conference committee on the part of the Senate are: The Senator from Polk, Senator Szymoniak, Chair; the Senator from Decatur, Senator Boswell; the Senator from Fayette, Senator Murphy; the Senator from Des Moines, Senator Hagerla; the Senator from Scott, Senator Tinsman.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Blanshan of Greene called up for consideration **House File 2450**, a bill for an act relating to public retirement systems and administration and benefits of the Iowa public employees' retirement system, including penalties, making an appropriation, and providing effective and retroactive applicability dates, amended by the Senate amendment H–5834 as follows:

H–5834

1 Amend House File 2450, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 18, lines 6 and 7, by striking the words
4 "six ~~months~~ months' or less duration." and inserting
5 the following: "less than six months ~~or less duration~~
6 or one thousand and forty hours in a calendar year."
7 2. Page 18, line 11, by inserting after the word
8 "paragraph." the following: "Adjunct instructors are
9 temporary employees for the purposes of this chapter.
10 As used in this section, unless the context otherwise
11 requires, "adjunct instructors" means instructors
12 employed by a community college without a continuing
13 contract, whose teaching load does not exceed one-half
14 time for two full semesters or three full quarters per
15 calendar year."
16 3. Page 28, by inserting after line 9 the
17 following:
18 "Sec. _____. Section 97B.49, subsection 16,
19 paragraph d, Code 1991, is amended by adding the
20 following new subparagraph:
21 NEW SUBPARAGRAPH. (8) A fire prevention inspector
22 peace officer employed by the department of public
23 safety."
24 4. Page 36, by inserting after line 31, the
25 following:

26 "Sec. _____. Section 97B.66, unnumbered paragraph 3,
27 Code 1991, is amended by striking the unnumbered
28 paragraph."
29 5. Page 37, line 10, by inserting after the word
30 "system" the following: "either".
31 6. Page 37, line 11, by inserting before the word
32 "period" the following: "entire".
33 7. Page 37, line 12, by striking the word "and"
34 and inserting the following: "~~and~~, or for partial
35 service in the other public system in increments of no
36 greater than one year or less than one calendar
37 quarter. However, the member may not make
38 contributions in an increment of less than one year
39 more than once. The member may also make one lump sum
40 contribution to the system which represents the entire
41 period of service in the other public system, even if
42 the period of time exceeds one year. If the member
43 wishes to transfer only a portion of the service value
44 of another public system to this system and the other
45 public system allows a partial withdrawal of a
46 member's system credits, the member shall".
47 8. Page 46, by inserting after line 10 the
48 following:
49 "Sec. _____. Section 411.38, subsection 2, Code
50 1991, is amended to read as follows:

Page 2

1 2. Transfer from each terminated city fire or
2 police retirement system to the statewide system
3 amounts sufficient to cover the accrued liabilities of
4 that terminated system as determined by the actuary of
5 the statewide system. The actuary of the statewide
6 system shall redetermine the accrued liabilities of
7 the terminated systems as necessary to take into
8 account additional amounts payable by the city which
9 are attributable to errors or omissions which occurred
10 prior to January 1, 1992, or to matters pending as of
11 January 1, 1992."
12 9. Page 46, by inserting after line 10 the
13 following:
14 "Sec. _____. Section 602.9106, Code 1991, is amended
15 to read as follows:
16 602.9106 RETIREMENT.
17 Any person who shall have become separated from
18 service as a judge of any of the courts included in
19 this article and who has had an aggregate of at least
20 six years of service as a judge of one or more of such
21 courts and shall have attained the age of sixty-five
22 years or who has had twenty-five years of consecutive
23 service as a judge of one or more of said courts, or
24 who qualifies as a senior judge in accordance with

25 section 602.9203A and whose name is added to the
26 roster of senior judges as provided in section
27 602.9203A, subsection 3, and who shall have otherwise
28 qualified as provided in this article, shall be
29 entitled to an annuity as hereinafter provided.
30 Sec. _____. Section 602.9202, subsection 1, Code
31 1991, is amended to read as follows:
32 1. "Senior judge" means a supreme court judge,
33 court of appeals judge, district court judge, or
34 district associate judge who meets the requirements of
35 section 602.9203 or section 602.9203A and who has not
36 been retired or removed from the roster of senior
37 judges under section 602.9207 or 602.9208.
38 Sec. _____. NEW SECTION. 602.9203A ALTERNATIVE
39 PROCEDURE FOR QUALIFICATION AS A SENIOR JUDGE.
40 1. A supreme court judge, court of appeals judge,
41 district judge, or district associate judge, who
42 qualifies under subsection 2, may become a senior
43 judge by filing a written election form in the manner
44 provided in section 602.9203. A judge who qualifies
45 for senior judge status pursuant to both this section
46 and section 602.9203 shall only be required to file
47 one written election form, and shall not be required
48 to specify the section under which the judge is
49 proceeding.
50 2. A judge referred to in subsection 1 qualifies

Page 3

1 for a senior judgeship if the judge meets all of the
2 following:
3 a. Retires from office on or after July 1, 1992,
4 whether or not the judge is of mandatory retirement
5 age.
6 b. Has attained the age of fifty-five or more at
7 the time of retirement with at least twenty years of
8 consecutive service.
9 c. Agrees in writing on a form prescribed by the
10 court administrator to be available as a senior judge
11 to perform judicial duties as assigned by the supreme
12 court for an aggregate period of thirteen weeks out of
13 each successive twelve-month period for at least three
14 consecutive twelve-month periods, health permitting.
15 d. Submits evidence to the supreme court as
16 required pursuant to section 602.9203, subsection 2,
17 paragraphs "d" and "e".
18 3. The clerk of the supreme court shall include
19 persons who file timely elections and qualify as
20 senior judges pursuant to this section in the roster
21 of senior judges pursuant to section 602.9203,
22 subsection 3, and the person shall be a senior judge
23 upon entry of the name in the roster of senior judges

24 and until the person becomes a retired senior judge as
25 provided in section 602.9207, or until the person's
26 name is stricken from the roster of senior judges as
27 provided in section 602.9208, or until the person
28 dies. However, notwithstanding any other provision of
29 law to the contrary, including but not limited to this
30 section, if during the entire period for filing a
31 written election pursuant to this section, the supreme
32 court verifies that there are insufficient judicial
33 duties for the judge to perform or insufficient
34 appropriations, the judge shall not be added to the
35 roster of senior judges unless the judge qualifies
36 pursuant to section 602.9203.
37 4. The supreme court shall cause each senior judge
38 added to the roster in accordance with this section to
39 actually perform judicial duties during each
40 successive twelve-month period.
41 Sec. 100. Section 602.9204, Code 1991, is amended
42 to read as follows:
43 602.9204 ANNUITY OF SENIOR JUDGE AND RETIRED
44 SENIOR JUDGE.
45 A senior judge or a retired senior judge shall not
46 be paid a salary. A senior judge or retired senior
47 judge shall be paid an annuity under the judicial
48 retirement system in the manner provided in section
49 602.9109, but computed under this section in lieu of
50 section 602.9107, as follows: The annuity paid to a

Page 4

1 senior judge or retired senior judge shall be an
2 amount equal to three percent of the current basic
3 salary, as of the time each payment is made up to and
4 including the twelve-month period during which the
5 senior judge or retired senior judge attains seventy-
6 eight years of age, of the office in which the senior
7 judge last served as a judge before retirement as a
8 judge or senior judge, multiplied by the judge's years
9 of service prior to retirement as a judge of one or
10 more of the courts included under this article, for
11 which contributions were made to the system, except
12 the annuity of the senior judge or retired senior
13 judge shall not exceed fifty percent of the current
14 basic salary used in calculating the annuity.
15 However, following the twelve-month period during
16 which the senior judge or retired senior judge attains
17 seventy-eight years of age, the annuity paid to the
18 person shall be an amount equal to three percent of
19 the basic salary cap, multiplied by the judge's years
20 of service prior to retirement as a judge of one or
21 more of the courts included under this article, for
22 which contributions were made to the system, except

23 that the annuity shall not exceed fifty percent of the
24 basic salary cap. A senior judge or retired senior
25 judge shall not receive benefits calculated using a
26 basic salary established after the twelve-month period
27 in which the senior judge or retired senior judge
28 attains seventy-eight years of age. In addition, if a
29 senior judge is under sixty-five years of age at the
30 time the judge becomes a senior judge, the state shall
31 pay the state's share of the senior judge's medical
32 insurance premium until the judge attains age sixty-
33 five.
34 As used in this section, unless the context
35 otherwise requires, "basic salary cap" means the basic
36 salary, at the end of the twelve-month period during
37 which the senior judge or retired senior judge
38 attained seventy-eight years of age, of the office in
39 which the person last served as a judge before
40 retirement as a judge or senior judge."
41 10. Page 46, by inserting after line 10 the
42 following:
43 "Sec. _____. Section 602.9204, Code 1991, is amended
44 by adding the following new unnumbered paragraph:
45 NEW UNNUMBERED PARAGRAPH. If a senior judge
46 becomes a senior judge pursuant to section 602.9203A,
47 notwithstanding any other provision to the contrary,
48 the state shall also continue to pay the state's share
49 of other insurance premiums for programs in which the
50 judge was a participant at the time of retirement and

Page 5

1 in which the state made contributions, including but
2 not limited to life insurance, dental insurance, and
3 disability insurance, until the senior judge attains
4 the age of sixty-five, is stricken from the roster of
5 senior judges as provided in section 602.9208, or
6 dies."
7 11. Page 46, by inserting after line 20 the
8 following:
9 "Sec. _____. Section 602.9206, unnumbered paragraph
10 2, Code 1991, is amended to read as follows:
11 A senior judge also shall be available to serve in
12 the capacity of administrative law judge under chapter
13 17A upon the request of an agency, and the supreme
14 court may assign a senior judge for temporary duties
15 as an administrative law judge. A senior judge shall
16 not be required to serve a period of time as an
17 administrative law judge which, when added to the
18 period of time being served by the person as a judge,
19 if any, would exceed the maximum period of time the
20 person agreed to serve pursuant to section 602.9203,
21 subsection 2, or section 602.9203A, subsection 2.

22 Sec. _____. Section 602.9208, subsection 1, Code
23 1991, is amended to read as follows:
24 1. A senior judge, at any time prior to the end of
25 the twelve-month period during which the judge attains
26 seventy-eight years of age, may submit to the clerk of
27 the supreme court a written request that the judge's
28 name be stricken from the roster of senior judges.
29 Upon the receipt of the request the clerk shall strike
30 the name of the person from the roster of senior
31 judges, at which time the person shall cease to be a
32 senior judge. A person who relinquishes a senior
33 judgeship as provided in this subsection may be
34 assigned to temporary judicial duties as provided in
35 section 602.1612. However, if a senior judge who
36 became a senior judge in accordance with section
37 602.9203A requests to be stricken from the roster of
38 senior judges prior to completing service for at least
39 three consecutive twelve-month periods, the senior
40 judge shall not be entitled to any additional benefits
41 for service pursuant to this part unless the supreme
42 court determines that the senior judge's health would
43 not permit completion of three consecutive twelve-
44 month periods. If the supreme court determines that
45 the senior judge's health permits continued service
46 for the remainder of the three twelve-month periods
47 and the senior judge still wishes to discontinue
48 service, the supreme court shall determine and the
49 senior judge shall refund to the state the amount of
50 any additional benefits which the senior judge has

Page 6

1 received pursuant to this part, including but not
2 limited to the payment of insurance premiums by the
3 state on behalf of the senior judge.
4 Sec. _____. Section 602.9208, subsection 3, Code
5 1991, is amended to read as follows:
6 3. ~~A~~ Except as otherwise provided in subsection 1,
7 a person who relinquishes a senior judgeship in the
8 manner provided in subsection 1 shall be paid a
9 retirement annuity that commences on the effective
10 date of the relinquishment and shall be based upon the
11 number of years the person served as a senior judge.
12 A person who serves six or more years as a senior
13 judge shall be paid a retirement annuity that is in an
14 amount equal to the amount of the annuity the person
15 is receiving on the effective date of the
16 relinquishment in lieu of an amount determined
17 according to section 602.9204. If the person serves
18 less than six years as a senior judge, the person
19 shall be paid a retirement annuity that is in an
20 amount equal to an amount determined according to

21 section 602.9107 added to an amount equal to the
22 number of years the person served as a senior judge,
23 divided by six, multiplied by the difference between
24 the amount of the annuity the person is receiving on
25 the effective date of the relinquishment and the
26 amount determined according to section 602.9107. A
27 person who is removed from a senior judgeship as
28 provided in subsection 2 shall be paid a retirement
29 annuity that commences on the effective date of the
30 removal and is in an amount determined according to
31 section 602.9107 in lieu of section 602.9204, and any
32 service and annuity of the person as a senior judge is
33 disregarded."
34 12. Page 47, by striking lines 25 through 35, and
35 inserting the following:
36 "Sec. _____. SENIOR JUDGES – EFFECTIVE DATE –
37 IMPLEMENTATION.
38 1. Section 100 of this Act takes effect January 1,
39 1993.
40 2. Notwithstanding the amendments to section
41 602.9204 contained in section 100 of this Act, all
42 judges whose names are entered on the roster of senior
43 judges pursuant to section 602.9203, subsection 3, as
44 of December 31, 1992, and all persons who are retired
45 senior judges as of December 31, 1992, shall continue
46 to receive an annuity calculated pursuant to section
47 602.9204, Code 1991, and shall not be subject to the
48 amendments to that section contained in this Act.
49 This Act shall not be construed in a manner which
50 reduces benefits to persons who participated as senior

Page 7

1 judges prior to January 1, 1993."
2 13. Page 48, line 1, by striking the figure
3 "97B.66,".
4 14. Page 48, by inserting after line 15 the
5 following:
6 "_____. The section of this Act which amends section
7 411.38, subsection 2, being deemed of immediate
8 importance, takes effect upon enactment and applies
9 retroactively to January 1, 1992."
10 15. By renumbering, relettering, or redesignating
11 and correcting internal references as necessary.

Blanshan of Greene offered amendment H–5961, to the Senate amendment H–5834, filed from the floor by him and Carpenter of Polk. Division was requested as follows:

H–5961

1 Amend the Senate amendment, H–5834, to House File
2 2450, as amended, passed, and reprinted by the House,
3 as follows:

H–5961A

1. Page 1, line 15, by striking the word "year." and inserting the following: "year, and whose total employment in a calendar year does not exceed six months. Adjunct instructors who are employed more than six months in a calendar year have the option of choosing to be covered by this chapter, by making an application to the department on a form supplied by the department. Coverage will begin when the election has been approved by the department."

H–5961B

2. Page 1, by striking lines 35 through 39 and inserting the following: "service in the other public system in increments of one or more years, as long as the increments represent full years and not a portion of a year. The member may also make one lump sum".

3. Page 1, line 42, by inserting after the word "year" the following: "or includes a portion of a year".

4. By striking page 2, line 14, through page 3, line 40, and inserting the following:

" "Sec. _____. NEW SECTION. 602.9107A OPTIONAL RETIREMENT AND DECREASED ANNUITY.

1. Notwithstanding section 602.9106, a judge who is fifty-five years of age or older and who has served at least twenty consecutive years as a judge of one or more of the courts included in this article shall be entitled to receive a decreased annuity.

2. The amount of the decreased annuity shall be the actuarial equivalent of the amount of the annuity payable to judges pursuant to section 602.9107, subsections 1 and 2. A judge shall make an election request in writing to the state court administrator prior to retirement in order to receive an annuity pursuant to this section. A judge may revoke the election prior to retirement by providing a written request to the state court administrator.

3. The decreased annuity provided in this section shall be in lieu of the annuities and refunds provided for in sections 602.9107, 602.9108, 602.9115, 602.9204, 602.9208, and 602.9209."

5. By striking page 4, line 41 through page 6, line 33.

6. By striking page 6, line 34 through page 7, line 1 and inserting the following:

"_____. Page 47, line 26, by inserting before the word "this" the following: "section 100 of"."

7. By renumbering as necessary.

McKinney of Dallas asked and received unanimous consent that House File 2450 be deferred and that the bill retain its place on the calendar.

(Amendment H—5961A, to the Senate amendment H—5834, pending.)

SENATE AMENDMENT CONSIDERED

Cohoon of Des Moines called up for consideration **Senate File 2345**, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5945, to the House amendment:

H—5945

1 Amend the House amendment, S—5663, to Senate File
2 2345, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking line 3.
5 2. Page 1, by striking lines 10 and 11 and
6 inserting the following: "public employees'
7 retirement system as members of a protection
8 occupation under section 97B.49, subsection 16,
9 paragraph "d"." "
10 3. Page 1, by inserting after line 12, the
11 following:
12 "_____. Page 11, line 16, by striking the word
13 "August" and inserting the following: "September"."
14 4. Page 1, by inserting after line 23, the
15 following:
16 " "Sec. 100. The state department of transportation
17 shall sell all aircraft in the state aircraft pool.
18 The first two hundred fifty thousand dollars of money
19 derived from the sale of the aircraft shall be
20 deposited in the litigation expense fund established
21 under section 441.73. Any remaining moneys shall be
22 deposited in the state GAAP escrow account established
23 under section 422.69, subsection 3. Any unencumbered
24 moneys existing in the state aircraft revolving fund
25 shall be transferred to the general fund of the state.
26 The sale of aircraft in the state's aircraft pool
27 shall be completed by June 30, 1992."
28 5. Page 1, by inserting after line 23 the fol-
29 lowing:

30 " "Sec. _____. To the extent that Iowa motor vehicle
31 license suspension and revocation law is contrary to
32 or inconsistent with 23 U.S.C. § 104(a)(3)(A) both
33 houses of the General Assembly do hereby resolve and
34 the governor does hereby certify their combined
35 opposition to the enactment and enforcement in the
36 state of Iowa of the law described in 23 U.S.C. §
37 104(a)(3)(A)."
38 6. By striking page 1, line 49 through page 2,
39 line 42.
40 7. Page 2, by inserting after line 49, the
41 following:
42 "_____. Page 15, by inserting after line 4, the
43 following:
44 "Sec. _____. Section 80B.3, Code 1991, is amended by
45 adding the following new subsection:
46 NEW SUBSECTION. 2A. "Director" means the director
47 of the Iowa law enforcement academy.
48 Sec. _____. Section 80B.5, Code 1991, is amended by
49 striking the section and inserting in lieu thereof the
50 following:

Page 2

1 80B.5 ADMINISTRATION.
2 The administration of the Iowa law enforcement
3 academy and council Act shall be vested in the office
4 of the governor. The chief administrative officer of
5 the academy is the director. The director shall be
6 appointed by the governor, subject to confirmation by
7 the senate. The director serves at the pleasure of
8 the governor. The director's term shall begin and end
9 as provided in section 69.19. The person appointed
10 shall be qualified by education and experience to
11 assume the responsibilities of the office. The salary
12 of the director shall be set by the governor within
13 the guidelines or a range established by the general
14 assembly. Staff necessary for the academy to function
15 shall be employed under the Iowa merit system
16 provisions of chapter 19A." "
17 8. By striking page 2, line 50, through page 3,
18 line 32.
19 9. Page 3, by inserting after line 46, the
20 following:
21 " "Sec. _____. Section 321.89, subsection 1,
22 paragraph a, Code 1991, is amended to read as follows:
23 a. "Police authority" means the Iowa highway
24 safety patrol, ~~or~~ any law enforcement agency of a
25 county or city or any special security officer
26 employed by the state board of regents under section
27 262.13."
28 10. Page 4, by striking lines 23 through 34 and

29 inserting the following: "For the fiscal year
30 beginning July 1, 1992, two hundred fifty thousand
31 dollars from the sale of the state aircraft pool shall
32 be deposited in the litigation expense fund
33 established under this section." "
34 11. Page 4, by striking line 35.
35 12. Page 4, by inserting after line 37, the
36 following:
37 " "Sec. 101. Section 328.56, Code 1991, is
38 repealed."
39 13. Page 4, by striking lines 39 and 40 and
40 inserting the following:
41 "_____. Page 20, by striking line 8 and inserting
42 the following:
43 "Sec. _____. Sections 11, 24, 26, 100, and 101 of
44 this Act, being deemed of"."
45 14. Page 4, by striking lines 41 through 44.
46 15. By renumbering, relettering, or redesignating
47 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H—5945.

SENATE AMENDMENT CONSIDERED

Blanshan of Greene called up for consideration **Senate File 2036**, a bill for an act relating to regulating the investment of public funds and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5952, to the House amendment:

H—5952

1 Amend the House Amendment, S—5531, to Senate File
2 2036, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 32, by striking the word
5 "orders," and inserting the following: "orders".
6 2. Page 1, line 43, by striking the word
7 "submission" and inserting the following: "review".
8 3. Page 2, line 15, by striking the word "As" and
9 inserting the following: "(2) As".
10 4. Page 3, lines 2 and 3, by striking the words
11 "complaints, orders," and inserting the following:
12 "orders".
13 5. Page 3, lines 10 and 11, by striking the words
14 " "investment entity" and "investment professional"
15 exclude" and inserting the following: " "outside
16 person" excludes".
17 6. By striking page 3, line 46, through page 4,
18 line 25.
19 7. Page 5, by inserting after line 1 the

20 following:
21 "_____. Page 6, by inserting after line 32 the
22 following:
23 "Sec. _____. Section 22.1, unnumbered paragraph 1,
24 Code Supplement 1991, is amended to read as follows:
25 As used in this chapter, "public records" includes
26 all records, documents, tape, or other information,
27 stored or preserved in any medium, of or belonging to
28 this state or any county, city, township, school
29 corporation, political subdivision, nonprofit
30 corporation other than a county or district fair or
31 agricultural society, whose facilities or indebtedness
32 are supported in whole or in part with property tax
33 revenue and which is licensed to conduct pari-mutuel
34 wagering pursuant to chapter 99D, or tax-supported
35 district in this state, or any branch, department,
36 board, bureau, commission, council, or committee of
37 any of the foregoing.
38 "Public records" also includes all records relating
39 to the investment of public funds including but not
40 limited to investment policies, instructions, trading
41 orders, or contracts, whether in the custody of the
42 public body responsible for the public funds or a
43 fiduciary or other third party.
44 Sec. _____. Section 22.1, unnumbered paragraph 3,
45 Code Supplement 1991, is amended to read as follows:
46 The term "lawful custodian" means the government
47 body currently in physical possession of the public
48 record. The custodian of a public record in the
49 physical possession of persons outside a government
50 body is the government body owning that record. The

Page 2

1 records relating to the investment of public funds are
2 the property of the public body responsible for the
3 public funds. Each government body shall delegate to
4 particular officials or employees of that government
5 body the responsibility for implementing the
6 requirements of this chapter and shall publicly
7 announce the particular officials or employees to whom
8 responsibility for implementing the requirements of
9 this chapter has been delegated. "Lawful custodian"
10 does not mean an automated data processing unit of a
11 public body if the data processing unit holds the
12 records solely as the agent of another public body,
13 nor does it mean a unit which holds the records of
14 other public bodies solely for storage.
15 Sec. _____. NEW SECTION. 22.13 PUBLIC FUNDS
16 INVESTMENT RECORDS IN CUSTODY OF THIRD PARTIES.
17 1. The records of investment transactions made by
18 or on behalf of a public body are public records and

19 are the property of the public body whether in the
20 custody of the public body or in the custody of a
21 fiduciary or other third party.
22 2. If such records of public investment
23 transactions are in the custody of a fiduciary or
24 other third party, the public body shall obtain from
25 the fiduciary or other third party records requested
26 pursuant to section 22.2.
27 3. If a fiduciary or other third party with
28 custody of public investment transactions records
29 fails to produce public records within a reasonable
30 period of time as requested by the public body, the
31 public body shall make no new investments with or
32 through the fiduciary or other third party and shall
33 not renew existing investments upon their maturity
34 with or through the fiduciary or other third party.
35 The fiduciary or other third party shall be liable for
36 the penalties imposed under section 22.6 due to the
37 acts or omissions of the fiduciary or other third
38 party and any other remedies available under statute,
39 common law, or contract." "
40 8. Page 5, line 18, by inserting after the word
41 "professionals" the following: "as described in
42 section 11.2, subsection 2".
43 9. Page 6, by striking lines 5 through 14 and
44 inserting the following:
45 "c. Prime bankers' acceptances that mature within
46 two hundred seventy days and that are eligible for
47 purchase by a federal reserve bank, provided that at
48 the time of purchase no more than thirty percent of
49 the investment portfolio of the treasurer of state or
50 any other state agency shall be in investments

Page 3

1 authorized by this paragraph and that at the time of
2 purchase no more than five percent of the investment
3 portfolio shall be invested in the securities of a
4 single issuer.
5 d. Commercial paper or other short-term corporate
6 debt that matures within two hundred seventy days and
7 that is rated within the two highest classifications,
8 as established by at least one of the standard rating
9 services approved by the superintendent of banking by
10 rule adopted pursuant to chapter 17A, provided that at
11 the time of purchase no more than five percent of all
12 amounts invested in commercial paper and other short-
13 term corporate debt shall be invested in paper and
14 debt rated in the second highest classification, and
15 provided further that at the time of purchase no more
16 than thirty percent of the investment portfolio of the
17 treasurer of state or any other state agency shall be

18 in investments authorized by this paragraph and that
19 at the time of purchase no more than five percent of
20 the investment portfolio shall be invested in the
21 securities of a single issuer."
22 10. By striking page 6, line 43, through page 7,
23 line 2, and inserting the following:
24 "c. Prime bankers' acceptances that mature within
25 two hundred seventy days and that are eligible for
26 purchase by a federal reserve bank, provided that at
27 the time of purchase no more than ten percent of the
28 investment portfolio shall be in investments
29 authorized by this paragraph and that at the time of
30 purchase no more than five percent of the investment
31 portfolio shall be invested in the securities of a
32 single issuer.
33 d. Commercial paper or other short-term corporate
34 debt that matures within two hundred seventy days and
35 that is rated within the two highest classifications,
36 as established by at least one of the standard rating
37 services approved by the superintendent of banking by
38 rule adopted pursuant to chapter 17A, provided that at
39 the time of purchase no more than five percent of all
40 amounts invested in commercial paper and other short-
41 term corporate debt shall be invested in paper and
42 debt rated in the second highest classification, and
43 provided further that at the time of purchase no more
44 than ten percent of the investment portfolio shall be
45 in investments authorized by this paragraph and that
46 at the time of purchase no more than five percent of
47 the investment portfolio shall be invested in the
48 securities of a single issuer."
49 11. Page 7, line 38, by striking the word
50 "officers" and inserting the following: "officers' ".

Page 4

1 12. Page 7, by striking lines 44 and 45 and
2 inserting the following:
3 "d. Investments by the state board of regents.
4 However, investments by the state board of regents or
5 institutions governed by the state board of regents
6 are limited to the following:
7 (1) Those investments set out in section 452.10,
8 subsection 4.
9 (2) The common fund for nonprofit organizations.
10 (3) Common stocks.
11 (4) For investments of short-term operating funds,
12 the funds shall not be invested in investments having
13 maturities exceeding sixty-three months."
14 13. Page 8, by inserting after line 2 the
15 following:
16 "_____. Page 14, line 10, by striking the figure

17 "452.10B" and inserting the following: "452.10C" ".
18 14. Page 8, line 14, by striking the word
19 "officers" and inserting the following: "officers' ".
20 15. Page 8, by striking lines 20 and 21 and
21 inserting the following:
22 "d. The state board of regents. However,
23 investments by the state board of regents or
24 institutions governed by the state board of regents
25 are limited to the following:
26 (1) Those investments set out in section 452.10,
27 subsection 4.
28 (2) The common fund for nonprofit organizations.
29 (3) Common stocks.
30 (4) For investments of short-term operating funds,
31 the funds shall not be invested in investments having
32 maturities exceeding sixty-three months."
33 16. Page 9, line 4, by inserting after the word
34 "state" the following: ", in consultation with the
35 attorney general,".
36 17. Page 10, by striking lines 13 through 17 and
37 inserting the following:
38 "_____. Page 22, by striking lines 21 through 28
39 and inserting the following: "The market value of the
40 required collateral shall be at least ten percent of
41 the average amount of the excess of total public funds
42 over total federally insured public funds on deposit
43 in the bank during the preceding year. The average
44 amount of the excess shall be determined by adding the
45 amounts of excess if any for all public funds deposit
46 accounts as they existed on the date in each calendar
47 quarter used in preparing the report of condition and
48 income for submission to the federal government,
49 adding the subtotals for the four calendar quarters,
50 and dividing that total by four. The calculation of

Page 5

1 the minimum market value of required collateral shall
2 be made before January 31 of each year." "
3 18. Page 10, by inserting before line 18 the
4 following:
5 "_____. Page 22, line 29, by inserting after the
6 word "rules" the following: "pursuant to chapter
7 17A"."
8 19. Page 12, by inserting after line 36 the
9 following:
10 "_____. Page 24, by inserting after line 34 the
11 following:
12 "Sec. _____. The guidelines under section 4 of this
13 Act shall be made available by February 1, 1993." "
14 20. By renumbering, relettering, or redesignating
15 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5952, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2036)

The ayes were, 87:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Gruhn
Hahn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hatch	Hester	Hibbard
Holveck	Hurley	Iverson	Jesse
Jochum	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Poncy	Rafferty	Renaud
Renken	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Spear	Spenner
Svoboda	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker Arnould	

The nays were, none.

Absent or not voting, 13:

Brammer	Branstad	Grubbs	Halvorson, R. A.
Hanson, D. R.	Harbor	Haverland	Jay
Johnson	Plasier	Royer	Shoning
Teaford			

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

HOUSE INSISTS

Wise of Lee called up for consideration **House File 2287**, a bill for an act to establish a community-based workplace learning program, and providing an effective date and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED
(House File 2287)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2287: Wise of Lee, Chair; Siegrist of Pottawattamie, Hanson of Black Hawk, Ollie of Clinton and Adams of Hamilton.

CONFERENCE COMMITTEE APPOINTED
(House File 2452)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2452: Jay of Appanoose, Chair; McNeal of Hardin, Millage of Scott, Sherzan of Polk, and Hansen of Woodbury.

CONFERENCE COMMITTEE APPOINTED
(Senate File 2355)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2355: Hammond of Story, Chair; Brown of Lucas, Haverland of Polk, Hester of Pottawattamie and Grubbs of Scott.

CONFERENCE COMMITTEE APPOINTED
(House File 2457)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2457: Teaford of Black Hawk, Chair; Spenner of Henry, Bartz of Worth, Gruhn of Dickinson and Murphy of Dubuque.

CONFERENCE COMMITTEE APPOINTED
(Senate File 2244)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2244: Mertz of Kossuth, Chair; Fogarty of Palo Alto, Koenigs of Mitchell, Petersen of Muscatine and Johnson of Clinton.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2036 and 2345.**

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 17, 1992, amended and passed the following bill in which the concurrence of the House is asked:

House File 2292, a bill for an act relating to the health practice profession examining boards and the duties of the board of medical examiners and providing penalties.

JOHN F. DWYER, Secretary

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 17th day of April, 1992: House Files 2028, 2080, 2112, 2224, 2247 and 2299.

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 April 17, 1992, he approved and transmitted to the Secretary of State the following bill:

House File 2390, an act relating to the recovery of interest, court costs, and attorney fees by the labor commissioner, occupational safety and health penalties, elevator inspections, boiler inspection, amusement park permit and inspection fees, and providing a retroactive applicability date and an effective date.

COMMUNICATION RECEIVED

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

STATE OF DELAWARE

House Concurrent Resolution 70, recognizing Labor Day 1992 as "Help Yourself, Buy American Day".

SUBCOMMITTEE ASSIGNMENT

Senate File 2367 (Reassigned)

Appropriations: Brand, Chair; Bisignano, Gipp, Halvorson of Clayton and Jochum.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 742

Ways and Means: Dickinson, Chair; Adams and Metcalf.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 743 Ways and Means

Relating to taxation of intangible personal property and providing an applicability 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 APPROPRIATIONS

Committee Bill, relating to department of human services' programs involving child and family services, juvenile justice, foster care, and medical assistance.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 16, 1992.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2210), relating to bond issuance elections by reducing the minimum percentage of votes needed to authorize the bond issuance and by authorizing a political subdivision to impose a local income surtax to partially fund the issuance of certain bonds.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 17, 1992.

RESOLUTION FILED

SCR 118, by Welsh and Connolly, a concurrent resolution to honor pharmacist Robert J. Osterhaus of Maquoketa, Iowa, on achieving the highest elected office in American pharmacy, President of the American Pharmaceutical Association.

Laid over under **Rule 25.**

AMENDMENTS FILED

H–5957	H.F.	2250	Senate Amendment
H–5958	S.F.	2061	Senate Amendment
H–5960	S.F.	2361	Van Maanen of Mahaska
H–5963	H.F.	242	Senate Amendment
H–5964	H.F.	2372	Senate Amendment
H–5965	H.F.	2292	Senate Amendment

H–5966 S.F. 2363

Svoboda of Tama
Banks of Plymouth
Hurley of Fayette
Mertz of Kossuth
Muhlbauer of Crawford
Garman of Story
Fogarty of Palo Alto

On motion by McKinney of Dallas, the House adjourned at 1:07 p.m., until 10:00 a.m., Monday, April 20, 1992.

JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day — Sixty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 20, 1992

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

Prayer was offered by the Honorable Brent Siegrist, state representative from Pottawattamie County.

The Journal of Friday, April 17, 1992 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Muhlbauer of Crawford, until his arrival, on request of Murphy of Dubuque; Millage of Scott on request of Van Maanen of Mahaska; Sherzan of Polk, until his arrival, on request of Wissing of Scott.

PETITIONS FILED

The following petitions were received and placed on file:

By Bartz of Worth, from one thousand thirteen individuals from across Iowa representing Handicap Village favoring an increase in state funding for private providers and opposing any proposal to limit the size of private intermediate care facilities for the mentally retarded, residential care facilities for the mentally retarded or vocational services/work activity for adults with disabilities funded through various governmental assistance programs.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 101

Iverson of Wright offered the following House Memorial Resolution 101 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 101

Whereas, The Honorable Ray V. Bailey of Wright County, Iowa, who was a member of the Sixty-first, Sixty-second and Sixty-third General Assemblies, passed away February 4, 1992; *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 the gentleman from Wright, Mr. Iverson; the gentleman from Hardin, Mr. McNeal; and the gentleman from Winnebago, Mr. Branstad.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 102

Renken of Grundy offered the following House Memorial Resolution 102 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 102

Whereas, The Honorable Wayne W. Ballhagen of Butler County, Iowa, who was a member of the Fifty-fifth, Fifty-sixth and Fifty-seventh General Assemblies, passed away November 4, 1991; *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 the gentleman from Grundy, Mr. Renken; the gentleman from Bremer, Mr. Lageschulte and the gentleman from Black Hawk, Mr. Diemer.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 103

Carpenter of Polk offered the following House Memorial Resolution 103 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 103

Whereas, The Honorable Harry W. Beardsley of Polk County, Iowa, who was a member of the Sixty-second General Assembly, passed away February 18, 1992; *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 the lady from Polk, Mrs. Carpenter, the gentleman from Polk, Mr. Connors; and the gentleman from Mills, Mr. Harbor.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 104

Shearer of Louisa offered the following House Memorial Resolution 104 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 104

Whereas, the Honorable Dean O. Corey of Louisa County, Iowa, who was a member of the Sixty-third General Assembly, passed away April 16, 1991; *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 the gentleman from Louisa, Mr. Shearer; the gentleman from Henry, Mr. Spenner; and the gentleman from Muscatine, Mr. Petersen.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 105

Iverson of Wright offered the following House Memorial Resolution 105 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 105

Whereas, The Honorable Floyd P. Edgington, Sr. of Franklin County, Iowa who was a member of the Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-first, Sixty-second, and Sixty-third General Assemblies, passed away December 23, 1991; *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 the gentleman from Wright, Mr. Iverson; the gentleman from Hardin, Mr. McNeal; and the gentleman from Worth, Mr. Bartz.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 106

Maulsby of Calhoun offered the following House Memorial Resolution 106 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 106

Whereas, The Honorable Dwight W. Meyer of Sac County, Iowa, who was a member of the Fifty-third, Fifty-fourth and Fifty-fifth General Assemblies, passed away February 2, 1992; *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 the gentleman from Calhoun, Mr. Maulsby; the gentleman from Ida, Mr. Bennett; and the gentleman from Buena Vista, Mr. Eddie.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 107

Miller of Cherokee offered the following House Memorial Resolution 107 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 107

Whereas, The Honorable Kenneth C. Noble of O'Brien County, Iowa, who was a member of the Fiftieth and Fiftieth Extra General Assemblies, passed away January 27, 1992; *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 the gentleman from Cherokee, Mr. Miller; the gentleman from Lyon, Mr. De Groot; and the gentleman from Sioux, Mr. Plasier.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 108

Renken of Grundy offered the following House Memorial Resolution 108 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 108

Whereas, The Honorable Harold O. Fischer of Grundy County, Iowa, who was a member of the Fifty-eighth, Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-first, Sixty-second, Sixty-third, Sixty-fourth and Sixty-fifth General Assemblies, passed away December 15, 1991; *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 the gentleman from Grundy, Mr. Renken; the gentleman from Mills, Mr. Harbor; and the lady from Johnson, Mrs. Doderer.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 109

Weidman of Cass offered the following House Memorial Resolution 109 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 109

Whereas, The Honorable Maurice A. Van Nostrand of Cass County, Iowa, who was a member of the Sixtieth, Sixtieth Extra, Sixty-second and Sixty-third General Assemblies, passed away October 8, 1991; *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 the gentleman from Cass, Mr. Weidman; the gentleman from Mills, Mr. Harbor; and the lady from Pottawattamie, Mrs. Hester.

SENATE AMENDMENT CONSIDERED

Murphy of Dubuque called up for consideration **Senate File 2061,** a bill for an act exempting overweight vehicles transporting solid waste from unloading requirements, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5958, to the House amendment:

H—5958

1 Amend the House amendment, S—5512, to Senate File
2 2061, as passed by the Senate, as follows:
3 1. Page 1, by striking lines 3 through 22 and
4 inserting the following:
5 "_____. Page 1, line 12, by inserting after the
6 word "vehicle," the following: "designed to compact
7 and transport solid waste and".
8 _____. Page 1, line 14, by inserting after the word
9 "load" the following: ", if the load is
10 indivisible,".
11 _____. Page 1, line 17, by inserting after the word
12 "landfill" the following: "and solid waste which has
13 been compacted shall be considered to be an
14 indivisible load"."

The motion prevailed and the House concurred in the Senate amendment H—5958, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2061)

The ayes were, 94:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Miller	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker Arnould		

The nays were, 2:

Carpenter	Halvorson, R. N.

Absent or not voting, 4:

Jay	Millage	Muhlbauer	Sherzan

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2061** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Black of Jasper called up for consideration **House File 2382,** a bill for an act relating to the purchase or sale of wild animals illegally taken, transported, or possessed by a person, and subjecting violators to a criminal penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H—5951:

H—5951

1 Amend House File 2382, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 9 the
4 following:
5 "Sec. _____. Section 109.130, subsection 7, Code
6 1991, is amended to read as follows:
7 7. For each deer, ~~seven~~ one thousand five hundred
8 ~~fifty~~ dollars."
9 2. Title page, line 3, by inserting after the
10 word "criminal" the following: "and a civil".

The motion prevailed and the House concurred in the Senate amendment H—5951.

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

On the question "Shall the bill pass?" (H.F. 2382)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Miller	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, none.

Absent or not voting, 4:

Jay	Millage	Muhlbauer	Sherzan

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

SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 2450**, a bill for an act relating to public retirement systems and administration and benefits of the Iowa public employees' retirement system, including penalties, making an appropriation, and providing effective and retroactive applicability dates, and amendment H—5961A, (found on page 1618 of the House Journal) to the Senate amendment H—5834 (found on pages 1611 through 1617 of the House Journal), previously deferred.

Wise of Lee in the chair at 11:29 a.m.

Blanshan of Greene moved the adoption of amendment H—5961A, to the Senate amendment H—5834.

Amendment H—5961A lost.

Speaker Arnould in the chair at 11:43 a.m.

Blanshan of Greene moved the adoption of amendment H—5961B (found on page 1618 of the House Journal), to the Senate amendment H—5834.

Amendment H—5961B was adopted.

Blanshan of Greene moved that the House concur in the Senate amendment H—5834, as amended.

The motion prevailed and the House concurred in the Senate amendment H—5834, as amended.

Blanshan of Greene 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. 2450)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke

Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Miller	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, none.

Absent or not voting, 4:

Jay	Millage	Muhlbauer	Sherzan

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

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2382 and 2450.**

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 20, 1992, appointed the conference committee to House File 2287, a bill for an act to establish a community-based workplace learning program, and providing an effective date, and the members of the Senate are: The Senator from Linn, Senator Running, Chair; the Senator from Dubuque, Senator Connolly; the Senator from Scott, Senator Deluhery; the Senator from Polk, Senator Kramer; the Senator from Hardin, Senator Taylor.

Also: That the Senate has on April 20, 1992, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2450, a bill for an act relating to public retirement systems and administration and benefits of the Iowa public employees' retirement system, including penalties, making an appropriation, and providing effective and retroactive applicability dates.

Also: That the Senate has on April 20, 1992, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2316, a bill for an act relating to child support recovery.

Also: That the Senate has on April 20, 1992, insisted on its amendment to Senate File 2345, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund and providing an effective date, and the members of the Conference Committee on the part of the Senate are: The Senator from Wapello, Senator Gettings, Chair; the Senator from Dubuque, Senator Connolly; the Senator from Woodbury, Senator Doyle; the Senator from Webster, Senator Kersten; the Senator from Bremer, Senator Jensen.

JOHN F. DWYER, Secretary

On motion by McKinney of Dallas, the House was recessed at 11:51 a.m., until 3:00 p.m.

LATE AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-nine members present, thirty-one absent.

INTRODUCTION OF BILLS

House File 2479, by committee on ways and means, a bill for an act relating to bond issuance elections and authorizing a political subdivision to impose an income surtax to partially fund the issuance of certain bonds.

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

House File 2480, by committee on appropriations, a bill for an act relating to department of human services' programs involving child and family services, juvenile justice, foster care, and medical assistance and providing applicability provisions and an effective date.

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

SENATE AMENDMENT CONSIDERED

Beatty of Warren called up for consideration **House File 2292**, a bill for an act relating to the health practice profession examining boards and the duties of the board of medical examiners and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—5965:

H—5965

1 Amend House File 2292, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 80A.2, Code 1991, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 8. A person engaged in the
8 process of verifying the credentials of physicians and
9 allied health professionals applying for hospital
10 staff privileges."
11 2. Page 4, by inserting after line 21 the fol-
12 lowing:
13 "4A. The board shall give priority to the
14 processing of applications for licensure submitted by
15 physicians and surgeons, osteopaths, and osteopathic
16 physicians and surgeons whose practice will primarily
17 involve provision of service to underserved
18 populations, including but not limited to persons who
19 are minorities or low-income, or who live in rural
20 areas."
21 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5965.

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

On the question "Shall the bill pass?" (H.F. 2292)

The ayes were, 98:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp

Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker Arnould		

The nays were, none.

Absent or not voting, 2:

Millage	Shoultz

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

Hansen of Woodbury in the chair at 3:24 p.m.

Appropriations Calendar

House File 2467, a bill for an act to establish a family resource center demonstration program, was taken up for consideration.

Neuhauser of Johnson offered the following amendment H—5877 filed by her and moved its adoption:

H—5877

1 Amend House File 2467 as follows:
2 1. Page 1, line 21, by striking the figure
3 "256B.2" and inserting the following: "256B.3".
4 2. Page 2, by striking lines 17 and 18 and
5 inserting the following: "located in a large school
6 district, one in a medium-sized school district, and
7 one in a small school district. For purposes of this
8 section a large school district is a district with an
9 actual enrollment of five thousand or more pupils; a
10 medium-sized school district is a district with an
11 actual enrollment that is greater than one thousand
12 one hundred ninety-nine pupils, but less than five
13 thousand pupils; and a small school district is a
14 district with an actual enrollment of one thousand one

15 hundred ninety-nine or fewer pupils."
16 3. Page 2, line 25, by striking the words "and a"
17 and inserting the following: ", a".
18 4. Page 2, by striking lines 27 and 28, and
19 inserting the following: "early childhood development
20 and a master's degree in".
21 5. Page 2, line 29, by striking the word
22 "education" and inserting the following: "home
23 economics, and a method for prioritizing grant
24 applications based on illustrated efforts to meet the
25 critical social welfare needs of the children and
26 families in the surrounding community. Critical
27 social welfare needs that may entitle a grant
28 application to priority, if the application including
29 methods of amelioration of an identified community
30 problem, shall include, but are not limited to, a
31 significant infant mortality rate in the community, a
32 significant rate of incidence of teenage pregnancy in
33 the community, a significant number of single-parent
34 families in the community that are living below the
35 federal poverty guidelines, a lack of available
36 affordable child care within the community, a
37 significant number of children qualifying for free or
38 reduced price lunches within the district, and a
39 significant illiteracy rate within the community".
40 6. Page 3, line 12, by inserting after the word
41 "officials," the following: "home economists,".
42 7. Page 3, line 22, by striking the words "this
43 chapter" and inserting the following: "chapter 256A".

Amendment H—5877 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. 2467)

The ayes were, 66:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Gill	Gipp	Groninga	Gruhn
Hahn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Hatch	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Koenigs
Lundby	McKinney	Metcalf	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie

Osterberg	Pavich	Peterson, M. K.	Plasier
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Wise
Wissing	Mr. Speaker Arnould		

The nays were, 33:

Banks	Bartz	Beaman	Bennett
Brammer	Branstad	Corbett	Daggett
De Groot	Garman	Grubbs	Halvorson, R. A.
Harbor	Hurley	Iverson	Kistler
Knapp	Krebsbach	Kremer	Lageschulte
Maulsby	McKean	McNeal	Mertz
Miller	Petersen, D. F.	Rafferty	Renken
Royer	Shoning	Tyrrell	Van Maanen
Weidman			

Absent or not voting, 1:

Millage

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

IMMEDIATE MESSAGES

Schrader of Marion asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2292 and 2467.**

Ways and Means Calendar

Senate File 2364, a bill for an act relating to the time for paying of drainage or levee tax assessments and providing effective and applicability provisions, with report of committee recommending amendment and passage was taken up for consideration.

Groninga of Cerro Gordo offered the following amendment H—5896 filed by the committee on ways and means and moved its adoption:

H—5896

1 Amend Senate File 2364, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking line 6 and inserting the
4 following: "payable with the first half of ordinary".
5 2. Page 1, line 9, by inserting after the word
6 "sales." the following: "As an alternative, the
7 certifying authority may request that the annual
8 installment be payable in two equal payments, one-half

9 with the September payment of ordinary taxes and one-
10 half payable with the March payment of ordinary
11 taxes."

The committee amendment H—5896 was adopted.

McNeal of Hardin asked and received unanimous consent to withdraw amendment H—5887 filed by him on April 13, 1992.

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

On the question "Shall the bill pass?" (S.F. 2364)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	McKean	McKinney	McNeal
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker Arnould			

The nays were, 1:

Maulsby

Absent or not voting, 2:

Millage Shoultz

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2364** be immediately messaged to the Senate.

Speaker Arnould in the chair at 4:30 p.m.

INTRODUCTION OF BILL

House File 2481, by committee on ways and means, a bill for an act relating to authorizing the use of state income tax withholding moneys for debt service costs incurred in funding capital improvements for purposes of a federal project and providing a repeal date.

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

SENATE AMENDMENT CONSIDERED

Jay of Appanoose called up for consideration **House File 681,** a bill for an act relating to the confidentiality of certain information relating to waste reduction under the public records law, amended by the Senate, and moved that the House concur in the following Senate amendment H—5868:

H—5868

1 Amend House File 681, as amended, passed and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. NEW SECTION. 455B.484A
6 CONFIDENTIALITY FOR ASSISTANCE PROGRAMS.
7 1. As used in this section:
8 a. "Applicant" means a person, acting in good
9 faith, who seeks the services of an assistance
10 program.
11 b. "Assistance information" means all information
12 voluntarily supplied to or obtained by an assistance
13 program for the sole purpose of providing assistance
14 to an applicant and which constitutes information not
15 otherwise available to an assistance program.
16 c. "Assistance program" means the waste reduction
17 assistance program of the department or of the Iowa
18 waste reduction center for safe and economic
19 management of solid waste and hazardous substances
20 conducted pursuant to section 268.4.
21 2. Assistance information in the possession of an
22 assistance program or an employee or agent of an
23 assistance program is privileged and confidential, is
24 not subject to discovery, subpoena, or other means of
25 legal compulsion and is not admissible evidence in an
26 administrative or judicial proceeding. However,

27 assistance information discoverable from sources other
28 than an assistance program or prohibited from being
29 made confidential pursuant to federal or state law
30 does not become privileged or confidential merely
31 because it has been made available to or is in the
32 custody of an assistance program or an employee or
33 agent of an assistance program.
34 3. Assistance information shall not be used by an
35 employee or agent of the state in determining whether
36 to initiate an enforcement action or investigation by
37 the state."
38 2. Title page, line 2, by striking the words
39 "under the public records law".

The motion prevailed and the House concurred in the Senate amendment H—5868.

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

On the question "Shall the bill pass?" (H.F. 681)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker Arnould			

The nays were, 2:

Carpenter Shearer

Absent or not voting, 1:

Millage

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 681** be immediately messaged to the Senate.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2477.

Ways and Means Calendar

House File 2477, a bill for an act relating to motor vehicle registration fees and providing for income tax deductions for a portion of those fees and providing effective date and applicability provisions, was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that House File 2477 be deferred and that the bill retain its place on the calendar.

Appropriations Calendar

House File 2471, a bill for an act creating the passenger rail service revolving fund and providing for its administration and providing an appropriation, was taken up for consideration.

The House stood at ease at 4:40 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2471 at 5:19 p.m., Speaker Arnould in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-nine members present, forty-one absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Poncy of Wapello, for the remainder of the evening, on request of Doderer of Johnson.

Halvorson of Clayton offered the following amendment H—5915 filed by him:

H—5915

1 Amend House File 2471 as follows:
2 1. Page 1, line 22, by inserting before the word
3 "The" the following: "a."
4 2. Page 1, line 27, by striking the letter "a."
5 and inserting the following: "(1)".
6 3. Page 1, line 29, by striking the letter "b."
7 and inserting the following: "(2)".
8 4. Page 1, by inserting after line 33 the
9 following:
10 "b. After application of section 99F.11,
11 subsection 3, the remaining amount of the adjusted
12 gross receipts tax on railway gambling shall be
13 credited to the passenger rail service revolving
14 fund."
15 5. Page 3, by inserting after line 1 the
16 following:
17 "Sec. _____. NEW SECTION. 327I.4 RAILWAY GAMBLING.
18 A qualified sponsoring organization may conduct
19 gambling games in Iowa on the AMTRAK passenger service
20 from Chicago to Omaha utilizing the Chicago and
21 Northwestern Transportation Company railroad tracks.
22 The passenger train shall be deemed to be an excursion
23 gambling boat for purposes of chapter 99F, and chapter
24 99F shall apply to the operation of railway gambling
25 with the following exceptions:
26 1. Section 99F.7, subsections 10, 11, 12, and 14,
27 do not apply to railway gambling.
28 2. Section 99F.10, subsection 3, does not apply to
29 railway gambling.
30 3. Section 99F.11, subsections 1, 2, and 4 do not
31 apply to railway gambling.
32 4. The excursion season for railway gambling shall
33 be deemed to include the months of January through
34 December."
35 6. Title page, line 3, by inserting after the
36 word "appropriation" the following: "including
37 provisions allowing railway gambling for funding of
38 the appropriation".

Peterson of Carroll rose on a point of order that amendment H—5915 was not germane.

The Speaker ruled the point well taken and amendment H—5915 not germane.

Peterson of Carroll offered the following amendment H—5898 filed by him and moved its adoption:

H—5898

1 Amend House File 2471 as follows:
2 1. Page 1, lines 29 and 30, by striking the words
3 "For the fiscal year beginning July 1, 1994, and each
4 succeeding fiscal year," and inserting the following:
5 "For each fiscal year during the fiscal period
6 commencing July 1, 1994, and ending June 30, 1999,".

Amendment H—5898 was adopted.

Halvorson of Clayton offered the following amendment H—5922 filed by him and Harbor of Mills and moved its adoption:

H—5922

1 Amend House File 2471 as follows:
2 1. Page 1, by inserting after line 33 the
3 following:
4 "The comprehensive agreement providing for the
5 initiation of AMTRAK passenger service pursuant to
6 section 327I.3 shall include provisions requiring the
7 reimbursement of moneys expended from the passenger
8 rail service revolving fund from the profits generated
9 from the resulting rail passenger service."

A non-record roll call was requested.

The ayes were 40, nays 49.

Amendment H—5922 lost.

Harbor of Mills offered the following amendment H—5923 filed by him and Halvorson of Clayton and moved its adoption:

H—5923

1 Amend House File 2471 as follows:
2 1. By striking page 1, line 34 through page 2,
3 line 1.

Amendment H—5923 lost.

Wise of Lee in the chair at 6:05 p.m.

Speaker Arnould in the chair at 6:55 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. 2471)

The ayes were, 53:

Adams	Baker	Beatty	Bennett
Bernau	Bisignano	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Chapman	Cohoon	Connors	Dickinson
Doderer	Dvorsky	Fogarty	Gill
Gruhn	Hammond	Hanson, D. R.	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Lundby
McKean	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Renaud	Schrader
Shearer	Sherzan	Shoultz	Siegrist
Svoboda	Teaford	Wise	Wissing
Mr. Speaker Arnould			

The nays were, 44:

Banks	Bartz	Beaman	Black
Carpenter	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Gipp
Groninga	Grubbs	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Hanson, D. E.	Harbor
Hester	Hurley	Iverson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Maulsby	McNeal	Mertz
Metcalf	Miller	Petersen, D. F.	Plasier
Rafferty	Renken	Royer	Spear
Spenner	Tyrrell	Van Maanen	Weidman

Absent or not voting, 3:

Millage	Poncy	Shoning

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2471** be immediately messaged to the Senate.

MOTION TO RECONSIDER LOST

Hibbard of Madison called up for consideration the motion to reconsider House File 2343, filed by him from the floor.

Connors of Polk in the chair at 7:20 p.m.

Hibbard of Madison moved to reconsider the vote by which **House File 2343,** a bill for an act relating to soil and water conservation by providing for financial incentives, passed the House and was placed on its last reading on April 17, 1992.

A non-record roll call was requested.

The ayes were 27, nays 53.

The motion to reconsider lost.

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 2061, a bill for an act relating to the transfer of assets of terminated city fire or police retirement systems with unfunded accrued liabilities to the statewide system, and providing effective and retroactive applicability dates.

ON THE PART OF THE HOUSE:

EUGENE BLANSHAN, Chair
DOROTHY CARPENTER
DARRELL HANSON
DONALD KNAPP

ON THE PART OF THE SENATE:

JOHN KIBBIE, Chair
LARRY MURPHY
PAUL PATE

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 20th day of April, 1992: House Files 2158, 2165, 2389, 2408, 2428 and 2463.

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 April 20, 1992, he approved and transmitted to the Secretary of State the following bill:

House File 2456, an act relating to the production of ethanol, providing for the appropriation and allocation of moneys, providing applicability and effective dates, and providing for the repeal and recodification of provisions of the Act.

COMMUNICATION RECEIVED

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

STATE OF WISCONSIN

Joint Resolution 27, requesting appropriate action by the congress to propose an amendment to the U. S. Constitution prohibiting the physical desecration of the flag of the United States.

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

1992-191 Ethel Lage, Milford — For celebrating her 90th birthday on April 14, 1992.

1992-192 Bill Holmstrom, Clinton — For being named 1992 National High School Athletic Director of the Year.

1992-193 Jeff Nielson, Cedar Rapids — For being named one of the "Male Athletes of the Year".

1992-194 Soil Judging Team, Iowa State University — For winning the American Society of Agronomy's National Soil Judging Contest.

1992-195 Officer Frank Potter, Dubuque — For his years of service to the city of Dubuque; its citizens, and the Dubuque Fire Department.

1992-196 Karen Parcher, Rockford — For receiving honorable mention, Girls' Basketball, in the Corn Bowl Conference.

1992-197 Kris Brandan, Rockford — For being named to the second team, Girls' Basketball, in the Corn Bowl Conference.

1992-198 Dawn Meyer, St. Ansgar — For being named to the second team, Girls' Basketball, in the Corn Bowl Conference.

1992-199 Jill Baethke, Riceville — For being named to the second team, Girls' Basketball, in the Corn Bowl Conference.

1992-200 Kendra Spooner, Nora Springs — For receiving honorable mention, Girls' Basketball, in the Corn Bowl Conference.

1992-201 Rochelle Richardson, Riceville — For being named to the second team, Girls' Basketball, in the Corn Bowl Conference.

1992-202 Darcy Fair, Riceville — For receiving honorable mention, Girls' Basketball, in the Corn Bowl Conference.

1992-203 Sherry Feldt, St. Ansgar — For receiving honorable mention, Girls' Basketball, in the Corn Bowl Conference.

1992-204 Jackie Nannega, Mitchell County — For being elected 1992 Mitchell County Dairy Princess.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 743

Ways and Means: Hibbard, Chair; Bennett, Carpenter, Doderer and Osterberg.

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 2366, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H–5971** April 20, 1992.

Committee Bill (Formerly House File 2297), relating to fees collected for practitioner licensing by the board of educational examiners and making an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** April 20, 1992.

Committee Bill, relating to department of human services' programs involving child and family services, juvenile justice, foster care, and medical assistance.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 16, 1992.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 2476, a bill for an act relating to sexual abuse or sexual exploitation by a counselor or therapist and making penalites applicable.

Fiscal Note is not required.

Recommended **Do Pass** April 20, 1992.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2210), relating to bond issuance elections by reducing the minimum percentage of votes needed to authorize the bond issuance and by authorizing a political subdivision to impose a local income surtax to partially fund the issuance of certain bonds.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 17, 1992.

Committee Bill (Formerly House Study Bill 742), relating to authorizing the use of state income tax withholding moneys for debt service costs incurred in funding capital improvements for purposes of a federal project and providing a repeal date.

Fiscal Note is required.

Recommended **Do Pass** April 20, 1992.

AMENDMENTS FILED

H—5967	S.F.	2290	Dvorsky of Johnson Shoultz of Black Hawk
H—5969	S.F.	2316	Senate Amendment
H—5971	S.F.	2366	Committee on Appropriations
H—5972	S.F.	2361	Dvorsky of Johnson Jesse of Jasper
H—5973	H.F.	2454	Wise of Lee
H—5974	H.F.	2250	Ollie of Clinton
H—5976	H.F.	2477	Shearer of Louisa Brown of Lucas Hammond of Story Murphy of Dubuque Spenner of Henry Connors of Polk

On motion by McKinney of Dallas, the House adjourned at 7:26 p.m., until 9:00 a.m., Tuesday, April 21, 1992.

JOURNAL OF THE HOUSE

One Hundredth Calendar Day — Sixty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 21, 1992

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

Prayer was offered by the Honorable Brad Banks, state representative from Plymouth County.

The Journal of Monday, April 20, 1992 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett of Linn, until his arrival, on request of Banks of Plymouth.

PETITIONS FILED

The following petitions were received and placed on file:

By McNeal of Hardin, from one hundred four constituents of Franklin County favoring limitations on government spending and taxation.

By McNeal of Hardin, from two hundred eighty-six constituents of Hardin County favoring limitations on government spending and taxation.

By Petersen of Muscatine and Hahn of Muscatine, from five hundred ninety-two constituents of the 56th and 57th Districts favoring a property tax freeze, no further state mandates without state funding, and local governments budgeting processes be done in a timely manner with the knowledge of state funding, and prioritize programs and spending in order to operate within current revenues.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE
(House File 2061)

Blanshan of Greene called up for consideration the report of the conference committee on House File 2061 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2061

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 2061, a bill for an act relating to the transfer of assets of terminated city fire or police retirement systems with unfunded accrued liabilities to the statewide system, and providing effective and retroactive applicability dates, respectfully make the following report:

1. That the House recedes from its amendment, S—5175.

2. That the Senate recedes from its amendment, H—5139.

3. That House File 2061, as passed by the House, is amended as follows:

1. Page 1, by inserting after line 25, the following:

"In the alternative, a city may treat the city's accrued unfunded liability for the terminated system as legal indebtedness to the statewide system for the purposes of section 384.24, subsection 3, paragraph "f"."

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

"Sec. 100. Section 411.38, unnumbered paragraph 2, Code 1991, is amended to read as follows:

It is the intent of the general assembly that a terminated city fire or police retirement system shall not subsidize any portion of any other system's unfunded liabilities in connection with the transition to the statewide system. The actuary of the statewide system shall determine if the assets of a terminated city fire or police retirement system would exceed the amount sufficient to cover the accrued liabilities of that terminated system as of January 1, 1992, using the alternative assumptions and the proposed assumptions.

As used in this section, unless the context otherwise requires, "alternative assumptions" means that the interest rate earned on investments of moneys in the fire and police retirement fund would be seven percent and that the state would not contribute to the fund under sections 411.8 and 411.20 after January 1, 1992, and "proposed assumptions" means that the interest rate earned on investments of moneys in the fire and police retirement fund would be seven and one-half percent and the state will pay contributions as provided pursuant to sections 411.8 and 411.20 after January 1, 1992. These assumptions are to be used solely for the purposes of this section, and shall not impact upon decisions of the board of trustees concerning the assumption of the interest rate earned on investments, or the contributions by the state as provided for in sections 411.8 and 411.20.

If the determination by the actuary using the alternative assumptions reflects that the assets of the terminated system exceed the amount sufficient to cover the accrued liabilities as of January 1, 1992, all excess funds as determined utilizing the alternative assumptions and the interest and earnings from those excess funds shall be used only as approved by the city council of the participating city. The city council may approve use of the excess funds to reduce only the city's contribution to the statewide system, or the city council may approve use of the excess funds to reduce

the city's contribution and the members' contributions to the statewide system. If the city council approves use of the excess funds to reduce both the city's and the members' contributions, the members shall not withdraw the portion of the members' contributions paid from excess funds, as would otherwise be authorized in accordance with section 411.23.

If the determination by the actuary using the alternative assumptions reflects that the assets of the terminated system do not exceed the amount sufficient to cover the accrued liabilities as of January 1, 1992, but a determination by the actuary using the proposed assumptions reflects that the assets of the terminated system do exceed the amount sufficient to cover the accrued liabilities as of January 1, 1992, all excess funds as determined utilizing the proposed assumptions and the interest and earnings from those excess funds shall be used only to reduce the city's contribution rate to the statewide system. The participating city shall determine what portion of the excess funds shall be applied to reduce the city's contribution rate for a given year."

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

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

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

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

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

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

3. The board of trustees shall determine what, if any, amount of the costs or premiums of the benefit programs shall be paid by the participating employees, and shall deduct the amount from the wages of the participating employees. The board of trustees shall pay the remaining costs or premiums of the benefit programs from the fire and police retirement fund, including any portion to be attributed to an employer, and shall forward all amounts paid by participating employees and the board to the department of personnel.

4. Participating employees shall be exempted from preexisting medical condition waiting periods. Participating employees may change programs or coverage under the state health or medical service group insurance plan subject to the enrollment rules established for full-time state employees excluded from collective bargaining as provided in chapter 20. A participating employee or the participating employee's surviving spouse shall have the same rights upon final termination of employment or death as are afforded full-time state employees and the employees' surviving spouses excluded from collective bargaining as provided in chapter 20."

4. Page 1, by striking lines 26 through 28 and inserting the following:

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

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

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

7. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

EUGENE BLANSHAN, Chair
DOROTHY CARPENTER
DARRELL HANSON
DONALD KNAPP

ON THE PART OF THE SENATE:

JOHN KIBBIE, Chair
LARRY MURPHY
PAUL PATE

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 2061)

The ayes were, 77:

Adams	Bartz	Beatty	Bennett
Bernau	Black	Blanshan	Brammer
Brand	Branstad	Carpenter	Chapman
Cohoon	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Gill	Gipp	Groninga
Gruhn	Hahn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Hester	Hibbard	Holveck
Hurley	Iverson	Jesse	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renken	Royer	Schrader
Shearer	Shoning	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Wissing			

The nays were, 18:

Baker	Banks	Beaman	Bisignano
Burke	Connors	Garman	Grubbs

Halvorson, R. N.	Krebsbach	Pavich	Renaud
Sherzan	Shoultz	Siegrist	Weidman
Wise	Arnould, Spkr.		

Absent or not voting, 5:

Brown	Corbett	Haverland	Jay
Jochum			

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2061** be immediately messaged to the Senate.

Appropriations Calendar

Senate File 2361, a bill for an act relating to and making appropriations of petroleum overcharge funds, with report of committee recommending passage was taken up for consideration.

Van Maanen of Mahaska offered the following amendment H—5960 filed by him and moved its adoption:

H—5960

1 Amend Senate File 2361 as follows:
2 1. Page 2, by inserting after line 1 the follow-
3 ing:
4 "Sec. _____. Section 364.23, Code Supplement 1991,
5 is amended to read as follows:
6 364.23 ENERGY EFFICIENT LIGHTING REQUIRED.
7 All city-owned exterior flood lighting, including
8 but not limited to street and security lighting but
9 not including era or period lighting which has a
10 minimum efficiency rating of fifty-eight lumens per
11 watt and not including stadium or ball park lighting,
12 shall be replaced, when worn-out, exclusively with
13 high pressure sodium lighting or lighting with
14 equivalent or better energy efficiency as approved in
15 rules adopted by the utilities board within the
16 utilities division of the department of commerce. In
17 lieu of the requirements established for replacement
18 lighting under this section, stadium or ball park
19 lighting shall be replaced, when worn out, with the
20 most energy-efficient lighting available at the time
21 of replacement which may include metal halide, high-
22 pressure sodium, or other light sources which may be
23 developed."

24 2. Title page, line 1, by striking the word "and"
25 and inserting the following: "energy conservation
26 including".
27 3. By renumbering as necessary.

Amendment H—5960 was adopted.

Dvorsky of Johnson offered the following amendment H—5972 filed by him and Jesse of Jasper and moved its adoption:

H—5972

1 Amend Senate File 2361, as passed by the Senate, as
2 follows:
3 1. Page 2, by inserting after line 15 the
4 following:
5 "Sec. _____. CONTINUATION OF ENERGY CONSERVATION
6 PROGRAMS — FUNDING RECOMMENDATIONS.
7 The commission on community action agencies in
8 cooperation with the energy fund disbursement council
9 shall submit a report to the general assembly by
10 January 15, 1993, which provides recommendations,
11 following depletion of the funds provided through
12 disbursement of the energy conservation trust, for the
13 continued funding of the energy conservation programs
14 for low-income persons."
15 2. By renumbering as necessary.

Amendment H—5972 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. 2361)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Burke	Carpenter
Chapman	Cohoon	Connors	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jesse	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney

McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, none.

Absent or not voting, 4:

Brown	Corbett	Jay	Jochum

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

Ways and Means Calendar

Senate File 2357, a bill for an act providing for the purchase of traffic-control devices with special assessments levied against commercial or industrial property, 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. 2357)

The ayes were, 90:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Brammer	Brand
Branstad	Burke	Carpenter	Chapman
Cohoon	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy

Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker Arnould		

The nays were, 1:

Hatch

Absent or not voting, 9:

Blanshan	Brown	Connors	Corbett
Jay	Jochum	Maulsby	Shoning
Svoboda			

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

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2357 and 2361.**

Ways and Means Calendar

The House resumed consideration of **House File 2477,** a bill for an act relating to motor vehicle registration fees and providing for income tax deductions for a portion of those fees and providing effective date and applicability provisions, previously deferred.

Shearer of Louisa offered the following amendment H—5976 filed by Shearer, et al.:

H—5976

1 Amend House File 2477 as follows:
2 1. Page 2, by inserting after line 10, the
3 following:
4 "The annual registration fee for a multipurpose
5 vehicle with permanently installed equipment
6 manufactured for and necessary to assist a handicapped
7 person who is either the owner or a member of the
8 owner's household in entry and exit of the vehicle
9 shall be seventy-five dollars for the first through
10 fifth model years and shall be fifty-five dollars for
11 each model year thereafter. To qualify under this
12 paragraph, the owner's income and earnings must not
13 exceed one hundred fifty percent of the federal
14 poverty level as published by the United States
15 department of health and human services."

16 2. Page 3, by inserting after line 31, the
17 following: "(6) The annual registration fee for a
18 multipurpose vehicle with permanently installed
19 equipment manufactured for and necessary to assist a
20 handicapped person who is either the owner or a member
21 of the owner's household in entry and exit of the
22 vehicle shall be seventy-five dollars for the first
23 through fifth model years and shall be fifty-five
24 dollars for each model year thereafter. To qualify
25 under this subparagraph, the owner's income and
26 earnings must not exceed one hundred fifty percent of
27 the federal poverty level as published by the United
28 States department of health and human services."

Connors of Polk in the chair at 9:55 a.m.

Shearer of Louisa offered the following amendment H—5977, to amendment H—5976, filed by him from the floor and moved its adoption:

H—5977

1 Amend the House amendment, H—5976, to House File
2 2477, as follows:
3 1. Page 1, line 4, by striking the word
4 "multipurpose".

Amendment H—5977 was adopted.

On motion by Shearer of Louisa, amendment H—5976, as amended, 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. 2477)

The ayes were, 62:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Burke	Carpenter
Chapman	Cohoon	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Gill	Groninga	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Hatch	Haverland	Hibbard
Holveck	Jesse	Knapp	Koenigs
Lageschulte	McKinney	Mertz	Metcalf
Millage	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud

Shearer	Sherzan	Shoultz	Spear
Spenner	Svoboda	Teaford	Wise
Wissing	Connors		
	Presiding		

The nays were, 33:

Banks	Bartz	Beaman	Bennett
Branstad	Daggett	De Groot	Garman
Gipp	Grubbs	Hanson, D. E.	Hanson, D. R.
Hester	Hurley	Iverson	Johnson
Kistler	Krebsbach	Kremer	Lundby
Maulsby	McKean	McNeal	Miller
Plasier	Rafferty	Renken	Royer
Shoning	Siegrist	Tyrrell	Van Maanen
Weidman			

Absent or not voting, 5:

Brown	Corbett	Jay	Jochum
Schrader			

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

CONFERENCE COMMITTEE APPOINTED
(Senate File 2345)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2345: Cohoon of Des Moines, Chair; Pavich of Pottawattamie, Gill of Woodbury, Shoning of Woodbury and De Groot of Lyon.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2477** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Ollie of Clinton called up for consideration **House File 2250**, a bill for an act relating to an employee's choice of care under the workers' compensation law, amended by the Senate amendment H—5957 as follows:

H—5957

1 Amend House File 2250, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 85.27, unnumbered paragraph 4,

6 Code 1991, is amended to read as follows:
7 For purposes of this section, the employer is
8 obliged to furnish reasonable services and supplies to
9 treat an injured employee, and has the right to choose
10 the care. The treatment must be offered promptly and
11 be reasonably suited to treat the injury without undue
12 inconvenience to the employee. If the employee has
13 reason to be dissatisfied with the care offered, the
14 employee should communicate the basis of such
15 dissatisfaction to the employer, in writing if
16 requested, following which the employer and the
17 employee may agree to alternate care reasonably suited
18 to treat the injury. If the employer and employee
19 cannot agree on such alternate care, the commissioner
20 may, upon application and reasonable proofs of the
21 necessity therefor, allow and order other care. In an
22 emergency, the employee may choose the employee's care
23 at the employer's expense, provided the employer or
24 the employer's agent cannot be reached immediately.
25 An application made under this paragraph shall be
26 considered an original proceeding for purposes of
27 commencement and contested case proceedings under
28 section 85.26. The hearing shall be conducted
29 pursuant to chapter 17A. Before a hearing is
30 scheduled, the parties may choose a telephone hearing
31 or an in-person hearing. A request for an in-person
32 hearing shall be approved unless the in-person hearing
33 would be impractical because of the distance between
34 the parties to the hearing. The industrial
35 commissioner shall issue a decision within ten days of
36 receipt of an application for a telephone hearing or
37 within fourteen working days of receipt of an
38 application for an in-person hearing. The employer
39 shall notify an injured employee of the employee's
40 ability to contest the employer's choice of care
41 pursuant to this paragraph."

Ollie of Clinton offered the following amendment H—5974, to the Senate amendment H—5957, filed by him and moved its adoption:

H—5974

1 Amend the Senate amendment, H—5957, to House File
2 2250, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, line 35, by inserting after the word
5 "ten" the following: "working".
6 2. Page 1, line 36, by inserting after the word
7 "for" the following: "alternate care made pursuant
8 to".
9 3. Page 1, line 38, by inserting after the word
10 "for" the following: "alternate care made pursuant
11 to".

Amendment H—5974 was adopted.

On motion by Ollie of Clinton, the House concurred in the Senate amendment H—5957, as amended.

Ollie of Clinton 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. 2250)

The ayes were, 96:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Burke
Carpenter	Chapman	Cohoon	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jesse	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Connors Presiding

The nays were, none.

Absent or not voting, 4:

Brown	Corbett	Jay	Jochum

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 10:16 a.m.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2250** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2290,** a bill for an act relating to the provision of solid waste collection, previously deferred and placed on the unfinished business calendar.

Dvorsky of Johnson offered the following amendment H–5606 filed by him and Cohoon of Des Moines and moved its adoption:

H–5606

1 Amend Senate File 2290, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 1. Section 368.1, subsection 6, Code
6 Supplement 1991, is amended to read as follows:
7 6. "Committee" means the board members, and the
8 local representatives appointed as provided in ~~section~~
9 sections 368.14 and 368.14A, to hear and make a
10 decision on a petition or plan for city development.
11 Sec. 2. Section 368.7, unnumbered paragraphs 2, 3,
12 and 4, Code Supplement 1991, are amended to read as
13 follows:
14 An application for annexation of territory not
15 within ~~the~~ an urbanized area ~~of a city other than the~~
16 ~~city to which the annexation is directed~~ must be
17 approved by resolution of the council which receives
18 the application. In the discretion of a city council,
19 the resolution may include a provision for a
20 transition for the imposition of taxes as provided in
21 section 368.11, subsection 13. Upon receiving
22 approval of the council, the city clerk shall file a
23 copy of the resolution, map, and legal description of
24 the territory involved with the state department of
25 transportation. The city clerk shall also file a copy
26 of the map and resolution with the county recorder and
27 secretary of state. The secretary of state shall not
28 accept and acknowledge a copy of a map and resolution
29 of annexation which would create an island. The
30 annexation is completed upon acknowledgment by the
31 secretary of state that the secretary of state has
32 received the map and resolution.
33 An application for annexation of territory within
34 ~~the~~ an urbanized area ~~of a city other than the city to~~
35 ~~which the annexation is directed~~ must be approved both
36 by resolution of the council which receives the
37 application and by the board. The board shall not
38 approve an application which creates an island. ~~A~~
39 ~~copy~~ Notice of the application shall be mailed by
40 certified mail, by the city to which the annexation is
41 directed, at least ten days prior to ~~the filing of the~~

42 ~~application with the city council,~~ any action by the
43 city council on the application to the council of each
44 city whose boundary adjoins the territory or is within
45 two miles of the territory, to the board of
46 supervisors of each county which contains a portion of
47 the territory, and to the regional planning authority
48 of the territory. Notice of ~~the filing of~~ the
49 application shall be published in an official county
50 newspaper in each affected county at least ten days

Page 2

1 prior to ~~the filing of the application with~~ any action
2 by the city council on the application. In the
3 discretion of a city council, the resolution may
4 include a provision for a transition for the
5 imposition of taxes as provided in section 368.11,
6 subsection 13. The annexation is completed when the
7 board has filed copies of applicable portions of the
8 proceedings as required by section 368.20, subsection
9 2.
10 If one or more applications for a voluntary
11 annexation and one or more petitions for an
12 involuntary annexation for a common territory are
13 submitted to the board within thirty days of ~~each~~
14 ~~other~~ the date the first application or petition was
15 submitted to the board, the board shall approve the
16 application for voluntary annexation, provided that
17 the application meets the applicable requirements of
18 this chapter, unless the board determines by a
19 preponderance of the evidence that the application was
20 filed in bad faith, or that the application as filed
21 is contrary to the best interests of the citizens of
22 the urbanized area, or that the applicant cannot
23 within a reasonable period of time meet its obligation
24 to provide services to the territory to be annexed
25 sufficient to meet the needs of the territory. In
26 consideration of the requests, the board may appoint a
27 committee in the manner provided in section 368.14 to
28 seek additional information from the applicant for
29 voluntary annexation as necessary, including the
30 information required of petitioners pursuant to
31 section 368.11. The board, or the committee, if
32 applicable, shall hold a public hearing on the
33 application for voluntary annexation in the manner
34 provided for involuntary petitions in section 368.15.
35 The decision of the board under this paragraph shall
36 be made within ninety days of receipt of the
37 application by the board. The failure of the board to
38 approve an application under this paragraph shall be
39 deemed final agency action subject to judicial review.
40 An applicant may appeal a decision of the board no

41 earlier than one hundred eighty days after the
42 decision is issued or not later than thirty days after
43 a final decision is made by the special local
44 committee under section 368.14A, whichever is earlier.
45 Sec. 3. Section 368.8, Code 1991, is amended to
46 read as follows:
47 368.8 VOLUNTARY SEVERING OF TERRITORY.
48 Any territory may be severed upon the unanimous
49 consent of all owners of the territory and approval by
50 resolution of the council of the city in which the

Page 3

1 territory is located. The council shall provide in
2 the resolution for the equitable distribution of
3 assets and equitable distribution and assumption of
4 liabilities of the territory as between the city and
5 the severed territory. The city clerk shall file a
6 copy of the resolution, map, and a legal description
7 of the territory involved with the state department of
8 transportation. The city clerk shall also file a copy
9 of the map and resolution with the county recorder and
10 secretary of state. The secretary of state shall not
11 accept and acknowledge a copy of a map and resolution
12 of severance which would create an island. The
13 severance is completed upon acknowledgment by the
14 secretary of state that the secretary of state has
15 received the map and resolution.
16 Sec. 4. Section 368.11, unnumbered paragraph 4,
17 Code Supplement 1991, is amended to read as follows:
18 At least ten days before a petition for involuntary
19 annexation is filed as provided in this section, the
20 petitioner shall make its intention known to all
21 affected parties by sending a letter of intent by
22 certified mail to the council of each city within the
23 urbanized area if the territory is within an urbanized
24 area, or, if the territory is not within an urbanized
25 area, to the council of each city within two miles of
26 the territory, the board of supervisors of each county
27 within the urbanized area, the regional planning
28 authority of the territory involved, and to each
29 property owner listed in the petition. The written
30 notification shall include notice that the petitioners
31 shall hold a public meeting on the petition for
32 involuntary annexation prior to the filing of the
33 petition.
34 Sec. 5. Section 368.17, subsections 6 and 7, Code
35 Supplement 1991, are amended to read as follows:
36 6. An incorporation of territory, any part of
37 which is within ~~an urbanized area of~~ a two miles of an
38 existing city, unless a petition for annexation of
39 substantially the same territory to such city has been

40 dismissed, disapproved, or voted upon unfavorably
41 within the last five years.
42 7. ~~An annexation~~ A city development action which
43 creates an island."
44 2. Title page, line 1, by inserting after the
45 word "the" the following: "procedures for city
46 development and to the".
47 3. By renumbering as necessary.

Amendment H—5606 was adopted.

Connors of Polk in the chair at 10:20 a.m.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H—5564 filed by him on March 26, 1992.

Spear of Lee offered the following amendment H—5481 filed by him and moved its adoption:

H—5481

1 Amend Senate File 2290, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 11, by striking the words "two
4 years" and inserting the following: "six months".
5 2. Page 1, line 12, by striking the words "two
6 years" and inserting the following: "six months".

A non-record roll call was requested.

The ayes were 39, nays 47.

Amendment H—5481 lost.

Dvorsky of Johnson offered amendment H—5967 filed by him and Shoultz of Black Hawk. Division was requested as follows:

H—5967

1 Amend Senate File 2290, as amended, passed, and
2 reprinted by the Senate, as follows:

H—5967A

3 1. Page 1, line 11, by striking the words "at
4 least two years" and inserting the following: "one
5 year".
6 2. Page 1, line 12, by striking the words "at
7 least two years" and inserting the following: "one
8 year".

H—5967B

9 3. By striking page 1, line 17 through page 2,
10 line 2, and inserting the following:

H—5967B

11 "3. A private entity which contracts with a city
12 pursuant to this section to provide solid waste
13 collection services in the area shall provide solid
14 waste collection services in accordance with the
15 city's comprehensive plan."

Dvorsky of Johnson moved the adoption of amendment H—5967A.

Amendment H—5967A was adopted.

Spear of Lee asked and received unanimous consent to defer action on amendment H—5482.

The House resumed consideration of amendment H—5967B.

On motion by Dvorsky of Johnson, amendment H—5967B was adopted, placing out of order amendment H—5482, previously deferred, filed by Spear of Lee on March 24, 1992.

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. 2290)

The ayes were, 78:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beatty	Bennett	Bernau
Black	Blanshan	Brammer	Brand
Branstad	Burke	Carpenter	Chapman
Cohoon	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Hester
Hibbard	Holveck	Hurley	Iverson
Jesse	Jochum	Johnson	Koenigs
Krebsbach	Lageschulte	Lundby	McKean
McKinney	McNeal	Mertz	Millage
Muhlbauer	Murphy	Neuhauser	Nielsen
Osterberg	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Connors		
	Presiding		

The nays were, 20:

Beaman	Bisignano	Brown	Daggett
De Groot	Dickinson	Diemer	Halvorson, R. N.
Haverland	Kistler	Knapp	Kremer
Maulsby	Metcalf	Miller	Ollie
Pavich	Renaud	Siegrist	Spear

Absent or not voting, 2:

Corbett	Jay

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

Speaker Arnould in the chair at 10:48 a.m.

ADOPTION OF SENATE CONCURRENT RESOLUTION 102

Fogarty of Palo Alto called up for consideration **Senate Concurrent Resolution 102,** a concurrent resolution to expess support for the establishment in Iowa of a national Swine-Pork Research Center of the Agricultural Research Service of the United States Department of Agriculture.

Fogarty of Palo Alto offered the following amendment H—5076 filed by the committee on agriculture and moved its adoption:

H—5076

1 Amend Senate Concurrent Resolution 102, as amended,
2 passed, and reprinted by the Senate, as follows:
3 1. Page 3, line 21, by inserting after the words
4 "Senate to" the following: "Iowa's congressional
5 delegation,".

The committee amendment H—5076 was adopted.

On motion by Fogarty of Palo Alto, the resolution, as amended, was adopted.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2238,** a bill for an act to permit the participation in the instructional support and educational improvement programs by newly reorganized school districts, previously deferred and placed on the unfinished business calendar.

The following amendments were withdrawn by unanimous consent:

H—5761 filed by Shoultz of Black Hawk on April 7, 1992, placing out of order amendments H—5806 and H—5807, to amendment H—5761, filed by Maulsby of Calhoun on April 8, 1992.

H—5665 filed by Bartz of Worth on April 2, 1992.

H—5611 filed by Groninga of Cerro Gordo on March 31, 1992.

H—5635 filed by Groninga of Cerro Gordo on March 31, 1992.

H—5555 filed by Bartz of Worth and Brown of Lucas on March 26, 1992, placing out of order amendment H—5609, to amendment H—5555, filed by Maulsby of Calhoun on March 30, 1992.

Maulsby of Calhoun offered the following amendment H—5622 filed by him:

H—5622

1 Amend Senate File 2238, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 25, the
4 following:
5 "Sec. _____. NEW SECTION. 275.25A ELECTION OF
6 DIRECTORS ALTERNATIVE.
7 1. As an alternative to the methods specified in
8 sections 275.25 and 275.41 for electing directors in a
9 newly formed community school district, if only two
10 districts merge, the procedure specified in this
11 section may be used.
12 2. The members of the boards of directors of the
13 two districts who reside within the boundaries of the
14 newly formed district shall be the members of the
15 interim board of the newly formed district. The
16 members of the interim board shall serve terms which
17 expire on the date of the organizational meeting of
18 the new board of the reorganized district which shall
19 occur as provided under subsection 3. The interim
20 board of the newly formed district shall organize
21 within fifteen days after the approval of the merger
22 upon the call of the area education agency
23 administrator. The interim board shall have control
24 of the employment of all personnel for the newly
25 formed district for the ensuing school year. The
26 interim board shall also have the authority to
27 establish policy, organize curriculum, enter into
28 contracts, and complete any planning and take any
29 action necessary for the efficient management of the
30 newly formed school district. The interim board of
31 the newly formed district shall appoint an acting
32 superintendent and an acting board secretary. The

33 appointment of the acting superintendent shall not be
34 subject to the continuing contract provision of
35 sections 279.20, 279.23, and 279.24.
36 3. The members of the new board of the reorganized
37 district shall be elected, at either a special or the
38 next regular school election that occurs one year
39 after the effective date of the reorganization.
40 Elections shall be held in the manner provided in
41 section 275.25, except that, for purposes of
42 determining when elections for successors to the
43 members of the new board are to take place, the date
44 which marks the one-year anniversary of the effective
45 date of the reorganization of a district which uses
46 the alternative method for election of the board of
47 directors provided under this section shall be used
48 instead of the actual effective date of the
49 reorganization."
50 2. Title page, line 3, by inserting after the

Page 2

1 word "districts" the following: "and to permit an
2 alternative to the methods for electing directors of
3 newly formed school districts if only two districts
4 merge".
5 3. By renumbering as necessary.

Shoultz of Black Hawk rose on a point of order that amendment H—5622 was not germane.

The Speaker ruled the point well taken and amendment H—5622 not germane.

Maulsby of Calhoun asked and received unanimous consent to suspend the rules to consider amendment H—5622.

Maulsby of Calhoun moved the adoption of amendment H—5622.

Roll call was requested by Maulsby of Calhoun and Daggett of Adams.

On the question "Shall amendment H—5622 be adopted?" (S.F. 2238)

The ayes were, 47:

Adams	Banks	Bartz	Beaman
Bennett	Branstad	Daggett	De Groot
Diemer	Eddie	Garman	Gipp
Grubbs	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby

Maulsby	McKean	McNeal	Mertz
Millage	Miller	Petersen, D. F.	Plasier
Poncy	Rafferty	Renken	Royer
Shoning	Siegrist	Spear	Spenner
Tyrrell	Van Maanen	Weidman	

The nays were, 51:

Baker	Beatty	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Fogarty	Gill	Groninga	Gruhn
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	McKinney
Metcalf	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Renaud	Schrader	Shearer
Sherzan	Shoultz	Svoboda	Teaford
Wise	Wissing	Mr. Speaker Arnould	

Absent or not voting, 2:

Carpenter	Corbett

Amendment H—5622 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. 2238)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy

Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, none.

Absent or not voting, 4:

Beaman	Corbett	Jochum	Svoboda

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 2482, by committee on appropriations, a bill for an act relating to fees collected for practitioner licensing by the board of educational examiners and making an appropriation.

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

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate File 2238 and Senate Concurrent Resolution 102.**

Unfinished Business Calendar

The House resumed consideration of **Senate File 2203,** a bill for an act relating to the availability of adoption records for the purpose of medical research or treatment of a patient in a medical facility, previously deferred and placed on the unfinished business calendar.

Haverland of Polk offered the following amendment H—5897 filed by him and moved its adoption:

H—5897

1 Amend Senate File 2203, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 13, the
4 following:
5 "Sec. _____. Section 600.16, subsection 2,
6 unnumbered paragraph 3, Code Supplement 1991, is
7 amended to read as follows:
8 A natural parent may file an affidavit requesting
9 that the court reveal or not reveal the parent's name.

10 The court shall consider any such affidavit in
11 determining whether there is good cause to order
12 opening of the records. If the adopted person who
13 applies for revelation of the natural parents' name
14 has a sibling who is a minor and who has been adopted
15 by the same parents, the court may deny the
16 application on the grounds that revelation to the
17 applicant may also indirectly and harmfully permit the
18 same revelation to the applicant's minor sibling. To
19 facilitate the natural parents in filing an affidavit,
20 the department shall, upon request of a natural
21 parent, ~~file an affidavit in the court in which the~~
22 ~~adoption records have been sealed~~ provide the natural
23 parent with an adoption information packet containing
24 an affidavit for completion and filing with the
25 court."
26 2. Title page, line 1, by striking the words
27 "records for the" and inserting the following:
28 "records."
29 3. Title page, by striking lines 2 and 3.
30 4. By renumbering as necessary.

Amendment H—5897 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2203)

The ayes were, 99:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy

Rafferty	Renaud	Renken	Royer
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker Arnould	

The nays were, none.

Absent or not voting, 1:

Schrader

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

SENATE AMENDMENT CONSIDERED

Jay of Appanoose called up for consideration **House File 2372,** a bill for an act permitting a political subdivision to become a debtor under chapter 9 of the federal Bankruptcy Code under certain circumstances, amended by the Senate, and moved that the House concur in the following Senate amendment H—5964:

H—5964

1 Amend House File 2372, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 24 the
4 following:
5 "4. That the debt is not an obligation to pay
6 money to a city, county, entity organized pursuant to
7 chapter 28E, or other political subdivision."

The motion prevailed and the House concurred in the Senate amendment H—5964.

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

On the question "Shall the bill pass?" (H.F. 2372)

The ayes were, 98:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp

Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Royer	Schrader	Shearer
Sherzan*	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker Arnould		

The nays were, 2:

Maulsby Renken

Absent or not voting, none.

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

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2372 and Senate File 2203.**

SENATE AMENDMENT CONSIDERED

Haverland of Polk called up for consideration **House File 242**, a bill for an act relating to adoption and permanent termination of parental rights records, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H—5963:

H—5963

1 Amend House File 242, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, line 34, by inserting after the word
4 "made." the following: "For the purposes of this
5 paragraph "adult" means a person twenty-one years of
6 age or older or a person who attains majority by
7 marriage."
8 2. Page 2, by inserting after line 3, the
9 following:

10 "d. A descendent of an adopted person."
11 3. Page 3, by inserting after line 15 the
12 following:
13 "_____. A natural sibling of an adopted person may
14 file or may request that the department file an
15 affidavit in the court in which the adopted person's
16 adoption records have been sealed requesting that the
17 court reveal or not reveal the sibling's name to the
18 adopted person. The court shall consider any such
19 affidavit in determining whether there is good cause
20 to order opening of the records upon application for
21 revelation by the adopted person. However, the name
22 of the natural sibling shall not be revealed until the
23 natural sibling has attained majority."
24 4. Page 3, line 19, by inserting after the word
25 "physical" the following: "or mental".
26 5. By renumbering, relettering, or redesignating
27 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5963.

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

On the question "Shall the bill pass?" (H.F. 242)

The ayes were, 98:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer

Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker Arnould		

The nays were, 1:

McNeal

Absent or not voting, 1:

Blanshan

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

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for a meeting of the committee on state government at 1:30 p.m. today.

On motion by McKinney of Dallas, the House was recessed at 11:47 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould 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 21, 1992, amended and passed the following bill in which the concurrence of the House is asked:

House File 2243, a bill for an act relating to the requirements for licensure as a certified public accountant.

Also: That the Senate has on April 21, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2343, a bill for an act relating to motor vehicle laws by changing to multiyear licensing for certain motor vehicle related dealers and changing fees, making certain changes related to commercial drivers' licensing, expanding the definition of motor vehicle license, providing an exemption for the sale of antique vehicles, providing for a physician's report of incompetency to operate a motor vehicle, expanding the seat belt exemption, creating a penalty for violating a license restriction, and making other technical changes.

Also: That the Senate has on April 21, 1992, passed the following bill in which the concurrence of the House is asked:

Senate File 2360, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties and an effective date.

JOHN F. DWYER, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-one members present, thirty-nine absent.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 109

Hammond of Story called up for consideration **House Concurrent Resolution 109**, a concurrent resolution stating that all people, regardless of disability or chronic illness, have the right to a permanent and stable familial relationship in the community, that families be recognized as experts concerning their family member with a disability or chronic illness, and that a commitment be made in Iowa to maintain the integrity of the family and family values through family support services and philosophies, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 2:28 p.m., until the fall of the gavel.

The House resumed session at 4:07 p.m., Speaker Arnould in the chair.

Ways and Means Calendar

Senate File 2353, a bill for an act relating to cosmetology arts and sciences and imposing fees and penalties, and increasing fees, with report of committee recommending passage was taken up for consideration.

Metcalf of Polk offered amendment H—5955 filed by Metcalf, et al., and requested division as follows:

H—5955

1 Amend Senate File 2353, as amended, passed, and
2 reprinted by the Senate, as follows:

H—5955A

3 1. Page 8, line 28, by inserting after the words
4 "by the board" the following: "and shall not exceed
5 three hundred twenty-five hours".

H—5955B

6 2. Page 9, line 4, by inserting after the word
7 "granted" the following: ", at the discretion of the
8 school, at least half credit and up to".
9 3. Page 14, line 7, by striking the word "a" and
10 inserting the following: "~~a~~".
11 4. Page 14, line 9, by inserting after the word
12 "~~hours~~" the following: ", at the discretion of the
13 school, at least half credit and up to".
14 5. Page 15, line 31, by striking the word
15 "demonstrate" and inserting the following:
16 "document".
17 6. Page 15, lines 32 and 33, by striking the
18 words "with skill and knowledge satisfactory to the
19 board".
20 7. Page 15, line 33, by inserting before the word
21 "shall" the following: "before or on July 1, 1992,".

Metcalf of Polk asked and received unanimous consent to withdraw amendment H—5955A.

On motion by Metcalf of Polk, amendment H—5955B was adopted.

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

On the question "Shall the bill pass?" (S.F. 2353)

The ayes were, 100:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer

Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

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.

SENATE MESSAGE CONSIDERED

Senate File 2360, by Hutchins, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties and an effective date.

Read first time and **passed on file.**

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2353** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Nielsen of Linn called up for consideration **Senate File 2316,** a bill for an act relating to child support recovery, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H–5969 to the House amendment:

H–5969

1 Amend the House amendment, S-5699, to Senate File
2 2316, as amended, passed, and reprinted by the Senate
3 as follows:
4 1. Page 1, by striking lines 40 and 41 and
5 inserting the following:
6 "_____. By striking page 9, line 22 through page
7 10, line 1, and inserting the following:
8 "_____. a. Notwithstanding section 598.21,
9 subsection 8, paragraph "k", the establishment of
10 paternity by court order may be overcome if all of the
11 following conditions are met:
12 (1) Prior blood or genetic tests have not been
13 performed to establish paternity of the child.
14 (2) The court finds that it is in the best
15 interest of the child to overcome the establishment of
16 paternity. In determining the best interest of the
17 child, the court shall consider the possibility of
18 establishing actual paternity of the child.

19 (3) The court finds that the conclusion of the
20 expert as disclosed by the evidence based upon blood
21 or genetic tests demonstrates that the established
22 father is not the biological father of the child.
23 (4) The action to overcome paternity is filed no
24 later than three years after the entry of an order of
25 paternity.
26 (5) The action to overcome paternity is filed
27 prior to the child reaching majority.
28 (6) Notice of the action to overcome paternity is
29 served on any parent of the child not initiating the
30 action and any assignee of the support judgment.
31 (7) A guardian ad litem is appointed for the
32 child.
33 b. The court may order additional tests to be
34 conducted by the expert or an independent expert in
35 order to confirm a test upon which an expert concludes
36 that the established father is not the biological
37 father of the child.
38 c. If the court finds that the establishment of
39 paternity is overcome, in accordance with all of the
40 conditions prescribed, the established father is
41 relieved of all future support obligations owed on
42 behalf of the child.
43 d. The costs of testing, the fee of the guardian
44 ad litem, and all court costs shall be paid by the
45 person bringing the action to overcome paternity.
46 e. This subsection shall not be construed as a
47 basis for terminating an adoption decree or for
48 discharging the obligation of an adoptive father to an
49 adopted child pursuant to section 675.5." "
50 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5969, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2316)

The ayes were, 100:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie

Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, none.

Absent or not voting, none.

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2316** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2248**, a bill for an act relating to escorts for the movement of mobile homes and other factory-built structures, previously deferred and placed on the unfinished business calendar.

Cohoon of Des Moines offered the following amendment H—5539 filed by the committee on transportation and moved its adoption:

H—5539

1 Amend Senate File 2248, as passed by the Senate, as
2 follows:
3 1. Page 1, line 9, by inserting after the word
4 "highway" the following: "and if the mobile home or
5 factory-built structure displays an amber revolving
6 light or strobe light on the rear of the mobile home
7 or factory-built structure and if the toting vehicle
8 also displays an amber revolving light or strobe
9 light".

The committee amendment H—5539 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. 2248)

The ayes were, 95:

Adams	Baker	Banks	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Burke	Chapman	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker Arnould	

The nays were, 5:

Bartz	Brown	Carpenter	Halvorson, R. N.
Hatch			

Absent or not voting, none.

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2248** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2035**, a bill for an act relating to the discharge of an adoptive father's obligation for support of an adopted child, previously deferred and placed on the unfinished business calendar.

Teaford of Black Hawk offered the following amendment H—5421 filed by the committee on human resources and moved its adoption:

H—5421

1 Amend Senate File 2035, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 5 the
4 following:
5 "Sec. _____. Section 600A.4, subsection 4, Code
6 1991, is amended to read as follows:
7 4. Either a parent who has signed a release of
8 custody, or a nonsigning parent, may, at any time
9 prior to the entry of an order terminating parental
10 rights, request the juvenile court designated in
11 section 600A.5 to order the revocation of any release
12 of custody previously executed by either parent. If
13 such request is by a signing parent, and is within
14 ninety-six hours of the time such parent signed a
15 release of custody, the juvenile court shall order the
16 release revoked. Otherwise, the juvenile court shall
17 order the release or releases revoked only upon clear
18 and convincing evidence that good cause exists for
19 revocation. Good cause for revocation includes but is
20 not limited to a showing that the release was obtained
21 by fraud, coercion, or misrepresentation of law or
22 fact which was material to its execution. In
23 determining whether good cause~~, other than fraud,~~
24 ~~coercion or misrepresentation,~~ exists for revocation,
25 the juvenile court shall give paramount consideration
26 to the best interests of the child ~~and~~ including
27 avoidance of a disruption of an existing relationship
28 between a parent and child. The juvenile court shall
29 also give due consideration to the interests of the
30 parents of the child and of any person standing in the
31 place of the parents."
32 2. Page 1, by inserting after line 21 the
33 following:
34 "Sec. _____. APPLICABILITY. This Act is applicable
35 to fraudulently induced adoptions under adoption
36 decrees which were entered prior to or on or after the
37 effective date of this Act."
38 3. Title page, line 1, by inserting after the
39 word "to" the following: "parental rights and
40 obligations including".

41 4. Title page, line 2, by inserting after the
42 word "child" the following: ", and providing for the
43 Act's applicability".
44 5. By renumbering as necessary.

The committee amendment H—5421 was adopted.

Teaford of Black Hawk offered the following amendment H—5943 filed by her and Bisignano of Polk and moved its adoption:

H—5943

1 Amend Senate File 2035, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 1 through 5.
4 2. Page 1, line 11, by inserting after the word
5 "induced" the following: "in accordance with the
6 procedures set out in section 600A.9, subsection 2A".
7 3. Page 1, by inserting after line 11 the
8 following:
9 "Sec. _____. Section 600A.9, Code 1991, is amended
10 by adding the following new subsection:
11 NEW SUBSECTION. 2A. If an order is issued under
12 subsection 1, paragraph "b", the juvenile court shall
13 have jurisdiction to allow an adoptive parent to
14 request termination of the adoptive parent's parental
15 rights and of the parent-child relationship based upon
16 a showing that the adoption was fraudulently induced
17 and to request that the order issued under subsection
18 1, paragraph "b", be vacated. The juvenile court
19 shall grant the termination and vacation requests only
20 after the parent whose rights have been terminated is
21 given an opportunity to contest the vacation of the
22 termination order and only if the termination of the
23 adoptive parent's parental rights and the vacation of
24 the termination order are in the best interest of the
25 child."
26 4. Page 1, line 21, by inserting after the word
27 "induced" the following: "and the adoptive father's
28 parental rights have been terminated and the order
29 terminating the natural father's parental rights has
30 been vacated in accordance with the procedures set out
31 in section 600A.9, subsection 2A".
32 5. Title page, line 1, by striking the word
33 "father's" and inserting the following: "parent's".
34 6. By renumbering as necessary.

Amendment H—5943 was adopted.

Petersen of Muscatine in the chair at 4:54 p.m.

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. 2035)

The ayes were, 93:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Burke	Carpenter	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Millage	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spenner	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Petersen, D. F. Presiding			

The nays were, 7:

Chapman	Doderer	Haverland	Metcalf
Neuhauser	Spear	Svoboda	

Absent or not voting, none.

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2035** be immediately messaged to the Senate.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully

reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

House File 2474, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties and an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5982** April 21, 1992.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2474.

Regular Calendar

House File 2474, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties and an effective date, with report of committee recommending amendment and passage was taken up for consideration.

The House stood at ease at 5:06 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2474 at 5:35 p.m., Speaker Arnould in the chair.

Peterson of Carroll asked and received unanimous consent to immediately consider amendment H—5985.

Peterson of Carroll offered the following amendment H—5985 filed by him from the floor and moved its adoption:

H—5985

1 Amend House File 2474 as follows:
2 1. Page 1, by striking line 33 and inserting the
3 following: "registered with the commission and
4 voluntarily agreed to limit campaign expenditures
5 pursuant to section 56.34."
6 2. Page 2, by striking line 23 and inserting the
7 following: "sections: 43.31 and 49.53A."
8 3. Page 2, by striking lines 24 through 29 and
9 inserting the following:
10 "Sample ballots printed for primary elections
11 pursuant to section 43.30 and for general elections
12 pursuant to section 49.53 shall indicate under the
13 name of each candidate for an eligible office whether
14 the candidate agreed or did not agree to a restricted

15 campaign."
16 4. Page 4, line 31, by inserting after the word
17 "hours" the following: "of receipt of notice given
18 pursuant to subsection 1".
19 5. Page 5, line 25, by striking the words "the
20 executive secretary or".
21 6. Page 5, line 27, by striking the words
22 "executive secretary or".
23 7. Page 5, line 30, by inserting after the word
24 "county" the following: "district court".
25 8. Page 5, line 31, by striking the word
26 "raising" and inserting the following: "increase or
27 elimination".
28 9. Page 7, by striking lines 5 through 7 and
29 inserting the following:
30 "2. Mileage expenses of the candidate, at a rate
31 determined pursuant to section 2.10, are not subject
32 to the expenditure limits of section 56.35."
33 10. Page 7, line 12, by inserting after the word
34 "felony" the following: ", but is only subject to a
35 fine and is not subject to imprisonment,
36 notwithstanding the provisions of section 902.9".
37 11. Page 7, line 17, by striking the figure
38 "43.29A" and inserting the following: "43.31".
39 12. Page 7, line 18, by inserting after the word
40 "ON" the following: "SAMPLE".
41 13. Page 7, line 19, by inserting before the word
42 "ballot" the following: "sample".
43 14. Page 7, line 26, by inserting before the word
44 "ballot" the following: "sample".
45 15. Page 7, line 29, by inserting before the word
46 "ballot" the following: "sample".
47 16. Page 8, line 21, by striking the figure
48 "49.31A" and inserting the following: "49.53A".
49 17. Page 8, line 22, by inserting after the word
50 "ON" the following: "SAMPLE".

Page 2

1 18. Page 8, line 23, by striking the word
2 "ballot" and inserting the following: "sample ballot
3 published as part of the notice pursuant to section
4 49.53".
5 19. Page 8, line 30, by inserting before the word
6 "ballot" the following: "sample".
7 20. Page 8, line 33, by inserting before the word
8 "ballot" the following: "sample".
9 21. By striking page 9, line 29 through page 10,
10 line 9.
11 22. Page 10, by inserting before line 10 the fol-
12 lowing:
13 "Sec. _____. STUDY REQUIRED. The legislative

14 council shall establish an interim study committee to
15 study methods and procedures by which campaigns are
16 financed in this state. Topics to be studied shall
17 include but are not limited to the following: the
18 impact upon campaigns of political action committees,
19 individual contributions, campaign spending
20 limitations, and the length of terms of members of the
21 general assembly and statewide elected officials. The
22 study committee shall consist of a total of the
23 following eight members appointed by the legislative
24 council, except for the governor's designee: three
25 public members, one affiliated with each of the two
26 major political parties and one with no party
27 affiliation; two members from each of the two houses
28 of the general assembly; and one member from the
29 executive branch appointed by the governor. The
30 membership of the study committee consisting of the
31 five nonpublic members shall be politically balanced
32 pursuant to section 69.16. The study committee shall
33 present a final report to the studies committee of the
34 legislative council by January 1, 1993."
35 23. By renumbering and correcting internal
36 references as necessary.

Amendment H—5985 was adopted.

SENATE FILE 2360 SUBSTITUTED FOR HOUSE FILE 2474

Peterson of Carroll asked and received unanimous consent to substitute Senate File 2360 for House File 2474.

Senate File 2360, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties and an effective date, was taken up for consideration.

The House stood at ease at 5:42 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2360 at 6:36 p.m., Speaker Arnould in the chair.

Peterson of Carroll offered the following amendment H—5987 filed by him from the floor:

H—5987

1 Amend Senate File 2360 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 34, by inserting after the word
4 "expenditures" the following: "and contributions".
5 2. Page 2, line 4, by inserting after the word
6 "expenditures" the following: "and contributions".
7 3. Page 2, line 9, by striking the words ", with
8 each signature notarized,".

9 4. Page 2, line 10, by striking the word "ten"
10 and inserting the following: "fifteen".
11 5. Page 2, lines 14 and 15, by striking the words
12 ", with each signature notarized,".
13 6. Page 2, line 15, by striking the word "ten"
14 and inserting the following: "fifteen".
15 7. Page 2, line 21, by inserting after the word
16 "expenditures" the following: "or contributions".
17 8. Page 2, by striking lines 25 through 29.
18 9. Page 6, by inserting after line 10, the
19 following:
20 "Sec. _____. NEW SECTION. 56.37A RESTRICTED
21 CAMPAIGNS — LIMITS ON ACCEPTANCE OF CONTRIBUTIONS.
22 If a restricted campaign exists, the acceptance of
23 contributions by candidates for the following offices
24 from political action committees and individuals is
25 subject to the following limitations:
26 1. Governor.
27 a. Total political action committee contributions,
28 four hundred eighty-seven thousand five hundred
29 dollars in a primary election in which the candidate
30 is unopposed, nine hundred seventy-five thousand
31 dollars in a primary election in which the candidate
32 is opposed, and nine hundred seventy-five thousand
33 dollars in a general election.
34 b. Largest political action committee
35 contribution, five thousand dollars.
36 c. Largest individual contribution, excluding
37 contributions made by a candidate to the candidate's
38 own campaign, one thousand dollars.
39 2. Attorney general, secretary of agriculture,
40 secretary of state, treasurer of state, and auditor of
41 state.
42 a. Total political action committee contributions,
43 thirty-two thousand five hundred dollars in a primary
44 election in which the candidate is unopposed, sixty-
45 five thousand dollars in a primary election in which
46 the candidate is opposed, and sixty-five thousand
47 dollars in a general election.
48 b. Largest political action committee
49 contribution, five thousand dollars.
50 c. Largest individual contribution, excluding

Page 2

1 contributions made by a candidate to the candidate's
2 own campaign, one thousand dollars.
3 3. State senator.
4 a. Total political action committee contributions,
5 eight thousand one hundred twenty-five dollars in a
6 primary election in which the candidate is unopposed,
7 sixteen thousand two hundred fifty dollars in a

8 primary election in which the candidate is opposed,
9 and sixteen thousand two hundred fifty dollars in a
10 general election.
11 b. Largest political action committee
12 contribution, five hundred dollars.
13 c. Largest individual contribution, excluding
14 contributions made by a candidate to the candidate's
15 own campaign, five hundred dollars.
16 4. State representative.
17 a. Total political action committee contributions,
18 four thousand eight hundred seventy-five dollars in a
19 primary election in which the candidate is unopposed,
20 nine thousand seven hundred fifty dollars in a primary
21 election in which the candidate is opposed, and nine
22 thousand seven hundred fifty dollars in a general
23 election.
24 b. Largest political action committee
25 contribution, five hundred dollars.
26 c. Largest individual contribution, excluding
27 contributions made by the candidate to the candidate's
28 own campaign, five hundred dollars.
29 5. Individual contributions to the candidate or
30 candidate's committee made by one individual of a
31 cumulative value of one hundred dollars or more shall
32 be reported, including the name, address, occupation,
33 and place of business of the contributor."
34 10. Page 6, line 13, by inserting after the word
35 "expenditure" the following: "or contribution".
36 11. Page 6, line 16, by inserting after the word
37 "expenditures" the following: "or contributions".
38 12. Page 6, line 17, by inserting after the word
39 "expenditures" the following: "or contributions".
40 13. Page 7, line 11, by inserting after the word
41 "expenditure" the following: "or contribution".
42 14. Page 7, line 11, by inserting after the
43 figure "56.35" the following: "or section 56.37A".
44 15. Page 7, by striking lines 19 through 33.
45 16. By striking page 8, line 23 through page 9,
46 line 3.
47 17. Page 9, line 12, by inserting after the word
48 "expenditure" the following: "or contribution".
49 18. Page 9, line 17, by inserting after the word
50 "expenditure" the following: "or contribution".

Page 3

1 19. Page 9, line 18, by inserting after the
2 figure "56.35" the following: "or section 56.37A".
3 20. By striking page 9, line 32 through page 10,
4 line 15, and inserting the following:
5 "Sec. _____. Section 56.14, Code 1991, is amended by
6 adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. In addition to the
8 identification required in this section, a candidate's
9 committee of a candidate who is not registered for a
10 restricted campaign pursuant to section 56.34, shall
11 include, on all printed material, a statement, equal
12 in size to the identification information, that the
13 candidate is not registered for a restricted campaign.
14 A similar disclaimer shall also be included, vocally,
15 in all radio and television commercials purchased on
16 behalf of the candidate. Candidates who have not
17 registered for a restricted campaign shall state the
18 following: "(name of candidate) did not agree to
19 voluntarily limit campaign expenditures." The
20 information required under this paragraph may be
21 included on materials and commercials by a candidate
22 who is registered for a restricted campaign."
23 21. Title page, line 2, by inserting after the
24 word "expenditures" the following: "and
25 contributions".
26 22. By renumbering and correcting internal
27 references as necessary.

Adams of Hamilton offered the following amendment H—5992, to amendment H—5987, filed from the floor by Adams, Osterberg, Ollie, Bernau, Nielsen and Halvorson of Webster and moved its adoption:

H—5992

1 Amend the amendment, H—5987, to Senate File 2360,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 27 through 33 and
5 inserting the following:
6 "a. Total political action committee
7 contributions, fifty percent of total contributions
8 received by the end of the primary election cycle and
9 fifty percent of total contributions received by the
10 end of the general election cycle."
11 2. Page 1, by striking lines 42 through 47 and
12 inserting the following:
13 "a. Total political action committee
14 contributions, fifty percent of total contributions
15 received by the end of the primary election cycle and
16 fifty percent of total contributions received by the
17 end of the general election cycle."
18 3. Page 2, by striking lines 4 through 10 and
19 inserting the following:
20 "a. Total political action committee
21 contributions, fifty percent of total contributions
22 received by the end of the primary election cycle and
23 fifty percent of total contributions received by the
24 end of the general election cycle."

25 4. Page 2, by striking lines 17 through 23 and
26 inserting the following:
27 "a. Total political action committee
28 contributions, fifty percent of total contributions
29 received by the end of the primary election cycle and
30 fifty percent of total contributions received by the
31 end of the general election cycle."

Amendment H—5992 was adopted.

On motion by Peterson of Carroll, amendment H—5987, as amended, was adopted.

Carpenter of Polk offered the following amendment H—5988 filed from the floor by her and Rafferty of Scott and moved its adoption:

H—5988

1 Amend Senate File 2360, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, by striking lines 10 and 11 and
4 inserting the following: "date is earlier, through
5 the date at which an officeholder elected in a general
6 election is prohibited from soliciting or accepting
7 contributions established pursuant to section 56.47."
8 2. Page 4, by striking lines 17 and 18 and
9 inserting the following: "earlier, through the date
10 at which an officeholder elected in a special election
11 is prohibited from soliciting or accepting
12 contributions established pursuant to section 56.47."
13 3. Page 9, by inserting after line 31 the follow-
14 ing:
15 "Sec. _____. NEW SECTION. 56.47 FUNDS IN ACCOUNTS
16 AND SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS
17 LIMITED.
18 1. A holder of a public office listed in this
19 subsection shall not maintain funds, including the
20 value of any campaign property, in a campaign account,
21 or solicit or accept contributions for deposit into a
22 campaign account, during the time periods established
23 in subsection 2, in excess of the following amounts:
24 a. Governor. Seven thousand five hundred dollars.
25 b. Attorney general, secretary of agriculture,
26 secretary of state, treasurer of state, and auditor of
27 state. Seven thousand five hundred dollars.
28 c. State senator. Three thousand dollars.
29 d. State representative. One thousand dollars.
30 2. The limitations of subsection 1 apply to an
31 officeholder elected in a general election beginning
32 January 1 following the date of the general election
33 or an officeholder elected in a special election
34 beginning the first day of the third month after the

35 special election until the earliest of any of the
36 following dates:
37 a. January 1 of the year in which the officeholder
38 is a candidate for reelection to the same office.
39 b. The date another candidate for the same office
40 files a statement of organization.
41 c. The officeholder files a statement of
42 organization for another office."
43 4. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 36, nays 50.

Amendment H—5988 lost.

Hanson of Delaware offered the following amendment H—5993 filed from the floor by him and Krebsbach of Mitchell and moved its adoption:

H—5993

1 Amend Senate File 2360, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, by striking lines 10 and 11, and
4 inserting the following: "date is earlier, through
5 the date the candidate files a nomination petition or
6 the deadline for filing a nomination petition pursuant
7 to chapter 43, 44, or 45 for the next succeeding
8 election, whichever date is earlier."
9 2. Page 4, by striking lines 17 and 18, and
10 inserting the following: "earlier, through the date
11 the candidate files a nomination petition or the
12 deadline for filing a nomination petition pursuant to
13 chapter 43, 44, or 45 for the next succeeding
14 election, whichever date is earlier."

Amendment H—5993 lost.

Hanson of Delaware offered the following amendment H—5990 filed from the floor by him and Krebsbach of Mitchell and moved its adoption:

H—5990

1 Amend Senate File 2360, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 9, by inserting after line 31 the
4 following:
5 "Sec. _____. NEW SECTION. 56.14A LIMITS ON
6 ACCEPTANCE OF CONTRIBUTIONS.
7 The acceptance of contributions by candidates for
8 the following offices from political action committees

9 and individuals is subject to the following
10 limitations:
11 1. Governor.
12 a. Total political action committee contributions,
13 fifty percent of total contributions received by the
14 end of the primary election cycle and fifty percent of
15 total contributions received by the end of the general
16 election cycle.
17 b. Largest political action committee
18 contribution, five thousand dollars.
19 c. Largest individual contribution, excluding
20 contributions made by a candidate to the candidate's
21 own campaign, one thousand dollars.
22 2. Attorney general, secretary of agriculture,
23 secretary of state, treasurer of state, and auditor of
24 state.
25 a. Total political action committee contributions,
26 fifty percent of total contributions received by the
27 end of the primary election cycle and fifty percent of
28 total contributions received by the end of the general
29 election cycle.
30 b. Largest political action committee
31 contribution, five thousand dollars.
32 c. Largest individual contribution, excluding
33 contributions made by a candidate to the candidate's
34 own campaign, one thousand dollars.
35 3. State senator.
36 a. Total political action committee contributions,
37 fifty percent of total contributions received by the
38 end of the primary election cycle and fifty percent of
39 total contributions received by the end of the general
40 election cycle.
41 b. Largest political action committee
42 contribution, five hundred dollars.
43 c. Largest individual contribution, excluding
44 contributions made by a candidate to the candidate's
45 own campaign, five hundred dollars.
46 4. State representative.
47 a. Total political action committee contributions,
48 fifty percent of total contributions received by the
49 end of the primary election cycle and fifty percent of
50 total contributions received by the end of the general

Page 2

1 election cycle.
2 b. Largest political action committee
3 contribution, five hundred dollars.
4 c. Largest individual contribution, excluding
5 contributions made by the candidate to the candidate's
6 own campaign, five hundred dollars.
7 5. Individual contributions to the candidate or

8 candidate's committee made by one individual of a
9 cumulative value of one hundred dollars or more shall
10 be reported, including the name, address, occupation,
11 and place of business of the contributor."
12 2. By renumbering and correcting internal
13 references as necessary.

Amendment H—5990 lost.

Metcalf of Polk offered the following amendment H—5991 filed from the floor by her and Lageschulte of Bremer and moved its adoption:

H—5991

1 Amend Senate File 2360, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 9, by inserting after line 31 the
4 following:
5 "Sec. _____. NEW SECTION. 56.15A CONTRIBUTIONS BY
6 POLITICAL COMMITTEES PROHIBITED.
7 An elected state official, member of the general
8 assembly, or candidate for statewide public office or
9 the general assembly shall not expend funds received
10 from a political action committee not domiciled in
11 Iowa at any time."
12 2. By renumbering and correcting internal
13 references as necessary.

Amendment H—5991 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Groot of Lyon, for the remainder of the day, on request of Van Maanen of Mahaska.

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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2360)

The ayes were, 61:

Adams	Baker	Beaman	Beatty
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Burke
Chapman	Cohoon	Connors	Corbett
Dickinson	Doderer	Dvorsky	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. N.

Hammond	Hansen, S. D.	Hanson, D. E.	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Knapp	Koenigs
Lageschulte	McKean	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Spear	Spenner
Svoboda	Teaford	Wise	Wissing
Mr. Speaker Arnould			

The nays were, 38:

Banks	Bartz	Bennett	Branstad
Carpenter	Daggett	Diemer	Eddie
Garman	Gipp	Grubbs	Hahn
Halvorson, R. A.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lundby	Maulsby
McNeal	Metcalf	Millage	Miller
Petersen, D. F.	Plasier	Rafferty	Renken
Royer	Shoning	Siegrist	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 1:

De Groot

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2360** be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2287)

Wise of Lee called up for consideration the report of the conference committee on House File 2287 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2287

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2287, a bill for an act to establish a community-based workplace learning program, and providing an effective date, respectfully make the following report:

1. That the House recedes from its amendment, S—5734.

2. That the Senate amendment, H—5916, to House File 2287, as amended and passed by the House, is amended as follows:

1. Page 1, line 17, by inserting after the word "twelve" the following: ", and shall be a priority for receipt of vocational education secondary funds".

2. Page 1, by striking lines 44 through 48.

3. Page 2, line 32, by inserting after the figure "8" the following: ", and inserting the following:

"_____. The state board of education shall adopt rules pursuant to chapter 17A to provide for the implementation of this section"."

4. Page 2, by striking lines 45 through 48, and inserting the following:

"_____. Page 6, by inserting after line 28, the following:

"Sec. _____ . For the school year beginning July 1, 1992, and ending June 30, 1993, a school or school district that wishes to establish a workstart program may meet the requirements contained in this Act, relating to the designation of occupational service areas and sequential units as being within a workstart program, by submitting a letter of intent to participate in a workstart program to the department of education by July 1, 1992. The letter shall indicate the school or school district's intent to participate and designate the units of instruction and occupational service areas for which the school or school district intends to provide a workstart program." "

5. By number, renumbering, and changing internal references as necessary:

ON THE PART OF THE HOUSE:	ON THE PART OF THE SENATE:
PHILLIP WISE, Chair	RICHARD RUNNING, Chair
JANET ADAMS	MIKE CONNOLLY
DONALD E. HANSON	PATRICK DELUHERY
C. ARTHUR OLLIE	MARY KRAMER
BRENT SIEGRIST	RAY TAYLOR

The motion prevailed and the conference committee report 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. 2287)

The ayes were, 98:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau

Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker Arnould		

The nays were, none.

Absent or not voting, 2:

De Groot Shoning

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

Lageschulte of Bremer in the chair at 8:21 p.m.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2287** be immediately messaged to the Senate.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2478.

Ways and Means Calendar

House File 2478, a bill for an act relating to the repeal of the seed capital tax credit and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2478)

The ayes were, 98:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Burke	Carpenter	Chapman	Cohoon
Connors	Corbett	Daggett	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Lageschulte		
	Presiding		

The nays were, none.

Absent or not voting, 2:

De Groot Shoning

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

OBJECTION TO UNANIMOUS CONSENT

Hatch of Polk asked for unanimous consent to change his vote from "aye" to "nay" on House File 2061.

Objection was raised.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2478** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 1992, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 547, a bill for an act relating to the inclusion of certain types of refuse-derived fuel in the calculation of the waste reduction goal requirement of a city or county.

Also: That the Senate has on April 21, 1992, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2250, a bill for an act relating to an employee's choice of care under the workers' compensation law.

Also: That the Senate has on April 21, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2361, a bill for an act relating to and making appropriations of petroleum overcharge funds.

Also: That the Senate has on April 21, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2364, a bill for an act relating to the time for paying of drainage or levee tax assessments and providing effective and applicability provisions.

JOHN F. DWYER, Secretary

REAPPOINTMENT

The Speaker announced that Representative Dan Jay is reappointed to the State Government Committee, replacing Representative Gary Sherzan.

EXPLANATIONS OF VOTE

I inadvertently voted "aye" on House File 2061. I meant to vote "nay."

HATCH of Polk

I was necessarily absent from the House chamber on Monday, April 20, 1992. Had I been present, I would have voted "aye" on House Files 681, 2292, 2382, 2450; Senate Files 2061, 2364; "nay" on House Files 2467 and 2471.

MILLAGE of Scott

I was necessarily absent from the House chamber on Monday, April 20, 1992. Had I been present, I would have voted "nay" on House File 2471.

PONCY of Wapello

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 21st day of April, 1992: House Files 646, 2010, 2207, 2274, 2384 and 2441.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 21, 1992, he approved and transmitted to the Secretary of State the following bills:

House File 2028, an act requiring institutions of higher education to establish policies relating to sexual abuse and providing for the Act's applicability.

House File 2080, an act to include bats as protected nongame species, and providing an exception.

House File 2112, an act providing for the filing of soil and water resource conservation plans.

House File 2224, an act excepting from child day care regulation certain programs for school age children administered by political subdivisions.

House File 2247, an act modifying eligibility requirements within the postsecondary enrollment options Act, including students identified as gifted and talented children.

House File 2299, an act relating to the establishment and assessment of civil and criminal penalties including the establishment of a criminal penalty for knowingly making a false statement, representation, or certification in a comprehensive plan to operate a sanitary disposal project.

Senate File 2094, an act relating to the regulation of transportation and the placement of special event signs, the recalculation of needs on transferred roads, the maximum speed limits for movement of certain truck trailers, mobile homes, and factory-built structures, and the penalty for failure to maintain adequate records.

Senate File 2108, an act relating to the registration and use of boats and motorboats.

Senate File 2119, an act relating to essential county purposes and the use of general obligation bonds for funding of local water services.

Senate File 2133, an act relating to requirements for notice to an underground facility operator by a person planning certain excavation activities near the underground facility, establishing procedures, and providing for civil liability and injunctive relief, and providing an effective date.

Senate File 2137, an act relating to motor vehicle certificates of title, by eliminating component part reviews, requiring a damage disclosure statement, restricting transfer of certain salvage certificates, defining salvage pools, relating to vehicle recycler license applications, and creating a penalty and providing an effective date.

Senate File 2213, an act providing for the linked investment for tomorrow act, by providing for certificates of deposit placed in eligible lending institutions, and a rural small business transfer linked investment loan program, providing for the deposit of state moneys in lending institutions, and providing retroactive applicability and effective dates.

PRESENTATION OF VISITORS

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

Forty-five fifth grade students from Crossroads Elementary School, West Des Moines, accompanied by Mrs. Anderson and Miss Garman. By Carpenter of Polk.

Fifty sixth grade students from Central Decatur Elementary School, Decatur, accompanied by Michelle Griffieon and Gary Coffelt. By Daggett of Adams.

Seventy-five fourth grade students from Westwood Elementary School, Ankeny, accompanied by Bob Stone. By Haverland of Polk.

Nine high school students from Woodward-Granger High School, Woodward. By McKinney of Dallas.

AMENDMENTS FILED

H—5978	H.F.	2243	Senate Amendment
H—5980	H.F.	2481	Dickinson of Jackson
H—5981	S.F.	2329	Schrader of Marion
H—5982	H.F.	2474	Committee on State Government
H—5986	H.F.	2481	Dickinson of Jackson

On motion by McKinney of Dallas, the House adjourned at 8:35 p.m., until 9:00 a.m., Wednesday, April 22, 1992.

JOURNAL OF THE HOUSE

One Hundred First Calendar Day — Sixty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 22, 1992

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

Prayer was offered by the Honorable Bill Brand, state representative from Benton County.

The Journal of Tuesday, April 21, 1992 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Shearer of Louisa, until his return, on request of Gruhn of Dickinson.

PETITION FILED

The following petition was received and placed on file:

By Beaman of Clarke, from two hundred twenty-three residents of Cass County favoring all local budget property tax dollar levies for Fiscal Year 1993 be no greater than the prior year levy.

RULES SUSPENDED

Schrader of Marion asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2481.

CONSIDERATION OF BILLS
Ways and Means Calendar

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

Dickinson of Jackson offered the following amendment H—5980 filed by him and moved its adoption:

H—5980

1 Amend House File 2481 as follows:
2 1. Page 1, line 22, by inserting after the word
3 "communities" the following: "located in the state
4 within the quad cities area".
5 2. Page 1, line 32, by striking the word
6 "community" and inserting the following: "quad cities

7 regional economic development authority on behalf of".
8 3. Page 1, by striking line 33.
9 4. Page 2, line 6, by striking the words "issuer
10 of the bonds" and inserting the following: "quad
11 cities regional economic development authority".
12 5. Page 2, line 23, by striking the word "issuer"
13 and inserting the following: "quad cities regional
14 economic development authority".
15 6. Page 2, line 24, by striking the word "issuer"
16 and inserting the following: "authority".
17 7. Page 2, line 33, by striking the word "issuer"
18 and inserting the following: "authority".
19 8. Page 3, line 5, by striking the word "issuer"
20 and inserting the following: "authority".

Amendment H—5980 was adopted.

Dickinson of Jackson offered the following amendment H—5986 filed by him and moved its adoption:

H—5986

1 Amend House File 2481 as follows:
2 1. Page 2, line 2, by inserting after the word
3 "project." the following: "However, the bonds issued,
4 for which state assistance is available to pay the
5 debt services costs, shall be scheduled to mature
6 within a period not exceeding twenty-five years."
7 2. Page 2, line 7, by inserting after the word
8 "project." the following: "The agreement shall
9 specify the date of maturity of the bonds, which
10 maturity date shall not exceed twenty-five years from
11 the date of issuance."

Amendment H—5986 was adopted.

Dickinson 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. 2481)

The ayes were, 74:

Baker	Banks	Bartz	Beaman
Bennett	Bernau	Bisignano	Blanshan
Brand	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Dvorsky	Eddie	Fogarty	Gill
Gipp	Groninga	Grubbs	Hahn
Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.	Harbor
Haverland	Hester	Hibbard	Hurley
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte

Lundby	McKinney	McNeal	Mertz
Metcalf	Millage	Muhlbauer	Murphy
Neuhauser	Ollie	Pavich	Petersen, D. F.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker Arnould		

The nays were, 24:

Adams	Beatty	Black	Brammer
Branstad	Doderer	Garman	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hatch
Holveck	Iverson	Jesse	Maulsby
McKean	Miller	Nielsen	Osterberg
Peterson, M. K.	Schrader	Sherzan	Shoning

Absent or not voting, 2:

Jay	Shearer

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

SENATE AMENDMENT CONSIDERED

Knapp of Dubuque called up for consideration **House File 2243**, a bill for an act relating to the requirements for licensure as a certified public accountant, amended by the Senate, and moved that the House concur in the following Senate amendment H—5978:

H—5978

1 Amend House File 2243, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 4, by striking the words "~~for a~~
4 ~~baccalaureate degree~~" and inserting the following:
5 "for a baccalaureate degree".
6 2. Page 2, line 5, by inserting after the word
7 "examination" the following: "or who has completed
8 those requirements".
9 3. Page 2, line 8, by inserting after the word
10 "requirements" the following: "for a baccalaureate
11 degree and shall not grant the certificate until the
12 candidate has fully satisfied the requirements of
13 subsection 2".
14 4. Page 2, by striking lines 10 through 22 and
15 inserting the following: "Supplement 1991, is amended
16 by striking the paragraph."
17 5. Page 2, by inserting before line 23 the
18 following:
19 "Sec. _____. Section 4 of this Act, which strikes

20 section 116.20, subsection 2, paragraph "d", Code
21 Supplement 1991, is effective July 1, 1993."
22 6. Title page, line 2, by inserting after the
23 word "accountant" the following: "and providing an
24 effective date".
25 7. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5978.

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

On the question "Shall the bill pass?" (H.F. 2243)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Sherzan
Shoning	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, 1:

Millage

Absent or not voting, 3:

Jay	Shearer	Shoultz

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

IMMEDIATE MESSAGE

Schrader of Marion asked and received unanimous consent that **House File 2481** be immediately messaged to the Senate.

ADOPTION OF HOUSE RESOLUTION 106

Hatch of Polk called up for consideration **House Resolution 106**, a House resolution relating to the Sunrider Expedition, and moved its adoption.

The motion prevailed and the resolution was adopted.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2254**, a bill for an act relating to the creation of a combined water and sanitary district and a department of public works, providing for a governing board, and providing for other properly related matters, previously deferred and placed on the unfinished business calendar.

Connors of Polk offered the following amendment H—5904 filed by Connors, et al., and moved its adoption:

H—5904

1 Amend Senate File 2254, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 1. NEW SECTION. 135K.1 DEFINITIONS.
6 As used in this chapter, unless the context
7 otherwise requires:
8 1. "Approved course" means a course covering the
9 testing and repair of backflow prevention assemblies
10 which has been approved by the department.
11 2. "Backflow prevention assembly" means a device
12 or means to prevent backflow into the potable water
13 system.
14 3. "Department" means the Iowa department of
15 public health.
16 4. "Registered backflow prevention assembly
17 tester" means a person who has successfully completed
18 an approved course and has registered with the
19 department.
20 Sec. 2. NEW SECTION. 135K.2 APPLICABILITY.
21 This chapter applies to all persons who test or
22 repair backflow prevention assemblies.
23 Sec. 3. NEW SECTION. 135K.3 REGISTRATION AND
24 APPROVAL REQUIRED.

25 A person shall not test or repair backflow
26 prevention assemblies without first having registered
27 with and having been approved by the department.
28 Sec. 4. NEW SECTION. 135K.4 POWERS AND DUTIES.
29 The department shall adopt rules in accordance with
30 chapter 17A, which provide for all of the following:
31 1. The establishment of minimum qualifications for
32 registered backflow prevention assembly testers.
33 2. The establishment of minimum standards for
34 approved courses.
35 3. The establishment and collection of fees to
36 defray the cost of administering this chapter.
37 4. The provision of a listing of registered
38 backflow prevention assembly testers to local health
39 officials.
40 5. The administration and enforcement of this
41 chapter.
42 Sec. 5. NEW SECTION. 135K.5 PENALTY.
43 A person who violates this chapter is guilty of a
44 simple misdemeanor.
45 Sec. 6. NEW SECTION. 135K.6 ENFORCEMENT.
46 1. The department shall investigate complaints
47 regarding backflow prevention assembly testers. If
48 the department determines that a provision of this
49 chapter regarding the requirements for a backflow
50 prevention assembly tester has been violated, the

Page 2

1 department may order a person not to test or repair
2 backflow prevention assemblies or may revoke the
3 registration of a registered backflow prevention
4 assembly tester until the necessary corrective action
5 has been taken.
6 2. The department shall investigate complaints
7 regarding courses covering the testing and repair of
8 backflow prevention assemblies. If the department
9 determines that a provision of this chapter regarding
10 approved courses has been violated, the department may
11 revoke the approval of a course until the necessary
12 corrective action has been taken."
13 2. Title page, line 1, by inserting after the
14 word "to" the following: "the establishment of a
15 certification program for backflow assembly testers,".
16 3. Title page, line 3, by inserting after the
17 word "board," the following: "providing penalties,".
18 4. By renumbering sections as necessary.

Amendment H—5904 was adopted.

Cohoon of Des Moines offered the following amendment H—5605 filed by him and Dvorsky of Johnson and moved its adoption:

H—5605

1 Amend Senate File 2254, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 303.34, unnumbered paragraph
6 2, Code 1991, is amended by striking the unnumbered
7 paragraph."
8 2. Page 7, by inserting after line 28 the fol-
9 lowing:
10 "Sec. _____. EFFECTIVE DATE. This Act, being deemed
11 of immediate importance, takes effect upon enactment."
12 3. Title page, line 1, by inserting after the
13 word "relating" the following: "to special land use
14 districts and".
15 4. Title page, line 4, by inserting after the
16 word "matters" the following: "and providing an
17 effective date".
18 5. By renumbering as necessary.

Amendment H—5605 was adopted.

Spear of Lee offered the following amendment H—5627 filed by him and moved its adoption:

H—5627

1 Amend Senate File 2254, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 30, the
4 following:
5 "4. Water services and a water service plan
6 prepared by the combined district are subject to
7 approval by an affected city as provided in section
8 357.1."

Amendment H—5627 was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5563 filed by him on March 26, 1992.

Bartz of Worth offered the following amendment H—5286 filed by him:

H—5286

1 Amend Senate File 2254, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 7, by inserting after line 28 the
4 following:
5 "Sec. _____. NEW SECTION. 358.30 ANNEXATION OF
6 LAND BY A CITY.

7 A sanitary district shall be fairly compensated for
8 losses resulting from annexation. The governing body
9 of a city or city utility and the board of trustees of
10 the sanitary district may agree to terms which provide
11 that the facilities owned by the sanitary district and
12 located within the city shall be retained by the
13 sanitary district for the purpose of sanitary service
14 to customers outside the city. If an agreement is not
15 reached within ninety days, the issues shall be
16 submitted to arbitration. An arbitrator shall be
17 selected by a committee which includes one member of
18 the governing body of the city or its designee, one
19 member of the sanitary district's board of trustees or
20 its designee, and a disinterested party selected by
21 the other two members of the committee. A list of
22 qualified arbitrators may be obtained from the
23 American arbitration association or other recognized
24 arbitration organization or association."
25 2. By renumbering sections.

Bartz of Worth offered the following amendment H—5626, to amendment H—5286, filed by him and moved its adoption:

H—5626

1 Amend the amendment, H—5286, to Senate File 2254,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 15, by striking the word "shall"
5 and inserting the following: "may".
6 2. Page 1, line 16, by striking the word "An" and
7 inserting the following: "If submitted, an".

Amendment H—5626 was adopted.

On motion by Bartz of Worth, amendment H—5286, as amended, 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. 2254)

The ayes were, 92:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie

Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Hester
Holveck	Hurley	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, 1:

Halvorson, R. N.

Absent or not voting, 7:

Haverland	Hibbard	Jay	Neuhauser
Peterson, M. K.	Shearer	Svoboda	

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 LOST

Blanshan of Greene called up for consideration the motion to reconsider Senate File 2290, filed by him from the floor, and moved to reconsider the vote by which **Senate File 2290**, a bill for an act relating to the provision of solid waste collection, passed the House and was placed on its last reading on April 21, 1992.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 47, nays 48.

The motion to reconsider lost.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2243** be immediately messaged to the Senate.

On motion by McKinney of Dallas, the House was recessed at 10:52 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould 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 22, 1992, adopted the conference committee report and passed House File 2287, a bill for an act to establish a community-based workplace learning program, and providing an effective date.

Also: That the Senate has on April 22, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2248, a bill for an act relating to escorts for the movement of mobile homes and other factory-built structures.

Also: That the Senate has on April 22, 1992, passed the following bill in which the concurrence of the House is asked:

Senate File 2370, a bill for an act relating to the authority of a county board of supervisors to license persons providing emergency medical service originating within the county and to establish a fee.

Also: That the Senate has on April 22, 1992, concurred in the House amendment and adopted the following resolution in which the concurrence of the Senate was asked:

Senate Concurrent Resolution 102, a concurrent resolution to express support for the establishment in Iowa of a national Swine-Pork Research Center of the Agricultural Research Service of the United States Department of Agriculture.

JOHN F. DWYER, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-seven members present, thirty-three absent.

SENATE MESSAGES CONSIDERED

Senate File 2370, by committee on ways and means, a bill for an act relating to the authority of a county board of supervisors to license persons providing emergency medical service originating within the county and to establish a fee.

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

Appropriations Calendar

House File 2482, a bill for an act relating to fees collected for practitioner licensing by the board of educational examiners and making an appropriation, 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. 2482)

The ayes were, 99:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker Arnould	

The nays were, none.

Absent or not voting, 1:

Hammond

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

Unfinished Business Calendar

The House resumed consideration of **Senate File 460**, a bill for an act relating to the establishment of certain county roads and legalizing the proceedings concerning the establishment of certain county roads, previously deferred and placed on the unfinished business calendar.

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

On the question "Shall the bill pass?" (S.F. 460)

The ayes were, 98:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker Arnould		

The nays were, none.

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.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2482 and Senate File 460.**

ADOPTION OF HOUSE CONCURRENT RESOLUTION 110

Fogarty of Palo Alto called up for consideration **House Concurrent Resolution 110**, a concurrent resolution to urge the Congress of the United States to study and enact initiatives to ensure that highly erodible land under the federal Conservation Reserve Program is protected and to ensure that such protection does not jeopardize the economic stability of the American farmer, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Shoultz of Black Hawk called up for consideration **House File 2385**, a bill for an act relating to the waste reduction and recycling incentives, and providing penalties, amended by the Senate amendment H—5759 as follows:

H—5759

1 Amend House File 2385, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, line 6, by inserting after the word
4 "years" the following: "; however, this requirement
5 is not intended to prevent or restrict regionalization
6 efforts".
7 2. Page 3, by inserting after line 6, the
8 following:
9 "Sec. _____. Section 455B.313, subsection 1, Code
10 1991, is amended to read as follows:
11 1. A distributor as defined in section 455C.1,
12 subsection 5, shall not sell or offer to sell any
13 beverage container if the beverage container is
14 connected to another beverage container by a device
15 constructed of a material which is not biodegradable,
16 ~~or~~ photodegradable, or recyclable.
17 Recyclable connectors which are not biodegradable
18 or photodegradable, shall not have openings greater
19 than one and three-quarter inches in diameter.
20 Recyclable connectors shall be composed of at least
21 twenty-five percent recycled resins by July 1, 1995.
22 Prior to July 1, 1995, distributors of recyclable
23 connectors shall attempt, as a goal, to achieve a ten
24 percent recycled resin content for connectors."
25 3. By renumbering, relettering, or redesignating
26 and correcting internal references as necessary.

Shoultz of Black Hawk offered the following amendment H—5852, to the Senate amendment H—5759, filed by him and moved its adoption:

H–5852

1 Amend the Senate amendment, H–5759, to House File
2 2385, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 2, the
5 following:
6 "_____. Page 1, line 19, by inserting after the
7 word "recycling." the following:
8 "The public service monopoly shall utilize private
9 recycling industries in the service area, when
10 possible." "
11 2. By renumbering as necessary.

Amendment H–5852 was adopted.

Shoultz of Black Hawk offered the following amendment H–6001, to the Senate amendment H–5759, filed from the floor by Shoultz, Gipp, Osterberg and Banks:

H–6001

1 Amend the Senate amendment, H–5759, to House File
2 2385 as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by striking lines 7 through 24 and
5 inserting the following:
6 "_____. By striking page 3, line 27, through page 4,
7 line 2.
8 _____. Page 4, line 4, by striking the word
9 "contains" and inserting the following: "is primarily
10 powered by".
11 _____. Page 4, line 11, by striking the word
12 "manufacturer" and inserting the following: "person".
13 _____. Page 4, line 16, by striking the word
14 "manufacturer" and inserting the following: "person".
15 _____. Page 4, by striking lines 19 through 21, and
16 inserting the following:
17 "3. RECYCLING/DISPOSAL REQUIREMENTS FOR HOUSEHOLD
18 BATTERIES.
19 a. Beginning July 1, 1996, a system or systems
20 shall be in place to protect the health".
21 _____. Page 4, lines 32 and 33, by striking the
22 words "a manufacturer produces" and inserting the
23 following: "is sold, distributed, or offered".
24 _____. Page 5, by striking lines 2 through 4, and
25 inserting the following: "rechargeable batteries.
26 All participants in the stream of commerce relating to
27 the batteries listed in subparagraph (1) shall,
28 individually or collectively, be responsible for
29 developing and operating a system for collecting and
30 transporting used batteries to the appropriate dry
31 cell battery manufacturer. Dry cell battery

32 manufacturers shall be responsible for the recycling
33 of used batteries in an".
34 _____. Page 5, by striking lines 7 and 8, and
35 inserting the following: "disposal of used household
36 batteries of the types listed in subparagraph (1),
37 which are distributed, sold, or offered for retail
38 sale in the state. For the purposes of".
39 _____. Page 5, line 10, by inserting after the
40 word "laws." the following: "All participants in the
41 stream of commerce relating to the batteries listed in
42 subparagraph (1) shall, individually or collectively,
43 be responsible for developing and operating a system
44 for collecting and transporting used batteries to the
45 appropriate dry cell battery manufacturer. Dry cell
46 battery manufacturers shall be responsible for proper
47 disposal of the used batteries."
48 _____. Page 5, by striking lines 12 through 14, and
49 inserting the following: "subsection, participants in
50 the systems established under this subsection, either

Page 2

1 individually or collectively shall do all of the
2 following:"
3 _____. Page 5, by striking lines 18 and 19, and
4 inserting the following: "in subparagraph (1) shall
5 be returned for collection and recycling or disposal."
6 _____. Page 5, line 21, by striking the word "the"
7 and inserting the following: "a safe and convenient".
8 _____. Page 5, line 22, by inserting after the word
9 "for" the following: "recycling or".
10 _____. Page 5, by striking lines 23 through 25, and
11 inserting the following:
12 "c. After July 1, 1996, nickel-cadmium, sealed
13 lead acid, or mercuric oxide household batteries shall
14 not be sold, distributed, or offered for sale in the
15 state".
16 _____. Page 5, line 28, by striking the words
17 "require manufacturers of" and inserting the
18 following: "include".
19 _____. Page 5, by striking lines 30 and 31, and
20 inserting the following: "paragraph "a", subparagraph
21 (1) in the requirements of this subsection."
22 _____. Page 5, by inserting before line 32, the
23 following:
24 "e. This subsection does not apply to batteries
25 subject to regulation under the federal Resource
26 Conservation and Recovery Act, 42 U.S.C. § 6901 et
27 seq."
28 _____. Page 6, by striking line 4, and inserting
29 the following: "CONSUMER PRODUCTS.".
30 _____. Page 6, line 18, by inserting after the word
31 "A" the following: "consumer product"."

Ollie of Clinton in the chair at 4:00 p.m.

Shoultz of Black Hawk moved the adoption of amendment H—6001, to the Senate amendment H—5759.

Amendment H—6001 was adopted.

On motion by Shoultz of Black Hawk, the House concurred in the Senate amendment H—5759, as amended.

Shoultz of Black Hawk 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. 2385)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Ollie Presiding			

The nays were, none.

Absent or not voting, 3:

Arnould, Spkr.	Jay	Teaford

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2385** be immediately messaged to the Senate.

The House stood at ease at 4:08 p.m., until the fall of the gavel.

The House resumed session at 5:19 p.m., Speaker Arnould 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 22, 1992, passed the following bill in which the concurrence of the Senate was asked:

House File 2464, a bill for an act relating to the abatement or refund of property taxes for certain institutions in certain counties and providing an effective date.

Also: That the Senate has on April 21, 1992, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on April 21, 1992, passed the following bill in which the concurrence of the House is asked:

Senate File 2365, a bill for an act relating to the refund or abatement of property taxes paid or owed by certain exempt institutions on property purchased by the institutions and providing an effective date.

Also: That the Senate has on April 22, 1992, passed the following bill in which the concurrence of the House is asked:

Senate File 2372, a bill for an act relating to employer obligations toward non-English speaking employees, and providing for a fee and civil penalties.

JOHN F. DWYER, Secretary

INTRODUCTION OF BILL

House File 2483, by committee on ways and means, a bill for an act relating to interstate income tax agreements and the withholding of income tax from or the reporting of pensions, annuities, or deferred compensation paid to nonresidents and providing effective and retroactive applicability provisions.

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

SENATE MESSAGES CONSIDERED

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

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

Senate File 2365, by committee on ways and means, a bill for an act relating to the refund or abatement of property taxes paid or owed by certain exempt institutions on property purchased by the institutions and providing an effective date.

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

Senate File 2372, by committee on ways and means, a bill for an act relating to employer obligations toward non-English speaking employees, and providing for a fee and civil penalties.

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

The House stood at ease at 5:24 p.m., until the fall of the gavel.

The House resumed session at 6:26 p.m., Speaker Arnould in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-three members present, thirty-seven absent.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

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

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—6002** April 22, 1992.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2367.

Appropriations Calendar

Senate File 2367, a bill for an act relating to and making appropriations for the fiscal year ending June 30, 1992, to various departments and agencies of state government and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Brand of Benton offered the following amendment H—6002 filed by the committee on appropriations. Division was requested as follows:

H—6002

1 Amend Senate File 2367, as passed by the Senate, as
2 follows:

H—6002A

3 1. By striking page 2, line 19 through page 3,
4 line 4.
5 2. Page 3, by striking lines 7 and 8 and
6 inserting the following: "455A.18, or other
7 provisions of law, up to $200,000 of the unobligated
8 and unencumbered moneys on June 30, 1992, allocated to
9 the conservation education board, up to $68,000 of the
10 unobligated and unencumbered moneys on June 30, 1992,
11 allocated to the historical resource grant and loan
12 fund, and up to $20,000 of the unobligated and
13 unencumbered moneys on June 30, 1992, allocated to the
14 living roadway trust fund from moneys in the Iowa
15 resources".
16 3. Page 3, by striking lines 12 through 15 and
17 inserting the following: "general fund of the state.
18 Such transfers may".
19 4. Page 3, by inserting after line 19 the
20 following:
21 "Sec. _____. Notwithstanding the standing
22 appropriation in section 19.10 to the executive
23 council to pay court costs of state agencies, the
24 amount appropriated from the general fund of the state
25 under section 19.10 for the fiscal year beginning July
26 1, 1991, for payment of court costs shall not exceed
27 $192,826."
28 5. Page 4, line 14, by striking the figure
29 "404,241" and inserting the following: "302,453".

H–6002B

30 6. Page 4, by inserting after line 14 the
31 following:
32 "If the moneys appropriated in subsection 2, for
33 medical assistance or subsection 7, for foster care,
34 are insufficient to fund the state obligations for
35 those purposes in the fiscal year for which the moneys
36 are appropriated, the governor may utilize use tax
37 revenues collected in the fiscal year beginning July
38 1, 1991, pursuant to section 423.7 to pay the
39 insufficient amount. If the governor elects to take
40 this action, there is appropriated from the use tax
41 revenues collected pursuant to section 423.7, prior to
42 deposit in accordance with section 423.24, to the
43 department of human services for the fiscal year
44 beginning July 1, 1991, and ending June 30, 1992, the
45 amount necessary to fund the insufficient amount of
46 the state obligations for medical assistance or foster
47 care."

H–6002A

48 7. Page 6, by inserting after line 23 the
49 following:
50 "STATE BOARD OF REGENTS

Page 2

1 Sec. _____. There is appropriated from the general
2 fund of the state to the state board of regents for
3 the fiscal year beginning July 1, 1991, and ending
4 June 30, 1992, to supplement the appropriations made
5 in 1991 Iowa Acts, chapter 267, section 210,
6 subsections 5 and 6, the following amount, or so much
7 thereof as is necessary, for the purposes designated:
8 For the state school for the deaf and the Iowa
9 Braille and sight-saving school:
10 .....$ 11,199".

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Shoning of Woodbury, until his return, on request of Van Maanen of Mahaska.

Brand of Benton offered the following amendment H–6008, to the committee amendment H–6002A, filed by him from the floor and moved its adoption:

H–6008

1 Amend the Committee amendment, H–6002, to Senate
2 File 2367, as passed by the Senate, as follows:
3 1. Page 1, line 9, by striking the figure

4 "68,000" and inserting the following: "20,000".
5 2. Page 1, line 12, by striking the figure
6 "20,000" and inserting the following: "68,000".

Amendment H—6008 was adopted.

On motion by Brand of Benton, the committee amendment H—6002A, as amended, was adopted.

Brand of Benton moved the adoption of the committee amendment H—6002B.

Roll call was requested by Lundby of Linn and Iverson of Wright.

Rule 75 was invoked.

On the question "Shall the committee amendment H—6002B be adopted?" (S.F. 2367)

The ayes were, 50:

Adams	Baker	Beatty	Bernau
Bisignano	Blanshan	Brammer	Brand
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Gill	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hatch
Hibbard	Holveck	Jay	Jochum
McKean	McKinney	Mertz	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Rafferty
Renaud	Schrader	Shearer	Sherzan
Shoultz	Svoboda	Teaford	Wise
Wissing	Mr. Speaker Arnould		

The nays were, 49:

Banks	Bartz	Beaman	Bennett
Black	Branstad	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Gipp	Grubbs	Hahn
Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.	Harbor
Haverland	Hester	Hurley	Iverson
Jesse	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McNeal	Metcalf
Millage	Miller	Muhlbauer	Petersen, D. F.
Plasier	Renken	Royer	Siegrist
Spear	Spenner	Tyrrell	Van Maanen
Weidman			

Absent or not voting, 1:

Shoning

The committee amendment H—6002B was adopted.

Halvorson of Clayton offered the following amendment H—5999 filed from the floor by him and Jochum of Dubuque and moved its adoption:

H—5999

1 Amend Senate File 2367, as passed by the Senate, as
2 follows:
3 1. Page 9, by striking lines 13 through 15 and
4 inserting the following:
5 "DIVISION IV
6 Sec. 401. Section 602.9107A, subsection 3, as
7 enacted by 1992 Iowa Acts, House File 2450, section
8 72, if enacted by the 1992 Session of the Seventy-
9 fourth General Assembly, is amended to read as
10 follows:
11 3. The decreased annuity provided in this section
12 shall be in lieu of the annuities ~~and refunds~~ provided
13 for in sections 602.9107, ~~602.9108, 602.9115,~~
14 602.9204, 602.9208, and 602.9209.
15 Sec. 402. Section 602.9115A, unnumbered paragraph
16 1, Code 1991, is amended to read as follows:
17 In lieu of the annuities and refunds provided for
18 judges and judges' survivors under sections 602.9107,
19 602.9107A, 602.9108, 602.9115, 602.9204, 602.9208, and
20 602.9209, judges may elect to receive an optional
21 retirement annuity during the judge's lifetime and
22 have the optional retirement annuity, or a designated
23 fraction of the optional retirement annuity, continued
24 and paid to the judge's survivor after the judge's
25 death and during the lifetime of the survivor.
26 Sec. 403. Section 602.9115A, unnumbered paragraph
27 3, Code 1991, is amended to read as follows:
28 The optional retirement annuity shall be the
29 actuarial equivalent of the amounts of the annuities
30 payable to judges and survivors under sections
31 602.9107, 602.9107A, 602.9115, 602.9204, 602.9208, and
32 602.9209. The actuarial equivalent shall be based on
33 the mortality and interest assumptions set out in
34 section 602.9107, subsection 3.
35 DIVISION V
36 Sec. 501. EFFECTIVE DATE. Divisions I, II, III,
37 and this division of this Act, being deemed of
38 immediate importance, take effect upon enactment."
39 2. By renumbering as necessary.

Amendment H—5999 was adopted.

Connors of Polk in the chair at 7:26 p.m.

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. 2367)

The ayes were, 69:

Adams	Arnould, Spkr.	Baker	Beaman
Beatty	Bernau	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Burke	Carpenter	Chapman	Cohoon
Corbett	Daggett	Dickinson	Doderer
Dvorsky	Fogarty	Gill	Gipp
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hatch	Haverland
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Knapp
Kremer	Lageschulte	McKean	McKinney
McNeal	Mertz	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Spenner	Svoboda
Teaford	Tyrrell	Wise	Wissing
Connors Presiding			

The nays were, 30:

Banks	Bartz	Bennett	Branstad
De Groot	Diemer	Eddie	Garman
Grubbs	Hahn	Halvorson, R. A.	Hanson, D. R.
Harbor	Hibbard	Hurley	Kistler
Koenigs	Krebsbach	Lundby	Maulsby
Metcalf	Millage	Miller	Muhlbauer
Petersen, D. F.	Renken	Royer	Spear
Van Maanen	Weidman		

Absent or not voting, 1:

Shoning

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2367** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Wise of Lee called up for consideration **House File 2454**, a bill for an act relating to efficiency in government, and making appropriations, amended by the Senate amendment H—5909 as follows:

H—5909

1 Amend House File 2454, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 100. Section 279.46, Code 1991, is
6 amended to read as follows:
7 279.46 RETIREMENT INCENTIVES — TAX.
8 The board of directors of a school district ~~may~~
9 shall adopt a program for payment of a monetary bonus,
10 continuation of health or medical insurance coverage,
11 or other incentives for encouraging its employees to
12 retire before the normal retirement date as defined in
13 chapter 97B. The program is available only to
14 employees ~~between fifty-nine and sixty-five~~ fifty-five
15 years of age or older who notify the board of
16 directors prior to March 1 of the fiscal year that
17 they intend to retire not later than the next
18 following June 30. An employee retiring under this
19 section shall apply for a retirement allowance under
20 chapter 97B or chapter 294. If the total estimated
21 accumulated cost to a school district of the health or
22 medical insurance coverage, bonus, or other incentives
23 for employees who retire under this section does not
24 exceed the estimated savings in salaries and benefits
25 for employees who replace the employees who retire
26 under the program, the board may include in the
27 district management levy an amount to pay the costs of
28 the program provided in this section.
29 Sec. 101. Section 279.46, Code 1991, is amended to
30 read as follows:
31 279.46 RETIREMENT INCENTIVES — TAX.
32 The board of directors of a school district may
33 adopt a program for payment of a monetary bonus,
34 continuation of health or medical insurance coverage,
35 or other incentives for encouraging its employees to
36 retire before the normal retirement date as defined in
37 chapter 97B. The program is available only to
38 employees ~~between fifty-nine and sixty-five~~ fifty-five
39 years of age or older who notify the board of
40 directors prior to March 1 of the fiscal year that
41 they intend to retire not later than the next
42 following June 30. An employee retiring under this
43 section shall apply for a retirement allowance under
44 chapter 97B or chapter 294. If the total estimated

45 accumulated cost to a school district of the health or
46 medical insurance coverage, bonus, or other incentives
47 for employees who retire under this section does not
48 exceed the estimated savings in salaries and benefits
49 for employees who replace the employees who retire
50 under the program, the board may include in the

Page 2

1 district management levy an amount to pay the costs of
2 the program provided in this section.
3 Sec. 102. PARTICIPATION IN HEALTH OR MEDICAL
4 INSURANCE PROGRAMS BY RETIREES AGE FIFTY-FIVE OR
5 OLDER.
6 1. As used in this section, unless the context
7 otherwise requires:
8 a. "Health or medical insurance program" means a
9 health or medical group insurance plan for employees
10 of the state.
11 b. "Member" means a member of the Iowa public
12 employees' retirement system or the Iowa department of
13 public safety peace officers' retirement, accident,
14 and disability system, who at the date of termination
15 of employment is receiving full health or medical
16 insurance benefits pursuant to a health or medical
17 insurance program in which the state makes
18 contributions, and is not receiving disability
19 payments under the state employees' disability
20 insurance program, and who is not a member of the
21 general assembly.
22 2. A member with at least twenty years of
23 membership service who retires on or after May 15,
24 1992, and before May 15, 1993, who applies to receive
25 retirement benefits under this Act prior to May 15,
26 1993, who has attained at least the age of fifty-five
27 at the time of retirement, and who was a participant
28 in a health or medical insurance program in which the
29 state makes contributions at the time of retirement,
30 may continue to participate in the health or medical
31 insurance program in which the member is enrolled on
32 April 1, 1992, as authorized by law. However, a
33 member may choose to participate in a health or
34 medical insurance program after April 1, 1992, which
35 incurs less cost to the state. Notwithstanding any
36 other provision of law to the contrary, the state
37 shall continue to pay the employer's portion of the
38 premium at the cost existing at the time of retirement
39 under the program for the retiree until the retiree
40 discontinues participation in the program. Any
41 additional premium costs for coverage incurred after
42 the time of retirement shall be paid by the retiree.
43 However, in order to have the state continue to pay

44 the employer's portion of the premium, the member must
45 send written notification to the department of
46 personnel at any time prior to March 15, 1993, of the
47 intent to retire and the anticipated date of
48 retirement.
49 3. If a member continues participation in a health
50 or medical insurance program and the state pays

Page 3

1 premiums as authorized in subsection 2, the member is
2 not eligible to accept further employment in which the
3 state or a political subdivision of the state is the
4 employer.
5 4. A state department shall not be required to
6 delete more than its proportionate share of all
7 general fund full-time equivalent positions vacated
8 due to the incentive for retirement established in
9 subsection 2. All positions vacated by a member
10 exercising the rights established in subsection 2
11 shall be deleted, and the savings, as determined by
12 the department of management, shall revert to the
13 general fund of the state in a manner specified by the
14 department of management, except that the portion of
15 the savings which represents the cost of the
16 employer's portion of a member's premium payable under
17 this section shall not revert but shall be transferred
18 to the department of personnel to defray the costs of
19 implementing this section. However, if an affected
20 department determines that the vacancy may be
21 detrimental to critical services provided to the
22 public, the affected department may, with the approval
23 of the department of management, exchange the vacancy
24 with a position or positions determined by the
25 department of management to be of an equal value, and
26 delete that position or positions. If a position is
27 not available for exchange, the department may, with
28 the approval of the director of the department of
29 management, retain and fill the vacancy. It is the
30 intent of the general assembly that retirement taken
31 pursuant to this section be used to eliminate the
32 greatest number of employment positions as is
33 feasible. The department of management shall report
34 to the legislative fiscal bureau and the fiscal
35 committee of the legislative council the number of
36 vacancies retained and filled pursuant to this
37 subsection."
38 2. Page 1, by striking lines 15 through 25 and
39 inserting the following:
40 "1. SPAN OF CONTROL AND LAYERS OF MANAGEMENT. The
41 department of personnel shall, after discussion and
42 collaboration with executive branch agencies, reduce

43 the layers of management in executive branch agencies
44 as a whole from those existing on July 1, 1991, by at
45 least 50 percent by July 1, 1993, and increase the
46 ratio of number of employees per supervisor for
47 executive branch agencies as a whole from those
48 existing on July 1, 1991, by up to 50 percent by July
49 1, 1993. The department shall present an interim
50 report to the general assembly by January 15, 1993,

Page 4

1 and a final report by April 1, 1993, regarding the
2 progress of the department in completing this task and
3 its outcome.
4 However, before any reduction in layers of
5 management is implemented, the department of personnel
6 shall notify the".
7 3. Page 2, by inserting after line 13, the
8 following:
9 "3. REGENTS INSTITUTIONS INCLUDED. For purposes
10 of this section, "executive branch agency" includes
11 institutions governed by the state board of regents as
12 enumerated in section 262.7."
13 4. Page 2, by inserting after line 13 the
14 following:
15 "4. PRIORITIES IN IMPLEMENTATION. In
16 implementation of this section, priority shall be
17 given to elimination or reduction of middle management
18 employee positions. In addition, prior to the
19 elimination of employee positions other than middle
20 management positions or positions eliminated due to
21 early retirement, priority shall be given to
22 elimination or deferral by executive branch agencies
23 of purchases and out-of-state travel.
24 The department of management shall report quarterly
25 to the fiscal committee of the legislative council and
26 to the legislative fiscal bureau regarding out-of-
27 state travel authorized by executive branch agencies
28 including a listing by agency of personnel authorized
29 to travel, and the cost and purpose of the travel
30 authorized."
31 5. Page 2, by striking lines 14 through 32.
32 6. Page 2, by inserting before line 33, the
33 following:
34 "Sec. _____. REPEAL. Section 100 is repealed
35 effective May 15, 1993.
36 Sec. _____. EFFECTIVE DATES. Sections 100 and 102
37 of this Act, being deemed of immediate importance,
38 take effect upon enactment. Section 101 is effective
39 May 15, 1993."
40 7. Title page, lines 1 and 2, by striking the
41 words ", and making appropriations".
42 8. By renumbering, relettering, or redesignating
43 and correcting internal references as necessary.

Blanshan of Greene offered amendment H—6006, to the Senate amendment H—5909, filed by him from the floor. Division was requested as follows:

H—6006

1 Amend the Senate amendment, H—5909, to House File
2 2454, as amended, passed, and reprinted by the House,
3 as follows:

H—6006A

4 1. By striking page 1, line 7 through page 2,
5 line 2 and inserting the following:
6 "279.46 RETIREMENT INCENTIVES — TAX.
7 1. The board of directors of a school district may
8 adopt a program for payment of a monetary bonus,
9 continuation of health or medical insurance coverage,
10 or other incentives for encouraging its employees to
11 retire before the normal retirement date as defined in
12 chapter 97B. The program is available only to
13 employees between fifty-nine and sixty-five years of
14 age who notify the board of directors prior to March 1
15 of the fiscal year that they intend to retire not
16 later than the next following June 30. An employee
17 retiring under this section shall apply for a
18 retirement allowance under chapter 97B or chapter 294.
19 If the total estimated accumulated cost to a school
20 district of the health or medical insurance coverage,
21 bonus, or other incentives for employees who retire
22 under this section does not exceed the estimated
23 savings in salaries and benefits for employees who
24 replace the employees who retire under the program,
25 the board may include in the district management levy
26 an amount to pay the costs of the program provided in
27 this section.
28 2. The board of directors of a school district
29 which does not adopt a program pursuant to subsection
30 1, shall adopt an alternative program to encourage its
31 employees to retire before the normal retirement date
32 as defined in chapter 97B."

H—6006B

33 2. Page 2, line 11, by inserting after the word
34 "means" the following: "an employee of the executive
35 branch of the state or the judicial branch of the
36 state who is".
37 3. Page 2, line 21, by inserting after the word
38 "assembly." the following: " "Member" does not mean an
39 employee of the state board of regents."
40 4. Page 2, line 24, by striking the word and
41 figures "May 15, 1993" and inserting the following:

H—6006B

42 "January 15, 1993".
43 5. Page 2, line 26, by striking the word "fifty-
44 five" and inserting the following: "fifty-nine".
45 6. Page 2, by striking line 40 and inserting the
46 following: "attains the age of sixty-five. Any".
47 7. Page 2, line 46, by striking the words and
48 figures "prior to March 15, 1993," and inserting the
49 following: "after the effective date of this section
50 and prior to November 15, 1992,".

Page 2

1 8. Page 3, line 4, by inserting after the word
2 "employer." the following: "However, this subsection
3 shall not apply to a member who is elected to a public
4 office as defined in chapter 56."
5 9. Page 3, line 13, by striking the words
6 "general fund of the state" and inserting the
7 following: "originating fund".
8 10. Page 3, line 18, by striking the word
9 "personnel" and inserting the following: "revenue and
10 finance".
11 11. Page 3, by striking line 37, and inserting
12 the following: "subsection.
13 It is the intent of the general assembly that the
14 cost of premiums incurred by a state department be
15 included within that department's annual budget and be
16 paid from originating funds." "
17 12. Page 4, by striking lines 34 through 39 and
18 inserting the following:
19 " "Sec. _____. EFFECTIVE DATES. Sections 100 and 102
20 of this Act take effect upon enactment." "
21 13. By renumbering as necessary.

Spear of Lee asked and received unanimous consent to defer action on amendment H—6006A.

Blanshan of Greene moved the adoption of amendment H—6006B, to the Senate amendment H—5909.

Amendment H—6006B was adopted.

The House resumed consideration of amendment H—6006A, to the Senate amendment H—5909, previously deferred.

Spear of Lee offered the following amendment H—6013, to amendment H—6006A, to the Senate amendment H—5909, filed by him from the floor and moved its adoption:

H—6013

1 Amend amendment, H—6006, to the Senate Amendment,
2 H—5909, to House File 2454, as amended, passed, and
3 reprinted by the House, as follows:
4 1. Page 1, by striking lines 28 through 32.

Amendment H—6013 was adopted.

Blanshan of Greene asked for unanimous consent to withdraw amendment H—6006A, as amended, to the Senate amendment H—5909.

Objection was raised.

Speaker Arnould in the chair at 8:57 p.m.

Blanshan of Greene moved the adoption of amendment H—6006A, as amended, to the Senate amendment H—5909.

Amendment H—6006A, as amended, was adopted.

Carpenter of Polk offered the following amendment H—5997, to the Senate amendment H—5909, filed by her from the floor and moved its adoption:

H—5997

1 Amend the Senate amendment, H—5909, to House File
2 2454, as amended, passed, and reprinted by the House,
3 as follows:
4 1. By striking page 1, line 3 through page 3,
5 line 37.
6 2. Page 4, lines 20 and 21, by striking the words
7 "or positions eliminated due to early retirement".
8 3. Page 4, by striking lines 32 through 39.
9 4. By renumbering as necessary.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 48, nays 49.

Amendment H—5997 lost.

Wise of Lee offered the following amendment H—5973, to the Senate amendment H—5909, filed by him and moved its adoption:

H—5973

1 Amend the Senate amendment, H—5909, to House File
2 2454, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 4, by striking lines 7 through 12.
5 2. By renumbering as necessary.

Amendment H—5973 was adopted.

On motion by Wise of Lee, the House concurred in the Senate amendment H—5909, as amended.

Wise of Lee 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. 2454)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, 1:

Branstad

Absent or not voting, 3:

Jay	Shoning	Shoultz

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2454** be immediately messaged to the Senate.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2366.

Senate File 2366, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Hammond of Story offered the following amendment H—5971 filed by the committee on appropriations:

H—5971

1 Amend Senate File 2366, as passed by the Senate, as
2 follows:
3 1. Page 4, line 23, by striking the figure
4 "1,064,250" and inserting the following: "1,511,916".
5 2. Page 11, line 8, by striking the figure
6 "31,853,745" and inserting the following:
7 "31,089,115".
8 3. Page 11, line 18, by striking the figure
9 "1,837,961" and inserting the following: "1,793,842".
10 4. Page 11, line 33, by striking the figure
11 "12,582,229" and inserting the following:
12 "12,280,200".
13 5. Page 11, line 35, by striking the figure
14 "146,527" and inserting the following: "143,010".
15 6. Page 12, by striking line 1 and inserting the
16 following:
17 "c. Foster care:"
18 7. Page 12, line 2, by striking the figure
19 "14,633,611" and inserting the following:
20 "14,262,340".
21 8. Page 12, line 4, by striking the figure
22 "1,360,155" and inserting the following: "1,327,505".
23 9. Page 12, line 6, by striking the figure
24 "1,165,847" and inserting the following: "1,137,862".
25 10. Page 12, line 8, by striking the figure
26 "127,415" and inserting the following: "124,356".
27 11. By striking page 12, line 32, through page
28 13, line 20, and inserting the following:

29 "Sec. _____. PROJECTS FOR ASSISTANCE IN TRANSITION
30 FROM HOMELESSNESS. Upon receipt of the minimum
31 formula grant from the federal alcohol, drug abuse,
32 and mental health administration to provide mental
33 health services for the homeless, the division of
34 mental health, mental retardation, and developmental
35 disabilities of the department of human services shall
36 assure that a project which receives funds under the
37 formula grant from either the federal or local match
38 share of 25 percent in order to provide outreach
39 services to persons who are chronically mentally ill
40 and homeless or who are subject to a significant
41 probability of becoming homeless shall do all of the
42 following:
43 1. Provide community mental health services,
44 diagnostic services, crisis intervention services, and
45 habilitation and rehabilitation services.
46 2. Refer clients to medical facilities for
47 necessary hospital services, and to entities that
48 provide primary health services and substance abuse
49 services.
50 3. Provide appropriate training to persons who

Page 2

1 provide services to persons targeted by the grant.
2 4. Provide case management to homeless persons.
3 5. Provide supportive and supervisorv services to
4 certain homeless persons living in residential
5 settings which are not otherwise supported.
6 6. Projects may expend funds for housing services
7 including minor renovation, expansion and repair of
8 housing, security deposits, planning of housing,
9 technical assistance in applying for housing,
10 improving the coordination of housing services, the
11 costs associated with matching eligible homeless
12 individuals with appropriate housing, and one-time
13 rental payments to prevent eviction."
14 12. Page 28, line 32, by striking the figure
15 "859,987" and inserting the following: "2,745,199".
16 13. Page 29, by striking line 4 and inserting the
17 following:
18 "6. For foster care, grant number 13658:".
19 14. Page 29, line 5, by striking the figure
20 "5,586,211" and inserting the following: "5,514,139".
21 15. Page 29, by striking line 6 and inserting the
22 following:
23 "7. For home-based services, grant number 13659:".
24 16. Page 29, by striking line 8 and inserting the
25 following:
26 "8. For foster care, grant number 13667:".

17. Page 29, line 9, by striking the figure "14,689,272" and inserting the following: "4,684,324".

18. Page 30, line 31, by striking the figure "211,997" and inserting the following: "220,572".

19. Page 30, line 34, by striking the figure "10,397" and inserting the following: "11,522".

20. Page 31, line 2, by striking the figure "783" and inserting the following: "653".

21. Page 32, by inserting after line 15 the following:

"60. For block grant supplementation, grant number 13667:

.....$ 10,004,948".

22. Page 33, by striking line 1 and inserting the following:

"1. For the home investment partnership program, grant number".

23. Page 33, line 3, by striking the figure "32,202,432" and inserting the following: "8,000,000".

24. Page 33, by inserting after line 11 the following:

"5. For the emergency shelter grants program,

Page 3

grant number 14228:

.....$ 650,000

6. For the small business administration tree planting program, grant number 59009:

.....$ 161,700

7. For economic development administration section 302, grant number 11305:

.....$100,000".

25. By striking page 33, line 33, through page 34, line 8, and inserting the following:

"1. For implementing the federal Intermodal Surface Transportation Efficiency Act of 1991 related to transportation planning and construction for state, cities, and counties, grant number 20205:

.....$190,000,000

2. For public transit assistance (section 8, technical assistance), grant number 20505:

.....$ 250,000

3. For public transit assistance (section 9, small urban under 200,000 population), grant number 20507:

.....$2,700,000

4. For public transit assistance (section 18, rural transit), grant number 20509:

.....$2,000,000

24 5. For public transit assistance (section 16(b)2,
25 elderly and handicapped), grant number 20513:
26 .....$750,000
27 6. For the motor carrier safety assistance
28 program, grant number 20218:
29 .....$675,000".
30 26. Page 35, lines 27 and 28, by striking the
31 words "and capital expansion".
32 27. Page 35, line 30, by striking the word
33 "state".
34 28. Page 35, line 33, by inserting after the word
35 "of" the following: "the".
36 29. Page 36, line 1, by inserting after the word
37 "of" the following: "the".
38 30. Page 36, line 7, by striking the word "EESA"
39 and inserting the following: "the federal Education
40 for Economic Success Act,".
41 31. By renumbering as necessary.

Hammond of Story offered the following amendment H—6011, to the committee amendment H—5971, filed by her from the floor and moved its adoption:

H—6011

1 Amend the amendment, H—5971, to Senate File 2366,
2 as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 12, the
4 following:
5 "_____. Page 11, by striking line 34, and inserting
6 the following:
7 "b. Home-based services:" ".

Amendment H—6011 was adopted.

Hammond of Story offered the following amendment H—6010, to the committee amendment H—5971, filed by her from the floor and moved its adoption:

H—6010

1 Amend amendment, H—5971, to Senate File 2366, as
2 passed by the Senate, as follows:
3 1. Page 1, by striking line 20 and inserting the
4 following: " "4,257,392"."
5 2. Page 1, by inserting after line 22 the
6 following:
7 "_____. Page 12, line 5, by inserting after the
8 word "costs" the following: "and other local
9 services"."
10 3. Page 1, line 24, by striking the figure
11 "1,137,862" and inserting the following:
12 "11,142,810".

13 4. Page 1, by inserting after line 26 the
14 following:
15 "_____. Page 12, by striking lines 9 through 12."
16 5. By renumbering as necessary.

Amendment H—6010 was adopted.

On motion by Hammond of Story, the committee amendment H—5971, as amended, was adopted.

Hammond of Story offered the following amendment H—5996 filed by her from the floor and moved its adoption:

H—5996

1 Amend Senate File 2366, as passed by the Senate, as
2 follows:
3 1. Page 8, line 18, by striking the figure
4 "4,950,000" and inserting the following: "4,967,755".
5 2. Page 8, line 26, by striking the figure
6 "990,000" and inserting the following: "993,550".
7 3. Page 8, line 32, by striking the word "and".
8 4. Page 8, line 32, by inserting after the word
9 "students" the following: ", for programs of training
10 to enhance the ability of teachers and school
11 counselors to identify, particularly in the early
12 grades, students with reading and reading-related
13 problems which place those students at risk for
14 illiteracy in their adult years".
15 5. Page 36, line 6, by striking the figure
16 "4,890,596" and inserting the following: "4,967,755".

Amendment H—5996 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2366)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch

Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, none.

Absent or not voting, 4:

Jay	Koenigs	Shoning	Shoultz

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2366** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2203, a bill for an act relating to the availability of adoption records for the purpose of medical research or treatment of a patient in a medical facility.

JOHN F. DWYER, Secretary

PROOF OF PUBLICATION
(Senate File 2356)

Published copy of Senate File 2356 and verified proof of publication of said bill in The Des Moines Register, a daily newspaper printed and published in the city of Des Moines, Polk County, Iowa on March 7, 1992 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on the morning of Wednesday, April 22, 1992. Had I been present, I would have voted "aye" on House Files 2243, 2385, 2482, House Resolution 106, House Concurrent Resolution 110, Senate Files 460 and 2254; "nay" on House File 2481.

SHEARER of Louisa

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 22nd day of April, 1992: House File 2362.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 22, 1992, he approved and transmitted to the Secretary of State the following bills:

House File 2158, 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.

House File 2165, an act relating to disputes regarding health service charges in workers' compensation cases.

House File 2389, an act relating to professions regulated by the board of dental examiners.

House File 2408, an act increasing the penalty for improper use of a handicapped identification device.

House File 2463, an act relating to state mandates.

Senate File 446, an act relating to agricultural chemicals, by regulating the use of chemicals in irrigation distribution systems, providing for fees, providing for penalties, and providing for an effective date and date of applicability.

Senate File 531, an act relating to the refund of property taxes paid by a nonprofit entity providing services to the blind and providing an effective date.

Senate File 2189, an act relating to invention development services, providing for fees, and making penalties applicable.

Senate File 2233, an act relating to the residency requirement for clerks of the district court.

Senate File 2265, an act relating to elections of judicial nominating commissioners.

Senate File 2286, an act relating to insurance regulation, including the financial supervision and solvency oversight of insurance companies by the commissioner of insurance and accreditation of the division of insurance as an approved insurance regulator by the national association of insurance commissioners, and providing penalties and an effective date.

Senate File 2293, an act relating to cities subject to civil service.

PRESENTATION OF VISITORS

Eddie of Buena Vista presented to the House the Honorable Vic Stueland, former member of the House representing Clinton County.

Tyrrell of Iowa presented to the House Danko Plevnik, a columnist with Slobodna Dalmacija, a newspaper in Karlovac, Croatia.

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

Twelve students from St. Alphonsus School, Davenport, accompanied by John Ripslinger and Valerie Ryan. By Grubbs of Scott.

Twenty-four twelfth grade students from Rockwell-Swaledale High School, Rockwell, accompanied by Randy Bushbaum. By Krebsbach of Mitchell and Bartz of Worth.

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

House File 2324, a bill for an act relating to urban renewal including the division of revenue from taxation of urban renewal projects, use of tax increment financing revenues, and description of urban renewal plans, and providing an applicability provision.

Fiscal Note is not required.

Committee Action **Failed to Pass** April 22, 1992.

Committee Bill (Formerly House Study Bill 732), relating to interstate income tax agreements and the withholding of income tax from or the reporting of pensions, annuities, or deferred compensation paid to nonresidents and providing effective and retroactive applicability provisions.

Fiscal Note is required.

Recommended **Do Pass** April 22, 1992.

AMENDMENTS FILED

H—5994	H.F.	2026	Hanson of Black Hawk
H—5998	S.F.	2362	Dvorsky of Johnson
H—6000	H.F.	2479	McKean of Jones
H—6003	H.F.	2479	Black of Jasper
H—6004	H.F.	2387	Connors of Polk
H—6005	H.F.	2479	Iverson of Wright
Garman of Story			Halvorson of Clayton
Harbor of Mills			McKean of Jones
Branstad of Winnebago			Johnson of Clinton
Maulsby of Calhoun			Kistler of Jefferson
Renken of Grundy			Miller of Cherokee
Hahn of Muscatine			Petersen of Muscatine
Royer of Page			Eddie of Buena Vista
Weidman of Cass			Tyrrell of Iowa
Krebsbach of Mitchell			Banks of Plymouth
Hurley of Fayette			Carpenter of Polk
H—6007	H.F.	2480	Hammond of Story
H—6009	H.F.	2479	Black of Jasper
H—6012	H.J.R.	2014	Hammond of Story

On motion by McKinney of Dallas, the House adjourned at 9:26 p.m., until 9:00 a.m., Thursday, April 23, 1992.

JOURNAL OF THE HOUSE

One Hundred Second Calendar Day — Sixty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 23, 1992

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

Prayer was offered by the Honorable Tony Bisignano, state representative from Polk County.

The Journal of Wednesday, April 22, 1992 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Beatty of Warren, from five Warren County residents opposing issuance of drivers licenses being transferred to the County Treasurer.

By Iverson of Wright, from ninety-seven Wright County Farm Bureau members opposing any state action that would push programs and funding to local government and property taxes.

By Shoning of Woodbury, from fifty-four constituents of District 3 opposing the parking lot/bus access project currently being planned by the Western Hills Area Education Agency 12, Sioux City, Iowa.

SENATE AMENDMENT CONSIDERED

Knapp of Dubuque called up for consideration **Senate File 2117**, a bill for an act relating to implementation of a statewide system utilizing a governmental services card, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5857 to the House amendment:

H—5857

1 Amend the House amendment, S—5568, to Senate File
2 2117, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 14 through 17 and
5 inserting the following:
6 " "_____. The governmental services card advisory
7 committee shall review and evaluate procedures for the
8 implementation of a statewide network for the
9 electronic processing and payment of claims for health
10 care services. The committee shall seek input from

11 health care providers and other persons with expertise
12 in electronic health care claims processing in
13 conducting its review and evaluation." "

The motion prevailed and the House concurred in the Senate amendment H—5857, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2117)

The ayes were, 85:

Adams	Baker	Banks	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	Dickinson	Diemer	Doderer
Dvorsky	Fogarty	Gill	Gipp
Groninga	Grubbs	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Jesse
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
McKinney	McNeal	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker Arnould			

The nays were, 11:

Bartz	De Groot	Eddie	Garman
Hahn	Hanson, D. E.	Iverson	Maulsby
McKean	Petersen, D. F.	Renken	

Absent or not voting, 4:

Jay	Jochum	Mertz	Svoboda

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

SENATE AMENDMENT CONSIDERED

Schrader of Marion called up for consideration **House File 2334,** a bill for an act relating to the regulation of aquaculture by the department of natural resources, and by providing penalties for violations, amended by the Senate, and moved that the House concur in the following Senate amendment H—5917:

H—5917

1 Amend House File 2334, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 3 the
4 following:
5 "Sec. _____. Section 109.78, Code 1991, is amended
6 to read as follows:
7 109.78 STOCKING PRIVATE ~~WATER~~ WATERS.
8 ~~No private water may~~ Private waters shall not be
9 stocked by the commission unless the owner agrees that
10 ~~such~~ the waters shall be open to the public for
11 fishing~~, except that~~. However, the commission may,
12 after investigation to determine their suitability as
13 to size, depth, living conditions for fish, and
14 management, provide a breeding stock of fish for
15 privately owned farm ponds on request of the owner.
16 The commission shall adopt, by rule, a fee schedule
17 for supplying fish stock at market value for the
18 private waters."
19 2. Page 2, by inserting after line 3 the
20 following:
21 "Sec. _____. Section 109.78, Code 1991, is amended
22 by adding the following new subsection:
23 NEW SUBSECTION. 1. The commission shall compile
24 an annual directory of commission-stocked private
25 waters and disseminate a copy of the directory to each
26 county conservation commission. The directory shall
27 list at minimum all of the following information:
28 a. All private waters in the state that are
29 stocked by the commission after 1991.
30 b. The species used by the commission at each site
31 to stock the private waters.
32 c. The date each private waters site was stocked
33 by the commission."
34 3. By renumbering, relettering, or redesignating
35 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H—5917.

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2334 and Senate File 2117.**

The House stood at ease at 9:45 a.m., until the fall of the gavel.

The House resumed session at 11:39 a.m., Speaker Arnould in the chair.

On motion by McKinney of Dallas, the House was recessed at 11:40 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Schrader of Marion in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 1992, amended and passed the following bill in which the concurrence of the House is asked:

House File 2439, a bill for an act relating to lead abatement by establishing a lead inspection and abatement program, and providing a penalty.

Also: That the Senate has on April 23, 1992, passed the following bill in which the concurrence of the House is asked:

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

JOHN F. DWYER, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-one members present, thirty-nine absent.

CONSIDERATION OF BILLS
Regular Calendar

House File 2476, a bill for an act relating to sexual abuse or sexual exploitation by a counselor or therapist and making penalites applicable, 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?" (H.F. 2476)

The ayes were, 93:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau

Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Cohoon	Connors	Corbett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jochum	Johnson	Kistler
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Schrader Presiding			

The nays were, none.

Absent or not voting, 7:

Arnould, Spkr.	Chapman	Daggett	Jesse
Knapp	McKinney	Shoultz	

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

IMMEDIATE MESSAGE

Neuhauser of Johnson asked and received unanimous consent that **House File 2476** be immediately messaged to the Senate.

Appropriations Calendar

House Joint Resolution 2014, a joint resolution to nullify an administrative rule of the department of human services relating to the imposition of copayments for certain medical assistance services, and providing an effective date, was taken up for consideration.

Hammond of Story asked and received unanimous consent that House Joint Resolution 2014 be deferred and that the resolution retain its place on the calendar.

The House stood at ease at 1:45 p.m., until the fall of the gavel.

The House resumed session at 1:55 p.m., Schrader of Marion in the chair.

RULES SUSPENDED

Neuhauser of Johnson asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2483.

Ways and Means Calendar

House File 2483, a bill for an act relating to interstate income tax agreements and the withholding of income tax from or the reporting of pensions, annuities, or deferred compensation paid to nonresidents and providing effective and retroactive applicability provisions, was taken up for consideration.

Spenner of Henry offered the following amendment H—6014 filed from the floor by Spenner, Spear and Cohoon:

H—6014

1 Amend House File 2483 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. NEW SECTION. 246.303A RECIPROCITY.
5 When the laws of a state or the rules of the
6 authorities of that state place a requirement or
7 disability upon a person employed as a correctional
8 officer in this state, which affects the right of the
9 person to be employed as a correctional officer in
10 that state, the same requirement or disability shall
11 be placed upon a person from that state when applying
12 for employment as a correctional officer in this
13 state."

Groninga of Cerro Gordo rose on a point of order that amendment H—6014 was not germane.

The Speaker ruled the point well taken and amendment H—6014 not germane.

Rafferty of Scott offered the following amendment H—6017 filed by him from the floor and moved its adoption:

H—6017

1 Amend House File 2483 as follows:
2 1. Page 1, line 29, by inserting after the word
3 "~~state.~~" the following: "However, a nonresident's net
4 income allocated to Iowa does not include any deferred
5 compensation, pensions, or annuities regardless of
6 where the deferred compensation, pensions, or
7 annuities are derived."

8 2. Page 2, line 9, by inserting after the word
9 "not" the following: "impose state income taxes on
10 or".

Amendment H—6017 lost.

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. 2483)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Schrader Presiding

The nays were, none.

Absent or not voting, 4:

Arnould, Spkr.	Hansen, S. D.	Jay	Shoultz

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 2373, by committee on appropriations, a bill for an act relating to state budgeting processes and providing applicability provisions and effective dates.

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2483** be immediately messaged to the Senate.

ADOPTION OF SENATE CONCURRENT RESOLUTION 109

Pavich of Pottawattamie called up for consideration **Senate Concurrent Resolution 109**, a concurrent resolution urging the United States Congress to continue financial support for the Missouri River Fish and Wildlife Mitigation Project and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 2:27 p.m., until the fall of the gavel.

The House resumed session at 3:21 p.m., Speaker Arnould in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-five members present, thirty-five absent.

OBJECTION TO UNANIMOUS CONSENT

Hansen of Woodbury asked for unanimous consent to be recorded as voting "aye" on House File 2483.

Objection was raised.

The House stood at ease at 3:34 p.m., until the fall of the gavel.

The House resumed session at 5:25 p.m., Speaker Arnould 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 23, 1992, adopted the conference committee report and passed Senate File 2244, a bill for an act relating to the care and feeding of swine by cooperative associations and providing an effective date.

Also: That the Senate has on April 23, 1992, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2290, a bill for an act relating to the provision of solid waste collection.

JOHN F. DWYER, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Branstad of Winnebago, for the remainder of the day, on request of Van Maanen of Mahaska.

QUORUM CALL

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

INTRODUCTION OF BILL

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

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

Appropriations Calendar

House File 2480, a bill for an act relating to department of human services' programs involving child and family services, juvenile justice, foster care, and medical assistance and providing applicability provisions and an effective date, was taken up for consideration.

Hansen of Woodbury offered amendment H—6016 filed by him from the floor and requested division as follows:

H—6016

1 Amend House File 2480 as follows:

H—6016A

2 1. Page 1, by striking lines 28 through 35.
3 2. Page 2, line 17, by striking the word
4 "subsections" and inserting the following:
5 "subsection".
6 3. Page 2, by striking lines 18 through 23.
7 4. By striking page 3, line 25 through page 4,
8 line 5.

H—6016B

9 5. By striking page 4, line 28 through page 5,
10 line 28.

H—6016A

11 6. Page 8, line 29, by striking the word
12 "subsections" and inserting the following:
13 "subsection".
14 7. By striking page 8, line 34 through page 9,
15 line 3.

H—6016C

16 8. By striking page 9, line 27 through page 11,
17 line 17.
18 9. Page 15, by striking lines 30 through 33 and
19 inserting the following: "232.102, subsection 1."
20 10. Page 16, by striking lines 26 through 30.
21 11. Page 22, by striking lines 22 through 27.
22 12. Page 22, line 31, by striking the figures and
23 word "10, 12, 17, 20, and 23" and inserting the
24 following: "12, 20, and 23".
25 13. By renumbering as necessary.

Hansen of Woodbury moved the adoption of amendment H—6016A.

A non-record roll call was requested.

The ayes were 15, nays 46.

Amendment H—6016A lost.

Hansen of Woodbury moved the adoption of amendment H—6016B.

Roll call was requested by Hansen of Woodbury and Jay of Appanoose.

On the question "Shall amendment H—6016B be adopted?" (H.F. 2480)

The ayes were, 33:

Adams	Baker	Beatty	Bisignano
Brammer	Brand	Burke	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Gill	Gruhn	Halvorson, R. N.	Hansen, S. D.
Hibbard	Iverson	Jay	Jesse
Mertz	Nielsen	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Shearer
Sherzan	Siegrist	Spear	Svoboda
Wissing			

The nays were, 63:

Banks	Bartz	Beaman	Bennett
Bernau	Black	Brown	Carpenter

Chapman	Corbett	Daggett	De Groot
Diemer	Eddie	Fogarty	Garman
Gipp	Groninga	Grubbs	Hahn
Halvorson, R. A.	Hammond	Hanson, D. E.	Hanson, D. R.
Harbor	Haverland	Hester	Holveck
Hurley	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Ollie	Petersen, D. F.	Plasier	Rafferty
Renken	Royer	Schrader	Shoning
Shoultz	Spenner	Teaford	Tyrrell
Van Maanen	Weidman	Arnould, Spkr.	

Absent or not voting, 4:

Blanshan	Branstad	Hatch	Wise

Amendment H—6016B lost.

Hansen of Woodbury asked and received unanimous consent to withdraw amendment H—6016C.

Hammond of Story offered the following amendment H—6007 filed by her and moved its adoption:

H—6007

1 Amend House File 2480 as follows:
2 1. Page 14, by inserting after line 14 the
3 following:
4 "Sec. _____. Section 234.6, subsection 6, paragraphs
5 c and f, Code 1991, are amended by striking the
6 paragraphs and inserting in lieu thereof the
7 following:
8 c. Intensive family preservation services and
9 family-centered services, as defined in section
10 232.102, subsection 9, paragraph "b".
11 f. Services or support provided to a child with
12 mental retardation or other developmental disability
13 or to the child's family, either voluntarily by the
14 department of human services or in accordance with a
15 court order entered under section 222.31 or 232.182,
16 subsection 5.
17 Sec. _____. Section 234.6, subsection 6, paragraph
18 g, Code 1991, is amended by striking the paragraph."
19 2. Page 16, by striking lines 13 through 21.
20 3. Page 17, line 29, by inserting after the
21 figure "(4)" the following: ", not to exceed the
22 maximum allowable reimbursement rate authorized for
23 foster group care".
24 4. By renumbering as necessary.

Amendment H—6007 was adopted.

Hester of Pottawattamie offered the following amendment H—6015 filed by her from the floor and moved its adoption:

H—6015

1 Amend House File 2480 as follows:
2 1. By striking page 17, line 8, through page 18,
3 line 4.
4 2. Page 22, by inserting after line 27 the fol-
5 lowing:
6 "Sec. _____. FOSTER PARENT REIMBURSEMENT RATE. For
7 the fiscal year beginning July 1, 1992, and ending
8 June 30, 1993, reimbursement payments made directly to
9 foster parents for services provided to children
10 pursuant to section 234.6, subsection 6, paragraph
11 "b", or section 234.35, shall be based upon 65 percent
12 of the United States department of agriculture
13 estimate of the cost to raise a child in the calendar
14 year immediately preceding that fiscal year."
15 3. By renumbering as necessary.

Roll call was requested by Doderer of Johnson and Neuhauser of Johnson.

Rule 75 was invoked.

On the question "Shall amendment H—6015 be adopted?" (H.F. 2480)

The ayes were, 43:

Banks	Bartz	Beaman	Bennett
Carpenter	Corbett	Daggett	De Groot
Dickinson	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Metcalf
Millage	Miller	Petersen, D. F.	Rafferty
Renken	Royer	Shoning	Siegrist
Tyrrell	Van Maanen	Weidman	

The nays were, 56:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Doderer	Dvorsky
Fogarty	Gill	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hatch
Haverland	Hibbard	Holveck	Jay

Jesse	Jochum	Knapp	Koenigs
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Plasier	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Spenner	Svoboda
Teaford	Wise	Wissing	Mr. Speaker Arnould

Absent or not voting, 1:

Branstad

Amendment H—6015 lost.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 2480)

The ayes were, 38:

Baker	Bartz	Bernau	Black
Blanshan	Brown	Carpenter	Chapman
Cohoon	Diemer	Dvorsky	Halvorson, R. A.
Hammond	Hatch	Haverland	Holveck
Jochum	Knapp	Koenigs	Lageschulte
McKinney	McNeal	Muhlbauer	Murphy
Neuhauser	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Schrader
Shearer	Sherzan	Shoultz	Spear
Wise	Arnould, Spkr.		

The nays were, 60:

Adams	Banks	Beaman	Beatty
Bennett	Bisignano	Brammer	Brand
Burke	Connors	Corbett	Daggett
De Groot	Dickinson	Doderer	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. N.	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hester	Hibbard	Hurley
Iverson	Jay	Jesse	Johnson
Kistler	Krebsbach	Kremer	Lundby
Maulsby	McKean	Mertz	Metcalf
Millage	Miller	Nielsen	Ollie
Rafferty	Renaud	Renken	Royer
Siegrist	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wissing

Absent or not voting, 2:

Branstad Shoning

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2218**, a bill for an act relating to the regulation of swimming pools, spas, and swimming pool or spa water heaters regulated by the Iowa department of public health and providing an effective date, and amendment H—5598 (found on page 941 of the House Journal), previously deferred.

Blanshan of Greene in the chair at 7:38 p.m.

Hibbard of Madison asked and received unanimous consent to withdraw amendment H—5624, to amendment H—5598, filed by him on March 31, 1992.

Miller of Cherokee moved the adoption of amendment H—5598.

A non-record roll call was requested.

The ayes were 22, nays 52.

Amendment H—5598 lost.

Diemer of Black Hawk asked and received unanimous consent to withdraw amendment H—5594 filed by him on March 30, 1992, placing out of order amendment H—5623, to amendment H—5594, filed by Hibbard of Madison on March 31, 1992.

Neuhauser of Johnson offered the following amendment H—5912 filed by her and moved its adoption:

H—5912

1 Amend Senate File 2218, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 34, by inserting after the word
4 "condominiums," the following: "country clubs,
5 neighborhoods,".

Amendment H—5912 was adopted.

Hibbard of Madison offered the following amendment H—5633 filed by him and moved its adoption:

H—5633

1 Amend Senate File 2218 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 7, by inserting after the word
4 "health." the following: "A fee imposed for the
5 inspection of a swimming pool or spa shall not be
6 collected until the inspection has actually been
7 performed."

Amendment H—5633 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. 2218)

The ayes were, 93:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Brammer
Brand	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Royer	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Blanshan Presiding			

The nays were, 5:

Hahn	Krebsbach	Maulsby	Petersen, D. F.
Renken			

Absent or not voting, 2:

Branstad	Shoning

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

IMMEDIATE MESSAGE

Schrader of Marion asked and received unanimous consent that **Senate File 2218** be immediately messaged to the Senate.

RULES SUSPENDED

Schrader of Marion asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2484.

Ways and Means Calendar

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

Fogarty of Palo Alto in the chair at 8:00 p.m.

Hibbard of Madison offered the following amendment H—6021 filed by him from the floor and moved its adoption:

H—6021

1 Amend House File 2484 as follows:
2 1. Page 1, line 11, by inserting after the word
3 "entity" the following: "and is receiving the
4 property tax exemption. However, this subsection does
5 not apply to a speculative shell building which is
6 used by the for-profit entity, subsidiary of the for-
7 profit entity, or majority owners of the for-profit
8 entity, for other than as a speculative shell
9 building, as defined in section 427.1, subsection 41."
10 2. Page 1, line 22, by inserting after the word
11 "exemption." the following "However, this subsection
12 does not apply to a speculative shell building which
13 is used by the taxpayer, subsidiary of the taxpayer,
14 or majority owners of the taxpayer, for other than as
15 a speculative shell building, as defined in section
16 427.1, subsection 41."
17 3. Page 2, line 7, by inserting after the word
18 "exemption." the following: "However, an exemption
19 shall not be granted a speculative shell building of a
20 for-profit entity if the building is used by the for-
21 profit entity, subsidiary of the for-profit entity, or
22 majority owners of the for-profit entity for other
23 than as a speculative shell building."

Amendment H—6021 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. 2484)

The ayes were, 84:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Blanshan	Brand
Burke	Carpenter	Chapman	Cohoon
Connors	Corbett	Daggett	Dickinson
Diemer	Dvorsky	Eddie	Garman
Gill	Gipp	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Maulsby
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Ollie	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Shearer
Sherzan	Shoultz	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Fogarty Presiding

The nays were, 13:

Black	Brammer	Brown	De Groot
Doderer	Groninga	Halvorson, R. N.	Lundby
McKean	Nielsen	Osterberg	Schrader
Siegrist			

Absent or not voting, 3:

Branstad	Jay	Shoning

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

IMMEDIATE MESSAGE

Schrader of Marion asked and received unanimous consent that **House File 2484** be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE
(Senate File 2244)

Mertz of Kossuth called up for consideration the report of the conference committee on Senate File 2244 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2244

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2244, a bill for an act relating to the care and feeding of swine by cooperative associations and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H—5856.

2. That the House amendment, S—5528, to Senate File 2244, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by striking lines 18 and 19 and inserting the following: "producers association, and the Iowa business council's Iowa animal agriculture council whose representative shall be actively engaged in the production of swine."

ON THE PART OF THE HOUSE:	ON THE PART OF THE SENATE:
DOLORES MERTZ, Chair	BERL E. PRIEBE, Chair
DANIEL FOGARTY	H. KAY HEDGE
ROBERT JOHNSON	ALVIN V. MILLER
DEO KOENIGS	JIM RIORDAN
DAN PETERSEN	JOHN E. SOORHOLTZ

The motion prevailed and the conference committee report 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?" (S.F. 2244)

The ayes were, 92:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Garman

Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Fogarty Presiding

The nays were, 4:

Brown	Halvorson, R. N.	Iverson	McNeal

Absent or not voting, 4:

Branstad	Jay	Neuhauser	Shoning

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

IMMEDIATE MESSAGE

Schrader of Marion asked and received unanimous consent that **Senate File 2244** be immediately messaged to the Senate.

The House stood at ease at 8:21 p.m., until the fall of the gavel.

The House resumed session at 8:37 p.m., Fogarty of Palo Alto 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 23, 1992, amended and passed the following bill in which the concurrence of the House is asked:

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

JOHN F. DWYER, Secretary

The House stood at ease at 8:38 p.m., until the fall of the gavel.

The House resumed session at 9:12 p.m., Speaker Arnould in the chair.

INTRODUCTION OF BILL

House File 2485, by committee on ways and means, a bill for an act relating to urban renewal including the division of revenue from taxation of urban renewal projects, use of tax increment financing revenues, and description of urban renewal plans, and providing an applicability provision.

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

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 2457, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, and the department of human rights.

ON THE PART OF THE HOUSE:

JANE TEAFORD, Chair
JOSEPHINE GRUHN
PAT MURPHY

ON THE PART OF THE SENATE:

FLORENCE BUHR, Chair
BEVERLY A. HANNON
ALVIN V. MILLER
SHELDON RITTMER
MAGGIE TINSMAN

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 23, 1992. Had I been present, I would have voted "aye" on House File 2483.

HANSEN of Woodbury

I was necessarily absent from the House chamber on the morning of April 23, 1992. Had I been present, I would have voted "nay" on Senate File 2117.

MERTZ of Kossuth

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 23rd day of April, 1992: House Files 150, 2085, 2126, 2203, 2214, 2369, 2380, 2391, 2405 and 2424.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

BILL ENROLLED, SIGNED AND SENT TO SECRETARY OF STATE

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Secretary of State on this 23rd day of April, 1992: House Joint Resolution 2010.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 23, 1992, he approved and transmitted to the Secretary of State the following bills:

House File 646, an act to permit school districts to provide educational programs to persons who are beyond the age prescribed as the school age.

House File 2010, an act relating to windsurfing by defining a sailboard and exempting sailboards from certain registration and equipment requirements.

House File 2207, an act conforming provisions of the life-sustaining procedures Act to the durable power of attorney for health care law and providing an effective date.

House File 2274, an act relating to the protection of endangered species by the department of natural resources.

House File 2362, an act relating to franchise agreements and their enforcement by establishing certain duties and limitations on franchisors, providing certain exemptions, and establishing a civil cause of action.

House File 2384, an act relating to methods by which students may attend instruction in other than the students' public school district of residence; by making changes in the requirement relating to the offering and charging of tuition for drivers education; by making changes in the transportation and athletic participation provisions under open enrollment; making changes in other athletic participation requirements; making changes in the method by which the amount of phase II and phase III moneys transferred between districts engaged in whole grade sharing are calculated; changing the

date by which phase III plans must be submitted to the department of education; changing the reporting requirements and testing requirements of some students receiving competent private instruction who are also enrolled in a public school district under dual enrollment or in a home school assistance program; modifying rules relating to parental notice and presence during questioning in sexual abuse investigations; making other related changes; and providing an effective date.

House File 2428, an act relating to including out-of-state liquor, wine, or beer licensees or permittees in, and exempting class "E" liquor control licensees from, Iowa's dramshop Act.

House File 2441, an act providing for licensure of massage therapists and imposing fees and civil penalties.

Senate File 2040, an act relating to changing the title "juvenile court referee" to "associate juvenile judge" and to the appeal of associate juvenile judge orders, findings, and decisions.

Senate File 2148, an act relating to the cost of disciplinary hearings conducted by professional licensing boards, and providing an effective date.

Senate File 2198, an act relating to authorization of state departments' acceptance of payments by credit card.

Senate File 2236, an act to exempt nonpublic schools from the regular vocational education standards for grades seven through twelve.

Senate File 2294, an act authorizing the administrator of the division of mental health, mental retardation, and developmental disabilities of the department of human services to establish a public housing unit within a bureau of the division.

Senate File 2301, an act relating to unfair and discriminatory practices in housing and subjecting violators to civil actions and existing criminal penalties.

COMMUNICATION RECEIVED

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

DEPARTMENT OF TRANSPORTATION

The Iowa Highway Research Board Annual Report for 1991, pursuant to Chapter 307D, Code of Iowa.

PRESENTATION OF VISITORS

Grubbs of Scott presented to the House Derek Cockrell, from Davenport West High School, Davenport. He and three other students will represent Iowa at the National Forensics League National Conference in Fargo, North Dakota this summer.

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

One hundred twenty fifth grade students from Nevada Middle School, Nevada, accompanied by Patrick Sullivan. By Bernau of Story.

Forty-five eleventh and twelfth grade government class students from North High School, Sioux City, accompanied by Mr. Hejhal, Mrs. Lucas and Mrs. Claussen. By Gill of Woodbury.

Forty-four students from North High School, Sioux City, accompanied by Pat McCann, Chris Hartman and Larry Twait. By Gill and Hansen of Woodbury.

One hundred government students from Johnston High School, Johnston, accompanied by David Pitz and Jerry Kinder. By Haverland of Polk.

Forty-one sixth grade students from Keota Elementary School, Keota, accompanied by Rod Hill and Sharon Lyle. By Kistler of Jefferson.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2356

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; and Siegrist.

Senate File 2365

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

Senate File 2372

Ways and Means: Osterberg, Chair; Murphy and Petersen of Muscatine.

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

Senate File 2365, a bill for an act relating to the refund or abatement of property taxes paid or owed by certain exempt institutions on property purchased by the institutions and providing an effective date.

Fiscal Note is required.

Recommended **Do Pass** April 23, 1992.

Senate File 2372, a bill for an act relating to employer obligations toward non-English speaking employees, and providing for a fee and civil penalties.

Fiscal Note is required.

Recommended **Do Pass** April 23, 1992.

Committee Bill (Formerly House File 2324), relating to urban renewal including the division of revenue from taxation of urban renewal projects, use of tax increment financing revenues, and description of urban renewal plans, and providing an applicability provision.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 23, 1992.

Committee Bill (Formerly House Study Bill 738), relating to speculative shell buildings by allowing linked investments to be made for purposes of speculative shell buildings under certain circumstances and providing income tax credits and property tax and sales and use tax exemptions for construction of certain speculative shell buildings.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 23, 1992.

AMENDMENTS FILED

H—6018	H.F.	2439	Senate Amendment
H—6019	S.F.	2329	Kremer of Buchanan
H—6020	S.F.	2290	Senate Amendment
H—6022	H.F.	2466	Senate Amendment
H—6023	S.F.	2372	Siegrist of Pottawattamie

On motion by McKinney of Dallas, the House adjourned at 9:13 p.m., until 9:00 a.m., Friday, April 24, 1992.

JOURNAL OF THE HOUSE

One Hundred Third Calendar Day — Sixty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 24, 1992

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

Prayer was offered by the Reverend Dan Solomon, Memorial Lutheran Church, Nevada.

The Journal of Thursday, April 23, 1992 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Branstad of Winnebago on request of Van Maanen of Mahaska.

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 24, 1992, amended and passed the following bill in which the concurrence of the House is asked:

House File 2400, a bill for an act relating to the funding for emergency medical services, authorizing a county to impose a local option tax or combination of taxes to provide local funding.

JOHN F. DWYER, Secretary

The House stood at ease at 9:15 a.m., until the fall of the gavel.

The House resumed session at 10:29 a.m., Speaker Arnould in the chair.

SENATE AMENDMENT CONSIDERED

Bernau of Story called up for consideration **House File 2439**, a bill for an act relating to lead abatement by establishing a lead inspection and abatement program, and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H—6018:

H—6018

1 Amend House File 2439, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 1, line 35 through page 2,
4 line 7, and inserting the following: "implement,

5 through the utilization of the services of local
6 childhood lead poisoning prevention programs and local
7 health care providers, a state blood lead screening
8 program to identify and refer for medical treatment
9 children affected by lead poisoning, and to provide
10 continued oversight of the treatment of children with
11 high blood levels to ensure that proper care is
12 provided.
13 b. The Iowa department of public health develop a
14 comprehensive environmental lead reduction program to
15 identify and abate environmental lead hazards."
16 2. Page 2, line 9, by inserting after the word
17 "programs" the following: "and the services of local
18 health care providers".
19 3. Page 2, line 26, by inserting after the word
20 "poisoning." the following: "The appropriate groups
21 shall include, but are not limited to, schools and
22 child care centers which may provide notices to the
23 parent or guardian of a child enrolled in the school
24 or the child care center regarding the risk of lead
25 poisoning and the need for blood lead screening."
26 4. By striking page 2, line 27 through page 3,
27 line 6, and inserting the following:
28 "b. By July 1, 1993, a procedural framework to be
29 used in identifying cases of childhood lead poisoning
30 and in providing remediation measures.
31 (1) The procedural framework shall include, but is
32 not limited to, all of the following measures:
33 (a) Any health care practitioner who is required
34 to report pursuant to section 139.35, and who provides
35 primary care to a child between the ages of six months
36 and six years of age shall report the existence and
37 circumstances of each case of lead poisoning diagnosed
38 to the Iowa department of public health or the
39 department's designee.
40 (b) Following the reporting of a case of lead
41 poisoning to the department or the department's
42 designee, the department or the department's designee,
43 shall notify the owner of the dwelling or structure in
44 which the child diagnosed with lead poisoning resides,
45 has recently resided, or frequently visits, of the
46 possible existence of lead hazards and the need to
47 perform an inspection to determine the existence of
48 lead hazards. Following notification, the department
49 or the department's designee may inspect the dwelling
50 or structure for lead hazards.

Page 2

1 (c) If the owner of the dwelling or structure
2 refuses to allow the voluntary performance of an
3 inspection of the dwelling or structure, the

4 department or the department's designee may file a
5 complaint with the district court of the county in
6 which the dwelling or structure is located, and the
7 court may issue a warrant directing the department or
8 the department's designee to enter the dwelling or
9 structure to perform the inspection.
10 (d) Following inspection, if the dwelling or
11 structure is determined to contain a lead hazard which
12 constitutes a risk of substantial impairment to the
13 health of the residents or visitors, as determined by
14 rule of the department, the department or the
15 department's designee shall provide the owner and the
16 residents of the dwelling with a listing of lead-safe
17 housing available to provide shelter to the residents
18 of the dwelling during the time of abatement.
19 (e) Following a determination that the dwelling
20 contains a lead hazard which constitutes a risk of
21 substantial impairment to the health of the residents
22 or visitors, as determined by rule of the department,
23 the department or the department's designee shall
24 issue a written order to the owner of the dwelling or
25 structure to require the owner to cause the
26 elimination of the lead hazard in a period not to
27 exceed thirty days, which period may be extended at
28 the discretion of the department or the department's
29 designee.
30 (f) Following completion of the lead abatement
31 procedures, the lead abatement contractor shall report
32 completion of the procedure and elimination of the
33 lead hazard to the department or the department's
34 designee, and the department or the department's
35 designee shall inspect the dwelling or structure to
36 determine if the lead hazard has been eliminated.
37 (g) If a dwelling or structure, for which a
38 written order to eliminate a lead hazard has been
39 issued in accordance with this section, is vacated by
40 the occupant who occupied the dwelling or structure at
41 the time that the written order was issued, the
42 dwelling or structure shall not be occupied by any
43 other person until the abatement has been reported as
44 completed and the department or the department's
45 designee has inspected the dwelling or structure to
46 determine if the lead hazard has been eliminated.
47 (h) The lessor of a dwelling or structure shall
48 not retaliate against a lessee of a dwelling or
49 structure whose occupants have been tested for lead
50 poisoning and shall not prohibit or discourage the

Page 3

1 occupants of a dwelling or structure from
2 participating in the lead poisoning screening program.

3 An action taken against lessees shall not be
4 considered retaliation if the action occurs more than
5 six months after the occupant's participation in the
6 lead poisoning screening program, if the action is
7 supported by reasonable cause unrelated to the
8 occupant's participation in the lead poisoning
9 screening program, or if the action is demonstrated as
10 having occurred as a result of accident or mistake and
11 is not the intentional act of the lessor."
12 5. Page 3, line 12, by inserting after the word
13 "a" the following: "statewide".
14 6. Page 3, line 13, by inserting after the word
15 "The" the following: "department shall seek guidance
16 from the United States department of health and human
17 services and the state hygienic laboratory. The".
18 7. Page 3, line 17, by striking the words "for
19 the screening of these children" and inserting the
20 following: "establishing the means by which and the
21 intervals at which these children shall be screened".
22 8. Page 3, line 20, by inserting after the word
23 "services." the following: "The screening program
24 shall utilize the services of the state hygienic
25 laboratory at the university of Iowa."
26 9. By striking page 3, line 21 through page 4,
27 line 10, and inserting the following:
28 "The rules shall also require that a parent or
29 guardian be informed, prior to the performance of lead
30 screening procedures on a child, of the parent's or
31 guardian's right to withhold consent to the screening.
32 Unless consent is withheld by the parent or guardian
33 of the child, health care practitioners who provide
34 primary medical care to children between six months
35 and six years of age shall screen these children for
36 lead poisoning in accordance with the screening
37 procedures and at intervals required by rule of the
38 department."
39 10. Page 6, by striking line 29, and inserting
40 the following: "person who performs lead abatement
41 and who, beginning June 1, 1994, is certified pursuant
42 to section 135.109.
43 11. Page 6, by inserting after line 34 the fol-
44 lowing:
45 "NEW SUBSECTION. 1D. "Occupant" means a person
46 occupying a dwelling or structure or a visitor to the
47 dwelling or structure."
48 12. Page 7, by inserting after line 1 the
49 following:
50 "NEW SUBSECTION. 4. "Retaliation" means

Page 4

1 harassment, breach of the covenant of quiet enjoyment,

2 termination of the tenancy, or discontinuation of
3 utilities or other services."
4 13. Page 8, by inserting after line 12, the
5 following:
6 "Sec. _____. DEPARTMENTAL LEAD HAZARD INSPECTIONS –
7 AUTHORIZATION.
8 1. Beginning July 1, 1992, and ending June 30,
9 1993, following the reporting of a case of the lead
10 poisoning of a child to the department, and following
11 notification of the owner of the dwelling or structure
12 in which the child diagnosed with lead poisoning
13 resides, has recently resided, or frequently visits,
14 of the need to perform an inspection to determine the
15 existence of lead hazards, the department may inspect
16 the dwelling or structure for lead hazards, if such
17 inspections may be performed within current staffing
18 and budgetary limitations.
19 2. If the owner of the dwelling or structure
20 refuses to allow the voluntary performance of an
21 inspection of the dwelling or structure, the
22 department or the department's designee may file a
23 complaint with the district court of the county in
24 which the dwelling or structure is located, and the
25 court may issue a warrant directing the department or
26 the department's designee to enter the dwelling or
27 structure to perform the inspection.
28 3. Following a determination that the dwelling
29 contains a lead hazard which constitutes a risk of
30 substantial impairment to the health of the residents
31 or visitors, as determined by rule of the department,
32 the department or the department's designee shall
33 issue a written order to the owner of the dwelling or
34 structure to require the owner to cause the
35 elimination of the lead hazard in a period not to
36 exceed thirty days, which period may be extended at
37 the discretion of the department or the department's
38 designee.
39 4. Following completion of the lead abatement
40 procedures, the lead abatement contractor shall report
41 completion of the procedure and elimination of the
42 lead hazard to the department or the department's
43 designee, and the department or the department's
44 designee shall inspect the dwelling or structure to
45 determine if the lead hazard has been eliminated.
46 5. If a dwelling or structure, for which a written
47 order to eliminate a lead hazard has been issued in
48 accordance with this section, is vacated by the
49 occupant who occupied the dwelling or structure at the
50 time that the written order was issued, the dwelling

Page 5

1 or structure shall not be occupied by any other person
2 until the abatement has been reported as completed and
3 the department or the department's designee has
4 inspected the dwelling or structure to determine if
5 the lead hazard has been eliminated.
6 6. The lessor of a dwelling or structure shall not
7 retaliate against a lessee of a dwelling or structure
8 whose occupants have been tested for lead poisoning
9 and shall not prohibit or discourage the occupants of
10 a dwelling or structure from participating in the lead
11 poisoning screening program. An action taken against
12 lessees shall not be considered retaliation if the
13 action occurs more than six months after the
14 occupant's participation in the lead poisoning
15 screening program, if the action is supported by
16 reasonable cause unrelated to the occupant's
17 participation in the lead poisoning screening program,
18 or if the action is demonstrated as having occurred as
19 a result of accident or mistake and is not the
20 intentional act of the lessor.
21 7. As used in this section, "occupant" means a
22 person occupying a dwelling or structure or a visitor
23 to the dwelling or structure and "retaliation" means
24 harassment, breach of the covenant of quiet enjoyment,
25 termination of the tenancy, or discontinuation of
26 utilities or other services."
27 14. Page 8, by inserting after line 17 the
28 following:
29 "Sec. _____. IMPLEMENTATION — FUNDING CONTINGENCY.
30 Implementation of this Act is contingent upon receipt
31 of federal funding."
32 15. By renumbering, relettering, or redesignating
33 and correcting internal references as necessary.

A non-record roll call was requested.

The ayes were 53, nays 40.

The motion prevailed and the House concurred in the Senate amendment H—6018.

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

On the question "Shall the bill pass?" (H.F. 2439)

The ayes were, 56:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer

Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Diemer
Doderer	Dvorsky	Fogarty	Gill
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hatch
Haverland	Hibbard	Holveck	Jay
Jochum	Knapp	Koenigs	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Spear	Spenner
Svoboda	Wise	Wissing	Mr. Speaker Arnould

The nays were, 39:

Banks	Bartz	Beaman	Bennett
Carpenter	Corbett	Daggett	De Groot
Eddie	Garman	Gipp	Grubbs
Hahn	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Metcalf
Millage	Miller	Petersen, D. F.	Rafferty
Renken	Royer	Shoning	Siegrist
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 5:

Branstad	Jesse	Plasier	Shoultz
Teaford			

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

IMMEDIATE MESSAGE

Neuhauser of Johnson asked and received unanimous consent that **House File 2439** be immediately messaged to the Senate.

RULES SUSPENDED

Neuhauser of Johnson asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2485.

Ways and Means Calendar

House File 2485, a bill for an act relating to urban renewal including the division of revenue from taxation of urban renewal projects, use of tax increment financing revenues, and description of urban renewal plans, and providing an applicability provision, was taken up for consideration.

Gill of Woodbury in the chair at 11:19 a.m.

Bennett of Ida offered the following amendment H—6026 filed by him from the floor and moved its adoption:

H—6026

1 Amend House File 2485 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. TAX INCREMENT FINANCING STUDY
5 REQUESTED. The legislative council is requested to
6 establish a committee for the 1992 interim to study
7 tax increment financing. In developing its
8 recommendations to the legislative council and the
9 general assembly, the interim committee shall examine
10 the benefits of tax increment financing on the taxing
11 district and other affected taxing districts, the
12 effect of tax increment financing on other political
13 subdivisions in the taxing district, the effect on
14 property taxpayers in the taxing district, and the
15 impact on state funding caused by the decrease in
16 available local funds."
17 2. Title page, by striking lines 1 through 4, and
18 inserting the following: "An Act requesting an
19 interim study committee on tax increment financing."

Roll call was requested by Bennett of Ida and Bartz of Worth.

On the question "Shall amendment H—6026 be adopted?" (H.F. 2485)

The ayes were, 46:

Banks	Bartz	Beaman	Bennett
Carpenter	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Gipp
Grubbs	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Holveck	Hurley	Iverson	Johnson
Kistler	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Metcalf	Millage	Miller	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Shoning	Siegrist	Spenner	Tyrrell
Van Maanen	Weidman		

The nays were, 53:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Burke
Chapman	Cohoon	Connors	Dickinson
Doderer	Dvorsky	Fogarty	Groninga

Gruhn	Hammond	Hansen, S. D.	Hatch
Haverland	Hibbard	Jay	Jesse
Jochum	Knapp	Koenigs	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Teaford	Wise	Wissing

Gill
Presiding

Absent or not voting, 1:

Branstad

Amendment H—6026 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, for the remainder of the day, on request of Van Maanen of Mahaska.

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. 2485)

The ayes were, 53:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Burke
Chapman	Cohoon	Connors	Dickinson
Doderer	Dvorsky	Fogarty	Groninga
Gruhn	Hammond	Hansen, S. D.	Hatch
Haverland	Hibbard	Jay	Jesse
Jochum	Knapp	Koenigs	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Teaford	Wise	Wissing

Gill
Presiding

The nays were, 45:

Banks	Bartz	Beaman	Bennett
Carpenter	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Gipp
Grubbs	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. E.	Hanson, D. R.	Hester	Holveck
Hurley	Iverson	Johnson	Kistler

Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Metcalf
Millage	Miller	Petersen, D. F.	Plasier
Rafferty	Renken	Royer	Shoning
Siegrist	Spenner	Tyrrell	Van Maanen
Weidman			

Absent or not voting, 2:

Branstad	Harbor

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2485** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Peterson of Carroll called up for consideration **House File 2466**, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions, amended by the Senate amendment H—6022 as follows:

H—6022

1 Amend House File 2466, as amended, passed, and re-
2 printed by the House, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 68B.2, subsection 5, paragraph
6 a, subparagraphs (2) and (3), Code 1991, are amended
7 by striking the subparagraphs and inserting in lieu
8 thereof the following:
9 (2) Is engaged in activities which are regulated
10 or controlled by a regulatory agency in which the
11 donee holds an office or is employed.
12 (3) Is a member of a discrete class of persons,
13 who have personal financial or business interests that
14 are identifiably different from other members of the
15 general public, and whose financial interests will be
16 adversely or beneficially affected in a direct,
17 substantial, and material manner by the performance or
18 nonperformance of the donee's official duty. In
19 determining whether a person is a donor under this
20 subparagraph, the donee shall consider whether the
21 giving of a gift by the donor creates an actual
22 unacceptable conflict of interest or appearance of
23 impropriety or whether the situation or circumstances

24 under which the gift is or is to be given would be
25 viewed as usual, customary, appropriate, and a part of
26 normal social interaction. For purposes of this
27 subparagraph, situations and circumstances under which
28 the giving of gifts shall be considered usual,
29 customary, appropriate, and a part of normal social
30 interaction shall include, but are not limited to,
31 weddings, funerals, birthdays, the birth of children,
32 anniversaries, and close personal friendships.
33 Sec. 2. Section 68B.2, subsection 5, paragraph b,
34 Code 1991, is amended by adding the following new
35 subparagraphs:
36 NEW SUBPARAGRAPH. (9) Items or services solicited
37 or given to any state, national, or regional
38 organization in which states or political subdivisions
39 are members.
40 NEW SUBPARAGRAPH. (10) Items or services received
41 as part of an authorized or regularly scheduled event
42 that is part of a conference, seminar, or other
43 meeting that is sponsored and directed by any state,
44 national, or regional organization in which states or
45 political subdivisions are members.
46 Sec. 3. Section 68B.2, subsection 5, paragraph b,
47 subparagraph (6), Code 1991, is amended by striking
48 the subparagraph.
49 Sec. 4. Section 68B.2, Code 1991, is amended by
50 adding the following new subsection:

Page 2

1 NEW SUBSECTION. 8A. a. "Lobbyist" means a person
2 who does any of the following:
3 (1) Is paid compensation for encouraging the
4 passage, defeat, or modification of legislation or for
5 influencing the decision of the members of the general
6 assembly.
7 (2) Represents on a regular basis an organization
8 which has as one of its purposes the encouragement of
9 the passage, defeat, or modification of legislation or
10 the influencing of a decision of the members of the
11 general assembly.
12 b. For the purpose of computing the value of a
13 gift, "lobbyist" includes any person employed by or
14 affiliated with the organization which employs or
15 retains the lobbyist. Gifts made by any person
16 employed or affiliated with the employing or retaining
17 organization shall be deemed to have been made by the
18 lobbyist.
19 c. "Lobbyist" does not mean any of the following:
20 (1) Officials and employees of a political party
21 organized in the state of Iowa representing more than
22 two percent of the total votes cast for governor in

23 the last preceding general election, but only when
24 representing the political party in an official
25 capacity.
26 (2) Representatives of the news media only when
27 engaged in the reporting and dissemination of news and
28 editorials.
29 (3) The governor and lieutenant governor of the
30 state of Iowa, all other statewide elected officials,
31 and elected federal officials.
32 (4) Persons whose activities are limited to formal
33 appearances to give testimony at public sessions of
34 committees of the general assembly and whose
35 appearances as a result of testifying are recorded in
36 the records of the committee.
37 (5) Persons employed by or who represent an
38 organization which has as one of its purposes the
39 encouragement of the passage, defeat, or modification
40 of legislation, or the influencing of a decision of
41 the members of the general assembly who does not par-
42 ticipate in such activities.
43 Sec. 5. Section 68B.3, Code 1991, is amended to
44 read as follows:
45 68B.3 WHEN PUBLIC BIDS REQUIRED.
46 ~~No~~ An official, employee, member of the general
47 assembly, or legislative employee shall not sell in
48 any one occurrence, any goods or services having a
49 value in excess of five hundred dollars to any state
50 agency unless pursuant to an award or contract let

Page 3

1 after public notice and competitive bidding. This
2 section shall not apply to the publication of
3 resolutions, advertisements, or other legal
4 propositions or notices in newspapers designated
5 pursuant to law for such purpose and for which the
6 rates are fixed pursuant to law.
7 Sec. 6. NEW SECTION. 68B.4A TWO-YEAR BAN ON
8 LOBBYING ACTIVITIES AFTER SERVICE.
9 1. A person who has served as an official, state
10 employee, judicial officer, employee of the judicial
11 department, member of the general assembly, or
12 legislative employee shall not, within two years after
13 the termination of service or employment, become a
14 lobbyist.
15 2. This section shall not apply to a person who is
16 a former official, state employee, employee of the
17 judicial department, judicial officer, member of the
18 general assembly, or legislative employee who, within
19 two years of leaving service or employment with the
20 state, is elected to another office of the state or to
21 an office of a political subdivision of the state and

22 appears or communicates on behalf of that office.
23 Sec. 7. Section 68B.5, Code 1991, is amended to
24 read as follows:
25 68B.5 GIFTS SOLICITED OR ACCEPTED.
26 1. An official, employee, local official, local
27 employee, member of the general assembly, candidate,
28 legislative employee or that person's immediate family
29 member shall not, directly or indirectly, solicit,
30 accept, or receive ~~from~~ any ~~one donor in any one~~
31 ~~calendar day~~ a gift or a series of gifts ~~having a~~
32 ~~value of thirty-five dollars or more~~.
33 2. ~~A person shall not, directly or indirectly,~~
34 ~~offer or make a gift or a series of gifts to an~~
35 ~~official, employee, local official, local employee,~~
36 ~~member of the general assembly, candidate, or~~
37 ~~legislative employee, in any one calendar day, if the~~
38 ~~gift or series of gifts has a value of thirty-five~~
39 ~~dollars or more. A person shall not, directly or~~
40 ~~indirectly, join with one or more other persons to~~
41 ~~offer or make a gift or a series of gifts to an~~
42 ~~official, employee, local official, local employee,~~
43 ~~member of the general assembly, candidate, or~~
44 ~~legislative employee, in any one calendar day, if the~~
45 ~~gift or series of gifts has a total value of thirty-~~
46 ~~five dollars or more. The thirty-five dollar~~
47 ~~limitation of this section applies separately to a~~
48 ~~person and the person's immediate family member.~~
49 ~~3.~~ A person may give and an official, employee,
50 local official, local employee, member of the general

Page 4

1 assembly, candidate, legislative employee or the
2 person's immediate family member may accept in any one
3 calendar day a gift or a series of gifts ~~which has a~~
4 ~~value of thirty-five dollars or more~~ and not be in
5 violation of this section if the gift or series of
6 gifts is donated within thirty days to a public body,
7 a bona fide educational or charitable organization, or
8 the department of general services. All such items
9 donated to the department of general services shall be
10 disposed of by assignment to state agencies for
11 official use or by public sale.
12 4. Gifts of food, beverages, travel, and lodging
13 which would otherwise be prohibited may be received if
14 all of the following apply:
15 a. The public person is officially representing an
16 agency in a delegation whose purpose is to attract new
17 business to locate in the state or encourage expansion
18 or retention of an existing business already
19 established in the state.
20 b. The donor of the gifts is not a business being

21 contacted.
22 c. The public person makes or participates in
23 making a planned presentation to a business on behalf
24 of the person's agency.
25 d. A report of the gift received by the person is
26 filed with the agency employing the person. The
27 reports of gifts filed with agencies under this
28 subsection are confidential records under chapter 22.
29 5. A public person, a candidate, or the person's
30 immediate family member shall not solicit any gift or
31 series of gifts at any time.
32 6. A person shall not request, and a member of the
33 general assembly shall not agree, that a member of the
34 general assembly sell tickets for a community-related
35 social event that is to be held for members of the
36 general assembly in Polk county during the legislative
37 session. This section shall not apply to Polk county
38 or city of Des Moines events that are open to the
39 public generally or are held only for Polk county or
40 city of Des Moines legislators.
41 Sec. 8. RECEIPT OF HONORARIA — PROHIBITED. A
42 public official or public employee shall not receive
43 an honorarium or other compensation for an appearance,
44 speech, or article. For purposes of this section, an
45 "honorarium" or "compensation" does not include actual
46 expenses of a public official or public employee for
47 food, beverages, travel, and lodging, or a payment
48 commensurate with the actual personal services
49 rendered by the public official or public employee in
50 connection with a bona fide business, trade, or

Page 5

1 profession.
2 Sec. 9. Section 68B.7, unnumbered paragraph 1,
3 Code 1991, is amended to read as follows:
4 ~~No~~ A person who has served as an official, ~~or~~ state
5 employee of a state agency, member of the general
6 assembly, or legislative employee shall not within a
7 period of two years after the termination of such
8 service or employment appear before ~~such state~~ the
9 agency or receive compensation for any services
10 rendered on behalf of any person, firm, corporation,
11 or association in relation to any case, proceeding, or
12 application with respect to which ~~such~~ the person was
13 directly concerned and personally participated during
14 the period of service or employment.
15 Sec. 10. Section 68B.10, Code 1991, is amended to
16 read as follows:
17 68B.10 LEGISLATIVE ETHICS COMMITTEE.
18 1. There shall be an ethics committee in the
19 senate and an ethics committee in the house, each to

consist of ~~seven~~ six members; three members to be appointed by the majority leader in each house~~, two~~ and three members to be appointed by the minority leader in each house ~~and two individuals who shall not be employees of the general assembly by the chief justice of the Iowa supreme court.~~

2. ~~The two individuals appointed by the chief justice of the supreme court shall receive a per diem as specified in section 7E.6 and travel expenses at the same rate as paid members of interim committees for attending meetings of the ethics committee.~~ Members ~~of the general assembly~~ shall receive a per diem as specified in section 7E.6 and travel expenses at the same rate as paid members of interim committees for attending meetings held when the general assembly is not in session. The per diem and expenses shall be paid from funds appropriated by section 2.12.

3. ~~The president pro tempore of the senate is designated as chairperson of the senate committee.~~ The ~~house~~ majority leader of each house shall designate the chairperson and the minority leader of each house shall designate the ranking member of each committee. Each committee shall elect a ~~chairperson~~ vice-chairperson. The chairperson of each committee shall have the following powers, duties, and functions:

a. Preside over meetings of the committee.

b. Call meetings of the committee during the legislative session and within a reasonable time after receipt of a complaint when the legislature is not in session.

Page 6

4. Each committee shall have the following powers, duties, and functions:

~~1~~ a. Prepare a code of ethics within thirty days after the commencement of the session.

~~2~~ b. Prepare rules relating to lobbyists and lobbying activities in the general assembly.

~~3~~ c. Issue advisory opinions interpreting the intent of constitutional and statutory provisions relating to legislators and lobbyists as well as interpreting the code of ethics and rules issued pursuant to this section. Opinions shall be issued when approved by a majority of the ~~seven~~ six members and may be issued upon the written request of a member of the general assembly or upon the committee's initiation. Opinions are not binding on the legislator or lobbyist.

~~4~~ d. Receive and investigate complaints and charges against members of its house alleging a

19 violation of the code of ethics, rules governing
20 lobbyists, this chapter, or other matters referred to
21 it by its house. The committee shall recommend rules
22 for the receipt and processing of complaints made
23 during the legislative session and those made after
24 the general assembly adjourns.
25 ~~5~~ e. Recommend legislation relating to legislative
26 ethics and lobbying activities.
27 The ethics committees may employ independent legal
28 counsel to assist them in carrying out their duties
29 under this chapter with the approval of a committee's
30 house when the general assembly is in session and with
31 the approval of the rules and administration committee
32 of that house when the general assembly is not in
33 session. Payment of costs for the independent legal
34 counsel shall be made from section 2.12.
35 5. The code of ethics and rules relating to
36 lobbyists and lobbying activities shall not become
37 effective until approved by the members of the house
38 to which the proposed code and rules apply. The code
39 or rules may be amended either upon the recommendation
40 of the ethics committee or by members of the general
41 assembly.
42 6. Violation of the code of ethics may result in
43 censure, reprimand, or other sanctions as determined
44 by a majority of the member's house. However, a
45 member may be suspended or expelled and the member's
46 salary forfeited only if directed by a two-thirds vote
47 of the member's house. A suspension, expulsion, or
48 forfeiture of salary shall be for the duration
49 specified in the directing resolution. However, it
50 shall not extend beyond the end of the general

Page 7

1 assembly during which the violation occurred.
2 Violation of a rule relating to lobbyists and lobbying
3 activities may result in censure, reprimand, or other
4 sanctions as determined by a majority of the members
5 of the house in which the violation occurred.
6 However, a lobbyist may be suspended from lobbying
7 activities for the duration provided in the directing
8 resolution only if directed by a two-thirds vote of
9 the house in which the violation occurred.
10 Sec. 11. Section 68B.10, Code 1991, is amended by
11 adding the following new unnumbered paragraph:
12 NEW UNNUMBERED PARAGRAPH. Upon a determination
13 that an investigation is to commence on any complaint,
14 the chairperson of the committee shall submit a
15 written request to the supreme court requesting that a
16 senior judge be appointed to act as a master for the
17 purpose of conducting a hearing at which findings of

18 fact shall be made for consideration by the committee
19 during the investigation, and upon which any
20 recommended sanction shall be based. A master
21 appointed pursuant to this paragraph shall have the
22 same powers as provided in Iowa rule of civil
23 procedure 209.
24 Sec. 12. Section 68B.11, Code 1991, is amended to
25 read as follows:
26 68B.11 REPORTING OF GIFTS AND FINANCIAL
27 DISCLOSURE.
28 1. The house of representatives and the senate
29 shall adopt rules requiring the reporting of gifts
30 made to members of the general assembly, legislative
31 employees, and their immediate family members. The
32 rules shall require public disclosure of the ~~nature,~~
33 ~~amount, date, and donor of a~~ gift or gifts from any
34 one donor made to one of those individuals ~~which~~
35 ~~exceed fifteen dollars in cumulative value in any one~~
36 ~~calendar day~~. The rules ~~shall~~ may require ~~such~~
37 disclosure by both the donor and donee. ~~However, the~~
38 ~~rules of either or both houses may waive the reporting~~
39 ~~of food and beverage provided for immediate~~
40 ~~consumption in the presence of the donor.~~
41 2. The governor shall issue an executive order
42 requiring the reporting of gifts made to officials and
43 employees of the executive department of the state and
44 their immediate family members. The executive order
45 shall require public disclosure of the ~~nature, amount,~~
46 ~~date, and donor of a~~ gift or gifts from any one donor
47 made to one of those individuals ~~which exceeds fifteen~~
48 ~~dollars in cumulative value in any one calendar day~~.
49 The executive order ~~shall~~ may require ~~such~~ disclosure
50 by both the donor and donee. ~~The executive order may~~

Page 8

1 ~~waive the reporting of food and beverage provided for~~
2 ~~immediate consumption in the presence of the donor.~~
3 3. The supreme court of this state shall ~~adopt~~
4 prescribe rules requiring the reporting of gifts made
5 to officials and employees of the judicial department
6 of this state and their immediate family members. The
7 rules shall require public disclosure of the ~~nature,~~
8 ~~amount, date, and donor of a~~ gift or gifts from any
9 one donor made to one of those individuals ~~which~~
10 ~~exceeds fifteen dollars in cumulative value in any one~~
11 ~~calendar day~~. The rules ~~shall~~ may require ~~such~~
12 disclosure by both the donor and donee. ~~The rules may~~
13 ~~waive the reporting of food and beverage provided for~~
14 ~~immediate consumption in the presence of the donor.~~
15 4. The governing body of a political subdivision
16 of this state shall adopt rules requiring the

17 reporting of gifts made to its respective members and
18 their immediate family members and its local officials
19 and local employees and their immediate family
20 members. The rules as adopted shall require public
21 disclosure of the ~~nature, amount, date, and donor of a~~
22 gift or gifts from any one donor made to one of those
23 individuals ~~which exceeds fifteen dollars in~~
24 ~~cumulative value in any one calendar day~~. The rules
25 ~~shall~~ may require ~~such~~ disclosure by both the donor
26 and donee. ~~The rules may waive the reporting of food~~
27 ~~and beverage provided for immediate consumption in the~~
28 ~~presence of the donor.~~ Copies of the rules and
29 reports shall be filed with the county auditor of the
30 county in which the political subdivision is located.
31 The secretary of state shall develop a standard
32 form for public disclosure of gifts in compliance with
33 this subsection which shall be available at every
34 county auditor's office without cost.
35 5. a. In determining the value of a gift, an
36 individual making a gift on behalf of more than one
37 person shall not divide the value of the gift by the
38 number of persons on whose behalf the gift is made.
39 b. The value of a gift to the donee is the value
40 actually received.
41 ~~c. For the purposes of the reporting requirements~~
42 ~~of this section, a donor of a gift made by more than~~
43 ~~one individual to one or more donees shall report the~~
44 ~~gift if the total value of the gift to the donee~~
45 ~~exceeds fifteen dollars.~~
46 6. The rules required under this section shall
47 provide that expenses for food, beverages,
48 registration, and scheduled entertainment at group
49 events to which all members of either house or both
50 houses of the general assembly have been invited shall

Page 9

1 be reported for each such event by reporting the date,
2 location, and total expense incurred by the donor or
3 donors.
4 7. Reporting requirements adopted or issued under
5 this section may include requirements relating to the
6 reporting of income which is not a gift.
7 8. A person who does not make public disclosure of
8 gifts as required by this chapter or the rules adopted
9 or executive order issued pursuant to this chapter is
10 guilty of a serious misdemeanor.
11 Sec. 13. NEW SECTION. 56.15A PROHIBITING
12 CONTRIBUTIONS DURING LEGISLATIVE SESSION AND OTHER
13 TIMES.
14 A lobbyist or political committee, other than a
15 state statutory political committee, county statutory

16 political committee, or a national political party,
17 shall not contribute to, act as an agent or
18 intermediary for contributions to, or arrange for the
19 making of contributions to the campaign funds of an
20 elected state official, member of the general
21 assembly, or candidate for public office on the state
22 level on any day during the regular legislative
23 session and, in the case of the governor or a
24 gubernatorial candidate, during the thirty days
25 following the adjournment of a regular legislative
26 session allowed for the signing of bills. This
27 section shall not apply to the receipt of
28 contributions by an elected state official, member of
29 the general assembly, or other state official who has
30 taken affirmative action to seek nomination or
31 election to a federal elective office.
32 Sec. 14. Section 56.42, subsections 1, 2, and 5,
33 Code Supplement 1991, are amended to read as follows:
34 1. In addition to the uses permitted under section
35 56.41, a candidate's committee may only transfer
36 campaign funds in one or more of the following ways:
37 a. Contributions to charitable organizations.
38 b. Contributions to national, state, or local
39 political party central committees~~, or other~~
40 ~~candidate's committees~~.
41 c. Transfers to the treasurer of state for deposit
42 in the general fund of the state.
43 d. Return of contributions to contributors on a
44 pro rata basis, except that any contributor who
45 contributed five dollars or less may be excluded from
46 the distribution.
47 2. If an unexpended balance of campaign funds
48 remains when a ~~candidate ceases to be a candidate or~~
49 ~~the~~ candidate's committee dissolves, the unexpended
50 balance shall be transferred pursuant to subsection 1.

Page 10

1 5. A candidate, ~~or~~ candidate's committee, or any
2 other person shall not directly or indirectly receive
3 or transfer campaign funds with the intent of
4 circumventing the requirements of this section. A
5 candidate for statewide or legislative office shall
6 not establish, direct, or maintain a political
7 committee.
8 Sec. 15. STUDIES.
9 1. The legislative council shall initiate and
10 organize a study relating to ethics and campaign
11 contributions embracing subject matters considered by
12 the Seventy-fourth General Assembly, as well as such
13 other ethics and campaign contribution issues as it
14 deems necessary, as they affect members of the general

15 assembly.
16 2. The governor shall create a task force to study
17 issues relating to ethics and campaign contributions
18 embracing subject matters considered by the Seventy-
19 fourth General Assembly, as well as such other ethics
20 and campaign contributions issues as the task force
21 deems necessary, as they affect members of the
22 executive branch of government.
23 3. The chief justice of the supreme court shall
24 create a study relating to ethics of the members of
25 the judicial branch of government.
26 4. The league of municipalities and the Iowa state
27 association of counties shall create a joint study
28 relating to ethics and campaign contributions
29 embracing subject matters considered by the Seventy-
30 fourth General Assembly, as well as such other ethics
31 and campaign contribution issues as deemed necessary,
32 as they affect officeholders and candidates of city
33 and county elective positions.
34 5. Not later than December 1, 1992,
35 representatives of the study groups and task force
36 created in subsections 1 through 4 shall meet for the
37 purpose of comparing their findings and developing a
38 joint report which shall be made available to the
39 members of the general assembly, the office of the
40 governor, the chief justice of the supreme court, and
41 the respective political subdivisions not later than
42 February 1, 1993.
43 Sec. 16. Section 56.10A, Code 1991, is repealed.
44 Sec. 17. EFFECTIVE AND APPLICABILITY DATES.
45 1. Except as provided in subsection 2, this Act,
46 being deemed of immediate importance, takes effect
47 upon enactment.
48 2. Sections 1, 2, 4, 7, 10, 12, and 13 of this Act
49 take effect January 1, 1993. Sections 6 and 14 of
50 this Act take effect July 1, 1992.

Page 11

1 3. Section 6 of this Act applies to members of the
2 Seventy-fourth General Assembly and subsequent general
3 assemblies."
4 2. Title page, by striking line 4, and inserting
5 the following: "and applicability dates and a study."

Speaker Arnould in the chair at 12:09 p.m.

On motion by Peterson of Carroll, the House refused to concur in the Senate amendment H—6022.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2466** be immediately messaged to the Senate.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2372.

Ways and Means Calendar

Senate File 2372, a bill for an act relating to employer obligations toward non-English speaking employees, and providing for a fee and civil penalties, with report of committee recommending passage was taken up for consideration.

Siegrist of Pottawattamie offered the following amendment H—6023 filed by him and moved its adoption:

H—6023

1 Amend Senate File 2372, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, lines 4 and 5, by striking the words
4 "or is discharged or dismissed".

A non-record roll call was requested.

The ayes were 36, nays 48.

Amendment H—6023 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. 2372)

The ayes were, 56:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Eddie	Fogarty	Gill
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Knapp	Lageschulte	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Spear	Svoboda
Teaford	Wise	Wissing	Mr. Speaker Arnould

The nays were, 41:

Banks	Bartz	Beaman	Bennett
Carpenter	Corbett	Daggett	De Groot

Diemer	Garman	Gipp	Grubbs
Hahn	Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.
Hester	Hurley	Iverson	Johnson
Kistler	Koenigs	Krebsbach	Kremer
Lundby	Maulsby	McKean	McNeal
Mertz	Metcalf	Millage	Miller
Petersen, D. F.	Plasier	Rafferty	Renken
Royer	Spenner	Tyrrell	Van Maanen
Weidman			

Absent or not voting, 3:

Branstad	Harbor	Shoning

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

MOTION TO RECONSIDER PREVAILED

Hanson of Delaware called up for consideration the motion to reconsider House File 2480, filed by him from the floor, and moved to reconsider the vote by which **House File 2480,** a bill for an act relating to department of human services' programs involving child and family services, juvenile justice, foster care, and medical assistance and providing applicability provisions and an effective date, failed to pass the House on April 23, 1992.

A non-record roll call was requested.

The ayes were 76, nays 5.

The motion to reconsider prevailed and House File 2480 was taken up for consideration.

McKinney of Dallas asked and received unanimous consent that House File 2480 be deferred and that the bill retain its place on the calendar.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 1992, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2366, a bill for an act appropriating federal funds made available from federal block grants and other federal grants.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Hammond of Story called up for consideration **Senate File 2366,** a bill for an act appropriating federal funds made available from fed-

eral block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6028 to the House amendment:

H—6028

1 Amend the House amendment, S—5855, to Senate File
2 2366, as passed by the Senate, as follows:
3 1. Page 1, by striking line 9.

The motion prevailed and the House concurred in the Senate amendment H—6028, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2366)

The ayes were, 97:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker Arnould			

The nays were, none.

Absent or not voting, 3:

Branstad	Harbor	Shoning

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

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2372 and 2366.**

SENATE AMENDMENT CONSIDERED

Dvorsky of Johnson called up for consideration **Senate File 2290,** a bill for an act relating to the provision of solid waste collection, amended by the House, further amended by the Senate, and moved that the House concur in the following Senate amendment H—6020, to the House amendment:

H—6020

1 Amend the House amendment, S—5817, to Senate File
2 2290, as amended, passed, and reprinted by the Senate
3 as follows:
4 1. Page 4, line 2, by striking the words "which
5 contracts with a city" and inserting the following:
6 "providing solid waste collection services".
7 2. Page 4, line 3, by striking the words "to
8 provide" and inserting the following: "shall
9 provide".
10 3. Page 4, lines 4 and 5, by striking the words
11 "shall provide solid waste collection services".

The motion prevailed and the House concurred in the Senate amendment H—6020, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2290)

The ayes were, 77:

Adams	Baker	Banks	Bartz
Beatty	Bennett	Bernau	Bisignano
Black	Brammer	Brand	Brown
Burke	Carpenter	Chapman	Cohoon
Connors	Corbett	Dickinson	Diemer

Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lundby
McKinney	McNeal	Mertz	Millage
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Plasier	Poncy	Rafferty	Shearer
Sherzan	Shoultz	Spenner	Svoboda
Teaford	Tyrrell	Wise	Wissing
Mr. Speaker Arnould			

The nays were, 19:

Beaman	Blanshan	Daggett	De Groot
Halvorson, R. N.	Jesse	Maulsby	McKean
Metcalf	Miller	Petersen, D. F.	Renaud
Renken	Royer	Schrader	Siegrist
Spear	Van Maanen	Weidman	

Absent or not voting, 4:

Branstad	Harbor	Lageschulte	Shoning

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2290** be immediately messaged to the Senate.

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.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2365.

Ways and Means Calendar

Senate File 2365, a bill for an act relating to the refund or abatement of property taxes paid or owed by certain exempt institutions on property purchased by the institutions and providing an effective

date, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2365)

The ayes were, 94:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Burke	Carpenter	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker Arnould		

The nays were, 1:

Chapman

Absent or not voting, 5:

Branstad	Brown	Harbor	Lageschulte
Shoning			

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2365** be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2457)

Teaford of Black Hawk called up for consideration the report of the conference committee on House File 2457 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2457

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 2457, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, and the department of human rights, respectfully make the following report:

1. That the Senate recedes from its amendment, H—5805.

2. That House File 2457, as passed by the House, is amended as follows:

1. Page 3, by striking line 28 and inserting the following:
" .....$ 1,196,686".

2. Page 4, by striking lines 15 through 18.

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

"e. HEALTH DATA CLEARINGHOUSE. For the health data clearinghouse of the health data commission:
.....$ 290,250

The funds appropriated under this paragraph shall be used for the collection, verification, updating, and storage of data, including long-term care data, received pursuant to chapters 145 and 255A, and for the production of mandated reports. The health data commission shall establish a fee schedule, in consultation with its consultant, for the costs of providing data to organizations which request the data. The fee established shall be based upon the marginal cost and a portion of the fixed cost of providing the data.

Notwithstanding section 145.3, subsection 5, the health data commission may contract to purchase a tape from the Iowa hospital association containing data from all in-patient admissions to Iowa hospitals. The health data commission shall specify the data to be contained on the tape to ensure the utility of the tape for the production of health data commission reports."

4. Page 4, line 29, by striking the figure "2,286,888" and inserting the following: "2,336,230".

5. Page 4, line 30, by striking the figure "75.50" and inserting the following: "76.50".

6. Page 4, line 31, by striking the figure "61,131" and inserting the following: "72,750".

7. Page 5, by striking lines 18 through 21.

8. Page 6, by striking line 2 and inserting the following:
" ..... $ 3,120,870".

9. Page 6, line 5, by striking the figure "514,415" and inserting the following: "563,694".

10. Page 6, line 6, by striking the figure "224,494" and inserting the following: "273,773".

11. Page 6, by striking line 16 and inserting the following:
" ..... $ 392,931".

12. Page 6, by striking line 22 and inserting the following:
" ..... $ 115,613".

13. Page 6, by striking line 24 and inserting the following:
" ..... $ 61,693".

14. Page 6, line 32, by striking the figure "80,308" and inserting the following: "97,937".

15. Page 7, by striking lines 18 through 21.

16. Page 7, by inserting before line 22, the following:

"(_____) The department shall work with the department of elder affairs to realize the "Healthy Iowans 2000" goal of providing nutrition screening to 90 percent of the elderly persons participating in well-elderly screening clinics, congregate meal programs, and homemaker-home health aide programs, and shall submit a progress report to the general assembly by January 1, 1993, regarding the number of personnel trained and the number of persons served.

(_____) The department shall continue efforts to realize the "Healthy Iowans 2000" goal of the involvement of 50 counties in the Iowa community nutrition coalition by January 1, 1993, and shall submit a progress report to the general assembly by January 1, 1993."

17. Page 9, line 27, by inserting after the word "purposes." the following: "In providing services to elderly persons, the service provider shall coordinate efforts with the integrated case management for frail elderly program of the department of elder affairs."

18. Page 16, line 32, by striking the figure "164,739" and inserting the following: "127,016".

19. Page 16, line 33, by striking the figure "4.00" and inserting the following: "3.00".

20. Page 18, by inserting after line 6, the following:

"Sec. _____. Section 135.22, subsection 1, Code 1991, is amended to read as follows:

1. As used in this section, section 135.22A, and section 225C.23, ~~and section 601K.80,~~ "brain injury" means clinically evident brain damage or spinal cord injury resulting directly or indirectly from trauma, infection, anoxia, or vascular lesions not primarily

related to degenerative or aging processes, which temporarily or permanently impairs a person's physical or cognitive functions.

Sec. _____ . NEW SECTION. 135.22A ADVISORY COUNCIL ON HEAD INJURIES.

1. For purposes of this section, unless the context otherwise requires:

a. "Head injury" means "brain injury" as defined in section 135.22.

b. "Council" means the advisory council on head injuries.

2. The advisory council on head injuries is established. The following persons or their designees shall serve as ex officio, nonvoting members of the council:

a. The director of public health.

b. The director of human services and any division administrators of the department of human services so assigned by the director.

c. The director of the department of education.

d. The chief of the special education bureau of the department of education.

e. The administrator of the division of vocational rehabilitation of the department of education.

f. The director of the department for the blind.

g. The commissioner of insurance.

3. The council shall be composed of a minimum of nine members appointed by the governor in addition to the ex officio members, and the governor may appoint additional members. Insofar as practicable, the council shall include persons with head injuries, family members of persons with head injuries, representatives of industry, labor, business, and agriculture, representatives of federal, state, and local government, and representatives of religious, charitable, fraternal, civic, educational, medical, legal, veteran, welfare, and other professional groups and organizations. Members shall be appointed representing every geographic and employment area of the state and shall include members of both sexes.

4. Members of the council appointed by the governor shall be appointed for terms of two years. Vacancies on the council shall be filled for the remainder of the term of the original appointment. Members whose terms expire may be reappointed.

5. The voting members of the council shall appoint a chairperson and a vice chairperson and other officers as the council deems necessary. The officers shall serve until their successors are appointed and qualified. Members of the council shall receive actual expenses for their services. Members may also be eligible to receive compensation as provided in section 7E.6. The council shall adopt rules pursuant to chapter 17A.

6. The council shall do all of the following:

a. Promote meetings and programs for the discussion of methods to reduce the debilitating effects of head injuries, and disseminate information in cooperation with any other department, agency, or entity on the prevention, evaluation, care, treatment, and rehabilitation of persons affected by head injuries.

b. Study and review current prevention, evaluation, care, treatment, and rehabilitation technologies and recommend appropriate preparation, training, retraining, and distribution of manpower and resources in the provision of services to persons with head injuries through private and public residential facilities, day programs, and other specialized services.

c. Participate in developing and disseminating criteria and standards which may be required for future funding or licensing of facilities, day programs, and other specialized services for persons with head injuries in this state.

d. Make recommendations to the governor for developing and administering a state plan to provide services for persons with head injuries.

e. Meet at least quarterly.

f. Report on or before February 15 of each year to the governor and the general assembly on council activities, and submit recommendations believed necessary to promote the welfare of persons with head injuries.

7. The council is assigned to the department for administrative purposes. The director shall be responsible for budgeting, program coordination, and related management functions.

8. The council may receive gifts, grants, or donations made for any of the purposes of its programs and disburse and administer them in accordance with their terms and under the direction of the director.

Sec. _____ . Section 135I.2, Code 1991, is amended to read as follows:

135I.2 APPLICABILITY.

This chapter applies to all swimming pools and spas owned or operated by local or state government, or commercial interests or private entities including, but not limited to, facilities operated by cities, counties, public or private school corporations, hotels, motels, camps, apartments, condominiums, and health or country clubs. This chapter does not apply to facilities intended for single family use. To avoid duplication and promote coordination of inspection activities, the department may enter into agreements pursuant to chapter 28E with a local board of health ~~or multiple boards of health representing contiguous areas~~ to provide for inspection and enforcement in accordance with this chapter.

Sec. _____ . Section 135I.4, subsection 6, Code 1991, is amended to read as follows:

6. Enter into agreements with a local board of health ~~or local boards of health in a contiguous area~~ to implement the inspection and enforcement provisions of this chapter. The agreements shall provide that the fees established by the local board ~~or boards~~ of health for inspection and enforcement shall be retained by the local board ~~or boards. A local board of health or boards of health in a contiguous area may enter into such an agreement with the department.~~ However, inspection fees shall not be charged by the department for facilities which are inspected by third-party authorities. Third-party authorities shall be approved by the department. The department shall monitor and certify the inspection and enforcement programs of local boards of health and approved third-party authorities.

Sec. _____ . Section 135I.6, Code 1991, is amended to read as follows:

135I.6 ENFORCEMENT.

If the department or a local board ~~or boards~~ of health acting pursuant to agreement with the department determines that a provision of this chapter or a rule adopted pursuant to this chapter has been or is being violated, the department or the local board ~~or boards~~ of health may order that a facility or item of equipment not be used until the necessary corrective action has been taken. The department or the local board of health may request the county attorney to bring appropriate legal proceedings to enforce this chapter, including an action to enjoin violations. The attorney general may also institute appropriate legal proceedings at the request of the department. This remedy is in addition to any other legal remedy available to the department or a local board ~~or boards~~ of health.

Sec. _____ . NEW SECTION. 136E.7 SUSPENSION AND REVOCATION OF LICENSES.

The department may suspend, revoke, or impose probationary conditions upon a license issued pursuant to rules adopted in accordance with section 136E.3.

Sec. _____ . NEW SECTION. 514B.4A DIRECT PROVISION OF HEALTH CARE SERVICES.

1. An application for a certificate of authority to provide health care services, directly, shall be forwarded by the commissioner to the director of public health for review, comment, and recommendation, with respect to the health care services to be provided directly, to assure that the applicant has demonstrated the willingness and potential ability to provide the health care services through adequate personnel and facilities.

2. Rules proposed by the commissioner for adoption for the direct provision of health care services by a health maintenance organization, shall be forwarded by the commissioner to the director of public health for review, comment, and recommendation, prior to submission to the administrative rules coordinator pursuant to section 17A.4.

3. The director of public health shall respond to the commissioner, with respect to an application or proposed rule, with any comments or recommendations within thirty days of the forwarding of the application or proposed rules to the director of public health."

21. By striking page 18, line 22, through page 19, line 6.

22. Page 19, by inserting after line 6 the following:

"Sec. _____ . INTERIM STUDY — LICENSING AND EXAMINING BOARDS. The legislative council is requested to establish an interim study committee to review and make recommendations for the reorganization of professional licensure and the professional examining boards under the purview of the Iowa department of public health. The study shall include but not be limited to an evaluation of and recommendation regarding the establishment of a health profession review commission to address scope of practice issues.

Sec. _____ . Section 601K.80, Code 1991, is repealed."

23. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

JANE TEAFORD, Chair
JOSEPHINE GRUHN
PAT MURPHY

ON THE PART OF THE SENATE:

FLORENCE BUHR, Chair
BEVERLY A. HANNON
ALVIN V. MILLER
SHELDON RITTMER
MAGGIE TINSMAN

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 2457)

The ayes were, 56:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Daggett	Doderer
Dvorsky	Fogarty	Gill	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Knapp	Koenigs	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Teaford	Wise	Wissing	Mr. Speaker Arnould

The nays were, 39:

Banks	Bartz	Beaman	Bennett
Carpenter	Corbett	De Groot	Dickinson
Diemer	Eddie	Garman	Gipp
Grubbs	Hahn	Halvorson, R. A.	Hanson, D. R.
Hester	Hurley	Iverson	Johnson
Kistler	Krebsbach	Kremer	Lundby
Maulsby	McKean	McNeal	Metcalf
Millage	Miller	Petersen, D. F.	Plasier
Rafferty	Renken	Siegrist	Spenner
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 5:

Branstad Harbor Lageschulte Royer
Shoning

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2457** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 1992, 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 2385, a bill for an act relating to the waste reduction and recycling incentives, and providing penalties.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE REPORTS FILED

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

JOSEPH O'HERN
Chief Clerk of the House

(Senate File 2345)

Senate File 2345, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund and providing an effective date.

ON THE PART OF THE HOUSE:

DENNIS COHOON, Chair
KENNETH DE GROOT
PATRICK GILL
EMIL PAVICH

ON THE PART OF THE SENATE:

DONALD GETTINGS, Chair
MIKE CONNOLLY
DONALD DOYLE
JOHN JENSEN
JAMES KERSTEN

(Senate File 2351)

Senate File 2351, a bill for an act relating to state budget and financial control by requiring certain financial practices.

ON THE PART OF THE HOUSE:

JACK HATCH, Chair
TOM MILLER
PHILIP WISE

ON THE PART OF THE SENATE:

RICHARD VARN, Chair
LEONARD L. BOSWELL
MICHAEL E. GRONSTAL
DERRYL McLAREN
JIM LIND

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 24th day of April, 1992: House Files 2172, 2195, 2308, 2330, 2370, 2394 and 2413.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

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

Ten sixth grade students from St. Thomas Aquinas School, Webster City, accompanied by Mary March. By Adams of Hamilton.

Seventy-five fifth grade students from Edison Elementary School, Waterloo, accompanied by Mike Bolick, Marcia Henry and Pam Terrell. By Hanson of Black Hawk.

Fifty eighth grade students from St. Edward's School, Waterloo, accompanied by Carolyn Miecznikowski and Don Sullivan. By Hanson of Black Hawk.

Eighty-two fifth grade students from Terrace Elementary School, Ankeny, accompanied by Marilyn Kelley. By Haverland of Polk.

RESOLUTION FILED

HCR 119, by Doderer, Neuhauser, Ollie, Carpenter, Koenigs, Brammer, Shoultz, Teaford, Dvorsky, Hammond and Bernau, a concurrent resolution commending the University of Iowa for leading the nation in championing gender equality in athletic programs and athletic scholarships.

Laid over under **Rule 25.**

AMENDMENT FILED

H–6027 H.F. 2400 Senate Amendment

On motion by McKinney of Dallas, the House adjourned at 1:08 p.m., until 10:00 a.m., Monday, April 27, 1992.

JOURNAL OF THE HOUSE

One Hundred Sixth Calendar Day — Seventieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 27, 1992

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

Prayer was offered by the Honorable Roger Halvorson, state representative from Clayton County.

The Journal of Friday, April 24, 1992 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 21, 1992, adopted the conference committee report and passed House File 2061, a bill for an act relating to the transfer of assets of terminated city fire or police retirement systems with unfunded accrued liabilities to the statewide system, and providing effective and retroactive applicability dates.

Also: That the Senate has on April 24, 1992, amended and passed the following bill in which the concurrence of the House is asked:

House File 2356, a bill for an act relating to the authorization of actions by the department of natural resources regarding the federal Clean Air Act as amended to January 1, 1991, and providing penalties.

Also: That the Senate has on April 27, 1992, 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 2454, a bill for an act relating to efficiency in government, and making appropriations.

Also: That the Senate has on April 27, 1992, passed the following bill in which the concurrence of the Senate was asked:

House File 2476, a bill for an act relating to sexual abuse or sexual exploitation by a counselor or therapist and making penalites applicable.

Also: That the Senate has on April 27, 1992, passed the following bill in which the concurrence of the Senate was asked:

House File 2478, a bill for an act relating to the repeal of the seed capital tax credit and providing an effective date.

Also: That the Senate has on April 27, 1992, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 117, a concurrent resolution to designate Labor Day, September 7, 1992, as Help Yourself, Buy American Day.

Also: That the Senate has on April 24, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2035, a bill for an act relating to the discharge of an adoptive father's obligation for support of an adopted child.

Also: That the Senate has on April 27, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2218, a bill for an act relating to the regulation of swimming pools, spas, and swimming pool or spa water heaters regulated by the Iowa department of public health and providing an effective date.

Also: That the Senate has, on April 24, 1992, adopted the conference committee report and passed Senate File 2345, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund and providing an effective date.

Also: That the Senate has, on April 24, 1992, adopted the conference committee report and passed Senate File 2351, a bill for an act relating to state budget and financial control by requiring certain financial practices.

Also: That the Senate has on April 27, 1992, passed the following bill in which the concurrence of the House is asked:

Senate File 2368, a bill for an act relating to the funding of the gamblers assistance program.

JOHN F. DWYER, Secretary

On motion by McKinney of Dallas, the House was recessed at 11:50 a.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-eight members present, twenty-two absent.

The House stood at ease at 3:15 p.m., until the fall of the gavel.

The House resumed session at 4:25 p.m., Speaker Arnould in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer on request of Spenner of Henry; Dickinson of Jackson on request of Gill of Woodbury; Harbor of Mills on request of Van Maanen of Mahaska, all for the remainder of the day.

CONSIDERATION OF BILLS
Appropriations Calendar

The House resumed consideration of **House File 2480**, a bill for an act relating to department of human services' programs involving child and family services, juvenile justice, foster care, and medical assistance and providing applicability provisions and an effective date, previously deferred.

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. 2480)

The ayes were, 59:

Adams	Baker	Bartz	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Diemer
Doderer	Gill	Gipp	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Knapp
Koenigs	McKean	McKinney	McNeal
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoultz
Spear	Spenner	Svoboda	Teaford
Wise	Wissing	Mr. Speaker Arnould	

The nays were, 36:

Banks	Beaman	Beatty	Bennett
Branstad	Corbett	Daggett	De Groot
Eddie	Fogarty	Garman	Grubbs
Hahn	Hansen, S. D.	Hanson, D. R.	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lundby	Maulsby
Mertz	Metcalf	Millage	Miller
Rafferty	Renken	Royer	Shoning
Siegrist	Tyrrell	Van Maanen	Weidman

Absent or not voting, 5:

Dickinson	Dvorsky	Hanson, D. E.	Harbor
Lageschulte			

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2480** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Shearer of Louisa called up for consideration **House File 2400**, a bill for an act relating to the funding for emergency medical services, authorizing a county to impose a local option tax or combination of taxes to provide local funding, amended by the Senate amendment H—6027 as follows:

H—6027

1 Amend House File 2400, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. NEW SECTION. 357F.1 BOARD OF
6 TRUSTEES.
7 A benefited emergency medical services district
8 shall be governed by a board of trustees consisting of
9 three members who shall serve overlapping, three-year
10 terms. Each trustee shall give bond in an amount to
11 be determined by the board of supervisors, the premium
12 for which shall be paid by the district of the
13 trustee. The members of the board of trustees shall
14 be elected at an election or, if there are
15 insufficient candidates for the office, appointed by
16 the board of supervisors from among the qualified
17 electors of the district. Notice of the election
18 shall be given by publication in a newspaper having
19 general circulation within the district. The notice
20 shall contain the date, time, and location of the
21 election. The elections shall be conducted in
22 accordance with chapter 49 when such provisions are
23 not in conflict with this chapter. The precinct
24 election officials shall be appointed by the board of
25 supervisors from among the qualified electors of the
26 district and shall serve without pay. Any vacancy on
27 the board shall be filled by appointment of the board
28 of supervisors for the unexpired term. If a benefited
29 emergency medical services district is located in more
30 than one county, joint action of the boards of
31 supervisors of the affected counties is required to
32 appoint the members of the board of trustees, to
33 determine the amount of bond, or to dissolve the
34 district as provided in this chapter.
35 Sec. 2. NEW SECTION. 357F.2 POWERS OF THE BOARD
36 OF TRUSTEES.
37 The board of trustees may purchase, own, rent, or

38 maintain emergency medical services apparatus or
39 equipment within the state or outside the territorial
40 jurisdiction and boundary limits of this state and
41 provide housing for such apparatus or equipment. The
42 board of trustees may contract with any public or
43 private agency under chapter 28E for the purpose of
44 providing emergency medical services under this
45 chapter.
46 Sec. 3. NEW SECTION. 357F.3 DISSOLUTION OF
47 DISTRICT.
48 1. Upon petition of a number of registered voters
49 residing in a district at least equal to thirty-five
50 percent of the property taxpayers in the district, the

Page 2

1 board of supervisors may dissolve a benefited
2 emergency medical services district and dispose of any
3 remaining property, the proceeds of which shall first
4 be applied against any outstanding obligation of the
5 district. Any remaining balance shall be applied as a
6 tax credit for the property owners of the district.
7 However, except as provided in subsection 2, if all or
8 a part of a district is annexed, the board of
9 supervisors may transfer the remaining property and
10 balance to the city which annexed the territory. The
11 board of supervisors shall continue to levy an annual
12 tax after the dissolution of a district, not to exceed
13 forty and one-half cents per thousand dollars of
14 assessed value of the taxable property of the
15 district, until all outstanding obligations of the
16 district are paid.
17 2. If a benefited emergency medical services
18 district is dissolved that has been providing
19 emergency medical services by contract, direct levy,
20 or combination of both, to a city within the district
21 for at least twenty years and the city's annual
22 payments by contract or levy for the emergency medical
23 services comprise seventy-five percent or more of the
24 district's annual budget, the board of supervisors, in
25 lieu of the disposal of property as provided in
26 subsection 1, shall transfer to the city all of the
27 district's real and personal property. The city shall
28 assume all of the outstanding obligations of the
29 district. If the district provides emergency medical
30 services outside of the city's boundaries, the city
31 shall continue to provide emergency medical services
32 to this area until it is assigned to another emergency
33 medical services district by the board of supervisors.
34 If the city continues the emergency medical services
35 outside its boundaries, the city shall certify to the
36 board of supervisors the cost of providing this

37 service, which shall be at the same rate as contained
38 in the budget for property within the city, but not
39 exceeding forty and one-half cents per thousand
40 dollars of assessed value of all taxable property in
41 the area. The tax shall be collected and allocated in
42 the same manner as other property taxes and paid to
43 the city.
44 Sec. 4. NEW SECTION. 357F.4 USE OF FEDERAL
45 REVENUE-SHARING FUNDS.
46 The board of supervisors may appropriate federal
47 revenue-sharing funds to aid in providing emergency
48 medical services and equipment jointly with any other
49 public agency of this state to residents of such
50 county. The board of supervisors may use federal

Page 3

1 revenue-sharing funds for providing other services and
2 equipment for use of the residents of the county. The
3 use of federal revenue-sharing funds shall be
4 consistent with federal law and rules promulgated
5 pursuant to such law.
6 Sec. 5. NEW SECTION. 357F.5 EXCHANGE OF
7 TERRITORY.
8 The trustees of a benefited emergency medical
9 services district may exchange territory with the
10 trustees of a township to provide emergency medical
11 services by agreement. The agreement shall provide
12 for the satisfaction of any outstanding obligation to
13 which the affected territory is subject, the
14 disposition of property affected by the exchange, the
15 effective date of the exchange, and any other matter
16 deemed necessary to carry out the exchange. The
17 agreement shall be filed with the county recorder and
18 auditor of each county in which the exchanged property
19 is located.
20 Sec. 6. NEW SECTION. 357F.6 EMERGENCY MEDICAL
21 SERVICES DISTRICT INCLUDING A CITY – BUDGET PAYMENT
22 OR SEPARATE LEVY.
23 1. A city that was part of a benefited emergency
24 medical services district prior to the city's
25 incorporation may continue to receive emergency
26 medical services from the district under a contract or
27 direct levy by the district. The annual amount paid
28 by the city to the benefited emergency medical
29 services district shall be included in the city's
30 annual budget and shall be a part of the city's
31 general fund tax levy.
32 2. An existing levy for emergency medical services
33 by a city shall be in lieu of a levy imposed by a
34 benefited emergency medical services district.
35 Sec. 7. NEW SECTION. 357F.7 DETACHMENT OF LAND

36 FROM DISTRICT.
37 The trustees of a township, after notice and a
38 public hearing, may withdraw the township or part of
39 the township from a benefited emergency medical
40 services district. Notice of the time, date and place
41 of the hearing shall be published at least two weeks
42 before the hearing in a newspaper having general
43 circulation within the township. The notice shall
44 also identify the area to be withdrawn. After the
45 hearing on the proposed withdrawal, the township
46 trustees, by majority vote, may withdraw the township
47 or a part of the township from the benefited emergency
48 medical services district. If the township trustees
49 take final action to withdraw on or before March 1 of
50 a fiscal year, the effective date of the withdrawal is

Page 4

1 the following July 1. However, if final action to
2 withdraw is taken after March 1, the withdrawal is not
3 effective until July 1 of the following calendar year.
4 Sec. 8. NEW SECTION. 422C.1 AUTHORIZATION —
5 ELECTION — IMPOSITION AND REPEAL — USE OF REVENUES.
6 1. A county board of supervisors at the request of
7 the board of trustees of a benefited emergency medical
8 services district may offer for voter approval any of
9 the following taxes or a combination of the following
10 taxes:
11 a. Local option income surtax.
12 b. An ad valorem property tax.
13 Revenues generated from these taxes shall be used
14 for emergency medical services as provided in section
15 422C.6.
16 2. The taxes for emergency medical services shall
17 only be imposed after an election at which a majority
18 of those voting on the question of imposing the tax or
19 combination of taxes specified in subsection 1,
20 paragraph "a" or "b" vote in favor of the question.
21 The question of imposing the tax or combination of the
22 taxes may be submitted at the regular city election, a
23 special election, or state general election. Notice
24 of the question shall be provided by publication at
25 least sixty days before the time of the election and
26 shall identify the tax or combination of taxes and the
27 rate or rates, as applicable. If a majority of those
28 voting on the question approve the imposition of the
29 tax or combination of taxes, the tax or combination of
30 taxes shall be imposed as follows:
31 a. A local option income surtax shall be imposed
32 for tax years beginning on or after January 1 of the
33 fiscal year in which the favorable election was held.
34 b. An ad valorem property tax shall be imposed for

35 the fiscal year in which the election was held.
36 3. Revenues received by the county from the taxes
37 imposed under this chapter shall be deposited into the
38 emergency medical services trust fund created pursuant
39 to section 422C.6 and shall be used as provided in
40 that section.
41 4. Any tax or combination of taxes imposed shall
42 be for a maximum period of five years.
43 Sec. 9. NEW SECTION. 422C.2 LOCAL INCOME SURTAX.
44 A county may impose by ordinance a local income
45 surtax at the rate set by the board of supervisors, of
46 up to one percent, on the state individual income tax
47 of each individual residing in the county at the end
48 of the individual's applicable tax year. The reason
49 for imposing the surtax and the amount needed shall be
50 set out in the ordinance. The surtax rate shall be

Page 5

1 set to raise only the amount needed. For purposes of
2 this section, "state individual income tax" means the
3 tax computed under section 422.5, less the credits
4 allowed in sections 422.11A, 422.11B, 422.11C, 422.12,
5 and 422.12B.
6 Sec. 10. NEW SECTION. 422C.3 ADMINISTRATION.
7 A local income surtax shall be imposed January 1 of
8 the fiscal year in which the favorable election was
9 held for tax years beginning on or after January 1,
10 and is repealed as provided in section 422C.1,
11 subsection 4, as of December 31 for tax years
12 beginning after December 31.
13 The director of revenue and finance shall
14 administer the local income surtax as nearly as
15 possible in conjunction with the administration of
16 state income tax laws. The director shall provide on
17 the regular state tax forms for reporting local income
18 surtax.
19 An ordinance imposing a local income surtax shall
20 adopt by reference the applicable provisions of the
21 appropriate sections of chapter 422, division II. All
22 powers and requirements of the director in
23 administering the state income tax law apply to the
24 administration of a local income surtax, including but
25 not limited to, the provisions of sections 422.4,
26 422.20 to 422.31, 422.68, 422.70, and 422.72 to
27 422.75. Local officials shall confer with the
28 director of revenue and finance for assistance in
29 drafting the ordinance imposing a local income surtax.
30 A certified copy of the ordinance shall be filed with
31 the director as soon as possible after passage.
32 The director, in consultation with local officials,
33 shall collect and account for a local income surtax

34 and any interest and penalties. The director shall
35 credit local income surtax receipts and any interest
36 and penalties collected from returns filed on or
37 before November 1 of the calendar year following the
38 tax year for which the local income surtax is imposed
39 to a "local income surtax fund" established in the
40 office of the treasurer of state. All local income
41 surtax receipts and any interest and penalties
42 received or refunded from returns filed after November
43 1 of the calendar year following the tax year for
44 which the local income surtax is imposed shall be
45 deposited in or withdrawn from the state general fund
46 and shall be considered part of the cost of
47 administering the local income surtax.
48 Sec. 11. NEW SECTION. 422C.4 PAYMENT TO LOCAL
49 GOVERNMENT — USE OF RECEIPTS.
50 1. On or before December 15, the director of

Page 6

1 revenue and finance shall make an accounting of the
2 local income surtax receipts and any interest and
3 penalties collected from returns filed on or before
4 November 1 and shall certify to the treasurer of state
5 this amount collected. The treasurer of state shall
6 remit within fifteen days of the certification by the
7 director to each county which has imposed a local
8 income surtax the amount in the local income surtax
9 fund collected as a result of its surtax.
10 2. Local income surtax moneys received by a county
11 shall be deposited and used as provided in section
12 422C.6.
13 Sec. 12. NEW SECTION. 422C.5 PROPERTY TAX LEVY.
14 A county may levy an emergency medical services tax
15 at the rate set by the board of supervisors and
16 approved at the election as provided in section
17 422C.1, on all taxable property in the county for
18 fiscal years beginning with the fiscal year in which
19 the favorable election was held. The reason for
20 imposing the tax and the amount needed shall be set
21 out on the ballot. The rate shall be set so as to
22 raise only the amount needed. The levy is repealed
23 for subsequent fiscal years as provided in section
24 422C.1, subsection 4.
25 Sec. 13. NEW SECTION. 422C.6 EMERGENCY MEDICAL
26 SERVICES TRUST FUND.
27 1. A county authorized to impose a tax under this
28 chapter shall establish an emergency medical services
29 trust fund into which revenues received from the taxes
30 imposed shall be deposited. Moneys in the trust fund
31 shall be used for emergency medical services. In
32 addition, moneys in the fund may be used for the

33 purpose of matching federal or state funds for
34 education and training related to emergency medical
35 services.
36 2. A county may enter into chapter 28E agreements
37 with other counties in order to ensure adequate
38 coverage of the county's service area.
39 3. Costs which are eligible for emergency medical
40 services trust fund expenditures include, but are not
41 limited to:
42 a. Defibrillators.
43 b. Nondisposable essential ambulance equipment, as
44 defined by rule by the Iowa department of public
45 health.
46 c. Communications pagers, radios, and base
47 repeaters.
48 d. Training in the use of emergency medical
49 services equipment.
50 e. Vehicles including, but not limited to,

Page 7

1 ambulances, fire apparatus, boats, rescue/first
2 response vehicles, and snowmobiles.
3 f. Automotive parts.
4 g. Buildings.
5 h. Land.
6 Sec. 14. Section 911.1, Code Supplement 1991, is
7 amended to read as follows:
8 911.1 CRIMINAL PENALTY SURCHARGE ESTABLISHED.
9 A criminal penalty surcharge shall be levied
10 against certain law violators as provided in section
11 911.2, subsection 1. The surcharge shall be deposited
12 as provided in section 911.3, subsection 1, and shall
13 be used for the maintenance and improvement of
14 criminal justice programs, law enforcement efforts,
15 victim compensation, crime prevention, and improvement
16 of the professional training of personnel, and the
17 planning and support services of the criminal justice
18 system.
19 Sec. 15. Section 911.2, Code Supplement 1991, is
20 amended to read as follows:
21 911.2 SURCHARGE.
22 1. When a court imposes a fine or forfeiture for a
23 violation of a state law, or of a city or county
24 ordinance except an ordinance regulating the parking
25 of motor vehicles, the court shall assess an
26 additional penalty in the form of a surcharge equal to
27 thirty percent of the fine or forfeiture imposed.
28 2. In addition to the surcharge provided under
29 subsection 1, when a court imposes a fine for any of
30 the following violations, the court shall assess an
31 additional surcharge as follows:

32 a. Operating a motor vehicle while intoxicated,
33 under section 321J.2, fifteen dollars.
34 b. Failure to use child restraint devices under
35 section 321.446, fifteen dollars.
36 c. Failure to use seatbelts under section 321.445
37 or 321.446, fifteen dollars.
38 d. Reckless driving, under section 29B.106 or
39 321.277, fifteen dollars.
40 PARAGRAPH DIVIDED. In the event of multiple
41 offenses, the surcharge shall be based upon the total
42 amount of fines or forfeitures imposed for all
43 offenses. When a fine or forfeiture is suspended in
44 whole or in part, the surcharge shall be reduced in
45 proportion to the amount suspended.
46 3. The surcharge is subject to the provisions of
47 chapter 909 governing the payment and collection of
48 fines, as provided in section 909.8.
49 Sec. 16. Section 911.3, Code Supplement 1991, is
50 amended to read as follows:

Page 8

1 911.3 DISPOSITION OF SURCHARGE.
2 1. When a court assesses a surcharge under section
3 911.2, subsection 1, the clerk of the district court
4 shall transmit sixteen and two-thirds percent of the
5 surcharge collected to the treasurer of state to be
6 deposited in the fund established in section 912.14.
7 Ninety-four percent of the remainder of the surcharge
8 collected shall be transmitted to the treasurer of
9 state by the fifteenth day of the following month.
10 The treasurer of state shall deposit that money in the
11 general fund of the state. The clerk of the district
12 court shall transmit six percent of the remainder of
13 the surcharge to the county treasurer or shall remit
14 six percent of the remainder of the surcharge to the
15 city that was the plaintiff in any action for deposit
16 in the general fund of the city.
17 2. When a court assesses a surcharge under section
18 911.2, subsection 2, the clerk of the district court
19 shall transmit ninety percent of the surcharge
20 collected to the treasurer of state by the fifteenth
21 day of the following month. From the ninety percent
22 of the surcharge collected the treasurer shall deposit
23 the first one million dollars collected into the
24 general fund of the state and any amount in excess of
25 one million dollars into the emergency medical
26 services education fund. The remaining ten percent
27 shall be deposited with the state court
28 administrator's office to be used to defray the costs
29 of administering this section.
30 Sec. 17. NEW SECTION. 147B.1 EMERGENCY MEDICAL

31 SERVICES EDUCATION FUND.
32 1. The emergency medical services education fund
33 is created in the state treasury under the control of
34 the department. Moneys to be deposited into the fund
35 include, but are not limited to, the surcharge imposed
36 under section 911.2, subsection 2, as provided in
37 section 911.3, subsection 2, amounts appropriated by
38 the general assembly, and other moneys available from
39 federal or private sources which are to be used for
40 purposes of this section. Funds remaining in the
41 education fund at the end of each fiscal year shall
42 not revert to the general fund but shall remain in the
43 emergency medical services education fund,
44 notwithstanding section 8.33. Interest or other
45 income earned by the fund shall be deposited in the
46 fund. The education fund is established to assist
47 counties by providing moneys for grants to a county
48 for the acquisition of equipment for emergency medical
49 services and training in the use of such equipment and
50 by providing grants to counties for education and

Page 9

1 training in the delivery of emergency medical
2 services, as provided in this section and section
3 422C.6. A county seeking funds under this section
4 shall apply with the emergency medical services
5 section of the department. The section or the
6 department shall adopt rules concerning the
7 application and awarding process and establish by rule
8 criteria for the allocation of moneys in the education
9 fund if those moneys are insufficient to meet the
10 needs of the counties.
11 2. For purposes of this section the following
12 shall apply:
13 a. "Education" means any of the following:
14 (1) Approved training which is received after
15 becoming certified as an EMS provider to maintain
16 skills and knowledge and to satisfy renewal of
17 certification requirements. This includes emergency
18 medical training for members of the general public.
19 (2) Training approved by the Iowa department of
20 public health which is obtained by a certified basic
21 emergency medical care provider to maintain, improve,
22 or expand relevant skills and knowledge and to satisfy
23 renewal of certification requirements.
24 (3) Training approved by the state board of
25 medical examiners which is obtained by a certified
26 advanced emergency medical care provider to maintain,
27 improve, or expand relevant skills and knowledge and
28 to satisfy renewal of certification requirements.
29 b. "EMS" means emergency medical services.

30 c. "EMS course" means a course for basic or
31 advanced emergency medical care personnel pursuant to
32 section 147.161 or section 147A.4, subsection 2.
33 d. "EMS provider" means basic or advanced
34 emergency medical care personnel, other health care
35 practitioners, or members of the general public
36 involved in the provision of emergency medical care.
37 e. "Training" means any of the following:
38 (1) EMS-related courses designed and intended for
39 EMS providers.
40 (2) A program provided by a community college or a
41 law enforcement academy approved by the Iowa
42 department of public health to conduct basic emergency
43 medical care training. Law enforcement academies
44 shall be limited to first responder training for law
45 enforcement trainees. Hospital-based training
46 programs approved by the Iowa board of medical
47 examiners to train advanced emergency medical care
48 personnel may also receive approval from the
49 department to train basic emergency medical care
50 personnel.

Page 10

1 (3) A program provided by a community college or
2 hospital approved by the state board of medical
3 examiners to conduct advanced emergency medical care
4 training.
5 f. "Training aid" means an item used in EMS
6 training and includes, but is not limited to: slides,
7 films, mannequins, emergency care devices, books, and
8 other items pertinent and necessary for training
9 purposes.
10 3. a. Costs which are eligible for emergency
11 medical services education fund expenditures include,
12 but are not limited to:
13 (1) Reimbursement of tuition, fees, and materials
14 following successful completion of an EMS course.
15 Practical examination fees may also be included.
16 (2) Payment of continuing education tuition, fees,
17 and materials. Emergency medical training for the
18 general public is an allowable expense.
19 (3) Payment for EMS training aids. The title to
20 any training aid purchased with these funds shall not
21 lie with the Iowa department of public health, but
22 shall be determined by the county board of supervisors
23 or their designee.
24 b. Costs which are not eligible for funding
25 include, but are not limited to, the following:
26 (1) Building and construction costs.
27 (2) Certification or recertification fees.
28 (3) Debt amortization.

29 (4) Land.
30 (5) Lodging.
31 (6) Meals, except when included in tuition for a
32 continuing education course.
33 (7) Nontraining-related equipment.
34 (8) Operating expenses.
35 (9) Personnel costs.
36 (10) Rent.
37 (11) Travel.
38 (12) Utilities.
39 (13) Vehicles.
40 (14) Written examination fees."
41 2. Title page, by striking lines 2 and 3 and
42 inserting the following: "authorizing a county to
43 impose a local option tax or combination of taxes to
44 provide local funding, imposing a surcharge on certain
45 motor vehicle violations, and authorizing the
46 establishment of benefited emergency medical services
47 districts."

Shearer of Louisa offered the following amendment H—6031, to the Senate amendment H—6027, filed by him from the floor and moved its adoption:

H—6031

1 Amend the Senate amendment, H—6027, to House File
2 2400, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 4, the
5 following:
6 "Section 1. NEW SECTION. 357F.1 DEFINITIONS.
7 As used in this chapter, unless the context
8 otherwise requires:
9 1. "District" means a benefited emergency medical
10 services district.
11 2. "Board" means the board of supervisors of a
12 county.
13 3. "Trustee" means a trustee of a district.
14 Sec. _____. NEW SECTION. 357F.2 PETITION FOR
15 PUBLIC HEARING.
16 1. The board shall, on the petition of twenty-five
17 percent of the resident property owners in a proposed
18 district if the assessed valuation of the property
19 owned by the petitioners represents at least twenty-
20 five percent of the total assessed value of the
21 proposed district, hold a public hearing concerning
22 the establishment of a proposed district. The
23 petition shall include a statement containing the
24 following information:
25 a. The need for emergency medical services.
26 b. The district to be served.

27 c. The approximate number of families in the
28 district.
29 d. The proposed personnel, equipment, and
30 facilities to provide the emergency medical services.
31 2. The board of supervisors may require a bond of
32 the petitioners conditioned for the payment of all
33 costs and expenses incurred in the proceedings in case
34 the district is not established.
35 Sec. _____. NEW SECTION. 357F.3 LIMITATION ON
36 AREA.
37 A district may include all or parts of the
38 unincorporated areas of one township and any
39 unincorporated areas of adjoining townships or parts
40 of adjoining townships, but shall not include property
41 assessed as agricultural land, centrally assessed
42 property, or manufacturing personal and real property.
43 Except for property assessed as agricultural land, the
44 owners of centrally assessed property or manufacturing
45 property shall have the option to be included in the
46 district.
47 Sec. _____. NEW SECTION. 357F.4 TIME OF HEARING.
48 The public hearing required in section 357F.2 shall
49 be held within thirty days of the presentation of the
50 petition. Notice of hearing shall be given by

Page 2

1 publication in two successive issues of any paper of
2 general circulation within the district. The last
3 publication shall be not less than one week before the
4 proposed hearing.
5 Sec. _____. NEW SECTION. 357F.5 ACTION BY BOARD.
6 After, and within ten days of, the hearing, the
7 board shall either establish the district by
8 resolution or disallow the petition.
9 Sec. _____. NEW SECTION. 357F.6 ENGINEER.
10 1. When the board establishes a district, the
11 board shall appoint a competent disinterested civil
12 engineer, who shall prepare a preliminary plat
13 showing:
14 a. The proper design in general outline of the
15 district.
16 b. The lots and parcels of land within the
17 proposed district as they appear on the county
18 auditor's plat books with the names of the owners.
19 c. The assessed valuation of the lots and parcels.
20 2. The compensation of the engineer on the
21 preliminary investigation shall be determined by the
22 board. The engineer shall file a report with the
23 county auditor within thirty days of appointment. The
24 board may extend the time upon good cause shown.

25 Sec. _____. NEW SECTION. 357F.7 HEARING ON
26 ENGINEER'S REPORT.
27 After the engineer's report is filed, the board
28 shall give notice as provided in section 357D.4, of a
29 public hearing to be held concerning the engineer's
30 preliminary plat. After, and within ten days of, the
31 hearing, the board shall approve or disapprove the
32 preliminary plat. If the preliminary plat is
33 disapproved, the board shall make changes in the
34 boundaries as it deems necessary for board approval of
35 the preliminary plat.
36 Sec. _____. NEW SECTION. 357F.8 ELECTION ON
37 PROPOSED LEVY.
38 When a preliminary plat has been approved by the
39 board, an election shall be held within the district
40 within sixty days to approve or disapprove the levy of
41 a tax of not more than one dollar per thousand dollars
42 of assessed value on all the taxable property within
43 the district and to choose candidates for the offices
44 of trustees of the district. Notice of the election,
45 including the time and place of holding the election,
46 shall be given as provided in section 357F.4. The
47 vote shall be by ballot which shall state clearly the
48 proposition to be voted upon and any qualified elector
49 residing within the district at the time of the
50 election may vote. It is not mandatory for the county

Page 3

1 commissioner of elections to conduct elections held
2 pursuant to this chapter, but the elections shall be
3 conducted in accordance with chapter 49 where not in
4 conflict with this chapter. Judges shall be appointed
5 to serve without pay by the board from among the
6 qualified electors of the district to be in charge of
7 the election. The proposition is approved if sixty
8 percent of those voting on the proposition vote in
9 favor of it."
10 2. Page 1, line 5, by striking the figure
11 "357F.1" and inserting the following: "357F.9".
12 3. Page 1, line 35, by striking the figure
13 "357F.2" and inserting the following: "357F.10".
14 4. Page 1, line 46, by striking the figure
15 "357F.3" and inserting the following: "357F.11".
16 5. Page 2, line 44, by striking the figure
17 "357F.4" and inserting the following: "357F.12".
18 6. Page 3, line 6, by striking the figure
19 "357F.5" and inserting the following: "357F.13".
20 7. Page 3, line 20, by striking the figure
21 "357F.6" and inserting the following: "357F.14".
22 8. Page 3, line 35, by striking the figure
23 "357F.7" and inserting the following: "357F.15".

24 9. Page 4, by striking lines 6 through 8 and
25 inserting the following:
26 "1. A county board of supervisors may offer for
27 voter approval any of".
28 10. By striking page 7, line 6, through page 10,
29 line 40.
30 11. Page 10, lines 44 and 45, by striking the
31 words "imposing a surcharge on certain motor vehicle
32 violations,".
33 12. By renumbering as necessary.

Amendment H—6031 was adopted.

Shearer of Louisa offered amendment H—6032, to the Senate amendment H—6027, filed by him from the floor and requested division as follows:

H—6032

1 Amend the Senate amendment, H—6027, to House File
2 2400, as amended, passed, and reprinted by the House,
3 as follows:

H—6032A

4 1. Page 2, lines 12 through 15, by striking the
5 words "district, not to exceed forty and one-half
6 cents per thousand dollars of assessed value of the
7 taxable property of the district," and inserting the
8 following: "district".

H—6032B

9 2. Page 4, line 10, by inserting after the word
10 "taxes" the following: "for the benefited emergency
11 medical services district".
12 3. Page 4, line 45, by inserting after the word
13 "surtax" the following: "as provided in section
14 422C.1".
15 4. Page 6, line 29, by inserting after the word
16 "fund" the following: "for the benefited emergency
17 medical services district".

On motion by Shearer of Louisa, amendment H—6032A, to the Senate amendment H—6027, was adopted.

Shearer of Louisa asked and received unanimous consent to withdraw amendment H—6032B, to the Senate amendment H—6027.

On motion by Shearer of Louisa, the House concurred in the Senate amendment H—6027, as amended.

Shearer of Louisa 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. 2400)

The ayes were, 80:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Fogarty
Garman	Gill	Gipp	Groninga
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hester	Holveck
Iverson	Jesse	Jochum	Johnson
Knapp	Koenigs	Krebsbach	Lundby
McKean	McKinney	McNeal	Mertz
Metcalf	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, 13:

Brammer	Carpenter	Eddie	Grubbs
Hurley	Kremer	Maulsby	Millage
Miller	Ollie	Rafferty	Shoning
Van Maanen			

Absent or not voting, 7:

Dickinson	Dvorsky	Harbor	Hibbard
Jay	Kistler	Lageschulte	

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 27, 1992, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2471, a bill for an act creating the passenger rail service revolving fund and providing for its administration and providing an appropriation.

Also: That the Senate has on April 27, 1992, amended and passed the following bill in which the concurrence of the House is asked:

House File 2477, a bill for an act relating to motor vehicle registration fees and providing for income tax deductions for a portion of those fees and providing effective date and applicability provisions.

Also: That the Senate has on April 27, 1992, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2254, a bill for an act relating to the creation of a combined water and sanitary district and a department of public works, providing for a governing board, and providing for other properly related matters.

JOHN F. DWYER, Secretary

Connors of Polk in the chair at 4:53 p.m.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 119

McKinney of Dallas asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 119, a concurrent resolution commending the University of Iowa for leading the nation in championing gender equality in athletic programs and athletic scholarships.

Doderer of Johnson moved the adoption of House Concurrent Resolution 119.

The motion prevailed and the resolution was adopted.

INTRODUCTION OF BILL

House Joint Resolution 2015, by committee on appropriations, a joint resolution to nullify an administrative rule of the department of human services relating to the imposition of copayments for certain medical assistance services, and providing an effective date.

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

IMMEDIATE MESSAGE

Neuhauser of Johnson asked and received unanimous consent that **House Concurrent Resolution 119** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 27, 1992, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2249, a bill for an act relating to pari-mutuel racing and excursion boat gambling and providing effective dates.

JOHN F. DWYER, Secretary

The House stood at ease at 5:11 p.m., until the fall of the gavel.

The House resumed session at 5:16 p.m., Connors of Polk in the chair.

The House stood at ease at 5:17 p.m., until the fall of the gavel.

The House resumed session at 6:47 p.m., Speaker Arnould 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 27, 1992, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2360, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties and an effective date.

JOHN F. DWYER, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-nine members present, thirty-one absent.

INTRODUCTION OF BILL

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

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

SENATE MESSAGE CONSIDERED

Senate File 2368, by committee on ways and means, a bill for an act relating to the funding of the gamblers assistance program.

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

HOUSE INSISTS

Wise of Lee called up for consideration **House File 2454**, a bill for an act relating to efficiency in government, and making appropriations, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED
(House File 2454)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2454: Wise of Lee, Chair; Adams of Hamilton, Koenigs of Mitchell, Maulsby of Calhoun and Rafferty of Scott.

SENATE AMENDMENT CONSIDERED

Cohoon of Des Moines called up for consideration **Senate File 2254**, a bill for an act relating to the creation of a combined water and sanitary district and a department of public works, providing for a governing board, and providing for other properly related matters, amended by the House, further amended by the Senate, and moved that the House concur in the following Senate amendment H—6035 to the House amendment:

H—6035

1 Amend the amendment, S—5876, to Senate File 2254,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by striking lines 24 through 45.

The motion prevailed and the House concurred in the Senate amendment H—6035, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2254)

The ayes were, 95:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Eddie	Fogarty	Garman

Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wise	Wissing	Mr. Speaker Arnould	

The nays were, none.

Absent or not voting, 5:

Dickinson	Dvorsky	Harbor	Lageschulte
Ollie			

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2254** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Groninga of Cerro Gordo called up for consideration **House File 2477**, a bill for an act relating to motor vehicle registration fees and providing for income tax deductions for a portion of those fees and providing effective date and applicability provisions, amended by the Senate, and moved that the House concur in the following Senate amendment H—6033:

H—6033

1 Amend House File 2477, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 11, by inserting before the word
4 "vehicle" the following: "multipurpose".
5 2. Page 2, lines 13 and 14 by striking the words
6 "who is either the owner or a member of the owner's
7 household".

8 3. Page 2, by striking lines 17 through 20 and
9 inserting the following: "thereafter. The owner
10 shall certify at first registration and each
11 registration renewal that the vehicle is so equipped
12 and that the equipment is necessary to assist a
13 handicapped person."
14 4. Page 4, lines 9 and 10 by striking the words
15 "who is either the owner or a member of the owner's
16 household".
17 5. Page 4, by striking lines 13 through 17 and
18 inserting the following: "each model year thereafter.
19 The owner shall certify at first registration and each
20 registration renewal that the vehicle is so equipped
21 and that the equipment is necessary to assist a
22 handicapped person."

The motion lost and the House refused to concur in the Senate amendment H—6033.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2477** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Peterson of Carroll called up for consideration **Senate File 2360**, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties and an effective date, amended by the House, further amended by the Senate, and moved that the House concur in the following Senate amendment H—6036 to the House amendment:

H—6036

1 Amend the House amendment, S—5798, to Senate File
2 2360, as amended, passed, and reprinted by the Senate
3 as follows:
4 1. Page 1, line 10, by striking the word
5 "fifteen" and inserting the following: "twenty".
6 2. Page 1, line 14, by striking the word
7 "fifteen" and inserting the following: "twenty".
8 3. Page 1, by striking line 17 and inserting the
9 following:
10 "_____. Page 2, by striking lines 25 through 29 and
11 inserting the following:
12 "Notwithstanding the dates required for filing
13 disclosure reports pursuant to section 56.6, a
14 candidate who does not agree to a restricted campaign
15 pursuant to section 56.34, shall file a disclosure
16 report each month until June 30 of the year of the
17 election. Beginning July 1 of the year of the

18 election, the candidate shall file a disclosure report
19 every fourteen days until the date of the general
20 election. After the date of election, the candidate
21 shall file a disclosure report each month until the
22 candidate files nomination papers for the same or
23 another public office, or closes the candidate's
24 campaign account.
25 The commissioner required to publish notice of the
26 election and the ballot pursuant to section 49.53
27 shall, simultaneously with such publication, publish
28 the names of candidates who agree and do not agree to
29 a restricted campaign using the following language
30 where applicable: "These candidates refused to limit
31 their campaign spending."; or "These candidates
32 voluntarily agreed to limit their campaign spending." "
33 4. Page 1, by inserting before line 18 the
34 following:
35 "_____. Page 3, by striking lines 1 through 21 and
36 inserting the following:
37 "1. Governor. Total expenditure limit, five
38 hundred thousand dollars in a primary election if
39 there is no primary opponent, one million dollars in a
40 primary election if there is a primary opponent, and
41 one million five hundred thousand dollars in a general
42 election.
43 2. Attorney general, secretary of agriculture,
44 secretary of state, treasurer of state, and auditor of
45 state. Total expenditure limit, fifty thousand
46 dollars in a primary election if there is no primary
47 opponent, one hundred thousand dollars in a primary
48 election if there is a primary opponent, and one
49 hundred thousand dollars in a general election.
50 3. State senator. Total expenditure limit, ten

Page 2

1 thousand dollars in a primary election if there is no
2 primary opponent, twenty-five thousand dollars in a
3 primary election if there is a primary opponent, and
4 twenty-five thousand dollars in a general election.
5 4. State representative. Total expenditure limit,
6 five thousand dollars in a primary election if there
7 is no primary opponent, fifteen thousand dollars in a
8 primary election if there is a primary opponent, and
9 fifteen thousand dollars in a general election." "
10 5. Page 1, by striking lines 27 through 31 and
11 inserting the following:
12 "a. Total political action committee
13 contributions, fifty percent of the candidate's
14 applicable expenditure limit in a primary election,
15 and fifty percent of the candidate's expenditure limit
16 in a general election."

17 6. Page 1, by striking lines 40 through 44 and
18 inserting the following:
19 "a. Total political action committee
20 contributions, fifty percent of the candidate's
21 applicable expenditure limit in a primary election,
22 and fifty percent of the candidate's expenditure limit
23 in a general election."
24 7. Page 2, by striking lines 1 through 5 and
25 inserting the following:
26 "a. Total political action committee
27 contributions, fifty percent of the candidate's
28 applicable expenditure limit in a primary election,
29 and fifty percent of the candidate's expenditure limit
30 in a general election."
31 8. Page 2, line 7, by striking the words "five
32 hundred" and inserting the following: "one thousand".
33 9. Page 2, by striking lines 12 through 16 and
34 inserting the following:
35 "a. Total political action committee
36 contributions, fifty percent of the candidate's
37 applicable expenditure limit in a primary election,
38 and fifty percent of the candidate's expenditure limit
39 in a general election."
40 10. Page 2, line 18, by striking the words "five
41 hundred" and inserting the following: "one thousand".
42 11. Page 2, by striking line 37 and inserting the
43 following:
44 "_____. By striking page 7, line 19, through page
45 8, line 22."
46 12. Page 3, by striking lines 11 and 12 and
47 inserting the following: "following: "(name of
48 candidate) refused to limit campaign spending." The".
49 13. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 51, nays 41.

The motion prevailed and the House concurred in the Senate amendment H—6036, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2360)

The ayes were, 54:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer

Brand	Brown	Burke	Chapman
Cohoon	Connors	Doderer	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	McKean
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoultz
Spear	Svoboda	Teaford	Wise
Wissing	Mr. Speaker Arnould		

The nays were, 42:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Hester	Hurley
Iverson	Johnson	Kistler	Krebsbach
Kremer	Lundby	Maulsby	McNeal
Metcalf	Millage	Miller	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Shoning	Siegrist	Spenner	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 4:

Dickinson	Dvorsky	Harbor	Lageschulte

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2360** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 27, 1992, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

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

JOHN F. DWYER, Secretary

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 27th day of April, 1992: House Files 2256, 2292, 2382, 2412, 2435, 2449 and 2470.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 27, 1992, he approved and transmitted to the Secretary of State the following bills:

House File 150, an act relating to the transfer of funds by enacting the uniform Act and providing civil remedies.

House File 2085, an act relating to cooperative associations by amending the manner in which the board of directors may conduct business, the manner of making payments to certain dissenting shareholders, and the manner in which funds of the association can be used.

House File 2126, an act relating to providing compensation for the expense of cleaning the scene of a homicide in a residence.

House File 2203, an act relating to the abandonment and waste of killed or injured game, fur-bearing animals, or other wildlife, and providing a penalty for a violation.

House File 2214, an act relating to an insurance division study regarding legal burdens imposed on employers related to workers' compensation.

House File 2369, an act authorizing limited liability companies in Iowa and including penalties.

House File 2380, an act relating to railroad crossing violations.

House File 2391, an act defining public road rights-of-way.

House File 2405, an act relating to proceeds received by felons as it relates to Iowa's "Son of Sam" statute.

House File 2424, an act relating to the limitations on the use of the customer contribution fund.

Senate File 260, an act relating to the right of cities and counties to enter into lease, lease-purchase, or loan agreements, issue general or essential purpose bonds, and by requiring an election under certain conditions for real property and providing an applicability date.

Senate File 390, an act relating to the reorganization of the disaster services division of the department of public defense by renaming the division, providing for financial assistance, renaming local emergency management commissions and managers, making administrative changes, and making other amendments relevant to the reorganization.

Senate File 2011, an act relating to veterans affairs, including provisions for the establishment of an independent commission of veterans affairs, for transferring control of the Iowa veterans home to the commission of veterans affairs, for disposition of active duty members of the Iowa veterans home who are charged with an offense, and for properly related matters.

Senate File 2197, an act relating to state and local foster care review boards.

Senate File 2203, an act relating to the availability of adoption records.

Senate File 2231, an act relating to abuse of dependent persons including the sharing of information between departments involved in child abuse investigations, multidisciplinary team members, the definitions of certain types of abuse, the definition of a mandatory reporter of dependent adult abuse, and the requirement of mandatory reporter training.

Senate File 2298, an act relating to the retail sales tax, by exempting hay, straw, paper, and other materials used for bedding in agricultural production.

Senate File 2323, an act relating to the prevention of the transmission of HIV or the hepatitis B virus to patients, providing penalties, and providing for a repeal.

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

1992-205 Jeremiah Oddo, Essex — For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

1992-206 Ryan Doran, Red Oak — For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

1992-207 Paul Hanson, Red Oak — For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

1992-208 Kristen Diercks, Northeast Goose Lake High School — Received 1st team all-conference honors in volleyball and basketball, honorable mention on the INA All-State, All-Eastern Iowa, and Des Moines Register All-State squads, and will participate in the ninth annual Iowa International Basketball Tour in Europe.

1992-209 Sean Thomas O'Daniels, Creston — For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

1992-210 Tyler Courtney, Creston — For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

1992-211 Century Club, Charles City Community Schools — For being selected by the Iowa Department of Education for outstanding volunteer service.

1992-212 Stacie Dunn, Winfield-Mt. Union High School — For being named to the Des Moines Register's 1992 Academic All-State Honor Roll.

1992-213 Sarah Aanes, New London High School — For being named to the Des Moines Register's 1992 Academic All-State Honor Roll.

1992-214 Lance Hampton, Mt. Pleasant High School — For being named to the Des Moines Register's 1992 Academic All-State Honor Roll.

1992-215 Matthew Murphy, Washington High School — For being named to the Des Moines Register's 1992 Academic All-State Honor Roll.

1992-216 Melissa Gerst, Mediapolis High School — For being named to the Des Moines Register's 1992 Academic All-State Honor Roll.

1992-217 Brandon Cady, Danville High School — For being named to the Des Moines Register's 1992 Academic All-State Honor Roll.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Joint Resolution, to nullify an administrative rule of the department of human services relating to the imposition of copayments for certain medical assistance services, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 27, 1992.

Committee Bill, relating to certain statutory appropriations made from the general fund of the state and the lottery fund for the fiscal year beginning July 1, 1992.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 27, 1992.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

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

Fiscal Note is not required.

Recommended **Do Pass** April 27, 1992.

AMENDMENTS FILED

H—6029	H.F.	2356	Senate Amendment
H—6034	H.F.	2471	Senate Amendment
H—6037	S.F.	2367	Senate Amendment
H—6038	H.F.	2446	Hammond of Story Hatch of Polk Jesse of Jasper Brown of Lucas

On motion by McKinney of Dallas, the House adjourned at 7:32 p.m., until 9:00 a.m., Tuesday, April 28, 1992.

JOURNAL OF THE HOUSE

One Hundred Seventh Calendar Day — Seventy-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 28, 1992

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

Prayer was offered by the Honorable Josephine Gruhn, state representative from Dickinson County.

The Journal of Monday, April 27, 1992 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 28, 1992, appointed the conference committee to House File 2454, a bill for an act relating to efficiency in government, and making appropriations, and the members of the Senate are: The Senator from Polk, Senator Buhr, Chair; the Senator from Boone, Senator Sorensen; the Senator from Lee, Senator Fraise; the Senator from Muscatine, Senator Drake; the Senator from Polk, Senator Kramer.

Also: That the Senate has on April 27, 1992, insisted on its amendment to House File 2466, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions, and the members of the Conference Committee on the part of the Senate are: The Senator from Palo Alto, Senator Kibbie, Chair; the Senator from Story, Senator Rosenberg; the Senator from Tama, Senator Husak; the Senator from Cedar, Senator Rife; the Senator from Black Hawk, Senator Lind.

Also: That the Senate has on April 24, 1992, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2007, a joint resolution proposing an amendment to the Constitution of the State of Iowa requiring the maintenance of a cash reserve.

Also: That the Senate has on April 24, 1992, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2008, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments.

Also: That the Senate has on April 28, 1992, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2009, a joint resolution authorizing the temporary use and consumption of alcoholic beverages in the state capitol in conjunction with the 1992 Annual Meeting of the Council of State Governments.

JOHN F. DWYER, Secretary

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 2007, by committee on appropriations, a joint resolution proposing an amendment to the Constitution of the State of Iowa requiring the maintenance of a cash reserve.

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

Senate Joint Resolution 2008, by committee on appropriations, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments.

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

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of House Joint Resolution 2015.

House Joint Resolution 2015, a joint resolution to nullify an administrative rule of the department of human services relating to the imposition of copayments for certain medical assistance services, and providing an effective date, 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.

On the question "Shall the joint resolution be adopted and agreed to by the House?" (H.J.R. 2015)

The ayes were, 88:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Burke	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	Dickinson	Diemer	Doderer
Dvorsky	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jesse
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Lageschulte	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz

Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, 8:

De Groot	Eddie	Kremer	Metcalf
Millage	Miller	Renken	Tyrrell

Absent or not voting, 4:

Brown	Jay	Jochum	Murphy

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House Joint Resolution 2015** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Brand of Benton called up for consideration **Senate File 2367**, a bill for an act relating to and making appropriations for the fiscal year ending June 30, 1992, to various departments and agencies of state government and providing an effective date, amended by the House, further amended by the Senate, and moved that the House concur in the following Senate amendment H—6037 to the House amendment:

H—6037

1 Amend the House amendment, S—5854, to Senate File
2 2367, as passed by the Senate, as follows:
3 1. Page 1, line 27, by striking the figure
4 "192,826" and inserting the following: "419,746".
5 2. Page 1, by inserting after line 27 the
6 following:
7 "_____. Page 3, by inserting after line 19 the
8 following:
9 "Sec. _____. 1991 Iowa Acts, chapter 267, section
10 407, subsection 1, unnumbered paragraph 1, is amended
11 to read as follows:
12 For salaries of supreme court justices, appellate
13 court judges, district court judges, district
14 associate judges, judicial magistrates and staff,
15 state court administrator, clerk of the supreme court,
16 district court administrators, clerks of the district

17 court, including fully compensating clerks of court,
18 trial court supervisors, trial court technicians II,
19 and financial supervisors I and II for the full 40-
20 hour workweek, juvenile court officers, board of law
21 examiners and board of examiners of shorthand
22 reporters and judicial qualifications commission,
23 receipt and disbursement of child support payments,
24 and maintenance, equipment, and miscellaneous
25 purposes:
26 .....~~$73,200,000~~
27 .....$72,973,080"."
28 3. Page 1, by striking lines 30 through 47.
29 4. Page 2, line 6, by striking the word and
30 figures "subsections 5 and 6" and inserting the
31 following: "subsection 7".

A non-record roll call was requested.

The ayes were 47, nays 44.

The motion prevailed and the House concurred in the Senate amendment H—6037, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2367)

The ayes were, 46:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	Mertz
Metcalf	Millage	Miller	Muhlbauer
Petersen, D. F.	Rafferty	Royer	Shoning
Siegrist	Spenner	Svoboda	Tyrrell
Van Maanen	Weidman		

The nays were, 51:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Garman	Gill	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.

Hatch	Haverland	Hibbard	Holveck
Jesse	Knapp	McKinney	McNeal
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Renken	Schrader	Shearer
Sherzan	Shoultz	Spear	Teaford
Wise	Wissing	Mr. Speaker Arnould	

Absent or not voting, 3:

Jay	Jochum	Plasier

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for an immediate meeting of the committee on small business, economic development and trade to consider Senate Concurrent Resolution 117.

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 28, 1992, amended and passed the following bill in which the concurrence of the House is asked:

House File 2467, a bill for an act to establish a family resource center demonstration program.

Also: That the Senate has on April 28, 1992, receded from the Senate amendment to, and passed the following bill in which the concurrence of the Senate was asked:

House File 2477, a bill for an act relating to motor vehicle registration fees and providing for income tax deductions for a portion of those fees and providing effective date and applicability provisions.

JOHN F. DWYER, Secretary

The House stood at ease at 9:57 a.m., until the fall of the gavel.

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

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of **Senate File 2241**, a bill for an act establishing a structured fines pilot program and providing an effective date, previously deferred and placed on the unfinished business calendar.

McKean of Jones offered the following amendment H—5809 filed by him and moved its adoption:

H—5809

1 Amend Senate File 2241, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 27, by striking the figure "7"
4 and inserting the following: "5".

Amendment H—5809 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. 2241)

The ayes were, 55:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Dickinson
Diemer	Doderer	Dvorsky	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Svoboda
Teaford	Wise	Mr. Speaker Arnould	

The nays were, 45:

Banks	Bartz	Beaman	Bennett
Branstad	Corbett	Daggett	De Groot
Eddie	Garman	Gipp	Grubbs
Hahn	Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.
Harbor	Hester	Hurley	Iverson
Johnson	Kistler	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McNeal	Metcalf	Millage	Miller
Petersen, D. F.	Plasier	Rafferty	Renken
Royer	Shoning	Siegrist	Spear
Spenner	Tyrrell	Van Maanen	Weidman
Wissing			

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.

CONFERENCE COMMITTEE APPOINTED
(House File 2466)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2466: Peterson of Carroll, Chair; Tyrrell of Iowa, Carpenter of Polk, Neuhauser of Johnson and Brown of Lucas.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2241** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Neuhauser of Johnson called up for consideration **House File 2467**, a bill for an act to establish a family resource center demonstration program, amended by the Senate, and moved that the House concur in the following Senate amendment H—6042:

H—6042

1 Amend House File 2467, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, lines 13 and 14, by striking the words
4 "the allocation of fifty thousand dollar grants for".
5 2. Page 5, lines 1 and 2, by striking the words
6 "a teen" and inserting the following: "an
7 adolescent".
8 3. Page 5, by inserting after line 18, the
9 following:
10 "Sec. _____. DEPARTMENTAL REVIEW. The department of
11 education shall review the provisions of this Act,
12 develop estimates of the costs associated with the
13 establishment of at least three family resource center
14 demonstration sites, and recommended funding sources
15 for the establishment of the centers in the manner
16 provided in this Act. The department shall report the
17 cost estimates and the funding recommendations to the
18 general assembly by January 1, 1993."
19 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6042.

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

On the question "Shall the bill pass?" (H.F. 2467)

The ayes were, 65:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Carpenter
Chapman	Cohoon	Connors	Dickinson
Diemer	Doderer	Dvorsky	Fogarty
Gill	Gipp	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Lundby	McKinney	Metcalf	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Plasier
Poncy	Renaud	Schrader	Sherzan
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Wise	Wissing
Arnould, Spkr.			

The nays were, 34:

Banks	Bartz	Beaman	Bennett
Branstad	Corbett	Daggett	De Groot
Eddie	Garman	Grubbs	Hahn
Halvorson, R. A.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Krebsbach	Kremer
Maulsby	McKean	McNeal	Mertz
Millage	Miller	Petersen, D. F.	Rafferty
Renken	Royer	Shoning	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 1:

Shearer

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2467** be immediately messaged to the Senate.

On motion by McKinney of Dallas, the House was recessed at 11:45 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

SENATE MESSAGE CONSIDERED

Senate Joint Resolution 2009, by Hutchins and Rife, a joint resolution authorizing the temporary use and consumption of alcoholic beverages in the state capitol in conjunction with the 1992 Annual Meeting of the Council of State Governments.

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

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TRADE

Senate Concurrent Resolution 117, a concurrent resolution to encourage ethnic, cultural, and economic diversity in Iowa.

Fiscal Note is not required.

Recommended **Do Pass and Laid Over under Rule 25** April 28, 1992.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate Concurrent Resolution 117.

ADOPTION OF SENATE CONCURRENT RESOLUTION 117

Doderer of Johnson called up for consideration **Senate Concurrent Resolution 117**, a concurrent resolution to encourage ethnic, cultural, and economic diversity in Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Peterson of Carroll called up for consideration **House File 2471**, a bill for an act creating the passenger rail service revolving fund and providing for its administration and providing an appropriation, amended by the Senate amendment H—6034 as follows:

H—6034

1 Amend House File 2471, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, by striking lines 22 through 33 and
4 inserting the following:
5 "2. FUNDING. To achieve the purposes of this
6 chapter, moneys shall be credited to the passenger
7 rail service revolving fund by the treasurer of state
8 from the following sources:
9 a. Private grants and gifts intended for these
10 purposes.
11 b. Federal grants and loans intended for these
12 purposes."
13 2. Title page, lines 2 and 3, by striking the
14 following: "and providing an appropriation".

Peterson of Carroll offered the following amendment H—6053, to the Senate amendment H—6034, filed by him from the floor and moved its adoption:

H—6053

1 Amend the Senate amendment, H—6034, to House File
2 2471, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, line 11, by striking the word
5 "Federal" and inserting the following: "Federal,
6 state, and local".

Amendment H—6053 was adopted.

On motion by Peterson of Carroll, the House concurred in the Senate amendment H—6034, as amended.

Peterson of Carroll 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. 2471)

The ayes were, 93:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Burke	Carpenter	Cohoon	Connors
Corbett	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp

Koenigs	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Chapman Presiding			

The nays were, 6:

Daggett	De Groot	Hansen, S. D.	Krebsbach
Millage	Petersen, D. F.		

Absent or not voting, 1:

Jay

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2471** be immediately messaged to the Senate.

The House stood at ease at 2:39 p.m., until the fall of the gavel.

The House resumed session at 3:30 p.m., Speaker Arnould 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 28, 1992, adopted the conference committee report and passed Senate File 2355, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and providing for effective and applicability dates.

JOHN F. DWYER, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-eight members present, thirty-two absent.

HOUSE INSISTS

Bisignano of Polk called up for consideration **Senate File 2249**, a bill for an act relating to pari-mutuel racing and excursion boat gambling and providing effective dates, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED
(Senate File 2249)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2249: Bisignano of Polk, Chair; Wise of Lee, Black of Jasper, Garman of Story and Krebsbach of Mitchell.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2329**, a bill for an act relating to qualification for, amount of, and deductions from unemployment compensation benefits and providing an effective date and applicability provision, previously deferred and placed on the unfinished business calendar.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H—5527 filed by him on March 25, 1992.

Kremer of Buchanan offered the following amendment H—6019 filed by him and moved its adoption:

H—6019

1 Amend Senate File 2329, 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 96.5, subsection 5, paragraph
6 c, unnumbered paragraph 1, Code Supplement 1991, is
7 amended to read as follows:
8 A governmental or other pension, retirement or
9 retired pay, annuity, or any other similar periodic
10 payment made under a plan maintained or contributed to
11 by a base period or chargeable employer where, except
12 for benefits under the federal Social Security Act or
13 the federal Railroad Retirement Act of 1974 or the
14 corresponding provisions of prior law, the plan's
15 eligibility requirements or benefit payments are
16 affected by the base period employment or the
17 remuneration for the base period employment. However,
18 if an individual's ~~benefits are~~ weekly benefit amount
19 shall not be reduced due to the receipt of a payment
20 ~~under~~ referred to in this paragraph, ~~the reduction~~

21 ~~shall be decreased by the same percentage as the~~
22 ~~percentage contribution of~~ if the individual made any
23 contribution to the pension or retirement plan under
24 which the payment is made."
25 2. Title page, by striking lines 1 through 3 and
26 inserting the following: "An Act relating to the
27 qualification of a person receiving a pension for
28 unemployment compensation benefits."

Amendment H—6019 lost.

Schrader of Marion offered the following amendment H—5981 filed by him and moved its adoption:

H—5981

1 Amend Senate File 2329, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 1, line 18, through page 2,
4 line 15.
5 2. Page 3, line 25, by striking the figure "2,".

A non-record roll call was requested.

The ayes were 49, nays 29.

Amendment H—5981 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.

Rule 75 was invoked.

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

The ayes were, 52:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Brammer	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Fogarty	Gill	Groninga	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jesse	Jochum
Knapp	Koenigs	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Spenner	Svoboda
Teaford	Wise	Wissing	Mr. Speaker Arnould

The nays were, 46:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.	Harbor
Hester	Hurley	Iverson	Johnson
Kistler	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Mertz	Metcalf	Millage	Miller
Petersen, D. F.	Plasier	Rafferty	Renken
Royer	Shoning	Siegrist	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 2:

Blanshan	Jay

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2329** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 28, 1992, amended and passed the following bill in which the concurrence of the House is asked:

House File 2475, a bill for an act relating to waste tire management, including the imposing of fees and providing a penalty.

Also: That the Senate has on April 28, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2241, a bill for an act establishing a structured fines pilot program and providing an effective date.

Also: That the Senate has on April 28, 1992, passed the following bill in which the concurrence of the House is asked:

Senate File 2375, a bill for an act relating to the powers and duties of the health data commission, and providing for the collection of fees.

JOHN F. DWYER, Secretary

Appropriations Calendar

House File 2446, a bill for an act relating to the establishment of an Iowa universal health insurance plan and providing an effective date, was taken up for consideration.

Hammond of Story offered the following amendment H—6038 filed by Hammond, et al.:

H—6038

1 Amend House File 2446 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 135K.1 DEFINITIONS.
5 As used in this chapter, unless the context
6 otherwise requires:
7 1. "Board" means the Iowa universal health
8 insurance plan board created in this chapter to
9 administer the Iowa insurance plan.
10 2. "Iowa insurance plan" means the Iowa universal
11 health insurance plan created in this chapter.
12 Sec. 2. NEW SECTION. 135K.2 IOWA UNIVERSAL
13 HEALTH INSURANCE PLAN CREATED.
14 An Iowa universal health insurance plan is created
15 in the Iowa department of public health for the
16 purpose of implementing a statewide insurance program
17 to provide comprehensive coverage for necessary health
18 care services for all residents of the state of Iowa.
19 Sec. 3. NEW SECTION. 135K.3 IMPLEMENTATION.
20 The Iowa universal health insurance plan created in
21 section 135K.2 shall not be implemented pursuant to
22 this chapter until recommendations are made by the
23 board to the general assembly pursuant to section 13
24 of this Act and approval is given to implement the
25 plan by the general assembly pursuant to the enactment
26 of an Act indicating such approval.
27 Sec. 4. NEW SECTION. 135K.4 ADMINISTRATION.
28 1. A nineteen-member Iowa universal health
29 insurance plan board is created to administer the Iowa
30 insurance plan. Fifteen members of the board shall be
31 voting members and shall be appointed by the governor,
32 subject to confirmation by the senate, to staggered
33 four-year terms. Members shall be appointed
34 representing every geographical area of the state.
35 2. Six members shall be appointed to represent
36 consumers as follows:
37 a. Two members representing organized labor from
38 individuals recommended for appointment by statewide
39 labor organizations representing workers employed by
40 employers in this state and who have a membership in
41 this state of at least one thousand members.
42 b. Two members representing employers from
43 individuals recommended for appointment by
44 organizations representing employers in this state.
45 c. Two members representing consumers from
46 individuals recommended by organizations representing
47 consumer interests in this state.
48 3. One member representing the health insurance
49 industry from individuals recommended by organizations
50 representing the health insurance industry in this

1 state.
2 4. Eight members shall be appointed to represent
3 health care providers as follows:
4 a. One member who is a physician licensed pursuant
5 to chapter 148.
6 b. One member who is an osteopath or osteopathic
7 physician or surgeon licensed pursuant to chapter 150
8 or 150A.
9 c. One member who is a chiropractor licensed
10 pursuant to chapter 151.
11 d. One member who is a registered nurse licensed
12 pursuant to chapter 152.
13 e. One member who is a hospital administrator.
14 f. One member who is a mental health professional.
15 g. One member who is a long-term care
16 professional.
17 h. One member who is a health care professional of
18 any type.
19 5. Four persons shall be appointed by the
20 legislative council as ex officio, nonvoting members
21 as follows:
22 a. Two members from the senate.
23 b. Two members from the house of representatives.
24 6. Vacancies on the board shall be filled for the
25 remainder of the term of the original appointment.
26 The members of the board shall elect from its
27 membership a chairperson, vice chairperson, and other
28 officers as they deem necessary. The voting members
29 of the board shall receive reimbursement of actual and
30 necessary expenses while engaged in their official
31 duties. Voting members may also be eligible to
32 receive compensation as provided in section 7E.6.
33 Legislative members shall be compensated as provided
34 in section 2.10. The board shall be bipartisan and
35 gender balanced as provided in sections 69.16 and
36 69.16A.
37 Sec. 5. NEW SECTION. 135K.5 DUTIES.
38 The board shall perform all of the following
39 functions concerning the Iowa insurance plan:
40 1. Study and identify the most effective methods
41 of providing comprehensive health services to
42 residents of this state. The methods studied shall
43 include, but are not limited to, the following models:
44 single payor, "play or pay", and multi-payor.
45 2. Study and evaluate the potential operational
46 aspects of the Iowa insurance plan, including but not
47 limited to adequacy and quality of services provided
48 under the plan, the cost of each service, and the
49 effectiveness of the plan's cost containment
50 provisions.

Page 3

1 3. Study the advantages and disadvantages of
2 maintaining a competitive health insurance market
3 subsequent to the establishment of the Iowa universal
4 health insurance plan pursuant to this chapter.
5 4. Develop a proposal for the implementation of
6 cost containment measures which reflect the study and
7 analyses of cost factors including the following:
8 a. The implementation of a plan to reimburse
9 hospitals and other institutional providers on the
10 basis of a global budget.
11 b. A system of utilization review or fixed
12 budgeting.
13 c. Cost offsets and savings.
14 d. Increased consumer access to health care
15 services.
16 e. The quality of care to be received by health
17 care consumers under the plan.
18 f. Limitation of administrative costs.
19 5. Establish budget and policy guidelines.
20 6. Establish fee schedules.
21 7. Make recommendations to the general assembly
22 concerning a funding mechanism for the Iowa insurance
23 plan.
24 8. Determine aggregate capital expenditures.
25 9. Approve changes in the coverage offered by the
26 Iowa insurance plan.
27 10. Monitor the operation of the Iowa insurance
28 plan.
29 11. Annually report to the general assembly and
30 the governor regarding the activities of the board and
31 recommend changes in insurance and health care law
32 necessary to improve residents' access to health care.
33 12. Disseminate information to health care
34 providers and to the public concerning the Iowa
35 insurance plan and the persons eligible to participate
36 in the plan.
37 13. Conduct necessary investigations and inquiries
38 and require the submission of information, documents,
39 and records the board deems necessary to perform its
40 duties.
41 14. Establish standards and procedures for
42 negotiating and entering into contracts with providers
43 of health care services.
44 15. Develop a comprehensive plan of operation.
45 16. Monitor and recommend policies to address
46 health care personnel shortages.
47 17. After providing notice to consumers,
48 policyholders, the commissioner of insurance, and
49 other interested parties, at the board's option, hold
50 hearings regarding any action the board is authorized

1 to take.
2 18. Identify and evaluate the potential effects on
3 the quality and costs of health care in the state that
4 may result from requiring political subdivisions to
5 pool their health care purchasing.
6 19. Adopt rules pursuant to chapter 17A as
7 necessary to perform its duties.
8 20. Conduct other activities the board deems
9 necessary to perform its duties.
10 Sec. 6. NEW SECTION. 135K.6 ADMINISTRATOR.
11 1. The director of public health, in consultation
12 with the board, shall appoint an administrator for the
13 Iowa insurance plan. The administrator may be a
14 private individual under contract to the state.
15 2. The administrator shall be in charge of the
16 administration of the Iowa insurance plan and the
17 personnel necessary to administer the Iowa insurance
18 plan.
19 Sec. 7. NEW SECTION. 135K.7 ELIGIBILITY.
20 Eligibility for benefits under the Iowa insurance
21 plan shall be specified by the provisions of the plan.
22 Sec. 8. NEW SECTION. 135K.8 SERVICES PROVIDED.
23 1. A resident of this state eligible for the Iowa
24 insurance plan shall receive benefits for any covered
25 service furnished by a participating provider, if the
26 service is necessary or appropriate for the
27 maintenance of the resident's health or for the
28 diagnosis, treatment, or rehabilitation of injury,
29 disability, or disease.
30 2. Covered services shall be determined by the
31 board, after consideration of citizen input as
32 solicitated by the board upon its own motion or in
33 accordance with law.
34 Sec. 9. NEW SECTION. 135K.9 PLAN REQUIREMENTS.
35 1. A provider participating in the Iowa insurance
36 plan shall not refuse to furnish services to a
37 resident of this state due to the person's race, skin
38 color, income level, national origin, religion, sex,
39 disability, sexual orientation, or any other
40 nonmedical criteria.
41 2. A resident may choose to receive services from
42 any participating provider.
43 3. The Iowa insurance plan shall reimburse at a
44 reasonable rate a participating provider who is
45 located outside the state for care provided to a
46 resident while the resident is outside the state. The
47 Iowa department of public health, in consultation with
48 the health data commission, shall adopt rules
49 establishing reasonable reimbursement rates paid
50 pursuant to this subsection.

Page 5

1 4. A participating provider shall furnish
2 information to the board at the request of the board
3 which may include but is not limited to information
4 for utilization review, for making payments to the
5 provider, for statistical purposes, or for other
6 studies of the operation of the Iowa insurance plan.
7 5. A participating provider shall permit the board
8 to review the provider's records as is necessary for
9 verification of payment to the provider.
10 Sec. 10. DEPARTMENT OF HUMAN SERVICES
11 REQUIREMENTS. The department of human services shall
12 perform both of the following tasks:
13 1. If required in accordance with the Iowa health
14 insurance plan as created in section 135K.2 and
15 adopted by the Iowa health insurance plan board, apply
16 to the United States secretary of health and human
17 services for waivers of requirements under health care
18 programs established under the federal Social Security
19 Act, Titles XVIII and XIX, as codified in 42 U.S.C. §
20 301, et seq., and the civilian health and medical
21 program for the uniformed services (CHAMPUS), as
22 necessary in order to implement the plan.
23 2. Identify any other federal programs providing
24 federal funds for payment of health care services to
25 individuals. The department shall make every effort
26 to comply with any requirement of a program the board
27 identifies.
28 Sec. 11. INITIAL APPOINTMENTS.
29 1. The governor shall make initial appointments to
30 the Iowa universal health insurance plan board as
31 follows:
32 a. Three members to a one-year term.
33 b. Four members to a two-year term.
34 c. Four members to a three-year term.
35 d. Four members to a four-year term.
36 2. Subsequent appointments shall be for four-year
37 terms.
38 Sec. 12. LEGISLATIVE COUNCIL STUDY REQUESTED.
39 1. The legislative council is requested to
40 establish an interim study committee to study and
41 collect information concerning options for the
42 structure and implementation of the Iowa health
43 insurance plan. The committee shall conduct public
44 hearings to gather citizen input concerning such
45 options. The committee shall make its recommendations
46 to the board at the board's initial meeting, and
47 provide a report to the general assembly concerning
48 the committee's findings no later than January 20,
49 1993.
50 2. The membership of the study committee shall

Page 6

1 consist of five members to be appointed from the
2 senate and five members to be appointed from the house
3 of representatives.
4 Sec. 13. BOARD RECOMMENDATIONS.
5 1. Upon receipt of the report of the interim study
6 committee established in section 12 of this Act, the
7 board shall review the report and any other
8 information the board deems necessary and appropriate
9 for the purpose of making recommendations to the
10 general assembly relating to the structure and
11 implementation of the Iowa health insurance plan. The
12 board shall consider cost factors, societal values,
13 and other factors deemed appropriate by the board in
14 making its recommendations.
15 2. The board shall hold its first meeting on or
16 before July 1, 1993, and shall make recommendations to
17 the general assembly no later than January 20, 1994.
18 A plan shall not be created pursuant to section 135K.2
19 until the recommendations required by this subsection
20 have been made and the general assembly directs the
21 department to establish the plan as provided in
22 section 135K.3.
23 3. The director of public health shall appoint the
24 administrator for the Iowa universal health insurance
25 plan in accordance with section 135K.6 in July 1993."

Teaford of Black Hawk in the chair at 4:29 p.m.

Rafferty of Scott offered the following amendment H—6048, to amendment H—6038, filed by him from the floor and moved its adoption:

H—6048

1 Amend the amendment, H—6038, to House File 2446, as
2 follows:
3 1. Page 1, line 28, by striking the word
4 "nineteen" and inserting the following: "twenty-
5 three".
6 2. Page 1, line 30, by striking the figure
7 "Fifteen" and inserting the following: "Nineteen".
8 3. Page 2, line 2, by striking the word "Eight"
9 and inserting the following: "Ten".
10 4. Page 2, by striking lines 4 through 8 and
11 inserting the following:
12 "_____. Three members who are physicians licensed
13 pursuant to chapter 148 or 150A, of which at least one
14 is licensed pursuant to chapter 150A."
15 5. Page 2, line 13, by striking the words "One
16 member who is a hospital administrator" and inserting
17 the following: "Two members who are hospital
18 administrators".

19 6. Page 2, by inserting after line 18 the
20 following:
21 "_____. The director of public health.
22 _____. The commissioner of insurance."
23 7. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 42, nays 50.

Amendment H—6048 lost.

Hammond of Story offered the following amendment H—6049, to amendment H—6038, filed by her and Hatch of Polk from the floor and moved its adoption:

H—6049

1 Amend the amendment, H—6038, to House File 2446 as
2 follows:
3 1. Page 2, by striking lines 3 through 18 and
4 inserting the following: "health care providers with
5 the appointments made in an effort to represent a
6 diverse number of such providers."

Amendment H—6049 was adopted.

Plasier of Sioux offered the following amendment H—6047, to amendment H—6038, filed by him from the floor and moved its adoption:

H—6047

1 Amend the amendment, H—6038, to House File 2446, as
2 follows:
3 1. Page 3, by inserting after line 4 the
4 following:
5 "_____. The potential effects of cost shifting which
6 may result from implementation of the plan."
7 2. Renumber as necessary.

Amendment H—6047 was adopted.

Groninga of Cerro Gordo offered the following amendment H—6055, to amendment H—6038, filed from the floor by Groninga, Hatch and Jesse and moved its adoption:

H—6055

1 Amend the amendment, H—6038, to House File 2446, as
2 follows:
3 1. Page 3, by inserting after line 4 the
4 following:

5 "_____. Study and evaluate data indicating the
6 impact upon the insurance industry in Iowa, as well as
7 the impact on the state and political subdivisions of
8 the state, related to any proposed plan. The data to
9 be studied and evaluated shall include the following:
10 a. The impact on the collection of premium taxes.
11 b. The impact on employment and economic
12 development in this state related to the insurance
13 industry and other related industries.
14 c. The impact on income tax and property tax
15 receipts.
16 d. The impact on state employment as a result of
17 implementing the plan. The data studied and evaluated
18 shall include any impact on the number of employees
19 and salary costs.
20 _____. Study and evaluate data indicating the impact
21 upon small business in this state. The data studied
22 and evaluated shall include the following:
23 a. The impact on employment and economic
24 development in this state related to small employers.
25 b. The impact on collection of taxes paid by small
26 businesses, including income tax and property tax."
27 2. By renumbering as necessary.

Amendment H—6055 was adopted.

Svoboda of Tama offered the following amendment H—6057, to amendment H—6038, filed by her from the floor and moved its adoption:

H—6057

1 Amend amendment, H—6038, to House File 2446, as
2 follows:
3 1. Page 3, by inserting after line 18 the
4 following:
5 "g. The unrestrained right to recover noneconomic
6 damages in medical liability cases."

Amendment H—6057 lost.

Neuhauser of Johnson offered the following amendment H—6043, to amendment H—6038, filed by her from the floor and moved its adoption:

H—6043

1 Amend amendment, H—6038, to House File 2446, as
2 follows:
3 1. Page 3, by striking line 20 and inserting the
4 following:
5 "_____. The most effective reimbursement methods for
6 providers to assure quality health care."
7 2. By renumbering as necessary.

Amendment H—6043 was adopted.

Carpenter of Polk offered the following amendment H—6045, to amendment H—6038, filed by her from the floor and moved its adoption:

H—6045

1 Amend the amendment, H—6038, to House File 2446, as
2 follows:
3 1. Page 3, line 23, by inserting after the word
4 "plan" the following: "which assures the solvency of
5 the plan".
6 2. By renumbering as necessary.

Amendment H—6045 was adopted.

Hibbard of Madison offered the following amendment H—6051, to amendment H—6038, filed by him from the floor and moved its adoption:

H—6051

1 Amend the amendment, H—6038, to House File 2446, as
2 follows:
3 1. Page 3, by inserting after line 23, the
4 following:
5 "_____. The assurance of patient confidentiality."
6 2. By renumbering as necessary.

Amendment H—6051 was adopted.

Halvorson of Clayton offered the following amendment H—6044, to amendment H—6038, filed by him and Harbor of Mills from the floor:

H—6044

1 Amend the amendment, H—6038, to House File 2446, as
2 follows:
3 1. Page 3, by inserting after line 28, the
4 following:
5 "_____. Review the impact of the present tort system
6 on the costs of health care and recommend remedial
7 legislation to the general assembly."
8 2. By renumbering as necessary.

Hansen of Woodbury rose on a point of order that amendment H—6044 was not germane, to amendment H—6038.

The Speaker ruled the point not well taken and amendment H—6044 germane.

Halvorson of Clayton moved the adoption of amendment H—6044, to amendment H—6038.

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

Rule 75 was invoked.

On the question "Shall amendment H—6044, to amendment H—6038, be adopted?" (H.F. 2446)

The ayes were, 45:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Hahn	Halvorson, R. A.	Hanson, D. E.
Hanson, D. R.	Harbor	Hester	Hurley
Iverson	Johnson	Kistler	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McNeal	Mertz	Metcalf
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Royer	Shoning	Siegrist
Spenner	Svoboda	Tyrrell	Van Maanen
Weidman			

The nays were, 53:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Fogarty	Gill	Groninga
Grubbs	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Koenigs	McKinney	Millage	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Wise	Wissing
Teaford			
Presiding			

Absent or not voting, 2:

Blanshan	Knapp

Amendment H—6044 lost.

Hammond of Story offered the following amendment H—6063, to amendment H—6038, filed by her from the floor and moved its adoption:

H—6063

1 Amend the amendment, H—6038, to House File 2446, as
2 follows:
3 1. Page 3, by inserting after line 28, the
4 following:
5 "_____. Study the correlation between medical
6 malpractice premium reductions and the lack of
7 reduction in provider costs."
8 2. By renumbering as necessary.

Amendment H—6063 was adopted.

Hammond of Story offered the following amendment H—6041, to amendment H—6038, filed by her from the floor and moved its adoption:

H—6041

1 Amend the amendment, H—6038, to House File 2446 as
2 follows:
3 1. Page 4, line 32, by striking the word
4 "solicitated" and inserting the following:
5 "solicited".

Amendment H—6041 was adopted.

Hatch of Polk offered the following amendment H—6050, to amendment H—6038, filed by him and Hammond of Story from the floor and moved its adoption:

H—6050

1 Amend the amendment, H—6038, to House File 2446, as
2 follows:
3 1. Page 4, line 40, by inserting after the word
4 "criteria." the following: "However, a participating
5 provider may refer the resident to another
6 participating provider, if the provider believes that
7 such referral is necessary or would better serve the
8 resident's needs based upon the experience or training
9 of the other provider."

Amendment H—6050 was adopted.

Bartz of Worth offered the following amendment H—6062, to amendment H—6038, filed by him from the floor:

H—6062

1 Amend the amendment, H—6038, to House File 2446, as
2 follows:
3 1. Page 5, by inserting after line 9, the
4 following:

5 "_____. A resident of this state may choose not to
6 participate in the Iowa insurance plan, provided that
7 the individual establishes that the individual has
8 acquired coverage equal to or superior to that
9 provided under the plan."
10 2. By renumbering as necessary.

The following amendment H—6064, to amendment H—6062, to amendment H—6038, filed by Bartz of Worth from the floor was adopted by unanimous consent:

H—6064

1 Amend the amendment H—6062, to amendment H—6038,
2 to House File 2446, as follows:
3 1. Page 1, line 8, by striking the words "or
4 superior to".

Bartz of Worth moved the adoption of amendment H—6062, as amended, to amendment H—6038.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 49, nays 49.

Amendment H—6062, as amended, lost.

Grubbs of Scott offered the following amendment H—6061, to amendment H—6038, filed by him from the floor and moved its adoption:

H—6061

1 Amend the amendment, H—6038, to House File 2446, as
2 follows:
3 1. Page 5, line 43, by inserting after the word
4 "plan." the following: "The study shall include an
5 examination of the options, and the cost of such
6 options, which may be provided under the plan,
7 including, but not limited to, the costs associated
8 with breast implant extraction. The study shall
9 examine the methods of payment for options which may
10 be provided, including payments to be made on behalf
11 of those individuals unable to pay for the cost of
12 such coverage and payments made on behalf of those
13 individuals whose insurance coverage or other health
14 care coverage will not cover such costs."

Amendment H—6061 was adopted.

McKinney of Dallas asked and received unanimous consent that House File 2446 be deferred and that the bill retain its place on the calendar.

(Amendment H—6038, as amended, pending.)

The House stood at ease at 5:40 p.m., until the fall of the gavel.

The House resumed session at 6:31 p.m., Speaker Arnould in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-nine members present, twenty-one absent.

SENATE MESSAGE CONSIDERED

Senate File 2375, by committee on ways and means, a bill for an act relating to the powers and duties of the health data commission, and providing for the collection of fees.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett of Linn, for the remainder of the day, on request of Banks of Plymouth.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2454)

Wise of Lee called up for consideration the report of the conference committee on House File 2454 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2454

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 2454, a bill for an act relating to efficiency in government and making appropriations, respectfully make the following report:

1. That the House recedes from its amendment, S—5853.

2. That Senate amendment, H—5909, to House File 2454, as amended, passed, and reprinted by the House, is amended as follows:

1. By striking page 1, line 7 through page 2, line 2, and inserting the following:

"279.46 RETIREMENT INCENTIVES — TAX.

The board of directors of a school district may adopt a program for payment of a monetary bonus, continuation of health or medical insurance coverage, or other incentives for encouraging its employees to retire before the normal retirement date as defined in chapter 97B. The program is available only to employees between fifty-nine and sixty-five years of age who notify the board of directors prior to March 1 of the fiscal year that they intend to retire not later than the next following June 30. An employee retiring under this section shall apply for a retirement allowance under chapter 97B or chapter 294. If the total estimated accumulated cost to a school district of the health or medical insurance coverage, bonus, or other incentives for employees who retire under this section does not exceed the estimated savings in salaries and benefits for employees who replace the employees who retire under the program, the board may include in the district management levy an amount to pay the costs of the program provided in this section."

2. Page 2, line 11, by inserting after the word "means" the following: "an employee of the executive branch of the state or the judicial branch of the state who is".

3. Page 2, line 21, by inserting after the word "assembly." the following: " "Member" does not mean an employee of the state board of regents."

4. Page 2, line 24, by striking the word and figures "May 15, 1993" and inserting the following: "January 15, 1993".

5. Page 2, lines 25 and 26, by striking the word and figures "May 15, 1993" and inserting the following: "January 15, 1993".

6. Page 2, line 26, by striking the word "fifty-five" and inserting the following: "fifty-nine".

7. Page 2, by striking line 40 and inserting the following: "attains the age of sixty-five. Any".

8. Page 2, line 46, by striking the words and figures "prior to March 15, 1993," and inserting the following: "after the effective date of this section and prior to November 15, 1992,".

9. Page 3, line 4, by inserting after the word "employer." the following: "However, this subsection shall not apply to a member who is elected to a public office as defined in chapter 56."

10. Page 3, line 13, by striking the words "general fund of the state" and inserting the following: "originating fund".

11. Page 3, line 18, by striking the word "personnel" and inserting the following: "revenue and finance".

12. Page 3, by striking line 37, and inserting the following: "subsection.

It is the intent of the general assembly that the cost of premiums incurred by a state department be included within that department's annual budget and be paid from originating funds." "

13. By striking page 3, line 40, through page 4, line 6, and inserting the following:

" "1. SPAN OF CONTROL AND LAYERS OF MANAGEMENT. The department of personnel, in consultation with the department of management, shall, after discussion and collaboration with executive branch agencies, reduce the layers of management in executive branch agencies in the aggregate from those existing on July 1, 1991, by at least 50 percent by July 1, 1994, and increase the ratio of number of employees per supervisor for executive branch agencies in the aggregate from those existing on July 1, 1991, by up to 50 percent by July 1, 1993. The department shall present an interim report to the general assembly by April 1, 1993, and a final report by April 1, 1994, regarding the progress of the department in completing this task and its outcome.

However, before any reduction in layers of management is implemented, the department of personnel shall notify the"."

14. Page 4, by striking lines 7 through 12.

15. Page 4, by striking lines 34 through 39 and inserting the following:

" "Sec. _____. EFFECTIVE DATES. Sections 100 and 102 of this Act take effect upon enactment." "

16. Page 4, line 41, by inserting after the word "appropriations" " the following: "and inserting the following: "and providing effective dates"."

17. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

PHIL WISE, Chair
JANET ADAMS
DEO KOENIGS
RUHL MAULSBY
BOB RAFFERTY

ON THE PART OF THE SENATE:

FLORENCE BUHR, Chair
ALBERT SORENSEN
EUGENE FRAISE
RICHARD DRAKE
MARY KRAMER

The motion prevailed and the conference committee report 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. 2454)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Black	Brammer	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Daggett	De Groot
Dickinson	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.

Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, none.

Absent or not voting, 4:

Bisignano	Blanshan	Corbett	Diemer

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2454** be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2355)

Hammond of Story called up for consideration the report of the conference committee on Senate File 2355 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2355

To the President of the Senate and Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2355, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and providing for effective and applicability dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H—5910.

2. That the House recedes from its amendment, S—5644.

3. That Senate File 2355, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by striking line 8 and inserting the following:
" ..... $ 46,470,000".

2. Page 1, line 28, by inserting after the word "the" the following: "Iowa Self-employed Household Incentive Program (ISHIP)".

3. Page 2, by inserting after line 6 the following:

"_____. Notwithstanding section 239.6, the department is not required to reconsider eligibility of aid to dependent children recipients every six months if a federal waiver is granted."

4. Page 3, by striking line 5 and inserting the following:
" ..... $276,670,000".

5. Page 6, line 7, by inserting after the word "employment" the following: "or be required to significantly reduce hours of employment".

6. Page 7, lines 20 and 21, by striking the words "the medically needy program" and inserting the following: "who are eligible for the medically needy program without a spend down requirement".

7. Page 7, by inserting after line 24, the following:

"_____. The department of human services shall work cooperatively with the department of elder affairs and the area agencies on aging to expedite and improve the assessment and eligibility determination process used for the medical assistance home and community-based waiver program for the elderly."

8. By striking page 7, line 25 through page 8, line 9 and inserting the following:

"_____. It is the intent of the general assembly that copayments shall not be charged to recipients for services which are mandatory under federal requirements for the medical assistance program.

_____. The department shall actively pursue the potential to fund child welfare services under the early and periodic screening, diagnosis, and treatment (EPSDT) option of the medical assistance program. If the funding is implemented, the department may transfer moneys appropriated in this Act for foster care or home-based services as necessary to pay the nonfederal costs of services reimbursed under EPSDT which are provided to children who would otherwise receive services paid under those appropriations. The department may adopt emergency rules to implement the provisions of this subsection.

_____. Except as otherwise provided in the appropriation made in this Act for mental health, mental retardation, and developmental disabilities services provided under medical assistance, if a medical assistance recipient is receiving care which is reimbursed under a federally approved home and community-based services waiver but would otherwise be approved for care in an intermediate care facility for the mentally retarded, the recipient's county of legal settlement shall reimburse the department on a monthly basis for the portion of the recipient's cost of care which is not paid from federal funds.

_____. The department shall develop program standards, admission criteria, and reimbursement rates which are consistent with the day treatment needs of children and adolescents with severe psychiatric and behavioral disorders. The department may adopt emergency rules to implement the provisions of this subsection."

9. Page 8, by inserting before line 10 the following:

"_____. Administrative rules adopted by the department establishing intermediate care facility for the mentally retarded (ICFMR) standards relating to family scale and size, location, and community inclusion, including, but not limited to, rules adopted pursuant to 1991 Iowa Acts, chapter 267, section 103, subsection 5, and Senate File 2311, as enacted by the Seventy-fourth General Assembly, 1992 Session, shall not prohibit any ICFMR with eight beds or less."

10. Page 8, by striking line 16 and inserting the following:
"..... $ 4,830,000".

11. Page 8, by striking line 26 and inserting the following:
"..... $ 19,040,000".

12. Page 9, line 15, by inserting after the word "income." the following: "The department shall adopt emergency rules to implement the provisions of this subsection."

13. Page 9, by inserting after line 15, the following:

"_____. In determining the amount of state supplementary assistance provided to a resident of a licensed residential care facility which has a "Section 8" program contract with the United States department of housing and urban development, the moneys which the resident must pay under the "Section 8" program shall not be considered as income."

14. Page 10, by striking line 1 and inserting the following:
"..... $ 7,460,000".

15. Page 10, line 6, by striking the figure "2,294,060" and inserting the following: "2,293,412".

16. Page 11, line 27, by inserting after the word "centers." the following: "However, any reimbursement increase provided under this subsection shall not cause the provider's reimbursement rate to exceed the provider's actual and allowable cost plus the inflationary increase authorized in the section of this Act relating to provider reimbursement. The department may adopt emergency rules to implement the provisions of this subsection."

17. Page 12, line 14, by inserting after the word "home" the following: "or adult day care".

18. Page 12, by striking line 29 and inserting the following:
"..... $ 4,960,000".

19. Page 12, line 30, by striking the figure "4,076,896" and inserting the following: "4,050,701".

20. Page 13, line 18, by striking the words "may be used either" and inserting the following: "shall be used".

21. Page 13, line 24, by striking the word "renew" and inserting the following: "increase".

22. Page 13, line 25, by striking the words "an annual" and inserting the following: "the fiscal year 1991-1992".

23. Page 14, by striking line 9 and inserting the following:
" ..... $ 3,750,000".

24. Page 14, by striking lines 17 through 25 and inserting the following: "employees together can reasonably be expected to maintain or increase net state revenue at or beyond the budgeted level. If the director adds additional employees, the".

25. Page 15, line 6, by inserting after the word "bureau." the following: "If a statute enacted by the Seventy-fourth General Assembly, 1992 Session, authorizes the department to charge an annual cost recovery fee to nonpublic assistance users of child support recovery services, the fee may be deducted from support paid in fiscal year 1992-1993, unless the user elects to pay the fee directly. The department shall continue to provide child support recovery services to persons who were notified during fiscal year 1991-1992 that services would not be continued if an annual cost recovery fee was not paid."

26. Page 16, by striking line 7 and inserting the following:
" ..... $ 11,810,000".

27. Page 16, by striking line 12 and inserting the following:
" ..... $ 4,340,000".

28. Page 16, by striking line 17 and inserting the following:
" ..... $ 7,470,000".

29. Page 18, by striking lines 12 through 15 and inserting the following:

"_____. Monitor the efforts of the regional out-of-state placement committees, as established in House File 2480, if enacted by the Seventy-fourth General Assembly, 1992 Session, to reduce out-of-state placements by 25 percent by June 30, 1994."

30. Page 18, by inserting before line 16 the following:

"_____. Investigate the efforts used by other states to return children who have been placed out-of-state, including any training programs.

_____. Investigate the potential of using funding currently expended for children placed out-of-state as matching funding for services in this state in order to retain those children in this state.

_____. Investigate the potential of using medical assistance funding available under section 1915a of the federal Social Security Act in decategorization counties as a model for developing a flexible financing system."

31. Page 18, lines 18 and 19 by striking the words "children, youth, and families" and inserting the following: "adult, children, and family services".

32. Page 18, by striking lines 23 through 27 and inserting the following:

"_____. A juvenile court judge or referee appointed by the chief justice.

_____. A juvenile court officer appointed by the chief justice."

33. Page 19, by inserting after line 8 the following:

"_____. A member of the general assembly appointed by the legislative council."

34. Page 20, by striking line 4 and inserting the following:

" .....$ 47,520,000

_____. a. For fiscal year 1992-1993, the statewide target, as provided for in section 232.143, if enacted in House File 2480 by the Seventy-fourth General Assembly, 1992 Session, for the average number of children placed in group foster care in any day of the fiscal year which are a charge upon or are paid for by the state, shall be 1,405. The department may adopt emergency rules in order to implement the provisions of this subsection on July 1, 1992.

b. If section 232.143 is enacted, in each quarter of the fiscal year, the department shall compare the actual number of group foster care placements in a region and the targets allocated to the region for that quarter. The department shall develop a methodology to provide, within the funds allocated in this subsection, fiscal incentives to regions which have reduced the number or length of group foster care placements below the targeted levels. The fiscal incentives shall be used by a region to maintain or further the region's reduction in the number or length of group foster care placements.

c. The department shall report quarterly to the legislative fiscal bureau concerning the status of each region's efforts to limit the number of group foster care placements in accordance with the regional plan established pursuant to section 232.143.

d. It is the intent of the general assembly that the average reimbursement rates paid for placement of children out-of-state shall not exceed the maximum reimbursement rate paid to providers in this state."

35. Page 20, line 11, by striking the word and figures "October 1, 1992" and inserting the following: "April 1, 1993".

36. Page 20, by striking lines 23 through 33.

37. Page 21, line 8, by inserting after the figure "1991-1992." the following: "The department may adopt emergency rules relating to program standards for therapeutic foster care."

38. Page 21, line 15, by inserting after the word "adoption" the following: "and foster care".

39. Page 21, line 16, by striking the figure "150,000" and inserting the following: "104,625".

40. Page 22, line 11, by striking the words "services and notwithstanding" and inserting the following: "services. Notwithstanding".

41. Page 23, line 6, by striking the words "due to" and inserting the following: "in excess of the amount budgeted for".

42. Page 23, line 10, by inserting after the figure "7." the following: "Notwithstanding any provision of law to the contrary, any state funding identified as saved in excess of the amount budgeted for the federal financial participation shall be considered encumbered, for the purposes of this subsection, at the time of identification."

43. By striking page 23, line 11, through page 24, line 2 and inserting the following:

"_____. The department shall draw from the reasonable efforts model court project in continuing training seminars for child welfare practitioners".

44. Page 24, line 16, by striking the figure "80,000" and inserting the following: "63,160".

45. Page 24, line 29, by striking the word "system" and inserting the following: "department".

46. Page 25, by striking lines 1 through 3 and inserting the following: "may use up to $110,530 of the funds appropriated in this section.

_____. The department shall allocate up to $1,050,000 of the funds appropriated in this section among the department's regions to be used for wrap-around services. The moneys shall be used by each region to reduce the number or length of group foster care placements ordered by that region. For the purposes of this subsection, "wrap-around services" means coordinated, highly individualized, and community-based services directed to the basic human needs of a child and child's family which are developed and approved by an interdisciplinary team and focused upon the strengths of the child and the child's family. The department may transfer funds allocated in this subsection in addition to other funds appropriated in this Act that are used to provide wrap-around services. The department may adopt emergency rules to implement the provisions of this subsection.

_____. Of the funds appropriated in this section, up to $1,000,000 is allocated for continued foster care services to a child who is 18 years of age or older in accordance with the provisions of section 234.35, subsection 4, paragraph "c", if enacted in House File 2480 by the Seventy-fourth General Assembly, 1992 Session. The department shall distribute the moneys allocated in this subsection to the departmental regions based on each region's proportion of the total number of children placed in foster care on March 31, 1992, who, during the fiscal year beginning July 1, 1992, would no longer be eligible for foster care due to age. The department may adopt emergency rules to implement the provisions of this subsection.

_____. The provisions of this section constitute a significant change in state policy involving child welfare. In order to determine whether the change in policy has the intended effect and to provide information for future decision making, adequate information is required. During the fiscal period of this appropriation, the department shall track those out-of-home placements of children in which the state or a county is financially involved. The department, in coordination with the legislative fiscal bureau and the judicial department, shall develop a system for providing the tracking information. The tracking information shall be provided in a manner by which it can be determined whether the limitations on group foster care enacted by the Seventy-fourth General Assembly, 1992 Session, have resulted in increased use of out-of-home placements of children other than group foster care. The tracking information shall be submitted quarterly to the governor, the chairpersons and ranking members of the joint human services appropriations subcommittee, and the legislative fiscal bureau and shall include all of the following information for each departmental region:

a. The number of placements of children within each of the following age ranges: 0 through 5; 6 through 10; 11 through 15; and 16 through 21.

b. The number of children placed in each of the following: family foster care, residential foster care, state training school, Iowa juvenile home, psychiatric medical institutions for children (PMICs), residential substance abuse treatment programs, hospitals for acute psychiatric care, state mental health institutes, shelter care, juvenile detention, adult correctional facilities, state hospital-schools, intermediate care facilities for the mentally retarded (ICF/MR), residential care facilities for the mentally retarded (RCF/MR).

_____. Notwithstanding section 232.142, subsection 3, the financial aid paid by the state shall be limited to 0.5 percent of the total cost of the establishment, improvements, operation, and maintenance of a county or multicounty juvenile detention home."

47. Page 25, line 10, by striking the words "The contractor must be" and inserting the following: "In selecting a vendor, the department shall give preference to a vendor who is".

48. Page 25, line 16, by inserting after the word "benefits." the following: "Notwithstanding section 217.30 and section 232.2, subsection 11, and any other provision of law to the contrary, the custodian of a child in foster care may release medical, mental health, substance abuse, or any other information necessary only to determine the child's eligibility for SSI benefits, and may sign releases for the information. In any release of information made pursuant to this subsection, confidentiality shall be maintained to the maximum extent possible."

49. Page 26, line 23, by inserting after the word "section." the following: "The department may adopt emergency rules to implement the provisions of this paragraph.

_____. Of the funds appropriated in this section, up to $3,027,717 shall be used for family-centered services for families with children with mental retardation or other developmental disability who would otherwise be placed in group foster care or are currently placed in group foster care. The department may adopt emergency rules to implement the provisions of this subsection."

50. Page 25, by striking line 28 and inserting the following:
" ..... $ 22,530,000".

51. Page 26, line 29, by inserting after the word "programs," the following: "on the condition that family planning services are funded,".

52. Page 26, by striking line 32 and inserting the following:
" ..... $ 1,620,000".

53. Page 29, by striking line 15 and inserting the following:
" ..... $ 3,990,000".

54. Page 29, line 26, by inserting after the word "law." the following: "Reimbursement rates for providers of court-ordered evaluation and treatment services paid under section 232.141, subsection 4, shall be negotiated with providers by each judicial district's planning group."

55. Page 32, by striking line 25 and inserting the following:
" ..... $ 26,510,000".

56. Page 33, line 7, by inserting after the word "may" the following: "expend the excess amounts to".

57. Page 33, line 14, by striking the words "appropriated in this section" and inserting the following: "reimbursed to the Iowa veterans home pursuant to paragraph "a" ".

58. Page 33, by inserting after line 19 the following:

"c. The first $2,372,481 of reimbursements received from a source other than the state, as a result of the Iowa veterans home reclassifying 147 beds under the medical assistance program and opening previously closed beds, shall be retained by the home and used for costs associated with the reclassification and reopening of the beds. The moneys retained by the home pursuant to this paragraph are in addition to state funds appropriated to the home in this section."

59. Page 33, by striking line 29 and inserting the following:
" ..... $ 41,860,000".

60. Page 33, by striking line 34 and inserting the following:
" ..... $ 14,690,000".

61. Page 34, by striking line 2 and inserting the following:
" ..... $ 5,660,000".

62. Page 34, by striking line 5 and inserting the following:
" ..... $ 16,500,000".

63. Page 34, by striking line 8 and inserting the following:
" ..... $ 5,010,000".

64. Page 34, by inserting after line 19 the following:

"_____. As part of the discharge planning process at the state mental health institutes, the department shall provide assistance in obtaining eligibility for federal supplemental security income (SSI) to those individuals whose care at a state mental health institute is the financial responsibility of the state."

65. Page 34, by striking line 28 and inserting the following:
" ..... $ 64,260,000".

66. Page 34, by striking line 33 and inserting the following:
" ..... $ 34,680,000".

67. Page 35, by striking line 1 and inserting the following:
" ..... $ 29,580,000".

68. Page 36, by striking line 20 and inserting the following:
" ..... $ 1,000,000".

69. By striking page 37, line 6 through page 38, line 6, and inserting the following:

"Sec. _____. MH/MR/DD STATE CASES — NON-MH/MR/DD LOCAL PURCHASES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purchase of local mental health, mental retardation, and developmental disabilities services where the client has no established county of legal settlement and for allocation to the various counties for the purchase of local services not related to mental health, mental retardation, or developmental disabilities:
..... $ 4,980,000".

70. Page 38, line 8, by inserting after the word "DISABILITIES" the following: "– BRAIN INJURY –".

71. Page 38, lines 14 and 15, by striking the words "and developmental disabilities" and inserting the following: "developmental disabilities, and brain injury".

72. Page 38, by striking line 17 and inserting the following:
" ..... $ 27,280,000".

73. Page 38, line 18, by striking the figure "10,336,168" and inserting the following: "12,278,889".

74. Page 38, lines 20 and 21, by striking the words "and developmental disabilities" and inserting the following: "developmental disabilities, and brain injury".

75. By striking page 38, line 29 through page 39, line 1, and inserting the following:

"A county shall utilize the funding the county receives pursuant to this subsection for services provided to persons with mental illness, mental retardation, developmental disability, or brain injury. However, no more than 50 percent of the funding shall be used for services provided to any one of the service populations."

76. Page 39, line 5, by striking the word "or".

77. Page 39, line 6, by striking the word "illness" and inserting the following: "disability, or brain injury".

78. Page 39, line 22, by striking the word "residents" and inserting the following: "individuals".

79. Page 39, line 24, by striking the words "residents and residents' " and inserting the following: "individuals and individuals' ".

80. Page 39, line 24, by striking the word "a" and inserting the following: "an".

81. Page 39, by striking line 25 and inserting the following: "individual is living with the individual's family. The support".

82. Page 39, line 27, by striking the words "a resident" and inserting the following: "an individual".

83. Page 39, line 33, by striking the word "residents" and inserting the following: "individuals".

84. Page 39, line 35, by striking the word "resident's" and inserting the following: "individual's".

85. Page 40, by inserting after line 13 the following:

"4. a. Provision of funding under subsection 1 is contingent upon counties establishing mental illness, mental retardation, developmental disabilities, and brain injury (MI/MR/DD/BI) planning councils. The counties shall meet in consultation with service providers, consumers, and advocates, the department, and other interested parties in establishing the planning councils. A planning council's planning area shall, to the extent possible, utilize the borders of the county clusters as established pursuant to section 217.42, if enacted in Senate File 2342, and shall include a population of at least 40,000 and include counties with a historical pattern of cooperation in providing MI/MR/DD/BI services. The councils shall be established on or before September 1, 1992.

b. The membership of a planning council shall include a member of the county board of supervisors of each county comprising the planning council and a sufficient number of MI/MR/DD/BI service providers and service consumers or family members of service consumers to provide for adequate representation of the providers and consumers or family members. The board of supervisors of the counties comprising the planning council shall determine the size and membership of the planning council.

c. If a county does not establish a planning council arrangement by September 1, 1992, in accordance with the criteria provided in paragraph "b", the department shall assign that county to a planning council.

d. A planning council shall develop plans for the provision of services in the fiscal year beginning July 1, 1993, to persons with MI/MR/DD/BI in the county or counties comprising the planning council. The plans shall be submitted to the department on or before December 1, 1992.

5. Of the funds appropriated in this section, $20,000, or so much thereof as is necessary, shall be transferred to the legislative service bureau and used to contract for the consultant and facilitator required for the task force established in section 100 of this Act.

6. Of the funds appropriated in this section, $1,912,335, or so much thereof as is necessary, is allocated to reimburse eligible counties for their expenditures for services provided to persons with mental retardation, a developmental disability, or chronic mental illness during the fiscal year beginning July 1, 1991, and ending June 30, 1992, in accordance with the provisions of section 27, subsection 5 of this Act.

7. a. Of the funds appropriated in this section, $13,038,776 is allocated for distribution to counties for local purchase of services for persons with mental illness or mental retardation or other developmental disability.

b. The funds allocated in this subsection shall be expended by counties in accordance with eligibility guidelines established in the department's rules outlining general provisions for service administration. Services eligible for payment with funds allocated in this subsection are limited to any of the following which are provided in accordance with the department's administrative rules for the services: community supervised apartment living arrangements, residential services for adults, sheltered work, supported employment, supported work training, transportation, and work activity.

c. In purchasing services with funds allocated in this subsection, a county shall designate a person to provide for eligibility determination and development of a case plan for individuals for whom the services are purchased. The designated person shall be a medical assistance case manager serving the person's county of residence. If an individual does not have a case manager, the individual's eligibility shall be determined by a social services caseworker of the department serving the individual's county of residence. The case plan shall be developed in accordance with the department's rules outlining general provisions for service administration.

d. Services purchased with funds allocated in this subsection must be the result of a referral by the person who identified the services in developing the individual's case plan.

e. Services purchased with funds allocated in this subsection must be under a purchase of service contract established in accordance with the department's administrative rules for purchase of service.

f. The funds provided by this subsection shall be allocated to each county as follows:

(1) Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

(2) Fifty percent based upon the amount provided to the county for local purchase services under the federal social services block grant in the fiscal year beginning July 1, 1991.

g. Each county shall submit to the department a plan for funding of the services eligible for payment under this subsection. The plan may provide for allocation of the funds for one or more of the eligible services. The plan shall identify the funding amount the county allocates for each service and the time period for which the funding will be available. Only those services which have funding allocated in the plan are eligible for payment with funds provided in this subsection.

h. A county shall provide advance notice to the individual receiving services, the service provider, and the person responsible for developing the case plan of the date the county determines that funding will no longer be available for a service.

i. Moneys allocated to a county pursuant to paragraph "f" shall be provided to the county as claims are submitted to the state.

j. The moneys provided under this subsection do not establish an entitlement to the services funded under this subsection.

Sec. 100. TASK FORCE ESTABLISHED.

1. For the fiscal year beginning July 1, 1992, there is established a task force to develop a plan for restructuring the service delivery system for persons with mental illness, mental retardation and other developmental disabilities, and brain injury. The task force shall consist of individuals appointed by all of the following entities:

a. Iowa state association of counties.

b. Iowa association of rehabilitation and residential facilities.

c. Alliance for the mentally ill of Iowa.

d. Association for retarded citizens of Iowa.

e. Community mental health centers association of Iowa.

f. Iowa governor's planning council for persons with developmental disabilities.

g. Iowa farm bureau federation.

h. Iowa federation of labor.

i. Iowa association of business and industry.

j. Iowa citizen action network.

k. Iowa psychiatric society.

l. Iowa hospital association.

m. Department of human services.

n. Iowa coalition.

o. Iowa protection and advocacy service.

p. Coalition for persons with disabilities.

q. Prevention of disabilities policy council.

r. Iowa head-injury association.

s. Department of management.

t. Governor.

u. A member of the senate appointed by the legislative council.

v. A member of the house of representatives appointed by the legislative council.

2. The task force shall present a plan to the legislative council, the department of human services, and the governor, by December 1, 1992, which will implement a restructuring of the mental health, mental retardation, and developmental disabilities service system to be effective July 1, 1993. However, the funding portion of the plan referred to in paragraph "b" of this subsection is to be effective July 1, 1994. The plan shall address, but not be limited to, all of the following:

a. Multi-county structures for planning.

b. The funding responsibilities and the funding relationship between the state and counties, including but not limited to, the per diem reimbursement paid at the state mental health institutes.

c. The structure for service delivery.

d. Targeting services for state funding which are aimed at implementing the service quality standards in section 225C.28A and rights in section 225C.28B.

The task force shall be assisted by a consultant and facilitator in carrying out its responsibilities under this section.

3. It is the intent of the general assembly that the plan developed by the task force created in this section shall be considered for enactment during the 1994 Legislative Session."

86. Page 40, line 22, by striking the words "counties, including" and inserting the following: "counties:".

87. Page 40, by striking lines 23 through 25 and inserting the following:
" .....$ 2,860,000".

88. Page 41, line 5, by inserting after the word "and" the following: "100 percent of the nonfederal share".

89. Page 41, by striking lines 11 through 16 and inserting the following: "illness. The state shall have responsibility for the remaining 50 percent of the nonfederal share of the cost of case management provided to adults, day treatment, and partial hospitalization. For persons without a county of legal settlement, the state shall have responsibility for 100 percent of the nonfederal share of the cost of case management provided to adults, day treatment, partial hospitalization, and the home and community-based waiver services."

90. Page 44, line 8, by striking the word "division" and inserting the following: "Act".

91. Page 45, by striking lines 16 and 17 and inserting the following:

" ..... $ 37,840,000
..... FTEs 2,180.50".

92. Page 48, by striking lines 3 and 4 and inserting the following:

" ..... $ 8,710,000
..... FTEs 359.01".

93. Page 49, by inserting after line 33 the following:

"The department shall complete all of the following requirements relating to implementation of the X-PERT system:

1. Complete an assessment of the relative appropriateness and cost-effectiveness of the various options for developing the X-PERT system. The assessment shall include an evaluation of the relative merits of using various computer hardware platforms including, but not limited to, mainframe computers, distributed processing, and personal microcomputers. The department shall utilize experts and resources from the private sector and shall ensure that the assessment is independent of influence from potential system vendors. The department shall report to the chairpersons and ranking members of the joint human services appropriations subcommittee and the legislative fiscal bureau no later than October 1, 1992.

2. Complete a detailed work plan for the development, testing, pilot implementation, and full implementation of the X-PERT system by August 1, 1994. The work plan shall contain an assessment of the fiscal and staff resources required to meet this time frame and the availability of these resources. The work plan shall be completed on or before September 1, 1992.

3. Develop, in cooperation with the legislative fiscal bureau, a methodology for measuring costs and savings resulting from the development and implementation of the X-PERT system. The methodology shall provide for separate measurement of both actual reductions in expenditures and avoidance of increased expenditures. The department shall implement the methodology during the development of the system and shall report quarterly regarding implementation of the methodology to the chairpersons and ranking members of the joint human services appropriations subcommittee and the legislative fiscal bureau."

94. Page 51, by inserting after line 6 the following:

"_____. Federally qualified health centers shall be reimbursed at 100 percent of reasonable costs as determined by the department in accordance with federal requirements.

_____. The department shall review and utilize small area analysis to identify differences in utilization of physician and hospital services. Within funds appropriated, the department shall seek to revise reimbursement methodologies for providers and shall seek to equalize reimbursement rates between providers. In addition, the department shall identify incentives to reward efficient, effective, and quality care."

95. Page 52, by inserting after line 3 the following:

"_____. For the fiscal year beginning July 1, 1992, the maximum reimbursement rates for social service providers other than child day care providers shall be the same as the rates in effect on June 30, 1991, except under any of the following circumstances:

a. If a new service was added after June 30, 1991, the initial reimbursement rate for the service shall be based upon actual and allowable costs.

b. If a social service provider loses a source of income used to determine the reimbursement rate for the provider, the provider's reimbursement rate may be adjusted to reflect the loss of income, provided that the lost income was used to support actual and allowable costs of a service purchased under a purchase of service contract.

_____. The department may adopt emergency rules to implement the provisions of this section."

96. Page 52, by striking lines 4 through 21.

97. Page 53, by inserting after line 12 the following:

"Sec. _____. MEDICAL ASSISTANCE STUDY. The department of management shall utilize a task force to perform a study of the medical assistance program. The study parameters shall include but are not limited to reimbursement rates, accuracy and improvement of fiscal projections, scope of covered services, cost containment provisions, relative growth of the program, and the relationship with other health coverages. The task force membership shall include consumers, service providers, affected governmental agencies, and four legislators appointed by the majority and minority leader of the senate and the speaker and minority leader of the house of representatives. The study findings and recommendations shall be submitted to the governor and the general assembly on or before January 1, 1993.

Sec. _____. HEALTH DATA COMMISSION STUDY. The health data commission shall study the feasibility of creating an electronic network to transmit all claims payable to third-party payors and the feasibility of using this data transmission network to establish a statewide health data repository. The commission shall submit a report of the findings of the study to the general assembly by January 1, 1993."

98. Page 54, by inserting after line 4, the following:

"Sec. 201. FAMILY PLANNING — REPRODUCTIVE HEALTH SERVICES INTEGRATION WITH SUBSTANCE ABUSE PROGRAMS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For the provision of family planning services to eligible women as specified in this subsection:

.....$ 350,000

To be eligible for family planning services under this subsection, the following criteria apply: the woman has an income which is equal to or less than 185 percent of the federal poverty level as defined by the most recently published guidelines issued by the United States department of health and human services; the woman was receiving medical assistance at the time the child was born; the woman is no longer eligible for medical assistance; and the woman is not covered by health insurance for family

planning services. The family planning services shall be provided for not more than 12 months from the date of expiration of an eligible woman's postpartum medical assistance coverage. The department shall include information concerning the availability of the family planning services at the time the department notifies a recipient that her 60 days of postpartum medical assistance coverage will expire. The department may adopt emergency rules to implement the provisions of this subsection.

2. For the use of the Iowa department of public health, division of substance abuse and health promotion, for the integration of reproductive health services with substance abuse programs:

.....$ 100,000

To be eligible for funding under this subsection, a program shall be a residential treatment provider which provides services to a large number of women of childbearing age.

3. Nothing in this section shall be construed or is intended as, or shall imply, a grant of entitlement for services to persons who are eligible for services in accordance with the provisions of this section. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

Sec. 202. MEDICAL ASSISTANCE – ENHANCED SERVICES FOR HIGH–RISK PREGNANCIES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

1. For provider costs to perform risk assessments for pregnant women eligible for medical assistance:

.....$ 71,000

2. For medical assistance costs to provide enhanced services for high-risk pregnancies in accordance with this section:

.....$ 72,000

The department of human services and the Iowa department of public health shall jointly develop risk assessment criteria which shall be applied to all pregnant women eligible for medical assistance. If a pregnant woman is determined to have a high-risk pregnancy by use of the risk assessment, enhanced services shall be made available to the woman. Enhanced services shall include care coordination, health education, social services, nutrition education, and a postpartum home visit. The department of human services may adopt emergency rules to implement the provisions of this section.

Sec. 203. INFANT MORTALITY AND MORBIDITY PREVENTION PILOT PROJECT. The Iowa department of public health shall award grants to establish an infant mortality and morbidity prevention pilot project beginning October 1, 1992, and ending June 30, 1995, in the designated areas of Polk, Scott, and Woodbury counties. The recipient of a grant shall establish a resource mothers program or coordinate existing resource mothers programs in the targeted areas and shall do all of the following:

1. Identify barriers to positive birth outcomes and encourage cooperation in the targeted area to reduce infant mortality and morbidity.

2. Develop an inventory of existing community resources, including both public and private organizations, which are designed to reduce infant mortality.

3. Collaborate with local chambers of commerce, businesses, and civic organizations, including both public and private organizations, to establish a coupon bonus program for pregnant women residing in the targeted area to encourage the pregnant women to seek prenatal care and to encourage mothers of children through one year of age to utilize the early and periodic screening, diagnosis, and treatment program. The coupon bonus program shall provide for the validation of coupons by health care providers, following the provision of prenatal care or care provided to a child through one year of age, which may be exchanged for the provision of goods or services by sponsors within the community.

Sec. 204. PRENATAL TO PRESCHOOL FAMILY AND CHILD PROTECTION SERVICES PROGRAM.

1. The Iowa department of public health shall develop a program for the awarding of a grant to a statewide child abuse prevention organization for the development and implementation of the prenatal to preschool family and child protection services program to be implemented beginning October 1, 1992, and ending October 1, 1995, in at least three urban and three rural counties, three of which shall be coordinated with the existing infant mortality and morbidity programs in Polk, Scott, and Woodbury counties, and all of which shall be implemented through the use of existing nonprofit home health programs. The department shall make a request for proposals application available to any organization requesting an application by August 1, 1992, and shall require the completed application to be returned to the department by September 1, 1992.

2. The department shall adopt rules which establish the criteria for the awarding of a grant to an applicant. The criteria shall include but are not limited to the required match of one dollar provided by the organization for each two dollars provided by the state.

3. A grant recipient shall do all of the following:

a. Implement the proposed program by October 1, 1992.

b. Coordinate the program with the infant mortality and morbidity prevention programs in existence in Polk, Scott, and Woodbury counties.

c. To the maximum extent possible, utilize existing programs and services necessary for implementation of the program.

d. Utilize nonprofit home health programs in the development and implementation of the program.

4. The Iowa department of public health shall submit an evaluation of the program, by January 15, annually, to the governor and the general assembly.

Sec. 205. APPROPRIATION — INFANT MORTALITY AND MORBIDITY — HEALTHY FAMILY PROGRAM. There is appropriated from the general fund of the state to the Iowa department of public health, for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, for the purposes designated:

..... $ 665,000

1. Of the moneys appropriated in this section, not more than $165,000 shall be used to award grants to establish infant mortality and morbidity prevention pilot projects in Polk, Scott, and Woodbury counties in the areas designated by the Iowa

department of public health as areas with the highest infant mortality rates. Of the amount appropriated, not more than 15 percent shall be used for administrative expenses.

2. Of the moneys appropriated in this section, not more than $335,000 shall be used to award a grant to a statewide child abuse prevention organization for the development and implementation of the prenatal to preschool family and child protection services program to be implemented beginning October 1, 1992.

3. Of the moneys appropriated in this section, not more than $25,000 shall be used for departmental staff support of a multidisciplinary team conducting research concerning the causes of individual infant deaths in the state. Funding of the multidisciplinary team concerning an individual case shall be used solely for research purposes.

4. Of the moneys appropriated under this section, not more than $140,000 shall be used to increase the use of mid-level practitioners to improve access to prenatal health care. The funds shall be used to issue three grants in equal amounts to hospitals, public health programs, or maternal health clinics to develop programs to provide services to pregnant women, utilizing nurse midwives with hospital privileges and physician support, in areas of the state with insufficient availability of obstetrical services.

Sec. 206. IOWA CENTER FOR HEALTH ISSUES — ESTABLISHED. There is appropriated from moneys collected by the division of insurance pursuant to section 505.7, subsection 3, from the amount collected in excess of $310,815, to the division of insurance for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary to be used for the purposes designated:

For the awarding of a grant, by the division, to a private institution to establish a center for use as a forum for the purposes of community discussion and consensus building, public education, and research in the area of health care and health-related issues, particularly in the area of ethical decision making:
.....$ 75,000

Criteria for the awarding of a grant includes but is not limited to:

1. That the recipient be a private institution which is centrally located in the state, which does not directly provide medical or health services, and which has developed credibility among the health care and business community.

2. That the institution is able to draw from a variety of disciplines including but not limited to the health services, law, sociology, insurance, economics, education, and public administration in carrying out the purpose of the center.

3. That the institution provide physical space for the holding of meetings, forums, and other activities of the center, and that the institution be capable of holding meetings, forums, and other activities throughout the state.

4. That the institution provide or develop independent funding, in an amount which is one dollar for every state dollar provided, from sources including but not limited to private contributions or federal funding.

The grant recipient shall cooperate with the division in establishing the center. The division shall perform ongoing evaluation of the activities of the center and shall make recommendations to the grant recipient regarding improved effectiveness of the activities of the center.

Sec. 207. VERIFICATION OF SPENDING REDUCTIONS. The department of human services, the Iowa department of public health, and the commissioner of insurance, shall submit reports to the governor and the general assembly by January 15, 1993, regarding the effectiveness or proposed effectiveness of the initiatives established in sections 201 through 206 and 208 of this Act in reducing health care costs.

Sec. 208. NEW SECTION. 135.106 IOWA HEALTHY FAMILY PROGRAM — ESTABLISHED.

1. The Iowa department of public health shall establish an Iowa healthy family program to provide services to families and children during the prenatal through preschool years. The program shall be designed to promote optimal child development, improve family coping skills and functioning, and promote positive parenting skills and intrafamilial interaction, with the goal of prevention of child abuse and neglect.

2. The program shall include the following components which shall be developed and implemented to provide for coordination of services to the greatest extent possible:

a. An infant mortality and morbidity prevention program.

b. A prenatal to preschool family and child protection services program.

3. The infant mortality and morbidity prevention program shall include, but is not limited to, the following components:

a. The establishment of pilot projects, through the awarding of grants, in three counties of the state which have areas with the state's highest infant mortality rates, to identify barriers to positive birth outcomes, to encourage collaboration and cooperation among providers of health care, social services, and other services to pregnant women and infants, and to encourage pregnant women and women of childbearing years to seek health care and other services which result in positive birth outcomes.

b. The establishment of a resource mothers program to provide pregnant and postpartum women with individual guidance, information, and access to health care. As used in this section, "resource mothers program" means a community outreach program which provides for home visits by women who have experience as mothers and who have knowledge of health care services, social services, or related fields of services and who provide pregnant and postpartum women with information and access to health care and other services necessary for positive birth outcomes.

4. The prenatal to preschool family and child protection services program shall be developed and implemented by the recipient of a grant awarded by the department and shall include but is not limited to all of the following components:

a. Systematic hospital-based screening for the highest percent of high-risk families of newborns in specific geographic areas. The systematic hospital-based screening component shall provide that a resource mother identifies hospital admissions data for childbirths to determine high-risk families, based upon risk indicators developed by rule of the department. The woman who is a member of a family which is identified to be at high-risk shall be interviewed by the resource mother to encourage the woman to accept services including but not limited to home visits, support services, and instruction in child care and development.

b. Community-based home visiting family support services. Following identification of a family as high-risk and acceptance of a family of services under the program, the resource mother shall initiate home visits to assess the needs of the family and to refer the family to appropriate services.

c. Individualization of the intensity of services based upon the family's need and level of risk. The resource mother shall assess the specific needs of the participating family to ensure appropriate access to services and necessary frequency of services.

d. Linkage to a "medical home". The resource mother shall assist participating families in the selection of a primary care provider in order to promote preventive health care and positive child development. The resource mother assigned to a family shall track the scheduling and completion of and the provision of transportation to health care visits. The resource mother shall also review the results of health care visits and coordinate future visits or referrals to necessary services.

e. Coordination of a range of health and social services for at-risk families, including the provision of the appropriate levels or types of immunizations to children participating in the program.

f. Continuous follow-up with the family until the identified child reaches age three, except in the case of high-risk families in which case the follow-up shall continue to age four.

g. A structured training program in the dynamics of abuse and neglect. The grant recipient shall provide a training program to establish uniform standards for service delivery.

h. Provision of crisis child care through utilization of existing child care services to participants in the program.

i. Evaluation of the program, including an evaluation of the effects on the reduction in risk factors for the participants, an evaluation of the services provided, and recommendations for changes in or expansion of the program.

j. To the extent possible, private party, third party, and medical assistance including the early and periodic screening, diagnosis, and treatment (EPSDT) program, shall be utilized as a reimbursement to defray the costs of services provided.

5. The department shall adopt rules to establish and implement the healthy family program which address all of the following:

a. The entering of an interagency agreement with the department of human services by which the department may refer a family at high-risk, based upon reports to the department of human services, of the need for services.

b. The criteria for the awarding of a grant for the development and implementation of the infant mortality and morbidity prevention pilot program and for the development and implementation of the prenatal to preschool family and child protection services program.

c. The components required of a grant applicant for inclusion in an infant mortality and morbidity prevention pilot program proposal and in a prenatal to preschool family and child protection services program proposal.

d. Establishment of risk indicators to be used in the systematic hospital-based screening component of the prenatal to preschool family and child protection services program.

e. Designation of the areas of the counties selected for implementation of the infant mortality and morbidity prevention pilot program which have the highest infant mortality rate based on census tracts.

f. Designation, in cooperation with the grant recipient, of the counties of the state for implementation of the prenatal to preschool family and child protection services program.

Sec. _____ . Section 135C.2, subsection 5, paragraph b, Code Supplement 1991, is amended to read as follows:

b. A facility must be located in an area zoned for single or multiple-family housing or in an unincorporated area and must be constructed in compliance with applicable local ~~housing codes~~ requirements and the rules adopted for the special classification by the state fire marshal in accordance with the concept of the least restrictive environment for the facility residents. The rules adopted by the state fire marshal for the special classification shall be no more restrictive than the rules adopted by the state fire marshal for demonstration waiver project facilities pursuant to 1986 Iowa Acts, chapter 1246, section 206, subsection 2. Local ~~housing codes~~ requirements shall not be more restrictive than the rules adopted for the special classification by the state fire marshal and the state building code requirements for single or multiple-family housing."

99. Page 54, by inserting after line 4, the following:

"Sec. _____ . NEW SECTION. 148E.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Acupuncture" means promoting, maintaining, or restoring health based on traditional oriental medical concepts of treating specific areas of the human body, known as acupuncture points or meridians, by performing any of the following practices:

a. Inserting acupuncture needles.

b. Moxibustion.

c. Applying manual, conductive thermal, or electrical stimulation through use of acupuncture needles or any other secondary therapeutic technique except for use of other electromagnetic or ultrasound energy sources.

2. "Acupuncturist" means a person who is engaged in the practice of acupuncture.

3. "Board" means the board of medical examiners established in chapter 147.

4. "Department" means the Iowa department of public health.

Sec. _____ . NEW SECTION. 148E.2 REGISTRATION AND RENEWAL REQUIRED.

A person shall not engage in the practice of acupuncture unless the person has registered with the board and received a certificate of registration pursuant to this chapter. Registration shall be renewed annually. The board shall charge a fee for renewal.

Sec. _____ . NEW SECTION. 148E.3 REGISTRATION REQUIREMENTS AND RECIPROCAL AGREEMENTS.

1. A person shall be registered as an acupuncturist and issued a certificate of registration by the board, if the person does all of the following:

a. Submits a completed application form as provided by the board and the application fee as required by the board.

b. Successfully completes and passes the certification and examination process of the national commission for the certification of acupuncture.

c. Successfully completes a training program which conforms to standards established by the national commission for the certification of acupuncture.

2. The board may register a person as an acupuncturist and issue a certificate of registration based upon a reciprocal agreement pursuant to chapter 147.

Sec. _____. NEW SECTION. 148E.4 DISPLAY OF CERTIFICATE AND DISCLOSURE OF INFORMATION TO PATIENTS.

An acupuncturist shall display the certificate of registration issued pursuant to section 148E.3 in a conspicuous place in the acupuncturist's place of business. An acupuncturist shall provide to each patient upon initial contact with the patient the following information in written form:

1. The name, business address, and business phone number of the acupuncturist.

2. A fee schedule.

3. A listing of the acupuncturist's education, experience, degrees, certificates, or credentials related to acupuncture awarded by professional acupuncture organizations, the length of time required to obtain the degrees or credentials, and experience.

4. A statement indicating any license, certificate, or registration in a health care occupation which was revoked by any local, state, or national health care agency.

5. A statement that the acupuncturist is complying with rules adopted by the department or the board, including a statement that only presterilized, disposable needles are used by the acupuncturist.

6. A statement indicating that the practice of acupuncture is regulated by the department.

Sec. _____. NEW SECTION. 148E.5 USE AND DISPOSAL OF NEEDLES.

An acupuncturist shall use only presterilized, disposable needles, and shall provide for adequate disposal of used needles.

Sec. _____. NEW SECTION. 148E.6 REVOCATION OR SUSPENSION OF CERTIFICATE AND REGISTRATION.

In addition to the grounds for revocation or suspension referred to in section 147.55, the registration and certificate of registration to practice acupuncture shall be revoked or suspended when the acupuncturist is guilty of any of the following acts or offenses:

1. Failure to provide information as required in section 148E.4 or provision of false information to patients.

2. Acceptance of remuneration for referral of a patient to other health professionals.

3. Offering of or giving of remuneration for the referral of patients, not including paid advertisements or marketing services.

4. Failure to comply with this chapter, rules adopted pursuant to this chapter, or applicable provisions of chapter 147.

5. Engaging in sexual activity or genital contact with a patient while acting or purporting to act within the scope of practice, whether or not the patient consented to the sexual activity or genital contact.

6. Disclosure of confidential information regarding the patient.

Sec. _____. NEW SECTION. 148E.7 ACCIDENT AND HEALTH INSURANCE COVERAGE.

This chapter shall not be construed to require accident and health insurance coverage for acupuncture services under an existing or future contract or policy for insurance issued or issued for delivery in this state, unless otherwise provided by the contract or policy.

Sec. _____. NEW SECTION. 148E.8 SCOPE OF CHAPTER.

This chapter does not apply to a person who is licensed as a physician, as defined in section 135.1, or as a dentist.

Sec. _____. NEW SECTION. 148E.9 STANDARD OF CARE.

A person registered under this chapter shall be held to the same standard of care as a person licensed to practice medicine and surgery, osteopathy, or osteopathic medicine and surgery.

Sec. _____. NEW SECTION. 148E.10 EVALUATION OF CONDITION REQUIRED.

A person registered under this chapter shall not engage in the performance of acupuncture upon another person until the person's condition has been evaluated by a physician, as defined in section 135.1, or by a dentist.

Sec. _____. Section 147.1, subsections 2 and 3, Code Supplement 1991, are amended to read as follows:

2. "Licensed" or "certified" when applied to a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, physician assistant, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, occupational therapist, practitioner of cosmetology, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, ~~or~~ social worker, or acupuncurist means a person licensed or certified under this title.

3. "Profession" means medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, cosmetology, barbering, mortuary science, marital and family therapy, mental health counseling, social work, ~~or~~ dietetics, or acupuncture.

Sec. _____. Section 147.13, subsection 1, Code Supplement 1991, is amended to read as follows:

1. For medicine and surgery, ~~and~~ osteopathy, ~~and~~ osteopathic medicine and surgery, and acupuncture, medical examiners.

Sec. _____ . Section 147.74, Code Supplement 1991, is amended by adding the following new subsection after subsection 16 and renumbering the remaining subsection:

NEW SUBSECTION. 17. An acupuncturist registered under chapter 148E may use the words "registered acupuncturist" after the person's name.

Sec. _____ . Section 147.80, Code Supplement 1991, is amended by adding the following new subsection after subsection 23 and renumbering the remaining subsections:

NEW SUBSECTION. 24. Registration to practice acupuncture, registration to practice acupuncture under a reciprocal agreement, or renewal of registration to practice acupuncture."

100. Page 54, by inserting after line 4 the following:

"Sec. _____ . Section 225C.25, Code 1991, is amended to read as follows:

225C.25 SHORT TITLE.

Sections 225C.25 through ~~225C.28~~ 225C.28B shall be known as "the bill of rights and service quality standards of persons with mental retardation, developmental disabilities, brain injury, or chronic mental illness".

Sec. _____ . Section 225C.26, Code 1991, is amended to read as follows:

225C.26 SCOPE.

These rights and service quality standards apply to any person with mental retardation, a developmental disability, brain injury, or chronic mental illness who receives services which are funded in whole or in part by public funds or services which are permitted under Iowa law.

Sec. _____ . Section 225C.27, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Sections 225C.25 through ~~225C.28~~ 225C.28B shall be liberally construed and applied to promote their purposes and the stated rights and service quality standards. The division, in coordination with appropriate agencies, shall adopt rules to implement the purposes of ~~sections 225C.25 through 225C.28~~ section 225C.28B, subsections 3 and 4, which include, but are not limited to the following:

Sec. _____ . NEW SECTION. 225C.28A SERVICE QUALITY STANDARDS.

As the state participates more fully in funding services to persons with mental retardation, developmental disabilities, brain injury, or chronic mental illness, it is the intent of the general assembly that the state shall seek to attain the following quality standards in the provision of the services:

1. Provide comprehensive evaluation and diagnosis adapted to the cultural background, primary language, and ethnic origin of the person.

2. Provide an individual treatment, habilitation, and program plan.

3. Provide individualized treatment, habilitation, and program services as appropriate.

4. Provide periodic review of the individual plan.

5. Provide for the least restrictive environment and age-appropriate services.

6. Provide appropriate training and employment opportunities so that the person's ability to contribute to and participate in the community is maximized.

Sec. _____. NEW SECTION. 225C.28B RIGHTS OF PERSONS WITH MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, BRAIN INJURY, OR CHRONIC MENTAL ILLNESS.

All of the following rights shall apply to a person with mental retardation, a developmental disability, brain injury, or chronic mental illness:

1. Wage protection. A person with mental retardation, a developmental disability, brain injury, or chronic mental illness engaged in work programs shall be paid wages commensurate with the going rate for comparable work and productivity.

2. Insurance protection. Pursuant to section 507B.4, subsection 7, a person or designated group of persons shall not be denied insurance coverage by reason of mental retardation, a developmental disability, brain injury, or chronic mental illness.

3. Due process. A person with mental retardation, a developmental disability, brain injury, or chronic mental illness retains the right to citizenship in accordance with the laws of the state.

4. Participation in planning activities. If an individual treatment, habilitation, and program plan is developed for a person with mental retardation, a developmental disability, brain injury, or chronic mental illness, the person has the right to participate in the formulation of the plan.

Sec. _____. Section 225C.29, Code 1991, is amended to read as follows:

225C.29 COMPLIANCE.

Except for a violation of section ~~225C.28, subsection 9~~ 225C.28B, subsection 2, the sole remedy for violation of a rule adopted by the division to ~~enforce or~~ implement ~~this Act~~ sections 225C.25 through 225C.28B shall be by a proceeding for compliance initiated by request to the division pursuant to chapter 17A. Any decision of the division shall be in accordance with due process of law and is subject to appeal to the Iowa district court pursuant to sections 17A.19 and 17A.20 by any aggrieved party. Either the division or a party in interest may apply to the Iowa district court for an order to enforce the decision of the division. ~~Neither this Act nor any~~ Any rules adopted by the division to implement sections 225C.25 through 225C.28B do not create any right, entitlement, property or liberty right or interest, or private cause of action for damages against ~~a municipality as defined in chapter 613A~~ the state or a political subdivision of the state or for which ~~such municipality~~ the state or a political subdivision of the state would be responsible. Any violation of section ~~225C.28, subsection 9,~~ 225C.28B, subsection 2, shall solely be subject to the enforcement by the commissioner of insurance and penalties granted by chapter 507B for a violation of section 507B.4, subsection 7.

Sec. _____. Section 226.7, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the district court commits a patient to a state mental health institute and a bed for the patient is not available, the institute shall assist the court in locating an alternative placement for the patient.

Sec. _____ . Section 230A.14, Code 1991, is amended to read as follows:

230A.14 SUPPORT OF CENTER – FEDERAL FUNDS.

The board of supervisors of any county served by a community mental health center established or continued in operation as authorized by section 230A.1 may expend money from county funds~~, federal revenue sharing funds,~~ or ~~other~~ federal matching funds designated by the board of supervisors for that purpose, without a vote of the electorate of the county, to pay the cost of any services described in section 230A.2 which are provided by the center or by an affiliate under contract with the center, or to pay the cost of or grant funds for establishing, reconstructing, remodeling, or improving any facility required for the center. ~~However, the county board shall not expend money from that fund, except for designated revenue sharing or other federal matching funds, for mental health treatment obtained outside a state institution in an amount exceeding eight dollars per capita in any county having less than forty thousand population.~~"

101. Page 54, by inserting after line 25 the following:

"Sec. _____ . Section 249A.25, subsection 4, paragraph i, Code Supplement 1991, is amended by striking the paragraph.

Sec. _____ . Section 249A.25, subsection 4, paragraph j, Code Supplement 1991, is amended to read as follows:

j. Issue a final advisory decision regarding any issue of disagreement between a county and the department relating to expenditures for candidate services ~~or the county's maintenance of effort~~.

Sec. _____ . Section 249A.26, subsection 3, Code Supplement 1991, is amended by striking the subsection.

Sec. _____ . Section 331.438, Code 1991, is amended to read as follows:

331.438 COUNTY MENTAL HEALTH SERVICES EXPENDITURES FROZEN.

In the event the ~~Seventy-fourth~~ General Assembly does not enact legislation to implement a funding formula for state participation in funding of mental health, mental retardation, and developmental disabilities services which takes effect in the fiscal year beginning July 1, ~~1992~~ 1996, the mental health, mental retardation, and developmental disabilities services expenditures of counties shall be frozen in the amount the counties expended for those services in the fiscal year beginning July 1, ~~1991~~ 1995. The expenses in excess of the frozen amount shall be paid for by the state in a timely manner that is not disruptive to persons providing or receiving services.

Sec. _____ . 1992 Iowa Act, Senate File 2366, section 9, subsection 3, paragraphs c and e, if enacted by the Seventy-fourth General Assembly, 1992 Session, are amended to read as follows:

c. Foster care:

..... $ ~~4,257,392~~
..... 14,262,340

e. Local administrative costs and other local services:

..... $ ~~11,142,810~~
..... 1,137,862

Sec. _____. 1992 Iowa Acts, Senate File 2366, section 50, subsection 60, if enacted by the Seventy-fourth General Assembly, 1992 Session, is amended to read as follows:

60. For ~~block grant supplementation~~ foster care, grant number 13667:
.....$ 10,004,948".

102. Page 55, by inserting after line 5 the following:

"Sec. _____. REPEAL. Section 225C.28 is repealed."

103. Title page, line 3, by inserting before the word "providing" the following: "including other provisions and appropriations involving health care and".

104. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:	ON THE PART OF THE SENATE:
JOHNIE HAMMOND, Chair	ELAINE SZYMONIAK, Chair
JOEL BROWN	LARRY MURPHY
MARK HAVERLAND	MAGGIE TINSMAN

A non-record roll call was requested.

The ayes were 48, nays 44.

The motion prevailed and the conference committee report was adopted.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2355)

The ayes were, 51:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Brammer	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Fogarty	Gill	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Knapp	Koenigs
McKinney	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Sherzan	Shoultz	Spear	Teaford
Wise	Wissing	Mr. Speaker Arnould	

The nays were, 46:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Daggett	De Groot
Eddie	Garman	Gipp	Grubbs
Hahn	Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.
Harbor	Hester	Hurley	Iverson
Johnson	Kistler	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McNeal	Mertz	Metcalf	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Royer	Shearer	Shoning
Siegrist	Spenner	Svoboda	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 3:

Blanshan	Corbett	Diemer

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 7:42 p.m., until the fall of the gavel.

The House resumed session at 7:47 p.m., Speaker Arnould in the chair.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for an immediate meeting of the committee on rules.

The House stood at ease at 7:48 p.m., until the fall of the gavel.

The House resumed session at 7:55 p.m., Speaker Arnould in the chair.

SENATE AMENDMENT CONSIDERED

Osterberg of Linn called up for consideration **House File 2475**, a bill for an act relating to waste tire management, including the imposing of fees and providing a penalty, amended by the Senate amendment H—6059 as follows:

H—6059

1 Amend House File 2475 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 14 the fol-
4 lowing:
5 "Sec. _____. Section 455D.11, subsection 1,
6 paragraphs d and f, Code Supplement 1991, are amended
7 to read as follows:

8 d. "Tire collector" means a person who owns or
9 operates a site used for the storage, collection, or
10 deposit of more than ~~fifty~~ five hundred waste tires.
11 f. "Waste tire" means a tire that is no longer
12 suitable for its originally intended purpose due to
13 wear, damage, or defect. "Waste tire" does not
14 include a nonpneumatic tire."
15 2. Page 3, by striking lines 23 through 30, and
16 inserting the following: "amount which is eighty-five
17 cents per tire for all waste tires stored at the site
18 above the three-day processing supply of tires as
19 determined by the department."
20 3. Page 4, line 24, by inserting after the word
21 "program:" the following: "Benton,".
22 4. Page 5, line 1, by striking the figure
23 "200,000" and inserting the following: "218,000".
24 5. Page 5, line 6, by inserting after the word
25 "projects." the following: "Not more than $18,000 of
26 the $218,000 collected pursuant to section 455B.310,
27 subsection 2, paragraph "b", subparagraph (4), may be
28 used by the department for administrative costs of the
29 waste tire collection or processing site permit
30 program."
31 6. Page 5, line 18, by inserting after the word
32 "program," the following: "to encourage nonprofit
33 organization participation,".
34 7. Page 5, line 25, by inserting after the word
35 "dealers," the following: "distributors, or
36 manufacturers,".
37 8. By renumbering, relettering, or redesignating
38 and correcting internal references as necessary.

Osterberg of Linn offered the following amendment H—6066, to the Senate amendment H—6059, filed by him from the floor and moved its adoption:

H—6066

1 Amend the Senate amendment, H—6059, to House File
2 2475, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by striking lines 15 through 19.
5 2. Page 1, line 23, by striking the figure
6 "218,000" and inserting the following: "233,000".
7 3. Page 1, line 26, by striking the figure
8 "218,000" and inserting the following: "233,000".
9 4. Page 1, by striking line 32, and inserting the
10 following: " "program" the following: ", to encourage
11 nonprofit".
12 5. Page 1, by inserting after line 36 the
13 following:

14 "_____. Page 6, by inserting after line 5 the
15 following:
16 "Sec. _____. EFFECTIVE DATE. This Act, being deemed
17 of immediate importance, takes effect upon enactment.
18 _____. Title page, line 2, by striking the words
19 "and providing a penalty" and inserting the following:
20 ", providing a penalty, and providing an effective
21 date"."

Amendment H—6066 was adopted.

On motion by Osterberg of Linn, the House concurred in the Senate amendment H—6059, as amended.

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

On the question "Shall the bill pass?" (H.F. 2475)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Black	Brammer	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Connors	Daggett	De Groot
Dickinson	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, 1:

Bisignano

Absent or not voting, 3:

Blanshan Corbett Diemer

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2475** be immediately messaged to the Senate.

MOTION TO RECONSIDER PREVAILED

Shearer of Louisa called up for consideration the motion to reconsider House File 2400, filed from the floor, and moved to reconsider the vote by which **House File 2400**, a bill for an act relating to the funding for emergency medical services, authorizing a county to impose a local option tax or combination of taxes to provide local funding, passed the House and was placed on its last reading on April 27, 1992.

A non-record roll call was requested.

The ayes were 70, nays none.

The motion prevailed and the House reconsidered House File 2400.

On motion by Shearer of Louisa, the House reconsidered the vote by which the House concurred in the Senate amendment H—6027, as amended.

McKinney of Dallas asked and received unanimous consent that House File 2400 be deferred and that the bill retain its place on the calendar.

(Senate amendment H—6027 pending.)

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

Senate Joint Resolution 2009, a joint resolution authorizing the temporary use and consumption of alcoholic beverages in the state capitol in conjunction with the 1992 Annual Meeting of the Council of State Governments.

Fiscal Note is not required.

Recommended **Do Pass** April 28, 1992.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate Joint Resolution 2009.

Senate Joint Resolution 2009, a joint resolution authorizing the temporary use and consumption of alcoholic beverages in the state capitol in conjunction with the 1992 Annual Meeting of the Council of State Governments, with report of committee recommending passage was taken up for consideration.

Jesse of Jasper 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 by the House?" (S.J.R. 2009)

The ayes were, 54:

Adams	Baker	Beatty	Bernau
Black	Brammer	Brand	Brown
Cohoon	Connors	Dvorsky	Eddie
Fogarty	Gill	Groninga	Halvorson, R. A.
Hammond	Hansen, S. D.	Harbor	Hatch
Haverland	Hibbard	Iverson	Jay
Jesse	Knapp	Koenigs	Lageschulte
Lundby	McKinney	Mertz	Metcalf
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Peterson, M. K.	Poncy
Rafferty	Renaud	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Spenner	Teaford	Weidman	Wise
Wissing	Mr. Speaker Arnould		

The nays were, 40:

Banks	Bartz	Beaman	Bennett
Bisignano	Branstad	Carpenter	Chapman
Daggett	De Groot	Dickinson	Doderer
Garman	Gipp	Grubbs	Gruhn
Hahn	Halvorson, R. N.	Hanson, D. E.	Hanson, D. R.
Hester	Holveck	Hurley	Johnson
Kistler	Krebsbach	Kremer	Maulsby
McKean	McNeal	Millage	Miller
Osterberg	Petersen, D. F.	Plasier	Renken
Shoning	Svoboda	Tyrrell	Van Maanen

Absent or not voting, 6:

Blanshan	Burke	Corbett	Diemer
Jochum	Royer		

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate Joint Resolution 2009** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 28, 1992, appointed the conference committee to Senate File 2249, a bill for an act relating to pari-mutuel racing and excursion boat gambling and providing effective dates, and the members of the Senate are: The Senator from Fayette, Senator Murphy, Chair; the Senator from Dubuque, Senator Welsh; the Senator from Jasper, Senator Dieleman; the Senator from Black Hawk, Senator Slife; the Senator from Marshall, Senator Soorholtz.

JOHN F. DWYER, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, April 27, 1992. Had I been present, I would have voted "aye" on House File 2400; Senate Files 2254 and 2360; "nay" on House File 2480.

DICKINSON of Jackson

I was necessarily absent from the House chamber on Monday, April 27, 1992. Had I been present, I would have voted "aye" on Senate File 2254.

OLLIE of Clinton

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 28th day of April, 1992: House Files 2025, 2243, 2250, 2343, 2372, 2450 and 2464.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 28, 1992, he approved and transmitted to the Secretary of State the following bills:

House File 2172, an act relating to nonsubstantive Code corrections.

House File 2195, an act providing that certain counties need not maintain a county jail or space for the district court.

House File 2308, an act relating to procedures for the involuntary hospitalization of chronic substance abusers and persons who are seriously mentally impaired.

House File 2330, an act relating to the required purchase by electric utilities of megawatts of power.

House File 2370, an act relating to health insurance availability to employees of small employers and providing for certain assessments.

House File 2413, an act relating to operation by all-terrain vehicles and snowmobiles on certain underpasses and roadways.

Senate File 2036, an act relating to regulating the investment of public funds and providing an effective date.

Senate File 2065, an act relating to violations of an individual's rights, and establishing additional criminal offenses.

Senate File 2167, an act to establish a family support program, making teachers participating in the program eligible for receipt of funds under phase III of the educational excellence program, and providing effective dates.

Senate File 2190, an act relating to educational standards, to permit the director of the department of education to waive compliance with the minimum education standards for accredited schools under certain circumstances, and providing a repealer.

Senate File 2257, an act relating to the regulation of hunting preserves and providing penalties for violations.

Senate File 2339, an act relating to the regulation of state banks by increasing the minimum time within which an examination of a state bank must occur, amending certain provisions relating to investment authority and asset valuation of a state bank, providing greater flexibility regarding public hearings, and providing for the continued suspension of certain banking laws.

Senate File 2354, an act relating to the regulation of insurance, requiring certain reports to the commissioner, establishing and continuing certain requirements for insurance companies doing business in Iowa and for agents, amending provisions relating to guaranty funds, self-insurers, and charitable organizations, increasing allowable credit life insurance amounts, amending provisions relating to the regulation of health maintenance organizations, increasing certain fees, and establishing penalties.

GOVERNOR'S VETO MESSAGE

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

April 28, 1992

The Honorable Robert Arnould
Speaker of the House
State Capitol Building
L O C A L

Dear Mr. Speaker:

House File 2394, an act relating to information subject to the review or control of the office of citizens' aide, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Among other things, House File 2394 would remove the oversight authority that the Governor of Iowa has over the Office of the Citizens' Aide. Since its creation in 1972, the Office of the Citizens' Aide has been required to disclose to the Governor and legislature, if requested, information maintained in the records and files of the office. Authority by both branches of government to access information from the files and records of the Citizens' Aide has ensured that abuses have not occurred in the gathering of information or in the conclusions that are reported based on the information received.

The Office of the Citizens' Aide was established as the agency within state government empowered to investigate complaints from any source involving administrative actions of state agencies and local governmental officials. Through time, the Citizens' Aide has responded to requests from legislators, governors, local officials, and members of the public, all of whom have felt confident that their concerns would be investigated in a thorough and credible manner and that any report or recommendations issued in response to their requests would be fair and objective. Because the office has not existed as an agency accountable to only one branch of state government, it has been able to respond to requests from all sources and carry out its responsibilities free from the influences of partisan politics, as envisioned by its creators. For nearly 20 years now, the oversight authority of the office shared by the legislative and executive branches has served the public well and should not be disturbed.

For the above reasons, I hereby respectfully disapprove House File 2394.

Sincerely,
Terry E. Branstad
Governor

COMMUNICATION RECEIVED

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

HEALTH DATA COMMISSION

Iowa Hospital Resource and Outcome Report, July 1990 through June 1991, pursuant to Chapter 145, Code of Iowa.

PRESENTATION OF VISITORS

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

Thirty-three students from Thompson Middle School, Thompson, accompanied by Larry Hill. By Branstad of Winnebago.

Thirty-six seventh grade students from Titonka Middle School, Titonka. By Branstad of Winnebago.

Forty fourth grade students from Altoona Elementary School, Altoona, accompanied by Margaret Abbott. By Renaud of Polk.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 2007

State Government: Blanshan, Chair; Carpenter and Teaford.

Senate Joint Resolution 2008

State Government: Blanshan, Chair; Carpenter and Teaford.

RESOLUTIONS FILED

HCR 120, by Neuhauser, a concurrent resolution to honor Roxanne Conlin on achieving the Office of President of the American Trial Lawyers Association.

Laid over under **Rule 25.**

HCR 121, by Chapman, a concurrent resolution to honor Carroll J. Reasoner on achieving the Office of President of the Iowa State Bar Association.

Laid over under **Rule 25.**

AMENDMENTS FILED

H–6039	H.F. 2486	Lageschulte of Bremer
H–6040	H.F. 2486	Millage of Scott
H–6046	S.J.R. 2008	Murphy of Dubuque Brown of Lucas Jesse of Jasper Hammond of Story Doderer of Johnson Hibbard of Madison
H–6052	H.F. 2446	Plasier of Sioux
H–6054	H.F. 2400	Shearer of Louisa Iverson of Wright
H–6056	H.F. 2446	Hanson of Delaware Halvorson of Clayton
H–6060	H.F. 2446	Halvorson of Clayton
H–6065	S.J.R. 2008	Brown of Lucas Hibbard of Madison

H—6067	S.J.R. 2008	Dvorsky of Johnson
H—6068	S.J.R. 2008	Dvorsky of Johnson
H—6069	S.J.R. 2008	Dvorsky of Johnson
H—6070	S.J.R. 2008	Dvorsky of Johnson Bernau of Story Brown of Lucas Jesse of Jasper
H—6071	S.J.R. 2008	Dvorsky of Johnson Bernau of Story Brown of Lucas Jesse of Jasper
H—6072	S.J.R. 2008	Dvorsky of Johnson Bernau of Story Brown of Lucas Jesse of Jasper
H—6073	S.J.R. 2008	Brown of Lucas Murphy of Dubuque Bernau of Story Beatty of Warren
Hammond of Story Jesse of Jasper Dvorsky of Johnson		
H—6074	S.J.R. 2008	Brown of Lucas Murphy of Dubuque Bernau of Story Beatty of Warren
Hammond of Story Jesse of Jasper Dvorsky of Johnson		
H—6075	S.J.R. 2008	Brown of Lucas Murphy of Dubuque Jesse of Jasper Dvorsky of Johnson Beatty of Warren
Hammond of Story Hibbard of Madison Bernau of Story		
H—6076	S.J.R. 2008	Brown of Lucas Murphy of Dubuque Osterberg of Linn Bernau of Story Dvorsky of Johnson Beatty of Warren

On motion by McKinney of Dallas, the House adjourned at 8:12 p.m., until 9:00 a.m., Wednesday, April 29, 1992.

JOURNAL OF THE HOUSE

One Hundred Eighth Calendar Day — Seventy-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 29, 1992

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

Prayer was offered by the Honorable Bob Rafferty, state representative from Scott County.

The Journal of Tuesday, April 28, 1992 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware, until his arrival, on request of Iverson of Wright.

PETITIONS FILED

The following petitions were received and placed on file:

By Johnson of Clinton, from four hundred fifty-two citizens of Cedar County opposing any state action that would push programs and funding to local government and property taxes.

By Kremer of Buchanan, from seven hundred thirty-six citizens of Black Hawk County opposing any action of the legislature that would push programs and funding onto property tax.

By Kremer of Buchanan, from four hundred two citizens of Buchanan County opposing any action of the legislature that would push programs and funding onto property tax.

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 29, 1992, amended and passed the following bill in which the concurrence of the House is asked:

House File 2417, a bill for an act requiring all contracts with the underground storage tank board to be publicly bid, and restricting the board's authority for certain expenditures from the underground storage tank fund.

Also: That the Senate has, on April 29, 1992, adopted the conference committee report and passed House File 2454, a bill for an act relating to efficiency in government, and making appropriations.

Also: That the Senate has on April 29, 1992, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2471, a bill for an act creating the passenger rail service revolving fund and providing for its administration and providing an appropriation.

Also: That the Senate has on April 29, 1992, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2475, a bill for an act relating to waste tire management, including the imposing of fees and providing a penalty.

Also: That the Senate has on April 27, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2353, a bill for an act relating to cosmetology arts and sciences and imposing fees and penalties, and increasing fees.

JOHN F. DWYER, Secretary

SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 2400,** a bill for an act relating to the funding for emergency medical services, authorizing a county to impose a local option tax or combination of taxes to provide local funding, amended by the Senate amendment H—6027, as amended, (found on pages 1811 through 1821 of the House Journal), previously deferred.

On motion by Shearer of Louisa, the House reconsidered the vote by which amendment H—6031, found on pages 1821 through 1824 of the House Journal, was adopted by the House on April 27, 1992.

Shearer of Louisa asked and received unanimous consent to withdraw amendment H—6031, to the Senate amendment H—6027.

On motion by Shearer of Louisa, the House reconsidered the vote by which amendment H—6032A, found on page 1824 of the House Journal, was adopted by the House on April 27, 1992.

Shearer of Louisa asked and received unanimous consent to withdraw amendment H—6032A, to the Senate amendment H—6027.

Shearer of Louisa offered the following amendment H—6054, to the Senate amendment H—6027, filed by him and Iverson of Wright and moved its adoption:

H—6054

1 Amend the Senate amendment, H—6027, to House File
2 2400, as amended, passed, and reprinted by the House,
3 as follows:
4 1. By striking page 1, line 5, through page 4,
5 line 3, and inserting the following:
6 "Section 1. Section 298.14, unnumbered paragraph
7 1, Code 1991, is amended to read as follows:
8 For each fiscal year, the cumulative total of the
9 percents of surtax approved by the board of directors
10 of a school district and collected by the department
11 of revenue and finance under sections 257.21, 257.29,
12 279.54, and 298.2, and the enrichment surtax under
13 section 442.15, Code 1989, and an income surtax
14 collected by a political subdivision under chapter
15 422C, shall not exceed twenty percent.
16 Sec. _____. NEW SECTION. 357F.1 DEFINITIONS.
17 As used in this chapter, unless the context
18 otherwise requires:
19 1. "District" means a benefited emergency medical
20 services district.
21 2. "Board" means the board of supervisors of a
22 county.
23 3. "Trustee" means a trustee of a district.
24 Sec. _____. NEW SECTION. 357F.2 PETITION FOR
25 PUBLIC HEARING.
26 1. The board shall, on the petition of twenty-five
27 percent of the resident property owners in a proposed
28 district if the assessed valuation of the property
29 owned by the petitioners represents at least twenty-
30 five percent of the total assessed value of the
31 proposed district, hold a public hearing concerning
32 the establishment of a proposed district. The
33 petition shall include a statement containing the
34 following information:
35 a. The need for emergency medical services.
36 b. The district to be served.
37 c. The approximate number of families in the
38 district.
39 d. The proposed personnel, equipment, and
40 facilities to provide the emergency medical services.
41 2. The board of supervisors may require a bond of
42 the petitioners conditioned for the payment of all
43 costs and expenses incurred in the proceedings in case
44 the district is not established.
45 Sec. _____. NEW SECTION. 357F.3 LIMITATION ON
46 AREA.
47 A district may include all or parts of the
48 unincorporated areas of one township and any
49 unincorporated areas of adjoining townships or parts
50 of adjoining townships, but shall not include property

Page 2

1 assessed as agricultural land, or centrally assessed
2 property.
3 Sec. _____. NEW SECTION. 357F.4 TIME OF HEARING.
4 The public hearing required in section 357F.2 shall
5 be held within thirty days of the presentation of the
6 petition. Notice of hearing shall be given by
7 publication in two successive issues of any paper of
8 general circulation within the district. The last
9 publication shall be not less than one week before the
10 proposed hearing.
11 Sec. _____. NEW SECTION. 357F.5 ACTION BY BOARD.
12 After, and within ten days of, the hearing, the
13 board shall either establish the district by
14 resolution or disallow the petition.
15 Sec. _____. NEW SECTION. 357F.6 ENGINEER.
16 1. When the board establishes a district, the
17 board shall appoint a competent disinterested civil
18 engineer, who shall prepare a preliminary plat
19 showing:
20 a. The proper design in general outline of the
21 district.
22 b. The lots and parcels of land within the
23 proposed district as they appear on the county
24 auditor's plat books with the names of the owners.
25 c. The assessed valuation of the lots and parcels.
26 2. The compensation of the engineer on the
27 preliminary investigation shall be determined by the
28 board. The engineer shall file a report with the
29 county auditor within thirty days of appointment. The
30 board may extend the time upon good cause shown.
31 Sec. _____. NEW SECTION. 357F.7 HEARING ON
32 ENGINEER'S REPORT.
33 After the engineer's report is filed, the board
34 shall give notice as provided in section 357F.4, of a
35 public hearing to be held concerning the engineer's
36 preliminary plat.
37 Sec. _____. NEW SECTION. 357F.8 ELECTION ON
38 PROPOSED LEVY.
39 When a preliminary plat has been approved by the
40 board, an election shall be held within the district
41 within sixty days to approve or disapprove the levy of
42 a tax of not more than one dollar per thousand dollars
43 of assessed value on all the taxable property within
44 the district and to choose candidates for the offices
45 of trustees of the district. The ballot shall set out
46 the reason for the tax and the amount needed. The tax
47 shall be set to raise only the amount needed. Notice
48 of the election, including the time and place of
49 holding the election, shall be given as provided in
50 section 357F.4. The vote shall be by ballot which

Page 3

1 shall state clearly the proposition to be voted upon
2 and any qualified elector residing within the district
3 at the time of the election may vote. It is not
4 mandatory for the county commissioner of elections to
5 conduct elections held pursuant to this chapter, but
6 the elections shall be conducted in accordance with
7 chapter 49 where not in conflict with this chapter.
8 Judges shall be appointed to serve without pay by the
9 board from among the qualified electors of the
10 district to be in charge of the election. The
11 proposition is approved if sixty percent of those
12 voting on the proposition vote in favor of it.
13 Sec. _____. NEW SECTION. 357F.9 TRUSTEES – TERM
14 AND QUALIFICATION.
15 At the election, the names of up to three
16 candidates for trustee shall be written in by the
17 voters on blank ballots without formal nomination and
18 the board shall appoint three from among the five
19 receiving the highest number of votes as trustees for
20 the district. One trustee shall be appointed to serve
21 for one year, one for two years, and one for three
22 years. The trustees and their successors must be
23 residents of the district and shall give bond in the
24 amount required by the board, the premium of which
25 shall be paid by the district. Vacancies shall be
26 filled by election, but if there are no candidates for
27 a trustee office, the vacancy may be filled by
28 appointment by the board. The term of succeeding
29 trustees shall be three years.
30 Sec. _____. NEW SECTION. 357F.10 TRUSTEES' POWERS.
31 The trustees may purchase, own, rent, or maintain
32 emergency medical services apparatus or equipment
33 within the state or outside the territorial
34 jurisdiction and boundary limits of this state,
35 provide housing for such apparatus and equipment,
36 provide emergency medical service and facilities, and
37 may certify for levy an annual tax as provided in
38 section 357F.8. The trustees may purchase material,
39 employ emergency medical service and other personnel,
40 and may perform all other acts necessary to properly
41 maintain and operate the district. The trustees may
42 contract with any city or county or public or private
43 agency under chapter 28E for the purpose of providing
44 emergency medical services under this chapter. The
45 trustees are allowed necessary expenses in the
46 discharge of their duties, but they shall not receive
47 a salary.
48 Sec. _____. NEW SECTION. 357F.11 BONDS IN
49 ANTICIPATION OF REVENUE.
50 A district may anticipate the collection of taxes

Page 4

1 by the levy authorized in this chapter, and to carry
2 out the purposes of this chapter may issue bonds
3 payable in not more than ten equal installments with
4 the rate of interest not exceeding that permitted by
5 chapter 74A. An indebtedness shall not be incurred
6 under this chapter until authorized by an election.
7 The election shall be held and notice given in the
8 same manner as provided in section 357F.8, and the
9 same sixty percent vote shall be necessary to
10 authorize indebtedness. Both propositions may be
11 submitted to the voters at the same election.
12 Sec. _____. NEW SECTION. 357F.12 DISSOLUTION OF
13 DISTRICT.
14 Upon petition of thirty-five percent of the
15 resident eligible electors, the board may dissolve a
16 district and dispose of any remaining property, the
17 proceeds of which shall first be applied against
18 outstanding obligations and any balance shall be
19 applied to tax credit of property owners of the
20 district. However, if the district is annexed, the
21 board of supervisors may transfer the remaining
22 property and balance to the city which annexed the
23 territory. The board shall continue to levy a tax
24 after dissolution of a district, of not to exceed
25 twenty-seven cents per thousand dollars of assessed
26 value on all the taxable property of the district,
27 until all outstanding obligations of the district are
28 paid.
29 Sec. _____. NEW SECTION. 357F.13 INCORPORATION OF
30 DISTRICT LAND.
31 If part of a district is incorporated by a city and
32 there are outstanding indebtedness obligations against
33 the district, the city shall pay the outstanding
34 obligations against the part of the district which is
35 incorporated by the city.
36 Sec. _____. NEW SECTION. 357F.14 ADDING PROPERTY
37 TO DISTRICT.
38 The owner of any property in an unincorporated area
39 contiguous to the boundaries of an established
40 district may petition the board to be included in the
41 district. Upon receipt of the petition, the board
42 shall submit the request to a competent disinterested
43 civil engineer to investigate the feasibility of
44 adding the additional territory and to make a report
45 to the board. If the board agrees that the property
46 should be added to the district, the tax levy for the
47 next year shall be applied to the property and on the
48 first day of the next fiscal year the property shall
49 become a part of the district. If the district lies
50 in more than one county the joint action of the boards

Page 5

1 involved is required to add additional territory.
2 Sec. _____. NEW SECTION. 357F.15 DETERMINATION OF
3 FEE.
4 1. The owner of any property joining an
5 established district shall pay to the trustees of the
6 district an initial fee to be computed as follows:
7 a. The trustees shall first determine fair market
8 value of all property and improvements owned by the
9 district, less any indebtedness.
10 b. The board shall then determine the assessed
11 value of all property in the district which is not
12 assessed as agricultural land. This shall be divided
13 into the value determined in paragraph "a".
14 c. The board shall determine the assessed value of
15 the property of each landowner joining the established
16 district which is not assessed as agricultural land.
17 d. The result obtained in paragraph "b" shall be
18 multiplied by the result obtained in paragraph "c".
19 The result shall be the initial fee to be charged each
20 landowner.
21 2. The initial fees paid to the trustees shall be
22 used to help defray the cost and maintenance of the
23 district's emergency medical services."
24 2. Page 4, by striking lines 6 through 8 and
25 inserting the following:
26 "1. A county board of supervisors may offer for
27 voter approval any of".
28 3. Page 4, line 45, by inserting after the word
29 "surtax" the following: "as provided in section
30 422C.1".
31 4. Page 4, line 48, by inserting after the word
32 "year." the following: "However, the cumulative total
33 of the percents of income surtax imposed on any
34 taxpayer in the county shall not exceed twenty
35 percent."
36 5. By striking page 7, line 6, through page 10,
37 line 40.
38 6. Page 10, lines 44 and 45, by striking the
39 words "imposing a surcharge on certain motor vehicle
40 violations,".
41 7. By renumbering as necessary.

Amendment H—6054 was adopted.

McKinney of Dallas asked and received unanimous consent that House File 2400 be deferred and that the bill retain its place on the calendar.

(Senate amendment H—6027, as amended, pending.)

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for an immediate meeting of the committee on ways and means.

The House stood at ease at 9:43 a.m., until the fall of the gavel.

The House resumed session at 11:10 a.m., Connors of Polk in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett of Linn, until his return, on request of De Groot of Lyon.

CONSIDERATION OF BILLS
Appropriations Calendar

The House resumed consideration of **House File 2446**, a bill for an act relating to the establishment of an Iowa universal health insurance plan and providing an effective date, and amendment H—6038, as amended, found on pages 1852 through 1857 of the House Journal, previously deferred.

Plasier of Sioux offered the following amendment H—6052, to amendment H—6038, filed by him and moved its adoption:

H—6052

1 Amend the amendment, H—6038, to House File 2446, as
2 follows:
3 1. By striking page 1, line 4 through page 5,
4 line 37.
5 2. Page 5, by striking lines 42 and 43 and
6 inserting the following: "most effective methods of
7 providing comprehensive health services to the
8 residents of this state. The methods studied shall
9 include, but are not limited to the following models:
10 a. Single payor.
11 b. "Play or pay."
12 c. Multi-payor.
13 The committee shall conduct public".
14 3. Page 5, by striking lines 46 and 47, and
15 inserting the following: "to the general assembly
16 concerning".
17 4. Page 6, by striking lines 4 through 25.
18 5. Title page, line 1, by inserting after the
19 word "to" the following: "a request for a study
20 concerning".
21 6. Title page, line 2, by striking the words "and

22 providing an effective date".
23 7. By renumbering as necessary.

Roll call was requested by Plasier of Sioux and Hatch of Polk.

Rule 75 was invoked.

On the question "Shall amendment H—6052, to amendment H—6038, be adopted?" (H.F. 2446)

The ayes were, 45:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Daggett	De Groot
Diemer	Eddie	Garman	Gipp
Grubbs	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. E.	Harbor	Hester	Hurley
Iverson	Johnson	Kistler	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McNeal	Metcalf	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Royer	Shoning	Siegrist
Spear	Spenner	Tyrrell	Van Maanen
Weidman			

The nays were, 52:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Burke	Chapman
Cohoon	Dickinson	Doderer	Dvorsky
Fogarty	Gill	Groninga	Gruhn
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Svoboda
Teaford	Wise	Wissing	Connors Presiding

Absent or not voting, 3:

Arnould, Spkr.	Corbett	Hanson, D. R.

Amendment H—6052 lost.

On motion by McKinney of Dallas, the House was recessed at 11:58 a.m., until 1:00 p.m.

(Amendment H—6038, as amended, to House File 2446 pending at recess.)

AFTERNOON SESSION

The House reconvened, Speaker Arnould in the chair.

QUORUM CALL

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

BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 2446**, a bill for an act relating to the establishment of an Iowa universal health insurance plan and providing an effective date, and amendment H—6038, as amended, found on pages 1852 through 1857 of the House Journal, previously deferred and pending at recess.

McKinney of Dallas asked and received unanimous consent that House File 2446 be deferred and that the bill retain its place on the calendar.

(Amendment H—6038, as amended, pending.)

SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 2400**, a bill for an act relating to the funding for emergency medical services, authorizing a county to impose a local option tax or combination of taxes to provide local funding, amended by the Senate amendment H—6027, as amended, found on pages 1811 through 1821 of the House Journal, previously deferred.

Carpenter of Polk offered the following amendment H—6079, to the Senate amendment H—6027, filed by her from the floor and moved its adoption:

H—6079

1 Amend the Senate amendment, H—6027, to House File
2 2400, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 4, line 20, by inserting after the word
5 "question." the following: "However, the tax or
6 combination of taxes specified in subsection 1 shall
7 not be imposed on property within or on residents of a
8 benefited emergency medical services district under
9 chapter 357F."
10 2. Page 4, by inserting after line 35 the
11 following:
12 "Before a county imposes an income surtax as
13 specified in subsection 1, paragraph "a", a benefited
14 emergency medical services district in the county

15 shall be dissolved, and the county shall be liable for
16 the outstanding obligations of the benefited district.
17 If the benefited district extends into more than one
18 county, the county imposing the income surtax shall be
19 liable for only that portion of the obligations
20 relating to the portion of the benefited district in
21 the county."

Amendment H—6079 was adopted.

On motion by Shearer of Louisa, the House concurred in the Senate amendment H—6027, as amended.

Shearer of Louisa 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. 2400)

The ayes were, 96:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Harbor	Hatch	Haverland
Hester	Hibbard	Hurley	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Van Maanen
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, none.

Absent or not voting, 4:

Hanson, D. R.	Holveck	Jay	Lundby

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2400** be immediately messaged to the Senate.

The House stood at ease at 1:55 p.m., until the fall of the gavel.

The House resumed session at 5:00 p.m., Speaker Arnould in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-nine members present, thirty-one absent.

Teaford of Black Hawk in the chair at 5:10 p.m.

Appropriations Calendar

The House resumed consideration of **House File 2446**, a bill for an act relating to the establishment of an Iowa universal health insurance plan and providing an effective date, and amendment H—6038, as amended, found on pages 1852 through 1857 of the House Journal, previously deferred.

Hanson of Delaware offered the following amendment H—6056, to amendment H—6038, filed by him and Halvorson of Clayton and moved its adoption:

H—6056

1 Amend the amendment, H—6038, to House File 2446 as
2 follows:
3 1. Page 6, by inserting after line 22, the
4 following:
5 "_____. The plan shall not be implemented until
6 appropriations have been made so that the following
7 provisions of the Code of Iowa have been fully
8 implemented: section 18.3, subsection 4; section
9 19.15; section 159.5, subsection 15; section 455B.311;
10 chapter 93; section 15.246; sections 15.261 through
11 15.268; sections 28.25 through 28.29; sections 28.106
12 through 28.108; sections 28.111 and 28.112; section
13 261.5; section 261.81A; section 261.88; section
14 261.91; section 286A.14A; section 280A.49; section
15 280A.45; section 280A.46; chapter 303C; section
16 601L.3, subsection 14; section 249D.54; section
17 249D.59; section 155A.17; section 155A.13A; section

18 514F.1; section 144.13A; section 147.25; section
19 145.3, subsection 3, paragraph "h"; 1989 Iowa Acts,
20 chapter 304, section 1002; section 135B.33; section
21 135.11, subsection 5; section 135.11, subsection 6;
22 section 135.30; chapter 679; section 356.43; section
23 602.6110; section 602.6201, subsection 10; section
24 602.9204; 1990 Iowa Acts, chapter 1268, section 7;
25 chapter 94; chapter 91E; chapter 92; chapter 89B;
26 section 103A.41; section 100.19; sections 101.22 and
27 101.23; section 101A.7; section 327C.4; section
28 321.210A; 1990 Iowa Acts, chapter 1252, section 50;
29 section 425.23, subsection 1, paragraph "b"; and
30 section 225C.28."
31 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 43, nays 47.

Amendment H—6056 lost.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—6060 filed by him on April 28, 1992.

Hammond of Story moved the adoption of amendment H—6038, as amended.

Amendment H—6038, as amended, was adopted, placing the following amendments out of order:

H—5399 filed by Halvorson of Clayton, et al., on March 19, 1992.
H—5415 filed by Hanson of Delaware and Halvorson of Clayton on March 19, 1992.
H—5607 filed by Bartz of Worth, et al., on March 30, 1992.
H—5644 filed by De Groot of Lyon on March 31, 1992.

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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 2446)

The ayes were, 54:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Burke
Chapman	Cohoon	Connors	Doderer
Dvorsky	Fogarty	Gill	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.

Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Knapp
Koenigs	McKean	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Shearer	Sherzan
Shoultz	Spear	Svoboda	Wise
Wissing	Teaford		

Presiding

The nays were, 44:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McNeal	Metcalf	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Royer	Shoning	Siegrist
Spenner	Tyrrell	Van Maanen	Weidman

Absent or not voting, 2:

Dickinson	Schrader

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:

Dickinson of Jackson, for the remainder of the day, on request of Gill of Woodbury.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2446** be immediately messaged to the Senate.

SUBCOMMITTEE ASSIGNMENT

Senate File 2375

Ways and Means: Haverland, Chair; Metcalf and Osterberg.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 2375, a bill for an act relating to the powers and duties of the health data commission, and providing for the collection of fees.

Fiscal Note is required.

Recommended **Do Pass** April 29, 1992.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2375.

Ways and Means Calendar

Senate File 2375, a bill for an act relating to the powers and duties of the health data commission, and providing for the collection of fees, 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. 2375)

The ayes were, 61:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Diemer	Dvorsky	Fogarty	Gill
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hanson, D. E.	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	Lageschulte
Maulsby	McKinney	Mertz	Metcalf
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Shearer	Sherzan
Shoultz	Siegrist	Spear	Spenner
Svoboda	Van Maanen	Wise	Wissing
Teaford Presiding			

The nays were, 37:

Banks	Bartz	Beaman	Bennett
Branstad	Corbett	Daggett	De Groot
Doderer	Eddie	Garman	Gipp
Grubbs	Hahn	Halvorson, R. A.	Hansen, S. D.
Hanson, D. R.	Harbor	Hurley	Iverson

Johnson	Kistler	Krebsbach	Kremer
Lundby	McKean	McNeal	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Royer	Shoning	Tyrrell
Weidman			

Absent or not voting, 2:

Dickinson	Schrader

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2375** be immediately messaged to the Senate.

The House stood at ease at 6:09 p.m., until the fall of the gavel.

The House resumed session at 6:36 p.m., Speaker Arnould in the chair.

QUORUM CALL

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

MOTION TO RECONSIDER PREVAILED

Brand of Benton moved to reconsider the vote by which **Senate File 2367**, a bill for an act relating to and making appropriations for the fiscal year ending June 30, 1992, to various departments and agencies of state government and providing an effective date, failed to pass the House on April 28, 1992.

A non-record roll call was requested.

The ayes were 52, nays 20.

The motion prevailed and Senate File 2367 was taken up for consideration.

Muhlbauer of Crawford asked and received unanimous consent to reconsider the vote by which the House on April 28, 1992 concurred in the Senate amendment H—6037, found on pages 1840 and 1841 of the House Journal, to the House amendment.

On motion by Brand of Benton, the House refused to concur in the Senate amendment H—6037, to the House amendment.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2367** be immediately messaged to the Senate.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 29, 1992, he approved and transmitted to the Secretary of State the following bills:

House File 2435, an act relating to the administration of the Wallace technology transfer foundation.

House File 2449, an act relating to the exemption of prosthetic devices, oxygen equipment, and certain other drugs and devices from the state sales and use tax and providing a retroactive applicability date.

House File 2470, an act relating to real property that qualifies for property tax exemptions in a revitalization area and providing effective and applicability provisions.

Senate File 460, an act relating to the establishment of certain county roads and legalizing the proceedings concerning the establishment of certain county roads.

Senate File 2238, an act to permit the participation in the instructional support and educational improvement programs by newly reorganized school districts.

Senate File 2248, an act relating to escorts for the movement of mobile homes and other factory-built structures.

PRESENTATION OF VISITORS

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

Forty-five fifth grade students from Lucas Elementary School, Des Moines. By Connors of Polk.

Thirty-four fifth grade students from Lincoln Elementary School, Mechanicsville, accompanied by Ruth Miller. By Osterberg of Linn.

AMENDMENTS FILED

H—6077	H.F.	2417	Senate Amendment
H—6078	H.F.	2205	Shoultz of Black Hawk

On motion by McKinney of Dallas, the House adjourned at 7:03 p.m., until 9:00 a.m., Thursday, April 30, 1992.

JOURNAL OF THE HOUSE

One Hundred Ninth Calendar Day — Seventy-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 30, 1992

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

Prayer was offered by the Honorable Patrick Gill, state representative from Woodbury County.

The Journal of Wednesday, April 29, 1992 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dickinson of Jackson, until his arrival, on request of Gill of Woodbury.

PETITIONS FILED

The following petitions were received and placed on file:

By Daggett of Adams, from twenty-nine residents of Adams County favoring that all local budget property tax dollar levies for the fiscal year 1993 be no greater than the prior year levy.

By Groninga of Cerro Gordo, from one hundred seventy-seven citizens of Iowa favoring strong support for Handicapped Village and the vital services they provide to residents.

Connors of Polk in the chair at 9:28 a.m.

SENATE AMENDMENT CONSIDERED

Shoultz of Black Hawk called up for consideration **House File 2205**, a bill for an act relating to solid waste, amended by the Senate amendment H—5889 as follows:

H—5889

1 Amend House File 2205, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, line 2, by striking the word
4 "subsection" and inserting the following:
5 "subsections".
6 2. Page 1, line 6, by striking the figure "1995"
7 and inserting the following: "1994".
8 3. Page 1, by inserting after line 6 the follow-
9 ing:
10 "NEW SUBSECTION. 17. The commission shall adopt

11 rules which prohibit the land application of petroleum
12 contaminated soils on flood plains."
13 4. Page 1, line 19, by inserting after the word
14 "environment." the following: "During the period from
15 July 1, 1992, through June 30, 1994, the director
16 shall require an existing sanitary landfill to install
17 a leachate control system if the sanitary landfill has
18 not submitted a completed hydrogeological plan to the
19 department."
20 5. Page 1, line 27, by inserting after the word
21 "A" the following: "completed".
22 6. Page 1, line 31, by striking the word
23 "proposed" and inserting the following: "completed".
24 7. Page 2, by inserting after line 7, the
25 following:
26 "Sec. _____. Section 455B.306, Code 1991, is amended
27 by adding the following new subsections:
28 NEW SUBSECTION. 8. If a city, county, or private
29 agency does not incorporate the elements of the solid
30 waste hierarchy of the state solid waste management
31 policy in a proposed initial or adopted comprehensive
32 plan, the city council or county board of supervisors
33 governing the city or county in which the sanitary
34 landfill is proposed to be located or is located shall
35 hold a public hearing to address the basis for not
36 including any of the elements in the plan.
37 NEW SUBSECTION. 9. A city council or county board
38 of supervisors governing the area in which a sanitary
39 disposal project is proposed to be located or is
40 located shall hold a public hearing to address the
41 issue of including or not including local curbside
42 recycling in the comprehensive plan."
43 8. Page 2, by inserting after line 7 the
44 following:
45 "Sec. _____. NEW SECTION. 455B.307A DISCARDING OF
46 SOLID WASTE – PROHIBITIONS – PENALTY.
47 1. For the purposes of this section, "discard"
48 means to place, cause to be placed, throw, deposit, or
49 drop.
50 2. A person shall not discard solid waste onto or

Page 2

1 in any water or land of the state, or into areas or
2 receptacles provided for such purposes which are under
3 the control of or used by a person who has not
4 authorized the use of the receptacle by the person
5 discarding the solid waste.
6 3. A person who violates this section is subject
7 to a civil penalty not to exceed five hundred dollars
8 for each violation."
9 9. Page 3, by inserting after line 6 the fol-

10 lowing:
11 "Sec. _____. Section 455B.310, subsection 10, Code
12 Supplement 1991, is amended by striking the subsection
13 and inserting in lieu thereof the following:
14 10. a. Notwithstanding the tonnage fee schedule
15 prescribed under subsection 2, foundry sand used by a
16 sanitary landfill as daily cover, road base, or berm
17 material or for other purposes defined as beneficial
18 uses by rule of the department is exempt from
19 imposition of the tonnage fee imposed under this
20 section.
21 b. Sanitary landfills shall use foundry sand for
22 beneficial uses as defined by rule of the department
23 as a replacement for earthen material, if the foundry
24 sand is generated by a foundry located within the
25 state and if the foundry sand is provided to the
26 sanitary landfill at no cost to the sanitary
27 landfill."
28 10. Page 3, by inserting after line 6, the
29 following:
30 "Sec. _____. Section 455B.311, Code 1991, is amended
31 by adding the following new subsection:
32 NEW SUBSECTION. 3A. Grants shall not be awarded
33 to a city, county, or central planning agency if the
34 entity has not submitted a completed hydrogeological
35 plan to the department."
36 11. Page 3, by striking lines 7 through 15.
37 12. Page 3, by inserting after line 15 the
38 following:
39 "Sec. _____. NEW SECTION. 455D.20 LOCAL ORDINANCE
40 – CURBSIDE COLLECTION.
41 A city council or county board of supervisors which
42 provides for the collection of solid waste by its
43 residents shall consider as a proposed ordinance, the
44 mandatory curbside collection of recyclable materials
45 which have been separated from other solid waste. The
46 proposed ordinance shall be considered in accordance
47 with chapter 331 or 380."
48 13. Page 3, line 24, by inserting after the word
49 "landfill" the following: "or to defray the costs of
50 closure of the sanitary landfill, the costs related to

Page 3

1 the establishment of a transfer station, or the costs
2 of a hydrogeological plan."
3 14. By renumbering, relettering, or redesignating
4 and correcting internal references as necessary.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H–6078, to the Senate amendment H–5889, filed by him on April 29, 1992.

Shoultz of Black Hawk offered amendment H–6080, to the Senate amendment H–5889, filed by him from the floor and requested division as follows:

H–6080

1 Amend the Senate amendment, H–5889, to House File
2 2205, as amended, passed, and reprinted by the House,
3 as follows:

H–6080A

4 1. Page 1, by inserting after line 2 the fol-
5 lowing:
6 "_____. Page 1, by inserting before line 1 the
7 following:
8 "Section 1. Section 28G.1, Code 1991, is amended
9 to read as follows:
10 28G.1 PURPOSE.
11 The purpose of this chapter is to allow two or more
12 local governments to form a public service monopoly
13 when they find that a public service monopoly is an
14 effective means to protect the public health and
15 welfare, and the environment through ~~adequate~~ any of
16 the following:
17 1. Adequate solid waste collection,
18 transportation, storage and disposal practices ~~and is~~
19 which are the only effective means of allowing the
20 construction and utilization of a resource recovery
21 facility for the recycling of solid waste for use as
22 an energy source.
23 2. The implementation of other solid waste
24 management projects, such as source reduction and
25 recycling, which are part of an approved comprehensive
26 plan required under section 455B.306, and if the
27 formation of a public service monopoly is the only
28 effective means of accomplishing solid waste reduction
29 and recycling. The public service monopoly shall
30 utilize private recycling industries in the service
31 area when possible.
32 Sec. 2. Section 28G.2, Code 1991, is amended by
33 adding the following new subsection:
34 NEW SUBSECTION. 3. "Solid waste management
35 project" means a project which is part of the
36 comprehensive plan, approved by the director of the
37 department of natural resources pursuant to section
38 455B.306, to establish and implement the comprehensive
39 solid waste reduction program of a city or county.
40 Sec. 3. Section 28G.3, Code 1991, is amended to
41 read as follows:
42 28G.3 CREATION OF PUBLIC SERVICE MONOPOLY.
43 If two or more local governments find that the only
44 effective means of allowing the construction and
45 utilization of a resource recovery facility for the
46 recycling of solid waste for use as an energy source
47 or to implement solid waste management projects as
48 defined in section 28G.2 is to create a public service
49 monopoly, a legal entity shall be created pursuant to
50 chapter 28E by agreement of two or more local

Page 2

H–6080A

1 governments to displace competition with regulation
2 and monopoly of a public service for the collection,
3 transportation, storage, and disposal, or diversion of
4 solid waste to the extent reasonably necessary to
5 carry out these functions. The agreement is subject
6 to approval of the environmental protection commission
7 before it becomes effective.
8 Sec. 4. Section 28G.4, subsections 3 and 4, Code
9 1991, are amended to read as follows:
10 3. Enter into contracts for construction and may
11 contract, license, or permit the construction of
12 resource recovery facilities for recycling of solid
13 waste for an energy source or of facilities necessary
14 to implement solid waste management projects as
15 defined in section 28G.2.
16 4. Require the use of the resource recovery
17 facilities or of facilities necessary to implement
18 solid waste management projects as defined in section
19 28G.2, by any person who can be effectively served by
20 the facilities. However, this subsection does not
21 prohibit a private agency from dumping or depositing
22 solid waste resulting from its own residential,
23 farming, manufacturing, mining, or commercial
24 activities on land owned or leased by it if the action
25 does not violate any statute of this state or rules
26 ~~promulgated~~ adopted by the environmental protection
27 commission or local boards of health or local
28 ordinances." "

H–6080B

29 2. Page 2, by striking lines 11 through 27 and
30 inserting the following:
31 " "Sec. _____. Section 455B.310, subsection 10, Code
32 Supplement 1991, is amended to read as follows:
33 10. Notwithstanding the tonnage fee schedule
34 prescribed under subsection 2, foundry material that
35 is deposited at a permitted sanitary landfill and used
36 to replace material that would otherwise be purchased
37 and transported from off-site for daily cover, shall
38 be subject to the following fees:
39 a. For the fiscal year beginning July 1, ~~1991~~
40 1992, and ending June 30, ~~1992~~ 1993, the tonnage fee
41 is one dollar for each ton of foundry material ~~which~~
42 ~~is not more than forty percent of the total amount of~~
43 ~~foundry material~~ deposited at the sanitary landfill
44 for daily cover by any one source. ~~The amount of~~
45 ~~foundry material deposited at the sanitary landfill~~
46 ~~which is greater than forty percent of the total~~
47 ~~amount deposited by any one source is subject to the~~
48 ~~tonnage fee imposed in subsection 2 on other solid~~

H–6080B

49 ~~waste.~~
50 The fees collected pursuant to this paragraph shall

Page 3

1 be deposited in the groundwater protection fund
2 established pursuant to section 455E.11. Of each
3 dollar per ton of foundry material collected, fifty
4 cents shall be used in accordance with section
5 455E.11, subsection 2, paragraph "a", subparagraph (8)
6 and fifty cents shall be used in accordance with
7 section 455E.11, subsection 2, paragraph "a",
8 subparagraph (9).
9 b. For the fiscal year beginning July 1, ~~1992~~
10 1993, and ending June 30, ~~1993~~ 1994, the tonnage fee
11 is one dollar and fifty cents for each ton of foundry
12 material ~~which is not more than forty percent of the~~
13 ~~total amount of foundry material~~ deposited at the
14 sanitary landfill for daily cover by any one source.
15 ~~The amount of foundry material deposited at the~~
16 ~~sanitary landfill which is greater than forty percent~~
17 ~~of the total amount deposited by any one source is~~
18 ~~subject to the tonnage fee imposed in subsection 2 on~~
19 ~~other solid waste.~~
20 The fees collected pursuant to this paragraph shall
21 be deposited in the groundwater protection fund
22 established pursuant to section 455E.11. Of each
23 dollar and fifty cents per ton of foundry material
24 collected, fifty cents shall be used in accordance
25 with section 455E.11, subsection 2, paragraph "a",
26 subparagraph (8) and one dollar shall be used in
27 accordance with section 455E.11, subsection 2,
28 paragraph "a", subparagraph (9).
29 c. For each fiscal year beginning on or after July
30 1, ~~1993~~ 1994, the tonnage fee imposed is the tonnage

H–6080A

31 fee imposed in subsection 2 on other solid waste." "
32 3. Page 2, by striking line 36 and inserting the
33 following:
34 "_____. Page 3, line 15, by inserting after the
35 figure "8." the following: "Beginning September 1,
36 1992, the final disposal of beverage containers used
37 to contain alcoholic liquor as defined in section
38 123.3, subsection 8, by a dealer, distributor, or
39 manufacturer, or person operating a redemption center
40 in a sanitary landfill, is prohibited"."
41 4. Page 2, by inserting after line 38 the
42 following:
43 "Sec. _____. NEW SECTION. 455D.10A HOUSEHOLD
44 BATTERIES – HEAVY METAL CONTENT AND RECYCLING
45 REQUIREMENTS.
46 1. DEFINITIONS. As used in this section and in

H—6080A

47 section 455D.10B unless the context otherwise
48 requires:
49 a. "Button cell battery" means a household battery
50 which resembles a button or coin in size and shape.

Page 4

1 b. "Consumer" means a person who purchases
2 household batteries for personal or business use.
3 c. "Easily removed" means a battery or battery
4 pack which can be removed from a battery-powered
5 product by the consumer, using common household tools.
6 d. "Household battery" means any type of dry cell
7 battery used by consumers, including but not limited
8 to mercuric oxide, carbon-zinc, zinc air, silver
9 oxide, nickel-cadmium, nickel-hydride, alkaline,
10 lithium, or sealed lead acid batteries.
11 e. "Institutional generator" means a governmental,
12 commercial, industrial, communications, or medical
13 facility which generates waste mercuric oxide, nickel-
14 cadmium, or sealed lead acid rechargeable batteries.
15 f. "Rechargeable consumer product" means a product
16 that is primarily powered by a rechargeable battery
17 and is primarily used or purchased to be used for
18 household purposes.
19 g. "Rechargeable household battery" means a small
20 sealed nickel-cadmium or sealed lead acid battery used
21 for nonvehicular purposes and weighing less than
22 twenty-five pounds, which can be recharged by the
23 consumer and reused.
24 2. MERCURY CONTENT LIMITED. Beginning July 1,
25 1993, a person shall not sell, distribute, or offer
26 for retail sale in this state an alkaline manganese
27 battery that contains more than twenty-five one-
28 thousandths of a percent mercury by weight, or a
29 button cell battery which contains more than twenty-
30 five milligrams of mercury. Effective January 1,
31 1996, a person shall not sell, distribute, or offer
32 for sale at retail in this state an alkaline manganese
33 household battery to which mercury has been added.
34 3. RECYCLING/DISPOSAL REQUIREMENTS FOR HOUSEHOLD
35 BATTERIES.
36 a. Beginning July 1, 1996, a system or systems
37 shall be in place to protect the health and safety of
38 Iowans, and the state's environment, from the toxic
39 components of used household batteries. The system or
40 systems shall include at least one of the following
41 elements:
42 (1) Elimination or reduction to the extent
43 established by rule of the department, of heavy metals
44 and other toxic components in nickel-cadmium, mercuric
45 oxide, or sealed lead acid household batteries, to
46 ensure protection of public health, safety, and the

H—6080A

47 environment when placed in or disposed of as part of
48 mixed municipal solid waste.
49 (2) Establishment of a comprehensive recycling
50 program for each type of battery listed in

Page 5

1 subparagraph (1) that is sold, distributed, or offered
2 for sale in this state. An institutional generator
3 shall provide for the on-site source separation and
4 collection of used mercuric oxide batteries, nickel-
5 cadmium rechargeable batteries, and sealed lead acid
6 rechargeable batteries. All participants in the
7 stream of commerce relating to the batteries, which
8 are listed in subparagraph (1) and which are not
9 designated as exempt pursuant to section 455D.10B,
10 subsection 2, paragraph "c" or "d", shall,
11 individually or collectively, be responsible for
12 developing and operating a system for collecting and
13 transporting used batteries to the appropriate dry
14 cell battery manufacturer or to a site or facility
15 designated by a manufacturer. Additionally, dry cell
16 battery manufacturers shall be responsible for the
17 recycling of used batteries in an environmentally
18 sound manner.
19 (3) Provision for collection, transporting, and
20 proper disposal of used household batteries of the
21 types listed in subparagraph (1) which are distri-
22 buted, sold, or offered for retail sale in the state.
23 For the purposes of this paragraph, "proper disposal"
24 means disposal which complies with all applicable
25 state and federal laws. All participants in the
26 stream of commerce relating to the batteries, which
27 are listed in subparagraph (1) and which are not
28 designated as exempt pursuant to section 455D.10B,
29 subsection 2, paragraph "c" or "d", shall,
30 individually or collectively, be responsible for
31 developing and operating a system for collecting and
32 transporting used batteries to the appropriate dry
33 cell battery manufacturer or to a site or facility
34 designated by a manufacturer. Additionally, dry cell
35 battery manufacturers shall be responsible for proper
36 disposal of the used batteries.
37 b. To meet the recycling and disposal requirements
38 of this subsection, participants in the systems
39 established under this subsection, either individually
40 or collectively, shall do all of the following:
41 (1) Identify a collection entity, other than a
42 local government collection system, unless the local
43 government agrees otherwise, through which the
44 discarded batteries listed in paragraph "a",
45 subparagraph (1) shall be returned for collection and
46 recycling or disposal.

H–6080A

47 (2) Inform each customer of the prohibition of
48 disposal of batteries listed in paragraph "a",
49 subparagraph (1), and a safe and convenient return
50 process available to the customer for recycling or

Page 6

1 proper disposal.
2 c. After July 1, 1996, nickel-cadmium, sealed lead
3 acid, or mercuric oxide household batteries shall not
4 be sold, distributed, or offered for sale in the
5 state, unless a system required by this section is in
6 operation.
7 d. The department may make recommendations to the
8 commission to include other types of household or
9 rechargeable batteries, not enumerated in paragraph
10 "a", subparagraph (1), in the requirements of this
11 subsection.
12 e. This subsection does not apply to batteries
13 subject to regulation under the federal Resource
14 Conservation and Recovery Act, 42 U.S.C. § 6901, et
15 seq.
16 4. RULES ADOPTED. The commission shall adopt,
17 upon recommendation of the director, the rules
18 necessary to carry out the provisions of this section
19 pursuant to chapter 17A.
20 5. PENALTIES. A person violating a provision of
21 this section is subject to a civil penalty of not more
22 than ten thousand dollars per day of violation.
23 Sec. _____. NEW SECTION. 455D.10B BATTERIES USED
24 IN RECHARGEABLE CONSUMER PRODUCTS.
25 1. A person shall not distribute, sell, or offer
26 for retail sale in the state a rechargeable consumer
27 product manufactured on or after January 1, 1994,
28 unless all of the following conditions are met:
29 a. The battery can be easily removed by the
30 consumer, or is contained in a battery pack that is
31 separate from the product and can be easily removed.
32 b. The product, the battery, and the product
33 package are clearly labeled to indicate that the
34 battery must be recycled or disposed of properly, and
35 meets the requirements of the international standards
36 organization (ISO 7000-1135) recycling symbol which
37 includes the designation "Cd" for nickel-cadmium
38 batteries and "Pb" for small lead batteries.
39 2. A rechargeable consumer product manufacturer
40 may apply to the department for exemption from the
41 requirements of subsection 1 if any of the following
42 apply:
43 a. The product cannot be redesigned or
44 manufactured to comply with the requirements prior to

H—6080A

45 January 1, 1994.
46 b. The redesign of the product to comply with the
47 requirements would result in significant danger to
48 public health and safety.
49 c. The battery poses no unreasonable hazard to
50 public health, safety, or the environment when placed

Page 7

1 in and processed or disposed of as part of mixed
2 municipal solid waste, pursuant to section 455D.10A.
3 d. The consumer product manufacturer has in
4 operation a program to recycle used batteries in an
5 environmentally sound manner.
6 3. An exemption granted by the department under
7 subsection 2, paragraph "a" is limited to a maximum of
8 two years, but may be renewed."
9 5. Title page, line 1, by inserting after the
10 word "waste" the following: "and providing a
11 penalty".
12 6. By renumbering as necessary.

On motion by Shoultz of Black Hawk, amendment H—6080A, to the Senate amendment H—5889, was adopted.

Shoultz of Black Hawk moved the adoption of amendment H—6080B, to the Senate amendment H—5889.

Amendment H—6080B lost.

Black of Jasper offered the following amendment H—6081, to the Senate amendment H—5889, filed from the floor by Black, Bisignano, Brown, Mertz, Lundby, Petersen of Muscatine, Bartz, Sherzan, Bennett, Hanson of Black Hawk, Gruhn, Weidman and Beaman:

H—6081

1 Amend the amendment, H—5889, to House File 2205, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by striking line 35 and inserting the
5 following: "plan to the department.
6 Sec. _____. Section 455B.313, subsection 1, Code
7 1991, is amended to read as follows:
8 1. A distributor as defined in section 455C.1,
9 subsection 5, shall not sell or offer to sell any
10 beverage container if the beverage container is
11 connected to another beverage container by a device
12 constructed of a material which is not biodegradable,
13 ~~or~~ photodegradable, or recyclable.
14 Recyclable connectors which are not biodegradable

15 or photodegradable, shall not have openings greater
16 than one and three-quarter inches in diameter.
17 Recyclable connectors shall be composed of at least
18 twenty-five percent recycled resins by July 1, 1995.
19 Prior to July 1, 1995, distributors of recyclable
20 connectors shall attempt, as a goal, to achieve a ten
21 percent recycled resin content for connectors."
22 2. By renumbering as necessary.

Shoultz of Black Hawk rose on a point of order that amendment H—6081 was not germane, to the Senate amendment H—5889.

The Speaker ruled the point well taken and amendment H—6081 not germane, to the Senate amendment H—5889.

On motion by Shoultz of Black, the House concurred in the Senate amendment H—5889, as amended.

Shoultz of Black Hawk 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. 2205)

The ayes were, 97:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Hurley	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Connors Presiding			

The nays were, none.

Absent or not voting, 3:

Blanshan	Dickinson	Jay

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

IMMEDIATE MESSAGE

Neuhauser of Johnson asked and received unanimous consent that **House File 2205** be immediately messaged to the Senate.

SPECIAL PRESENTATION

Baker of Polk presented to the House visitors from Africa who are in the United States on an African Peace Tour promoting jobs, justice and the environment as well as sanctions against South Africa.

The House rose and expressed its welcome.

RULES SUSPENDED

Neuhauser of Johnson asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2356.

Regular Calendar

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

The ayes were, 64:

Arnould, Spkr.	Banks	Bartz	Beaman
Beatty	Bennett	Bisignano	Branstad
Carpenter	Corbett	Daggett	De Groot
Eddie	Fogarty	Garman	Gipp
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
McKean	McKinney	McNeal	Metcalf

Millage	Muhlbauer	Nielsen	Petersen, D. F.
Plasier	Rafferty	Renaud	Renken
Royer	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Tyrrell	Van Maanen	Weidman	Connors Presiding

The nays were, 32:

Adams	Baker	Bernau	Black
Brammer	Brand	Brown	Burke
Chapman	Cohoon	Diemer	Doderer
Dvorsky	Gill	Groninga	Halvorson, R. N.
Hammond	Hatch	Maulsby	Mertz
Miller	Murphy	Neuhauser	Ollie
Pavich	Peterson, M. K.	Poncy	Sherzan
Svoboda	Teaford	Wise	Wissing

Absent or not voting, 4:

Blanshan	Dickinson	Jay	Osterberg

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 116

Pavich of Pottawattamie called up for consideration House Concurrent Resolution 116, a concurrent resolution urging the United States Congress to assure adequate water flow in the Missouri river, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 10:31 a.m., until the fall of the gavel.

The House resumed session at 11:05 a.m., Speaker Arnould in the chair.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House Concurrent Resolution 116** be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE
(Senate File 2351)

Hatch of Polk called up for consideration the report of the conference committee on Senate File 2351 as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2351

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2351, a bill for an Act relating to state budget and financial control by requiring certain financial practices, respectfully make the following report:

1. That the House recedes from its amendment, S–5584.

2. That Senate File 2351, as amended, passed, and reprinted by the Senate, is amended as follows:

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

"Section 1. Section 8.21, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the governor is required to use a lesser amount in the budget process because of a later meeting of the state revenue estimating conference under section 8.22A, subsection 3, the governor shall transmit recommendations for a balanced budget meeting this requirement within fourteen days of the later meeting of the state revenue estimating conference.

Sec. 2. Section 8.22A, Code 1991, is amended to read as follows:

8.22A REVENUE ESTIMATING CONFERENCE.

1. The state revenue estimating conference is created consisting of the governor or the governor's designee, the director of the legislative fiscal bureau, and a third member agreed to by the other two.

2. The conference shall meet as often as deemed necessary, but shall meet at least quarterly. The conference may use sources of information deemed appropriate.

3. By December 15~~, 1986 and~~ of each ~~succeeding~~ fiscal year the conference shall agree to a revenue estimate for the fiscal year beginning the following July 1. That estimate shall be used by the governor in the preparation of the budget message under section 8.22 and by the ~~legislature~~ general assembly in the budget process. If the conference agrees to a different estimate at a later meeting which projects a greater amount of revenue than the initial estimate amount agreed to by December 15, the governor and the general assembly shall continue to use the initial estimate amount in the budget process for that fiscal year. However, if the conference agrees to a different estimate at a later meeting which projects a lesser amount of revenue than the initial estimate amount, the governor and the general assembly shall use the lesser amount in the budget process for that fiscal year. As used in this subsection, "later meeting" means only those later meetings which are held prior to the conclusion of the regular session of the general assembly.

Sec. 3. NEW SECTION. 8.53 GAAP DEFICIT – GAAP IMPLEMENTATION.

For the fiscal year beginning July 1, 1992, and the two succeeding fiscal years, the governor shall recommend in the governor's budget and the general assembly shall provide funds to eliminate the state generally accepted accounting principles (GAAP) deficit, as reported in the state's comprehensive annual financial report issued during

the prior fiscal year, and taking into account the revised GAAP standards that are projected to be in place by the fiscal year ending in 1995, either through the appropriation of specific funds to provide an adjustment in the GAAP deficit or by setting funds aside in a special account in an amount equal to the GAAP deficit.

For the fiscal year beginning July 1, 1996, and each succeeding fiscal year, the governor shall recommend in the governor's budget and the general assembly shall provide funds to eliminate the GAAP deficit of the general fund of the state, as reported in the state's comprehensive annual financial report issued during the prior fiscal year, either through the appropriation of specific funds to correct a GAAP adjustment or by setting funds aside in a special account in an amount equal to the GAAP deficit.

Sec. 4. NEW SECTION. 8.54 GENERAL FUND EXPENDITURE LIMITATION.

1. For the purposes of this section and sections 8.55 through 8.57:

a. "Adjusted revenue estimate" means the appropriate revenue estimate for the general fund for the following fiscal year as determined under section 8.22A, subsection 3, adjusted by subtracting estimated tax refunds payable from that estimated revenue and adding any new revenues which may be considered to be eligible for deposit in the general fund.

b. "New revenues" means moneys which are received by the state due to increased tax rates and fees or newly created taxes and fees over and above those moneys which are received due to state taxes and fees which are in effect as of January 1 following the December state revenue estimating conference. "New revenues" also includes moneys received by the state due to new transfers over and above those moneys received by the state due to transfers which are in effect as of January 1 following the December state revenue estimating conference.

2. There is created a state general fund expenditure limitation for each fiscal year beginning on or after July 1, 1993, calculated as provided in this section.

3. Except as otherwise provided in this section, the state general fund expenditure limitation for a fiscal year shall be ninety-nine percent of the adjusted revenue estimate.

4. The state general fund expenditure limitation amount provided for in this section shall be used by the governor in the preparation of the budget under section 8.22 and by the general assembly in the budget process. If a source for new revenues is proposed, the budget revenue projection used for that new revenue source for the period beginning on the effective date of the new revenue source and ending in the fiscal year in which the source is included in the revenue base shall be an amount determined by subtracting estimated tax refunds payable from the projected revenue from that new revenue source, multiplied by ninety-five percent. If a new revenue source is established and implemented, the original state general fund expenditure limitation amount provided for in subsection 3 shall be readjusted to include ninety-five percent of the estimated revenue from the new revenue source.

5. For fiscal years in which section 8.55, subsection 2, results in moneys being transferred to the general fund, the original state general fund expenditure limitation amount provided for in subsection 3 shall be readjusted to include the moneys which are so transferred.

6. The scope of the expenditure limitation under subsection 3 shall not encompass federal funds, donations, constitutionally dedicated moneys, and moneys in expenditures from state retirement system moneys.

7. The governor shall submit and the general assembly shall pass a budget which does not exceed the state general fund expenditure limitation. The governor in submitting the budget under section 8.21, and the general assembly in passing a budget, shall not have recurring expenditures in excess of recurring revenues.

Sec. 5. Section 8.55, Code 1991, is amended to read as follows:

8.55 IOWA ECONOMIC EMERGENCY FUND.

1. The Iowa economic emergency fund is created. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state~~, except for purposes of determining the annual inflation factor under section 422.4, subsection 17, the balance in the fund shall be considered part of the general fund of the state~~. The moneys in the fund shall not revert to the general fund, notwithstanding section 8.33, unless and to the extent the fund exceeds the maximum balance.

2. ~~The maximum balance of the Iowa economic emergency fund is the amount equal to ten percent of the funds appropriated from the general fund of the state during the preceding fiscal year. There is appropriated from any surplus existing in the general fund of the state at the conclusion of the fiscal year to the Iowa economic emergency fund an amount equal to the smaller of the amount of the surplus or the amount necessary to achieve the maximum balance.~~ The maximum balance of the fund is the amount equal to five percent of the adjusted revenue estimate for the fiscal year. If the amount of moneys in the Iowa economic emergency fund is equal to the maximum balance, moneys in excess of this amount shall be transferred to the general fund.

3. The moneys in the Iowa economic emergency fund may be appropriated by the general assembly only in the fiscal year for which the appropriation is made ~~and only for a purpose for which the general assembly previously appropriated funds for that fiscal year~~. The moneys shall only be appropriated by the general assembly for emergency expenditures. However, except as provided in section 8.58, the balance in the Iowa economic emergency fund may be used in determining the cash position of the general fund of the state for the payment of state obligations.

4. Notwithstanding section 453.7, subsection 2, interest or earnings on moneys deposited in the Iowa economic emergency fund shall be credited to the Iowa economic emergency fund.

Sec. 6. NEW SECTION. 8.56 CASH RESERVE FUND.

1. A cash reserve fund is created in the state treasury. The cash reserve fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state except in determining the cash position of the state as provided in subsection 3. The moneys in the cash reserve fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section. Notwithstanding section 453.7, subsection 2, interest or earnings on moneys deposited in the cash reserve fund shall be credited to the Iowa economic emergency fund. Moneys in the cash reserve fund may be used for cash flow purposes provided that any moneys so allocated are returned to the cash reserve fund by the end of each fiscal year.

2. The maximum balance of the cash reserve fund is the amount equal to the cash reserve goal percentage, as defined in section 8.57, multiplied by the adjusted revenue estimate for the general fund of the state for the current fiscal year.

3. The moneys in the cash reserve fund may be appropriated by the general assembly in accordance with subsection 4 only in the fiscal year for which the appropriation is made. The moneys shall only be appropriated by the general assembly for nonrecurring emergency expenditures and shall not be appropriated for payment of any collective bargaining agreement or arbitrator's decision negotiated or awarded under chapter 20. However, except as provided in section 8.58, the balance in the cash reserve fund may be used in determining the cash position of the general fund of the state for payment of state obligations.

4. a. Except as provided in subsection 1, an appropriation shall not be made from the cash reserve fund unless the appropriation is in accordance with all of the following:

(1) The appropriation is contained in a bill or joint resolution in which the appropriation is the only subject matter of the bill or joint resolution.

(2) The bill or joint resolution states the reasons the appropriation is necessary.

b. In addition to the requirements of paragraph "a", an appropriation shall not be made from the cash reserve fund which would cause the fund's balance to be less than three percent of the adjusted revenue estimate for the year for which the appropriation is made unless the bill or joint resolution is approved by vote of at least three-fifths of the members of both chambers of the general assembly and is signed by the governor.

Sec. 7. NEW SECTION. 8.57 ANNUAL APPROPRIATION.

1. a. For each fiscal year beginning on or after July 1, 1993, there is appropriated from the general fund of the state an amount to be determined as follows:

(1) If the balance of the cash reserve fund has not yet at any point reached four percent of the adjusted revenue estimate during a budget year, the amount appropriated shall be determined under this subparagraph.

(a) The amount appropriated under this subparagraph is the amount necessary for the cash reserve fund to reach the cash reserve goal percentage of the adjusted revenue estimate for the fiscal year. However, moneys appropriated under this subparagraph shall not exceed more than one percent of the adjusted revenue estimate for the fiscal year.

(b) The "cash reserve goal percentage" for the fiscal year beginning July 1, 1993, is one percent; for the fiscal year beginning July 1, 1994, is two percent; for the fiscal year beginning July 1, 1995, is three percent; for the fiscal year beginning July 1, 1996, is four percent; and for fiscal years beginning on or after July 1, 1997, is five percent.

(2) If at any point in any prior fiscal year the balance of the cash reserve fund reached four percent of the adjusted revenue estimate for that fiscal year, the moneys appropriated under this paragraph for a fiscal year shall be one percent of the adjusted revenue estimate for the fiscal year.

(3) The moneys appropriated under this paragraph shall be credited in equal and proportionate amounts in each quarter of that fiscal year.

b. Commencing June 30, 1993, the surplus existing in the general fund of the state at the conclusion of the fiscal year is appropriated for distribution as provided in this section. As used in this paragraph, "surplus" means the positive ending balance in the general fund, if any.

c. The amount appropriated in this section is not subject to the provisions of section 8.31, relating to quarterly requisitions and allotment, or to section 8.32, relating to conditional availability of appropriations.

2. Moneys appropriated under subsection 1 shall be first credited to the cash reserve fund. To the extent that moneys appropriated under subsection 1 would make the moneys in the cash reserve fund exceed the cash reserve goal percentage of the adjusted revenue estimate for the fiscal year, the moneys are appropriated to the department of management to be spent for the purpose of eliminating Iowa's GAAP deficit. The department of management shall annually file with both houses of the general assembly at the time of the submission of the governor's budget a schedule of the items for which moneys appropriated under this subsection for the purpose of eliminating Iowa's GAAP deficit shall be spent in the fiscal year commencing July 1 following the date of the filing of the report. The schedule shall list each item of expenditure and the maximum dollar amount of moneys to be spent on that item for the fiscal year. If moneys appropriated under this subsection are not enough to pay for all listed expenditures, the department of management shall allocate the payments among the listed expenditure items. Moneys appropriated to the department of management under this subsection shall not be spent on items other than those included in the filed schedule.

3. To the extent that moneys appropriated under subsection 1 exceed the amounts necessary for the cash reserve fund to reach its maximum balance and the amounts necessary to eliminate Iowa's GAAP deficit, the moneys shall be appropriated to the Iowa economic emergency fund.

4. As used in this section, "GAAP" means generally accepted accounting principles as established by the governmental accounting standards board.

Sec. 8. NEW SECTION. 8.58 EXEMPTION FROM AUTOMATIC APPLICATION.

To the extent that moneys appropriated under section 8.57 do not result in moneys being credited to the general fund under section 8.55, subsection 2, moneys appropriated under section 8.57 and moneys contained in the cash reserve fund and Iowa economic emergency fund shall not be considered in the application of any formula, index, or other statutory triggering mechanism which would affect appropriations, payments, or taxation rates, contrary provisions of the Code notwithstanding.

To the extent that moneys appropriated under section 8.57 do not result in moneys being credited to the general fund under section 8.55, subsection 2, moneys appropriated under section 8.57 and moneys contained in the cash reserve fund and Iowa economic emergency fund shall not be considered by an arbitrator or in negotiations under chapter 20.

Sec. 9. NEW SECTION. 8.59 APPROPRIATIONS FREEZE.

Notwithstanding contrary provisions of the Code, the amounts appropriated under the applicable sections of the Code for fiscal years commencing on or after July 1, 1993, are limited to those amounts expended under those sections for the fiscal year commencing July 1, 1992. If an applicable section appropriates moneys to be distributed to different recipients and the operation of this section reduces the total amount to

be distributed under the applicable section, the moneys shall be prorated among the recipients. As used in this section, "applicable sections" means the following sections: 53.50, 98.7, 229.35, 230.8, 230.11, 411.20, 425.1, 425.39, 426A.1, 663.44, and 663A.5.

Sec. 10. Section 18.75, subsection 8, Code Supplement 1991, is amended to read as follows:

8. By November 1 of each year supply a report which contains the name, gender, county or city of residence when possible, official title, salary received during the previous fiscal year, base salary as computed on July 1 of the current fiscal year, and traveling and subsistence expense of the personnel of each of the departments, boards, and commissions of the state government except personnel who receive an annual salary of less than one thousand dollars. The number of the personnel and the total amount received by them shall be shown for each department in the report. All employees who have drawn salaries, fees, or expense allowances from more than one department or subdivision shall be listed separately under the proper departmental heading. On the request of the superintendent, the head of each department, board, or commission shall furnish the data covering that agency. ~~The report shall be paid for out of moneys in the general fund not otherwise appropriated. A~~ The report shall be distributed upon request without charge to each ~~member~~ caucus of the general assembly, ~~and the state law library~~ the legislative service bureau, the legislative fiscal bureau, the chief clerk of the house of representatives, and the secretary of the senate. ~~Six copies shall be distributed without charge to the state library and one copy shall be distributed without charge to each library which is designated as a documents depository by the state library. Other persons may purchase a copy for a fee not less than the amount required to print the copy.~~ Copies of the report shall be made available to other persons in both print or electronic medium upon payment of a fee, which shall not exceed the cost of providing the copy of the report. Sections 22.2 through 22.6 apply to the report. All funds from the sale of the report shall be deposited in the general fund.

Sec. 11. Section 20.17, subsection 11, Code Supplement 1991, as amended by Senate File 2216, section 1, is amended to read as follows:

11. a. In the absence of an impasse agreement negotiated pursuant to section 20.19 which provides for a different completion date, public employees represented by a certified employee organization who are teachers licensed under chapter 260 and who are employed by a public employer which is a school district or area education agency shall complete the negotiation of a proposed collective bargaining agreement not later than ~~April 15~~ May 31 of the year when the agreement is to become effective. The board shall provide, by rule, a date on which impasse items in such cases must be submitted to binding arbitration and for such other procedures as deemed necessary to provide for the completion of negotiations of proposed collective bargaining agreements not later than ~~April 15~~ May 31. The date selected for the mandatory submission of impasse items to binding arbitration in such cases shall be sufficiently in advance of ~~April 15~~ May 31 to ensure that the arbitrators' decision can be reasonably made before ~~April 15~~ May 31.

b. If the public employer is a community college, the following apply:

(1) The negotiation of a proposed collective bargaining agreement shall be complete not later than ~~June 1~~ May 31 of the year when the agreement is to become effective, absent the existence of an impasse agreement negotiated pursuant to section 20.19 which provides for a different completion date. The board shall adopt rules providing

for a date on which impasse items in such cases must be submitted to binding arbitration and for procedures for the completion of negotiations of proposed collective bargaining agreements not later than ~~June 1~~ May 31. The date selected for the mandatory submission of impasse items to binding arbitration in such cases shall be sufficiently in advance of ~~June 1~~ May 31 to ensure that the arbitrators' decision can be reasonably made by ~~June 1~~ May 31.

(2) Notwithstanding the provisions of paragraph "a", the ~~June 1~~ May 31 deadline may be waived by mutual agreement of the parties to the collective bargaining agreement negotiations.

Sec. 12. Section 20.19, Code Supplement 1991, as amended by Senate File 2216, section 2, is amended to read as follows:

20.19 IMPASSE PROCEDURES — AGREEMENT OF PARTIES.

As the first step in the performance of their duty to bargain, the public employer and the employee organization shall endeavor to agree upon impasse procedures. Such agreement shall provide for implementation of these impasse procedures not later than one hundred twenty days prior to the certified budget submission date of the public employer. However, if public employees represented by the employee organization are teachers licensed under chapter 260, and the public employer is a school district or area education agency, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to ~~April 15~~ May 31 of the year when the collective bargaining agreement is to become effective. If the public employer is a community college, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to ~~June 1~~ May 31 of the year when the collective bargaining agreement is to become effective. If the parties fail to agree upon impasse procedures under the provisions of this section, the impasse procedures provided in sections 20.20 to 20.22 shall apply.

Sec. 13. Section 20.20, Code Supplement 1991, as amended by Senate File 2216, section 3, is amended to read as follows:

20.20 MEDIATION.

In the absence of an impasse agreement negotiated pursuant to section 20.19 or the failure of either party to utilize its procedures, one hundred twenty days prior to the certified budget submission date, or one hundred twenty days prior to ~~April 15~~ May 31 of the year when the collective bargaining agreement is to become effective if public employees represented by the employee organization are teachers licensed under chapter 260 and the public employer is a school district or area education agency, the board shall, upon the request of either party, appoint an impartial and disinterested person to act as mediator. If the public employer is a community college, and in the absence of an impasse agreement negotiated pursuant to section 20.19 or the failure of either party to utilize its procedures, one hundred twenty days prior to ~~June 1~~ May 31 of the year when the collective bargaining agreement is to become effective, the board, upon the request of either party, shall appoint an impartial and disinterested person to act as mediator. It shall be the function of the mediator to bring the parties together to effectuate a settlement of the dispute, but the mediator may not compel the parties to agree.

Sec. 14. Section 24.17, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The local budgets of the various political subdivisions shall be certified by the chairperson of the certifying board or levying board, as the case may be, in duplicate to the county auditor not later than March 15 of each year ~~unless a city or county holds a special levy election, in which case certification shall not be later than fourteen days following the special levy election,~~ on blanks prescribed by the state board, and according to the rules and instruction which shall be furnished all certifying and levying boards in printed form by the state board or city finance committee in the case of cities. However, if a city or county holds a special levy election, the certification shall be not later than fourteen days following the special levy election, and if the political subdivision is a school district, as defined in section 257.2, its budget shall be certified not later than April 15 of each year.

Sec. 15. Section 257.8, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

257.8 STATE PERCENT OF GROWTH — ALLOWABLE GROWTH.

1. STATE PERCENT OF GROWTH. The state percent of growth for a budget year shall be established by statute which shall be enacted within thirty days of the submission in the base year of the governor's budget under section 8.21. The establishment of the state percent of growth for a budget year shall be the only subject matter of the bill which enacts the state percent of growth for a budget year.

2. ALLOWABLE GROWTH CALCULATION. The department of management shall calculate the regular program allowable growth for a budget year by multiplying the state percent of growth for the budget year by the regular program state cost per pupil for the base year and shall calculate the special education support services allowable growth for the budget year by multiplying the state percent of growth for the budget year by the special education support services state cost per pupil for the base year.

3. COMBINED ALLOWABLE GROWTH. The combined allowable growth per pupil for each school district is the sum of the regular program allowable growth per pupil and the special education support services allowable growth per pupil for the budget year, which may be modified as follows:

a. By the school budget review committee under section 257.31.

b. By the department of management under section 257.36.

Sec. 16. Section 257.20, Code Supplement 1991, is amended to read as follows:

257.20 INSTRUCTIONAL SUPPORT STATE AID APPROPRIATION.

1. In order to determine the amount of instructional support state aid and the amount of local funding for the instructional support program for a district, the department of management shall divide the total assessed valuation in the state by the total budget enrollment for the budget year in the state to determine a state assessed valuation per pupil and shall divide the assessed valuation in each district by the district's budget enrollment for the budget year to determine the district assessed valuation per pupil. The department of management shall multiply the ratio of the state's valuation per pupil to the district's valuation per pupil by twenty-five hundredths and subtract that result from one to determine the portion of the instructional support program budget that is local funding. The remaining portion of the budget shall be funded by instructional support state aid.

2. There is appropriated for each fiscal year from the general fund of the state to the department of education, an amount necessary to pay instructional support state aid as ~~provided in this section~~ determined under subsection 1.

a. However, moneys appropriated under this subsection shall not exceed the amount of moneys appropriated as instructional support state aid for the budget year which commenced on July 1, 1992.

b. If the amount appropriated under this subsection is insufficient to pay the amount of instructional support state aid determined under subsection 1, the department of education shall prorate the amount of the instructional support state aid provided to each district.

3. If the general assembly makes an appropriation for instructional support state aid in lieu of the standing appropriation provided under subsection 2, the appropriation for instructional support state aid shall include in the appropriation the allocation of the instructional support state aid to the school districts applicable for that appropriation and subsections 1 and 2 do not apply to the appropriation.

4. Instructional support state aid shall be paid at the same time and in the same manner as foundation aid is paid under section 257.16.

Sec. 17. Section 273.3, subsection 12, Code 1991, is amended to read as follows:

12. Prepare an annual budget estimating income and expenditures for programs and services as provided in sections 273.1 to 273.9 and chapter 281 within the limits of funds provided under section 281.9 and chapter 257. The board shall give notice of a public hearing on the proposed budget by publication in an official county newspaper in each county in the territory of the area education agency in which the principal place of business of a school district that is a part of the area education agency is located. The notice shall specify the date, which shall be not later than ~~February~~ March 1 of each year, the time, and the location of the public hearing. The proposed budget as approved by the board shall then be submitted to the state board of education, on forms provided by the department, no later than ~~February~~ March 15 preceding the next fiscal year for approval. The state board shall review the proposed budget of each area education agency and shall before ~~March~~ April 1, either grant approval or return the budget without approval with comments of the state board included. An unapproved budget shall be resubmitted to the state board for final approval not later than April 15.

Sec. 18. Section 279.15, subsection 1, Code Supplement 1991, is amended to read as follows:

1. The superintendent or the superintendent's designee shall notify the teacher not later than April ~~15~~ 30 that the superintendent will recommend in writing to the board at a regular or special meeting of the board, held not later than ~~April 30~~ May 15, that the teacher's continuing contract be terminated effective at the end of the current school year. However, if the district is subject to reorganization under chapter 275, the notification shall not occur until after the first organizational meeting of the board of the newly formed district.

Sec. 19. Section 279.16, unnumbered paragraph 6, Code 1991, as amended by House File 2235, section 1, is amended to read as follows:

If the teacher fails to timely request a private hearing or does not appear at the private hearing, the board may proceed and make a determination upon the superintendent's recommendation~~, which~~. If the teacher fails to timely file a request for a private hearing, the determination ~~in that case~~ shall be not later than May ~~10, or~~ 31. If the teacher fails to appear at the private hearing, the determination shall be not later than five days after the scheduled date for the private hearing~~, whichever is applicable~~. The board shall convene in open session and by roll call vote determine the termination or continuance of the teacher's contract.

Sec. 20. Section 279.24, unnumbered paragraphs 3, 5, and 7, Code 1991, as amended by House File 2245, section 1, are amended to read as follows:

Administrators employed in a school district for less than two consecutive years are probationary administrators. However, a school board may waive the probationary period for any administrator who has previously served a probationary period in another school district and the school board may extend the probationary period for an additional year with the consent of the administrator. If a school board determines that it should terminate a probationary administrator's contract, the school board shall notify the administrator not later than ~~April 30~~ May 15 that the contract will not be renewed beyond the current year. The notice shall be in writing by letter, personally delivered, or mailed by certified mail. The notification shall be complete when received by the administrator. Within ten days after receiving the notice, the administrator may request a private conference with the school board to discuss the reasons for termination. The school board's decision to terminate a probationary administrator's contract shall be final unless the termination was based upon an alleged violation of a constitutionally guaranteed right of the administrator.

On or before ~~April 30~~ May 15, the administrator shall be notified in writing by a letter personally delivered or mailed by certified mail that the school board has voted to consider termination of the contract. The notification shall be complete when received by the administrator.

Within five days after receipt of the written notice that the school board has voted to consider termination of the contract, the administrator may request in writing to the secretary of the school board that the notification be forwarded to the board of educational examiners along with a request that the board of educational examiners submit a list of five qualified administrative law judges to the parties. Within three days from receipt of the list the parties shall select an administrative law judge by alternately removing a name from the list until only one name remains. The person whose name remains shall be the administrative law judge. The parties shall determine by lot which party shall remove the first name from the list. The hearing shall be held no sooner than ten days and not later than thirty days following the administrator's request unless the parties otherwise agree. If the administrator does not request a hearing, the school board, not later than May ~~15~~ 31, may determine the continuance or discontinuance of the contract. School board action shall be by majority roll call vote entered on the minutes of the meeting. Notice of school board action shall be personally delivered or mailed to the administrator.

Sec. 21. Section 279.51, subsection 1, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1990, the sum of eight million seven

hundred thousand dollars. ~~For the fiscal year beginning July 1, 1991, and each succeeding fiscal year, there is appropriated the sum of eleven million two hundred thousand dollars plus an additional amount equal to the state percent of growth as calculated in section 257.8 multiplied by the amount appropriated the previous fiscal year.~~ For each fiscal year beginning on or after July 1, 1993, there is appropriated the sum which was appropriated for the fiscal year commencing July 1, 1992.

Sec. 22. Section 280A.50, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The department of education shall provide for the establishment of a staff development account in the office of treasurer of state for purposes of providing moneys to community colleges for staff development. There is appropriated from the general fund of the state to the department of education on July 1 of each fiscal year beginning July 1, ~~1992~~ 1993, for crediting to the staff development account for each budget year ~~an amount equal to an amount which is five tenths of one percent of the total state general aid generated under chapter 286A for all community colleges during the base year. In the fiscal years succeeding June 30, 1993, an additional five tenths of one percent shall be added to the percent multiplier, used to determine the appropriation in this section, until that percent multiplier reaches four percent. Once the percent multiplier has reached the four percent level, it shall remain at that level for purposes of calculating the amount to be appropriated in succeeding fiscal years~~ the sum of six hundred thousand dollars. Moneys appropriated by the general assembly to the department of education for the purpose of the staff development program shall be paid to community colleges upon approval by the department of education of an application submitted by a community college. Funds shall be distributed to a community college based upon the proportion that a college's state general aid paid for the base year bears to the total state general aid paid that year to all community colleges.

Sec. 23. Section 294A.9, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Phase II is established to improve the salaries of teachers. For each fiscal year ~~through the fiscal year~~ beginning on or after July 1, ~~1990~~ 1992, the ~~department of education shall allocate to each school district for the purpose of implementing phase II a~~ per pupil amount upon which the phase II moneys are based is equal to ~~seventy-five dollars and ninety-three cents multiplied by the district's certified enrollment and to each area education agency for the purpose of implementing phase II a per pupil amount equal to three dollars and fifty-five cents multiplied by the enrollment served in the area education agency. Notwithstanding the per pupil amount of the payments specified in this section, for the fiscal year beginning July 1, 1991, and each succeeding fiscal year, the per pupil amounts upon which the phase II moneys are based shall be increased by an amount equal to the product of the state percent of growth calculated under section 257.8 and the per pupil amount for the previous fiscal year~~ the per pupil allocation plus supplemental allocations for the immediately preceding fiscal year.

Sec. 24. Section 294A.14, unnumbered paragraph 2, Code 1991, is amended by striking the unnumbered paragraph.

Sec. 25. Section 294A.14, unnumbered paragraph 13, Code 1991, is amended by striking the paragraph and inserting in lieu thereof the following:

For purposes of this section, "comprehensive school transformation" means activities which focus on the improvement of student achievement and the attainment of

student achievement goals under sections 280.12 and 280.18. A comprehensive school transformation plan submitted by a school district shall demonstrate the manner in which the components of the plan are integrated with a school's student achievement goals. Components of the plan may include, but are not limited to, providing salary increases to teachers who implement site-based shared decision making, building-based goal-oriented compensation mechanism, or approved innovative educational programs; who focus on student outcomes; who direct accountability for student achievement or accountability for organizational success; and who work to foster relationships between a school and businesses or public agencies which provide health and social services.

Sec. 26. Section 294A.16, unnumbered paragraph 3, Code 1991, is amended to read as follows:

The department of education shall review each plan and its budget and notify the department of management of the names of school districts and area education agencies with approved plans. In considering the approval of a plan submitted by a school district, the department shall give emphasis to plans which include a comprehensive school transformation plan or which include a component which is part of a statewide systemic school transformation initiative. In considering the approval of a plan submitted by an area education agency, the department shall give emphasis to plans which are integrated with and supportive of the comprehensive school transformation plans submitted by the school districts within the area education agency.

Sec. 27. Section 294A.25, subsection 1, Code 1991, is amended to read as follows:

1. For the fiscal year beginning July 1, 1990, there is appropriated from the general fund of the state to the department of education the amount of ninety-two million one hundred thousand eighty-five dollars to be used to improve teacher salaries. For each fiscal year ~~thereafter~~ in the fiscal period commencing July 1, 1991, and ending June 30, 1993, there is appropriated an amount equal to the amount appropriated for the fiscal year beginning July 1, 1990, plus an amount sufficient to pay the costs of the additional funding provided for school districts and area education agencies under sections 294A.9 and 294A.14. For each fiscal year beginning on or after July 1, 1993, there is appropriated the sum which was appropriated for the fiscal year commencing July 1, 1992, including supplemental payments. The moneys shall be distributed as provided in this section.

Sec. 28. Section 421.31, subsection 5, Code 1991, is amended to read as follows:

5. ACCOUNTS. To keep the central budget and proprietary control accounts of the state government ~~in accordance with generally accepted accounting principles~~. Budget accounts are those accounts maintained to control the receipt and disposition of all funds, appropriations, and allotments. Proprietary accounts are those accounts relating to assets, liabilities, income, and expense. For each fiscal year, the financial position and results of operations of the state shall be reported in a comprehensive annual financial report prepared in accordance with generally accepted accounting principles, as established by the governmental accounting standards board.

Sec. 29. Section 422.69, subsection 3, Code Supplement 1991, is amended by striking the subsection.

Sec. 30. 1986 Iowa Acts, chapter 1245, section 2046, as amended by 1986 Iowa Acts, chapter 1238, section 59, is repealed.

Sec. 31. Section 427B.13, Code Supplement 1991, is repealed.

Sec. 32. The state percent of growth for the school budget year beginning July 1, 1993, computed by the department of management on or before September 15, 1991, is null and void.

Sec. 33. Sections 15, 16, and 32 of this Act take effect July 1, 1992, for purposes of computing state aid to school corporations, area education agencies, and merged area schools for school budget years beginning on or after July 1, 1993. This section and sections 28, 29, and 30 of this Act, being deemed of immediate importance, take effect upon enactment."

2. Title page, line 2, by striking the word "practices" and inserting the following: "practices, providing an appropriation, and providing effective date and applicability provisions".

ON THE PART OF THE HOUSE:

JACK HATCH, Chair
TOM MILLER
PHILIP WISE

ON THE PART OF THE SENATE:

RICHARD VARN, Chair
LEONARD L. BOSWELL
MICHAEL E. GRONSTAL
DERRYL McLAREN
JIM LIND

Murphy of Dubuque in the chair at 11:20 a.m.

Hatch of Polk moved the adoption of the conference committee report and the amendments contained therein, which motion prevailed.

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

On the question "Shall the bill pass?" (S.F. 2351)

The ayes were, 98:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller

Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Murphy Presiding		

The nays were, none.

Absent or not voting, 2:

Blanshan	Dickinson

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2351** be immediately messaged to the Senate.

On motion by McKinney of Dallas, the House was recessed at 12:12 p.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould 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 30, 1992, adopted the following resolution in which the concurrence of the Senate was asked:

House Joint Resolution 2015, a joint resolution to nullify an administrative rule of the department of human services relating to the imposition of copayments for certain medical assistance services, and providing an effective date.

Also: That the Senate has on April 30, 1992, passed the following bill in which the concurrence of the Senate was asked:

House File 2401, a bill for an act updating the Iowa Code reference to the federal Internal Revenue Code and providing retroactive applicability and effective dates.

Also: That the Senate has on April 30, 1992, amended and passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on April 30, 1992, passed the following bill in which the concurrence of the Senate was asked:

House File 2483, a bill for an act relating to interstate income tax agreements and the withholding of income tax from or the reporting of pensions, annuities, or deferred compensation paid to nonresidents and providing effective and retroactive applicability provisions.

JOHN F. DWYER, Secretary

Ways and Means Calendar

Senate File 2034, a bill for an act relating to individual income tax return voter registration forms, exceptions to successor liability, reporting requirements for income tax purposes, withholding on gaming winnings, the corporate income tax, the business tax on corporations, the sales and use tax on carpeting, the sales tax on services, the time periods for auditing sales and use tax returns, the confidentiality of inheritance tax returns, estate tax returns, and generation skipping transfer tax returns, and providing effective and retroactive applicability dates, with report of committee recommending passage was taken up for consideration.

The House stood at ease at 2:29 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2034 at 3:08 p.m., Speaker Arnould in the chair.

Groninga of Cerro Gordo offered the following amendment H—6084 filed by him and Jochum of Dubuque from the floor:

H—6084

1 Amend Senate File 2034, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 29, the
4 following:
5 "Sec. 30. Section 99E.10, subsection 1, paragraph
6 b, Code Supplement 1991, is amended to read as
7 follows:
8 b. An amount equal to ~~four percent of~~ the product
9 of the state sales tax rate under section 422.43
10 multiplied by the gross sales price of each ticket or
11 share sold shall be deducted as the sales tax on the
12 sale of that ticket or share, remitted to the
13 treasurer of state and deposited into the state
14 general fund."
15 2. Page 2, by inserting after line 9, the
16 following:
17 "Sec. 60. Section 135D.22, subsection 2, paragraph
18 a, Code Supplement 1991, is amended to read as
19 follows:

20 ~~a.~~ If the owner of the mobile home is an Iowa
21 resident, ~~was totally disabled, as defined in section~~
22 ~~425.17, subsection 11 on or before December 31 of the~~
23 ~~base year, is a surviving spouse having attained the~~
24 ~~age of fifty-five years on or before December 31, 1988~~
25 ~~or~~ has attained the age of ~~sixty-five~~ eighteen years
26 on or before December 31 of the base year, and has an
27 income when included with that of a spouse which is
28 less than six thousand dollars per year, the annual
29 tax shall not be imposed on the mobile home. If the
30 income is six thousand dollars or more but less than
31 fourteen thousand dollars, the annual tax shall be
32 computed as follows:

If the Household Income is:	Annual Tax Per Square Foot:
$ 6,000 – 6,999.99	3.0 cents
7,000 – 7,999.99	6.0
8,000 – 9,999.99	10.0
10,000 – 11,999.99	13.0
12,000 – 13,999.99	15.0

Sec. 61. Section 135D.22, subsection 2, paragraph
b, Code Supplement 1991, is amended by striking the
paragraph."
3. Page 2, by inserting after line 9 the
following:
"Sec. 31. Section 307B.26, Code 1991, is amended
to read as follows:
307B.26 APPROPRIATION TO AUTHORITY.
Notwithstanding section 423.24 and prior to the
application of section 423.24, subsection 1, paragraph
"~~b~~ c", there is appropriated to the authority from

Page 2

1 eighty percent of the revenues derived from the
2 operation of section 423.7 the amounts certified by
3 the authority under section 307B.25. However, the
4 total amount credited to the Iowa railway finance
5 authority under this section shall not exceed two
6 million dollars annually. Moneys credited to the Iowa
7 railway finance authority under this section are
8 appropriated only for the payment of principal and
9 interest on obligations or the payment of leases
10 guaranteed by the authority as provided under section
11 307B.25.
12 Sec. 32. Section 312.1, subsection 3, Code 1991,
13 is amended to read as follows:
14 3. ~~Except as~~ To the extent provided in section
15 423.24, subsection 1, paragraph "c", from revenue
16 derived from the use tax, under chapter 423 on motor
17 vehicles, trailers, and motor vehicle accessories and
18 equipment, ~~as same may be collected as provided by~~
19 ~~section 423.7.~~

20 Sec. 33. Section 321.34, subsection 10, paragraph
21 c, Code Supplement 1991, is amended to read as
22 follows:
23 c. The fees for a collegiate registration plate
24 are as follows:
25 (1) A registration fee of twenty-five dollars.
26 (2) A special collegiate registration fee of
27 twenty-five dollars.
28 These fees are in addition to the regular annual
29 registration fee. The fees collected by the director
30 under this subsection shall be paid monthly to the
31 treasurer of state and credited by the treasurer of
32 state to the road use tax fund. Notwithstanding
33 section 423.24 and prior to the ~~application of~~
34 revenues being credited to the road use tax fund under
35 section 423.24, subsection 1, paragraph "~~b~~ c", the
36 treasurer of state shall credit monthly from those
37 revenues ~~derived from the operation of section 423.7,~~
38 respectively, to Iowa State University of science and
39 technology, the University of Northern Iowa, and the
40 state University of Iowa, the amount of the special
41 collegiate registration fees collected in the previous
42 month for collegiate registration plates designed for
43 the university. The moneys credited are appropriated
44 to the respective universities to be used for
45 scholarships for students attending the universities.
46 Sec. 34. Section 321.34, subsection 14, paragraph
47 c, Code Supplement 1991, is amended to read as
48 follows:
49 c. The special sesquicentennial fee for letter
50 number designated sesquicentennial plates is fifteen

Page 3

1 dollars. The fee for personalized sesquicentennial
2 plates is twenty-five dollars which shall be paid in
3 addition to the special sesquicentennial fee of
4 fifteen dollars. The fees collected by the director
5 under this subsection shall be paid monthly to the
6 treasurer of state and credited to the road use tax
7 fund. Notwithstanding section 423.24, and prior to
8 the ~~application of~~ crediting of revenues to the road
9 use tax fund under section 423.24, subsection 1,
10 paragraph "~~b~~ c", the treasurer of state shall credit
11 monthly from ~~the~~ those revenues ~~derived from the~~
12 ~~operation of section 423.7~~ to the sesquicentennial
13 fund established in section 7G.1, the amount of the
14 special sesquicentennial fees collected in the
15 previous month for the sesquicentennial plates."
16 4. Page 2, by inserting after line 35 the
17 following:

18 "Sec. 50. Section 422.5, subsections 2 and 8, Code
19 Supplement 1991, are amended to read as follows:
20 2. However, the tax shall not be imposed on a
21 resident or nonresident whose net income, as defined
22 in section 422.7, is ~~seven~~ thirteen thousand five
23 hundred dollars or less in the case of married persons
24 filing jointly or filing separately on a combined
25 return, unmarried heads of household, and surviving
26 spouses or ~~five~~ nine thousand dollars or less in the
27 case of all other persons; but in the event that the
28 payment of tax under this division would reduce the
29 net income to less than ~~seven~~ thirteen thousand five
30 hundred dollars or ~~five~~ nine thousand dollars as
31 applicable, then the tax shall be reduced to that
32 amount which would result in allowing the taxpayer to
33 retain a net income of ~~seven~~ thirteen thousand five
34 hundred dollars or ~~five~~ nine thousand dollars as
35 applicable. The preceding sentence does not apply to
36 estates or trusts. For the purpose of this
37 subsection, the entire net income, including any part
38 of the net income not allocated to Iowa, shall be
39 taken into account. For purposes of this subsection,
40 net income includes all amounts of pensions or other
41 retirement income received from any source which is
42 not taxable under this division as a result of the
43 government pension exclusions in section 422.7, or any
44 other state law. If the combined net income of a
45 husband and wife exceeds ~~seven~~ thirteen thousand five
46 hundred dollars, neither of them shall receive the
47 benefit of this subsection, and it is immaterial
48 whether they file a joint return or separate returns.
49 However, if a husband and wife file separate returns
50 and have a combined net income of ~~seven~~ thirteen

Page 4

1 thousand five hundred dollars or less, neither spouse
2 shall receive the benefit of this paragraph, if one
3 spouse has a net operating loss and elects to carry
4 back or carry forward the loss as provided in section
5 422.9, subsection 3. A person who is claimed as a
6 dependent by another person as defined in section
7 422.12 shall not receive the benefit of this
8 subsection if the person claiming the dependent has
9 net income exceeding ~~seven~~ thirteen thousand five
10 hundred dollars or ~~five~~ nine thousand dollars as
11 applicable or the person claiming the dependent and
12 the person's spouse have combined net income exceeding
13 ~~seven~~ thirteen thousand five hundred dollars or ~~five~~
14 nine thousand dollars as applicable.
15 In addition, if the married persons', filing
16 jointly or filing separately on a combined return,

17 unmarried head of household's, or surviving spouse's
18 net income exceeds ~~seven~~ thirteen thousand five
19 hundred dollars, the regular tax imposed under this
20 division shall be the lesser of the maximum state
21 individual income tax rate times the portion of the
22 net income in excess of ~~seven~~ thirteen thousand five
23 hundred dollars or the regular tax liability computed
24 without regard to this sentence. Taxpayers electing
25 to file separately shall compute the alternate tax
26 described in this paragraph using the total net income
27 of the husband and wife. The alternate tax described
28 in this paragraph does not apply if one spouse elects
29 to carry back or carry forward the loss as provided in
30 section 422.9, subsection 3.
31 8. In addition to the other taxes imposed by this
32 section, a tax is imposed on the amount of a lump sum
33 distribution for which the taxpayer has elected under
34 section 402(e) of the Internal Revenue Code to be
35 separately taxed for federal income tax purposes for
36 the tax year. The rate of tax is equal to twenty-five
37 percent of the separate federal tax imposed on the
38 amount of the lump sum distribution. A nonresident is
39 liable for this tax only on that portion of the lump
40 sum distribution allocable to Iowa. The total amount
41 of the lump sum distribution subject to separate
42 federal tax shall be included in net income for
43 purposes of determining eligibility under the ~~seven~~
44 thirteen thousand five hundred dollar or less or ~~five~~
45 nine thousand dollar or less exclusion, as
46 applicable."
47 5. Page 4, by inserting after line 26 the
48 following:
49 "Sec. 35. Section 422.43, subsections 1, 2, 4, 5,
50 6, 7, and 10, Code Supplement 1991, are amended to

Page 5

1 read as follows:
2 1. There is imposed a tax of ~~four~~ five percent
3 upon the gross receipts from all sales of tangible
4 personal property, consisting of goods, wares, or
5 merchandise, except as otherwise provided in this
6 division, sold at retail in the state to consumers or
7 users; a like rate of tax upon the gross receipts from
8 the sales, furnishing, or service of gas, electricity,
9 water, heat, pay television service, and communication
10 service, including the gross receipts from such sales
11 by any municipal corporation or joint water utility
12 furnishing gas, electricity, water, heat, pay
13 television service, and communication service to the
14 public in its proprietary capacity, except as
15 otherwise provided in this division, when sold at

16 retail in the state to consumers or users; a like rate
17 of tax upon the gross receipts from all sales of
18 tickets or admissions to places of amusement, fairs,
19 and athletic events except those of elementary and
20 secondary educational institutions; and a like rate of
21 tax upon that part of private club membership fees or
22 charges paid for the privilege of participating in any
23 athletic sports provided club members.
24 2. There is imposed a tax of ~~four~~ five percent
25 upon the gross receipts derived from the operation of
26 all forms of amusement devices and games of skill,
27 games of chance, raffles, and bingo games as defined
28 in chapter 99B, operated or conducted within the state
29 ~~of Iowa~~, the tax to be collected from the operator in
30 the same manner as ~~is provided~~ for the collection of
31 taxes upon the gross receipts of tickets or admission
32 as provided in this section. The tax shall also be
33 imposed upon the gross receipts derived from the sale
34 of lottery tickets or shares pursuant to chapter 99E.
35 The tax on the lottery tickets or shares shall be
36 included in the sales price and distributed to the
37 general fund as provided in section 99E.10.
38 4. There is imposed a ~~like rate of~~ tax of five
39 percent upon the gross receipts from the sales of
40 engraving, photography, retouching, printing, and
41 binding services. For the purpose of this division,
42 the sales of engraving, photography, retouching,
43 printing, and binding services are sales of tangible
44 property.
45 5. There is imposed a ~~like rate of~~ tax of five
46 percent upon the gross receipts from the sales of
47 vulcanizing, recapping, and retreading services. For
48 the purpose of this division, the sales of
49 vulcanizing, recapping, and retreading services are
50 sales of tangible property.

Page 6

1 6. There is imposed a tax of ~~four~~ five percent
2 upon the gross receipts from the sales of optional
3 service or warranty contracts which provide for the
4 furnishing of labor and materials and require the
5 furnishing of any taxable service enumerated under
6 this section. The gross receipts are subject to tax
7 even if some of the services furnished are not
8 enumerated under this section. For the purpose of
9 this division, the sale of an optional service or
10 warranty contract is a sale of tangible personal
11 property. Additional sales, services, or use ~~tax~~
12 taxes shall not be levied on services, parts, or labor
13 provided under optional service or warranty contracts
14 which are subject to tax under this section.

15 7. ~~A like rate of tax~~ There is imposed a tax of
16 five percent upon the gross receipts from the renting
17 of rooms, apartments, or sleeping quarters in a hotel,
18 motel, inn, public lodging house, rooming house,
19 mobile home which is tangible personal property, or
20 tourist court, or in any place where sleeping
21 accommodations are furnished to transient guests for
22 rent, whether with or without meals. "Renting" and
23 "rent" include any kind of direct or indirect charge
24 for such rooms, apartments, or sleeping quarters, or
25 their use. For the purposes of this division, such
26 renting is regarded as a sale of tangible personal
27 property at retail. However, this tax does not apply
28 to the gross receipts from the renting of a room,
29 apartment, or sleeping quarters while rented by the
30 same person for a period of more than thirty-one
31 consecutive days.
32 10. There is imposed a tax of ~~four~~ five percent
33 upon the gross receipts from the rendering,
34 furnishing, or performing of services as defined in
35 section 422.42."
36 6. Page 5, by inserting after line 31 the
37 following:
38 "Sec. 36. Section 422.43, subsection 12,
39 unnumbered paragraph 1, Code Supplement 1991, is
40 amended to read as follows:
41 A tax of ~~four~~ five percent is imposed upon the
42 gross receipts from all sales of tangible personal
43 property, consisting of goods, wares, or merchandise,
44 except as otherwise provided in this division, sold at
45 retail in the state to consumers or users within the
46 state by retailers that meet any of the following
47 criteria:
48 Sec. 37. Section 422.47, subsection 2, Code 1991,
49 is amended to read as follows:
50 2. Construction contractors may make application

Page 7

1 to the department for a refund of the additional one
2 percent tax paid under this division or the additional
3 one percent tax paid under chapter 423 by reason of
4 the increase in the tax from ~~three to~~ four to five
5 percent for taxes paid on goods, wares, or merchandise
6 under the following conditions:
7 a. The goods, wares, or merchandise are
8 incorporated into an improvement to real estate in
9 fulfillment of a written contract fully executed prior
10 to ~~March 1, 1983~~ June 1, 1992. The refund shall not
11 apply to equipment transferred in fulfillment of a
12 mixed construction contract.
13 b. The contractor has paid to the department or to

14 a retailer the full ~~four~~ five percent tax.
15 c. The claim is filed on forms provided by the
16 department and is filed within one year of the date
17 the tax is paid.
18 A contractor who makes an erroneous application for
19 refund shall be liable for payment of the excess
20 refund paid plus interest at the rate in effect under
21 section 421.7. In addition, a contractor who
22 willfully makes a false application for refund is
23 guilty of a simple misdemeanor and is liable for a
24 penalty equal to fifty percent of the excess refund
25 claimed. Excess refunds, penalties, and interest due
26 under this subsection may be enforced and collected in
27 the same manner as the tax imposed by this division."
28 7. Page 6, by inserting after line 6 the
29 following:
30 "Sec. 38. Section 423.2, Code 1991, is amended to
31 read as follows:
32 423.2 IMPOSITION OF TAX.
33 An excise tax is imposed on the use in this state
34 of tangible personal property purchased for use in
35 this state, at the rate of ~~four~~ five percent of the
36 purchase price of the property. The excise tax is
37 imposed upon every person using the property within
38 this state until the tax has been paid directly to the
39 county treasurer or the state department of
40 transportation, to a retailer, or to the department.
41 An excise tax is imposed on the use in this state of
42 services enumerated in section 422.43 at the rate of
43 ~~four~~ five percent. This tax is applicable where
44 services are rendered, furnished, or performed in this
45 state or where the product or result of the service is
46 used in this state. This tax is imposed on every
47 person using the services or the product of the
48 services in this state until the user has paid the tax
49 either to an Iowa use tax permit holder or to the
50 department."

Page 8

1 8. Page 6, by inserting after line 26 the
2 following:
3 "Sec. 39. Section 423.24, subsection 1, Code
4 Supplement 1991, is amended to read as follows:
5 1. Eighty percent of all revenues derived from the
6 use tax on motor vehicles, trailers, and motor vehicle
7 accessories and equipment as collected pursuant to
8 section 423.7 shall be deposited and credited as
9 follows:
10 a. Twenty-five percent of all such revenue ~~derived~~
11 ~~from the use tax on motor vehicles, trailers, and~~
12 ~~motor vehicle accessories and equipment as collected~~

13 ~~pursuant to section 423.7~~, up to a maximum of three
14 million eight hundred twenty-five thousand dollars per
15 quarter, shall be deposited into and credited to the
16 Iowa comprehensive petroleum underground storage tank
17 fund created in section 455G.3, and the moneys so
18 deposited are a continuing appropriation for
19 expenditure under chapter 455G, and moneys so
20 appropriated shall not be used for other purposes.
21 b. Any such revenues remaining ~~revenue derived~~
22 ~~from the use tax on motor vehicles, trailers, and~~
23 ~~motor vehicle accessories and equipment as collected~~
24 ~~pursuant to section 423.7~~ shall be credited to the
25 primary road fund to the extent necessary to reimburse
26 that fund for the expenditures, not otherwise eligible
27 to be made from the primary road fund, made for
28 repairing, improving and maintaining bridges over the
29 rivers bordering the state. Expenditures for those
30 portions of bridges within adjacent states may be
31 included when they are made pursuant to an agreement
32 entered into under sections 313.63, 313A.34, and
33 314.10.
34 c. Any such revenues remaining ~~revenues derived~~
35 ~~from the operation of section 423.7~~ shall be credited
36 to the road use tax fund."
37 9. Page 6, by inserting after line 26 the
38 following:
39 "Sec. 62. Section 425.17, subsection 2, Code
40 Supplement 1991, is amended to read as follows:
41 2. "Claimant" means ~~either one of the following:~~
42 ~~a. A~~ a person filing a claim for credit or
43 reimbursement under this division who has attained the
44 age of ~~sixty-five~~ eighteen years on or before December
45 31 of the base year ~~or who is a surviving spouse~~
46 ~~having attained the age of fifty-five years on or~~
47 ~~before December 31, 1988, or who is totally disabled~~
48 ~~and was totally disabled on or before December 31 of~~
49 ~~the base year~~, and was domiciled in this state during
50 the entire base year, and is domiciled in this state

Page 9

1 at the time the claim is filed or at the time of the
2 person's death in the case of a claim filed by the
3 executor or administrator of the claimant's estate.
4 ~~b. A person filing a claim for credit or~~
5 ~~reimbursement under this division who has attained the~~
6 ~~age of eighteen years on or before December 31 of the~~
7 ~~base year but has not attained the age or disability~~
8 ~~status described in paragraph "a", and was domiciled~~
9 ~~in this state during the entire base year and is~~
10 ~~domiciled in this state at the time the claim is filed~~
11 ~~or at the time of the person's death in the case of a~~

12 ~~claim filed by the executor or administrator of the~~
13 ~~claimant's estate and was not claimed as a dependent~~
14 ~~on any other person's tax return for the base year.~~
15 "Claimant" ~~under paragraph "a" or "b"~~ includes a
16 vendee in possession under a contract for deed and may
17 include one or more joint tenants or tenants in
18 common. In the case of a claim for rent constituting
19 property taxes paid, the claimant shall have rented
20 the property during any part of the base year. If a
21 homestead is occupied by two or more persons, and more
22 than one person is able to qualify as a claimant, the
23 persons may determine among them who will be the
24 claimant. If they are unable to agree, the matter
25 shall be referred to the director of revenue and
26 finance not later than October 31 of each year and the
27 director's decision is final.
28 Sec. 63. Section 425.23, subsection 1, paragraph
29 a, Code Supplement 1991, is amended to read as
30 follows:
31 ~~a.~~ The tentative credit or reimbursement ~~for a~~
32 ~~claimant described in section 425.17, subsection 2,~~
33 ~~paragraph "a"~~ shall be determined in accordance with
34 the following schedule:

If the household income is:	Percent of property taxes due or rent constituting property taxes paid allowed as a credit or reimbursement:
$ 0 — 5,999.99	100%
6,000 — 6,999.99	85
7,000 — 7,999.99	70
8,000 — 9,999.99	50
10,000 — 11,999.99	35
12,000 — 13,999.99	25

46 Sec. 64. Section 425.23, subsection 1, paragraph
47 b, Code Supplement 1991, is amended by striking the
48 paragraph.
49 Sec. 65. Section 425.23, subsection 3, paragraph
50 a, Code Supplement 1991, is amended to read as

Page 10

1 follows:
2 a. A person who is eligible to file a claim for
3 credit for property taxes due and who has a household
4 income of six thousand dollars or less and who has a
5 special assessment levied against the homestead may
6 file a claim with the county treasurer that the
7 claimant had a household income of six thousand
8 dollars or less and that a special assessment is
9 presently levied against the homestead. The
10 department shall provide to the respective county

11 treasurers the forms necessary for the administration
12 of this subsection. The claim shall be filed not
13 later than September 30 of each year. Upon the filing
14 of the claim, a penalty or interest for late payment
15 shall not accrue against the amount of the special
16 assessment due and payable. The claim filed by the
17 claimant constitutes a claim for credit of an amount
18 equal to the actual amount due and payable upon the
19 special assessment payable during the fiscal year
20 against the homestead of the claimant or an amount
21 equal to the annual payment of the special assessment
22 levied against the homestead of the claimant and
23 payable in annual installments through the period of
24 years provided by the governing body of the city,
25 whichever is less. ~~However, where the claimant is an~~
26 ~~individual described in section 425.17, subsection 2,~~
27 ~~paragraph "b", the claim filed constitutes a claim for~~
28 ~~credit of an amount equal to one-half of the actual~~
29 ~~amount due and payable during the fiscal year or equal~~
30 ~~to one-half of the annual payment, whichever is less.~~
31 The department of revenue and finance shall, upon the
32 filing of the claim with the department by the county
33 treasurer, pay that amount of the special assessment
34 during the current fiscal year to the county
35 treasurer. The county treasurer shall submit the
36 claims to the director of revenue and finance not
37 later than October 15 of each year. The director of
38 revenue and finance shall certify the amount of
39 reimbursement due each county for special assessment
40 credits allowed under this subsection. The amount of
41 reimbursement due each county shall be paid by the
42 director of revenue and finance on October 20 of each
43 year, drawn upon warrants payable to the respective
44 county treasurer. There is appropriated annually from
45 the general fund of the state to the department of
46 revenue and finance an amount sufficient to carry out
47 the provisions of this subsection. The county
48 treasurer shall credit any moneys received from the
49 department against the amount of the special
50 assessment due and payable on the homestead of the

Page 11

1 claimant."
2 10. Page 7, by inserting after line 34 the
3 following:
4 "Sec. 40. APPLICABILITY. This section applies in
5 regard to the increase in the state sales, services,
6 and use taxes from four to five percent. The use tax
7 rate of five percent applies to motor vehicles subject
8 to registration which are registered on or after June
9 1, 1992. The five percent use tax rate applies to the

10 use of property when the first taxable use in this
11 state occurs on or after June 1, 1992. The five
12 percent rate applies to the gross receipts from the
13 sale, furnishing, or service of gas, electricity,
14 water, heat, pay television service, and communication
15 service if the date of billing the customer is on or
16 after June 1, 1992. In the case of a service contract
17 entered into prior to June 1, 1992, which contract
18 calls for periodic payments, the five percent rate
19 applies to those payments made or due on or after June
20 1, 1992. This periodic payment applies, but is not
21 limited to, tickets or admissions, private club
22 membership fees, sources of amusement, equipment
23 rental, dry cleaning, reducing salons, dance schools,
24 and all other services subject to tax, except the
25 aforementioned utility services which are subject to a
26 special transitional rule. Unlike periodic payments
27 under service contracts, installment sales of goods,
28 wares, and merchandise are subject to the full amount
29 of sales or use tax when the sales contract is entered
30 into or the property is first used in Iowa."
31 11. Page 8, by inserting after line 11 the
32 following:
33 "Sec. _____. Sections 30, 31, 32, 33, 34, 35, 36,
34 37, 38, 39, and 40 of this Act take effect June 1,
35 1992, for purposes of the increase in the rate of
36 sales, services, and use taxes on that date.
37 Sec. _____. Section 50 of this Act applies
38 retroactively to January 1, 1992, for tax years
39 beginning on or after that date."
40 12. Page 8, by inserting after line 11, the
41 following:
42 "Sec. _____. Sections 60, 61, 62, 63, 64, and 65 of
43 this Act take effect January 1, 1993, for mobile home
44 tax claims and property tax claims filed on or after
45 that date. Sections 62, 63, and 64 of this Act are
46 applicable to rent reimbursement claims filed on or
47 after January 1, 1994."
48 13. Page 8, by inserting after line 11 the
49 following:
50 "Expenditure Limitation Technical Corrections

Page 12

1 Sec. _____. Section 8.53, unnumbered paragraph 2, as
2 enacted by 1992 Iowa Acts, Senate File 2351, section
3 3, is amended to read as follows:
4 For the fiscal year beginning July 1, ~~1996~~ 1995,
5 and each succeeding fiscal year, the governor shall
6 recommend in the governor's budget and the general
7 assembly shall provide funds to eliminate the GAAP
8 deficit of the general fund of the state, as reported

9 in the state's comprehensive annual financial report
10 issued during the prior fiscal year, either through
11 the appropriation of specific funds to correct a GAAP
12 adjustment or by setting funds aside in a special
13 account in an amount equal to the GAAP deficit.
14 Sec. _____. Section 8.54, subsection 1, paragraph b,
15 as enacted by 1992 Iowa Acts, Senate File 2351,
16 section 4, is amended to read as follows:
17 b. "New revenues" means moneys which are received
18 by the state due to increased tax rates and fees or
19 newly created taxes and fees over and above those
20 moneys which are received due to state taxes and fees
21 which are in effect as of January 1 following the
22 December state revenue estimating conference. "New
23 revenues" also includes moneys received by the general
24 fund of the state due to new transfers over and above
25 those moneys received by the general fund of the state
26 due to transfers which are in effect as of January 1
27 following the December state revenue estimating
28 conference. The department of management shall obtain
29 concurrence from the revenue estimating conference on
30 the eligibility of transfers to the general fund of
31 the state which are to be considered as new revenue in
32 determining the state general fund expenditure
33 limitation.
34 Sec. _____. Section 8.57, subsection 1, paragraph b,
35 as enacted by 1992 Iowa Acts, Senate File 2351,
36 section 7, is amended to read as follows:
37 b. Commencing June 30, 1993, the surplus existing
38 in the general fund of the state at the conclusion of
39 the fiscal year is appropriated for distribution as
40 provided in this section. As used in this paragraph,
41 "surplus" means the ~~positive ending balance in the~~
42 ~~general fund, if any~~ excess of revenues and other
43 financing sources over expenditures and other
44 financing uses for the general fund of the state in a
45 fiscal year, as determined in accordance with GAAP.
46 Sec. _____. Section 8.57, subsection 2, as enacted
47 by the 1992 Iowa Acts, Senate File 2351, section 7, is
48 amended to read as follows:
49 2. Moneys appropriated under subsection 1 shall be
50 first credited to the cash reserve fund. To the

Page 13

1 extent that moneys appropriated under subsection 1
2 would make the moneys in the cash reserve fund exceed
3 the cash reserve goal percentage of the adjusted
4 revenue estimate for the fiscal year, the moneys are
5 appropriated to the department of management to be
6 spent for the purpose of eliminating Iowa's GAAP
7 deficit. These moneys shall be deposited into a GAAP

8 deficit reduction account established within the
9 department of management. Unspent moneys in this
10 account shall be available for expenditure for
11 subsequent fiscal years. The department of management
12 shall annually file with both houses of the general
13 assembly at the time of the submission of the
14 governor's budget a schedule of the items for which
15 moneys appropriated under this subsection for the
16 purpose of eliminating Iowa's GAAP deficit shall be
17 spent in the fiscal year commencing July 1 following
18 the date of the filing of the report. The schedule
19 shall list each item of expenditure and the maximum
20 dollar amount of moneys to be spent on that item for
21 the fiscal year. If moneys appropriated under this
22 subsection are not enough to pay for all listed
23 expenditures, the department of management shall
24 allocate the payments among the listed expenditure
25 items. Moneys appropriated to the department of
26 management under this subsection shall not be spent on
27 items other than those included in the filed schedule.
28 After elimination of the GAAP deficit, any moneys in
29 the GAAP deficit reduction account shall be
30 appropriated to the Iowa economic emergency fund."
31 14. Title page, line 5, by inserting after the
32 word "corporation," the following: "the minimum
33 amount below which no individual income tax is
34 imposed, the increase in the rate of the sales and use
35 taxes rate,".
36 15. Title page, line 8, by inserting before the
37 word "and" the following: "mobile home tax reduction,
38 homestead tax credit, and rent reimbursement claims,".
39 16. Title page, line 9, by inserting after the
40 word "returns" the following: "and making technical
41 corrections to the state general fund expenditure
42 limitation law,".

The House stood at ease at 3:13 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—6084, to Senate File 2034, at 3:14 p.m., Speaker Arnould in the chair.

Hatch of Polk offered the following amendment H—6085, to amendment H—6084, filed by him from the floor and moved its adoption:

H—6085

1 Amend amendment, H—6084, to Senate File 2034, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 12, by striking lines 1 through 13.

5 2. Page 12, by striking line 45 and inserting the
6 following: "fiscal year."

Amendment H—6085 was adopted.

The following amendment H—6086, to amendment H—6084, filed by Groninga of Cerro Gordo from the floor was adopted by unanimous consent:

H—6086

1 Amend amendment H—6084, to Senate File 2034, as
2 amended, passed, and reprinted, by the Senate:
3 1. Page 13, line 32, by striking the word
4 "corporation," and inserting the word "corporations,".

Groninga of Cerro Gordo moved the adoption of amendment H—6084, as amended.

Roll call was requested by Bennett of Ida and Groninga of Cerro Gordo.

On the question "Shall amendment H—6084, as amended, be adopted?" (S.F. 2034)

The ayes were, 51:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Connors	Doderer	Dvorsky	Fogarty
Gill	Groninga	Gruhn	Hammond
Hansen, S. D.	Hatch	Haverland	Hibbard
Holveck	Jay	Jochum	Knapp
Koenigs	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Teaford
Wise	Wissing	Mr. Speaker Arnould	

The nays were, 48:

Banks	Bartz	Beaman	Bennett
Brammer	Branstad	Carpenter	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Gipp	Grubbs	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. E.	Hanson, D. R.
Harbor	Hester	Hurley	Iverson
Jesse	Johnson	Kistler	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McNeal	Metcalf	Millage
Miller	Petersen, D. F.	Plasier	Rafferty

Renken	Royer	Shoning	Siegrist
Spenner	Tyrrell	Van Maanen	Weidman

Absent or not voting, 1:

Dickinson

Amendment H—6084, as amended, was adopted.

The House stood at ease at 3:32 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2034 at 3:43 p.m., Speaker Arnould in the chair.

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

On the question "Shall the bill pass?" (S.F. 2034)

The ayes were, 52:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Connors	Doderer	Dvorsky	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jay	Jochum
Knapp	Koenigs	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Teaford	Wise	Wissing	Mr. Speaker Arnould

The nays were, 46:

Banks	Bartz	Beaman	Bennett
Brammer	Branstad	Carpenter	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Gipp	Grubbs	Hahn
Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.	Harbor
Hester	Hurley	Iverson	Johnson
Kistler	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Metcalf	Millage	Miller	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Shoning	Siegrist	Spenner	Tyrrell
Van Maanen	Weidman		

Absent or not voting, 2:

Dickinson	Jesse

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2034** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 30, 1992, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2205, a bill for an act relating to solid waste.

Also: That the Senate has on April 30, 1992, passed the following bill in which the concurrence of the Senate was asked:

House File 2480, a bill for an act relating to department of human services' programs involving child and family services, juvenile justice, foster care, and medical assistance and providing applicability provisions and an effective date.

Also: That the Senate has on April 29, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2329, a bill for an act relating to qualification for, amount of, and deductions from unemployment compensation benefits and providing an effective date and applicability provision.

Also: That the Senate has on April 30, 1992, receded from the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

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

JOHN F. DWYER, Secretary

The House stood at ease at 3:51 p.m., until the fall of the gavel.

The House resumed session at 4:20 p.m., Speaker Arnould in the chair.

MOTION TO WITHDRAW FROM COMMITTEE LOST

Iverson of Wright invoked House Rule 60 to withdraw from committee **House Joint Resolution 5**, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments.

Roll call was requested by Iverson of Wright and Spenner of Henry.

Rule 75 was invoked.

On the question "Shall House Joint Resolution 5 be withdrawn from committee?" (H.J.R. 5)

The ayes were, 43:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McNeal	Metcalf
Millage	Miller	Petersen, D. F.	Rafferty
Renken	Shoning	Siegrist	Spenner
Tyrrell	Van Maanen	Weidman	

The nays were, 52:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Brammer	Brand
Brown	Burke	Chapman	Cohoon
Connors	Doderer	Dvorsky	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	McKinney
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Plasier	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Spear
Teaford	Wise	Wissing	Mr. Speaker Arnould

Absent or not voting, 5:

Blanshan	Dickinson	Mertz	Royer
Svoboda			

The motion to withdraw lost.

The House stood at ease at 4:27 p.m., until the fall of the gavel.

The House resumed session at 5:18 p.m., Speaker Arnould in the chair.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2097**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing a retroactive applicability provision, and providing effective date and applicability provisions, previously deferred and placed on the unfinished business calendar.

Jay of Appanoose offered amendment H—5599 filed by the committee on judiciary and law enforcement and requested division as follows:

H—5599

1 Amend Senate File 2097, as amended, passed, and
2 reprinted by the Senate, as follows:

H—5599A

3 1. Page 1, by inserting after line 11 the
4 following:
5 "Sec. _____. Section 20.17, subsection 11, Code
6 Supplement 1991, as amended by 1992 Iowa Acts, Senate
7 File 2216, section 1, is amended to read as follows:
8 11. a. In the absence of an impasse agreement
9 negotiated pursuant to section 20.19 which provides
10 for a different completion date, public employees
11 represented by a certified employee organization who
12 are teachers licensed under chapter 260 and who are
13 employed by a public employer which is a school
14 district or area education agency shall complete the
15 negotiation of a proposed collective bargaining
16 agreement not later than April 15 of the year when the
17 agreement is to become effective. The board shall
18 provide, by rule, a date on which impasse items in
19 such cases must be submitted to binding arbitration
20 and for such other procedures as deemed necessary to
21 provide for the completion of negotiations of proposed
22 collective bargaining agreements not later than April
23 15. The date selected for the mandatory submission of
24 impasse items to binding arbitration in such cases
25 shall be sufficiently in advance of April 15 to ensure
26 that the arbitrators' decision can be reasonably made
27 before April 15.
28 b. If the public employer is a community college,
29 the following apply:
30 (1) The negotiation of a proposed collective
31 bargaining agreement shall be complete not later than

H–5599A

32 June 1 of the year when the agreement is to become
33 effective, absent the existence of an impasse
34 agreement negotiated pursuant to section 20.19 which
35 provides for a different completion date. The board
36 shall adopt rules providing for a date on which
37 impasse items in such cases must be submitted to
38 binding arbitration and for procedures for the
39 completion of negotiations of proposed collective
40 bargaining agreements not later than June 1. The date
41 selected for the mandatory submission of impasse items
42 to binding arbitration in such cases shall be
43 sufficiently in advance of June 1 to ensure that the
44 arbitrators' decision can be reasonably made by June
45 1.
46 (2) Notwithstanding the provisions of ~~paragraph~~
47 ~~"a"~~ subparagraph (1), the June 1 deadline may be
48 waived by mutual agreement of the parties to the
49 collective bargaining agreement negotiations."
50 2. Page 1, by inserting after line 11, the

Page 2

1 following:
2 "Sec. _____. Section 22.7, subsection 27, Code 1991,
3 is amended to read as follows:
4 27. Applications, investigation reports, and case
5 records of persons applying for county general ~~relief~~
6 assistance pursuant to section 252.25."
7 3. Page 1, by inserting before line 12 the
8 following:
9 "Sec. 1000. Section 110.1, subsection 3, Code
10 Supplement 1991, is amended to read as follows:
11 3. Hunting and fishing combined licenses:
12 Legal residents except as otherwise provided..... ~~$23.50~~
13 21.50".

H–5599B

14 4. Page 2, by inserting after line 15 the
15 following:
16 "Sec. _____. Section 123.46, subsection 4, Code
17 1991, is amended to read as follows:
18 4. Upon the expiration of two years following
19 conviction for a violation of this section, a person
20 may petition the court to exonerate the person of the
21 conviction, and if the person has had no other
22 criminal convictions, other than simple misdemeanor
23 violations of chapter 321 during the two-year period,
24 the court shall order the person exonerated of the
25 offense and the record expunged. Upon entry of an
26 order exonerating the person of the conviction, the

H—5599B

27 record of the conviction shall be expunged by the
28 clerk of the district court. As used in this
29 subsection, the word "shall" imposes an affirmative
30 duty, and does not permit discretion to be used."

H—5599A

31 5. Page 2, by inserting after line 24 the
32 following:
33 "Sec. _____. Section 162.2, subsection 7, Code 1991,
34 is amended to read as follows:
35 7. "Commercial breeder" means a person, engaged in
36 the business of breeding dogs or cats, who sells,
37 exchanges, or leases dogs or cats in return for
38 consideration, or who offers to do so, whether or not
39 the animals are raised, trained, groomed, or boarded
40 by the person. A person who owns or harbors three or
41 less breeding males or females is not a commercial
42 breeder. However, a person who breeds or harbors
43 greyhounds for the purposes of using them for pari-
44 mutuel racing shall be considered a commercial breeder
45 irrespective of the number of greyhounds bred or
46 harbored and irrespective of whether the person sells,
47 leases, or exchanges the greyhounds for consideration
48 or offers to do so."
49 6. Page 2, by inserting after line 24, the
50 following:

Page 3

1 "Sec. 2000. Section 176A.10, subsection 6,
2 unnumbered paragraph 1, Code Supplement 1991, is
3 amended to read as follows:
4 An extension council of an extension district may
5 choose to be subject to the levy and revenue limits
6 specified in paragraphs "b" of subsections 1, 2, 3,
7 and 4 and subsection 5 for the purpose of the annual
8 levy for the fiscal year commencing July 1, 1991,
9 which levy is payable in the fiscal year beginning
10 July 1, 1992. Before an extension district may be
11 subject to the levy and revenue limits specified in
12 paragraphs "b" of subsections 1, 2, 3, and 4 and
13 subsection 5, for fiscal years beginning on or after
14 July 1, 1992, which levy is payable in fiscal years
15 beginning on or after July 1, 1993, the question of
16 whether the district shall be subject to the levy and
17 revenue limits as specified in such subsections must
18 be submitted to the registered voters of the district.
19 The question shall be submitted at the time of a state
20 general election. If the question is approved by a
21 majority of those voting on the question the levy and

H–5599A

22 revenue limits specified in paragraphs "b" of
23 subsections 1, 2, 3, and 4 and subsection 5, shall
24 thereafter apply to the extension district. The
25 question need only be approved at one state general
26 election. If a majority of those voting on the
27 question vote against the question, the district may
28 continue to submit the question at subsequent state
29 general elections until approved."
30 7. Page 2, by inserting before line 25 the
31 following:
32 "Sec. _____. Section 232.162, Code 1991, is amended
33 to read as follows:
34 232.162 AUTHORITY TO ENTER AGREEMENTS.
35 The officers and agencies of this state and its
36 subdivisions having authority to place children ~~are~~
37 ~~hereby empowered to~~ may enter into agreements with
38 appropriate officers or agencies of or in other party
39 states pursuant to paragraph "b" of article V of the
40 interstate compact on the placement of children. Any
41 such agreement which contains a financial commitment
42 or imposes a financial obligation on this state or a
43 subdivision or agency ~~thereof~~ of this state shall not
44 be binding unless it has the approval in writing of
45 the administrator of ~~family and children's~~ child and
46 family services in the case of the state and the
47 county general ~~relief~~ assistance director in the case
48 of a subdivision of the state.
49 Sec. _____. Section 252.6, Code 1991, is amended to
50 read as follows:

Page 4

1 252.6 ENFORCEMENT OF LIABILITY.
2 Upon the failure of such relatives ~~so~~ to ~~relieve~~
3 assist or maintain a poor person who has made
4 application for ~~relief~~ assistance, the county board of
5 supervisors, county social welfare board, or state
6 division of child and family services of the
7 department of human services may apply to the district
8 court of the county where ~~such~~ the poor person resides
9 or may be found, for an order to compel the ~~same~~
10 assistance or maintenance.
11 Sec. _____. Section 252.8, Code 1991, is amended to
12 read as follows:
13 252.8 SCOPE OF ORDER.
14 The order may be for the entire or partial support
15 of the applicant, may be for the payment of money or
16 the taking of the applicant to a relative's house, or
17 may assign the applicant for a certain time to one and
18 for another period to another, as ~~may be~~ is just and
19 right, taking into view the means of the several

H–5599A

20 relatives liable, but no such assignment shall be made
21 to one who is willing to pay the amount necessary for
22 support. If the order ~~be~~ is for ~~relief~~ assistance in
23 any other form than money, it shall state the extent
24 and value ~~thereof~~ of the assistance per week, and the
25 time ~~such relief~~ assistance shall continue; or the
26 order may make the time of continuance indefinite, and
27 it may be varied from time to time by a new order, as
28 circumstances ~~may~~ require, upon application to the
29 court by the trustees, the poor person, or the
30 relative affected, ten days' notice ~~thereof~~ being
31 given to the party or parties concerned.
32 Sec. _____. Section 252.13, Code 1991, is amended to
33 read as follows:
34 252.13 RECOVERY BY COUNTY.
35 Any county having expended ~~any~~ money for the ~~relief~~
36 assistance or support of a poor person~~,~~ under ~~the~~
37 ~~provisions of~~ this chapter, may recover the ~~same~~ money
38 from any of ~~that person's kindred mentioned herein,~~
39 the following: from ~~such~~ the poor person ~~should~~ if
40 the person ~~become~~ becomes able, or from the person's
41 estate; from relatives by action brought within two
42 years from the payment of ~~such expenses~~ the assistance
43 or support, from ~~such~~ the poor person by action
44 brought within two years after ~~becoming~~ the person
45 becomes able, and from ~~such~~ the person's estate by
46 filing the claim as provided by law. There shall be
47 allowed against the person's estate a claim of the
48 sixth class for that portion of the liability to the
49 county which exceeds the total amount of all claims of
50 the first through the fifth classes, inclusive, as

Page 5

1 defined in section 633.425, which are allowed against
2 that estate.
3 Sec. _____. Section 252.22, unnumbered paragraph 1,
4 Code 1991, is amended to read as follows:
5 When ~~relief~~ assistance is granted to a poor person
6 having a settlement in another county, the auditor
7 shall at once by mail notify the auditor of the county
8 of settlement of that fact, and, within fifteen days
9 after receipt of the notice, the auditor shall inform
10 the auditor of the county granting ~~relief~~ assistance
11 if the claim of settlement is disputed. If it is not,
12 the poor person, at the request of the auditor or
13 board of supervisors of the county of settlement, may
14 be maintained where the person then is at the expense
15 of the county of legal settlement, and without
16 affecting legal settlement as provided in section
17 252.16.

H—5599A

18 Sec. _____. Section 252.23, Code 1991, is amended to
19 read as follows:
20 252.23 TRIAL.
21 If the alleged settlement is disputed, then, within
22 thirty days after notice ~~thereof~~ as ~~above~~ provided in
23 section 252.22, a copy of the notices sent and
24 received shall be filed in the office of the clerk of
25 the district court of the county against which claim
26 is made, and a cause docketed without other pleadings,
27 and tried as an ordinary action, in which the county
28 ~~affording~~ granting the ~~relief~~ assistance shall be
29 plaintiff, and the other defendant, and the burden of
30 proof shall be upon the county granting the ~~relief~~
31 assistance.
32 Sec. _____. Section 252.24, Code 1991, is amended to
33 read as follows:
34 252.24 COUNTY OF SETTLEMENT LIABLE.
35 The county where the settlement is shall be liable
36 to the county ~~rendering~~ ~~relief~~ granting assistance for
37 all reasonable charges and expenses incurred in the
38 ~~relief~~ assistance and care of a poor person.
39 When ~~relief~~ ~~as~~ ~~herein~~ ~~provided~~ assistance is
40 furnished by any governmental agency of the county,
41 township, or city, ~~such~~ ~~relief~~ the assistance shall be
42 deemed to have been furnished by the county in which
43 ~~such~~ the agency is located and the agency furnishing
44 ~~such~~ ~~relief~~ the assistance shall certify the
45 correctness of the costs of ~~such~~ ~~relief~~ the assistance
46 to the board of supervisors of ~~said~~ that county and
47 ~~said~~ that county shall collect from the county of ~~such~~
48 the person's settlement. The amounts ~~herein~~ collected
49 by ~~said~~ the county where the agency is located shall
50 be paid to the agency furnishing ~~such~~ ~~relief~~ the

Page 6

1 assistance. This statute ~~as~~ ~~herein~~ ~~amended~~ ~~shall~~
2 ~~apply~~ applies ~~to~~ services and supplies furnished as
3 provided in section 139.30.
4 Sec. _____. Section 252.25, Code 1991, is amended to
5 read as follows:
6 252.25 COUNTY GENERAL ~~RELIEF~~ ASSISTANCE.
7 The board of supervisors of each county shall
8 provide for the ~~relief~~ assistance of poor persons in
9 its county who are ineligible for, or are in immediate
10 need and are awaiting approval and receipt of,
11 assistance under programs provided by state or federal
12 law, or whose actual needs cannot be fully met by the
13 assistance furnished under ~~such~~ those programs. The
14 county board shall establish general rules as its
15 members deem necessary to properly discharge their

H—5599A

16 responsibility under this section.
17 All applications, investigation reports, and case
18 records of persons applying for county general ~~relief~~
19 assistance under this chapter are privileged
20 communications and confidential, subject to use and
21 inspection only by persons authorized by law in
22 connection with their official duties relating to
23 financial audits and administration of this chapter or
24 as authorized by order of a district court.
25 Examination of an individual's applications, reports,
26 and records may also be authorized by a signed release
27 from the individual.
28 Sec. _____. Section 252.26, Code 1991, is amended to
29 read as follows:
30 252.26 GENERAL ~~RELIEF~~ ASSISTANCE DIRECTOR.
31 The board of supervisors in each county shall
32 appoint or designate a general ~~relief~~ assistance
33 director for the county, who shall have the powers and
34 duties conferred by this chapter. In counties of one
35 hundred thousand or less population, the county board
36 may designate as general ~~relief~~ assistance director an
37 employee of the state department of human services who
38 is assigned to work in that county and is directed by
39 the director of human services, pursuant to an
40 agreement with the county board, to exercise the
41 functions and duties of general ~~relief~~ assistance
42 director in that county. The director shall receive
43 as compensation an amount to be determined by the
44 county board.
45 Sec. _____. Section 252.27, Code 1991, is amended to
46 read as follows:
47 252.27 FORM OF ~~RELIEF~~ ASSISTANCE — CONDITION.
48 The board of supervisors shall determine the form
49 of the ~~relief~~ assistance. However, legal aid shall be
50 only in civil matters and provided only through a

Page 7

1 legal aid program approved by the board of
2 supervisors. The amount of assistance issued shall be
3 determined by standards of assistance established by
4 the board of supervisors. They may require any able-
5 bodied person to work on public programs or projects
6 at the prevailing local rate per hour in payment for
7 and as a condition of granting ~~relief~~ assistance. The
8 labor shall be performed under the direction of the
9 officers having charge of ~~such~~ the public programs or
10 projects. Subject to ~~the provisions of~~ section 142.1,
11 ~~relief~~ assistance may consist of the burial of
12 nonresident indigent transients and the payment of the
13 reasonable cost of burial, not to exceed two hundred

H-5599A

14 fifty dollars.
15 The board shall record its proceedings relating to
16 the provision of ~~relief~~ assistance to specific persons
17 under this chapter. A person who is aggrieved by a
18 decision of the board may appeal the decision as if it
19 were a contested case before an agency and as if the
20 person had exhausted administrative remedies in
21 accordance with the procedures and standards in
22 section 17A.19, subsections 2 to 8 except paragraphs
23 "b" and "c" of subsection 8, and section 17A.20.
24 Sec. _____. Section 252.33, Code 1991, is amended to
25 read as follows:
26 252.33 APPLICATION FOR ~~RELIEF~~ ASSISTANCE.
27 ~~The poor~~ A person may make application for ~~relief~~
28 assistance to a member of the board of supervisors, or
29 to the general ~~relief~~ assistance director of the
30 county where ~~they may be~~ the person is. If
31 application ~~be~~ is made to the general ~~relief~~
32 assistance director and that officer is satisfied that
33 the applicant is in ~~such~~ a state of want ~~as~~ which
34 requires ~~relief~~ assistance at the public expense, the
35 director may afford ~~such~~ temporary ~~relief~~ assistance,
36 subject to the approval of the board of supervisors,
37 as the necessities of the person require and shall
38 immediately report the case ~~forthwith~~ to the board of
39 supervisors, who may continue or deny ~~relief~~
40 assistance, as they find cause.
41 Sec. _____. Section 252.35, Code 1991, is amended to
42 read as follows:
43 252.35 PAYMENT OF CLAIMS.
44 All claims and bills for the care and support of
45 the poor shall be certified to be correct by the
46 general ~~relief~~ assistance director and presented to
47 the board of supervisors, and, if the board is
48 satisfied that the claims and bills are reasonable and
49 proper, they shall be paid.
50 Sec. _____. Section 252.37, Code 1991, is amended to

Page 8

1 read as follows:
2 252.37 APPEAL TO SUPERVISORS.
3 If ~~any~~ a poor person, on application to the general
4 ~~relief~~ assistance director, ~~be~~ is refused the required
5 ~~relief~~ assistance, the applicant may appeal to the
6 board of supervisors, who, upon examination into the
7 matter, may order the director to ~~afford relief~~
8 provide assistance, or it may direct specific ~~relief~~
9 assistance.
10 Sec. _____. Section 252.42, Code 1991, is amended to
11 read as follows:

H-5599A

12 252.42 CO-OPERATION ON ~~WORK RELIEF~~ WORK-ASSISTANCE
13 PROJECTS.
14 The county board of supervisors may join and co-
15 operate with the United States government, or ~~cities~~ a
16 city within ~~their~~ the city's boundaries, or both the
17 United States government and ~~cities~~ a city within
18 ~~their~~ the city's boundaries, in sponsoring work
19 projects, provided that the money used does not exceed
20 the cost per month of supplying ~~relief~~ assistance to
21 the certified persons working on projects who would be
22 receiving direct ~~relief~~ assistance if they were not
23 employed on the projects.
24 Sec. _____. Section 255.2, Code 1991, is amended to
25 read as follows:
26 255.2 DUTY OF PUBLIC OFFICERS AND OTHERS.
27 ~~It shall be the duty of physicians~~ Physicians,
28 public health nurses, members of boards of
29 supervisors, general ~~relief~~ assistance directors,
30 sheriffs, police officers, and public school teachers,
31 having knowledge of persons suffering from any such
32 malady or deformity, ~~to~~ shall file or cause ~~such~~ a
33 complaint to be filed.
34 Sec. _____. Section 255.6, Code 1991, is amended to
35 read as follows:
36 255.6 INVESTIGATION AND REPORT.
37 When ~~such~~ a complaint is filed, the clerk of
38 juvenile court shall furnish the county attorney and
39 board of supervisors with a copy ~~thereof~~ and ~~said~~ the
40 board shall, by the general ~~relief~~ assistance director
41 or ~~such~~ other agent ~~as~~ it ~~may select~~ selects, make a
42 thorough investigation of facts as to the legal
43 residence of the patient, and the ability of the
44 patient or others chargeable with the patient's
45 support to pay the expense of ~~such~~ treatment and care;
46 and shall file a report of ~~such~~ the investigation in
47 the office of the clerk, at or before the time of
48 hearing.
49 Sec. _____. Section 255.8, unnumbered paragraph 1,
50 Code 1991, is amended to read as follows:

Page 9

1 The county attorney and the general ~~relief~~
2 assistance director, or other agent of the board of
3 supervisors of the county ~~where the hearing is held~~,
4 shall appear ~~thereat~~ at the hearing. The complainant,
5 the county attorney, the general ~~relief~~ assistance
6 director or other agent of the board of supervisors,
7 and the patient, or any person representing the
8 patient, may introduce evidence and be heard. If the
9 court finds that ~~said~~ the patient is a legal resident

H-5599A

10 of Iowa and is pregnant or is suffering from a malady
11 or deformity which can probably be improved or cured
12 or advantageously treated by medical or surgical
13 treatment or hospital care, and that neither the
14 patient nor any person legally chargeable with the
15 patient's support is able to pay the expenses ~~thereof~~,
16 then the clerk of court, except in obstetrical cases
17 and orthopedic cases ~~of crippled children~~, shall
18 immediately ascertain from the admitting physician at
19 the university hospital whether ~~such~~ the person can be
20 received as a patient within a period of thirty days,
21 and if the patient can be ~~so~~ received, the court, or
22 in the event of no actual contest, the clerk of the
23 court, shall ~~then~~ enter an order directing that ~~said~~
24 the patient be sent to the university hospital for
25 proper medical and surgical treatment and hospital
26 care. If the court ascertain, ~~excepting~~ except in
27 obstetrical cases and orthopedic cases, that a person
28 of the age or sex of the patient, or afflicted by the
29 complaint, disease, or deformity with which ~~such~~ the
30 person is ~~affected~~ afflicted, cannot be received as a
31 patient at the university hospital within the period
32 of thirty days, then the court or the clerk shall
33 enter an order directing the board of supervisors of
34 the county to provide adequate treatment at county
35 expense for the patient at home or in a hospital.
36 Obstetrical cases and orthopedic cases may be
37 committed to the university hospital without regard to
38 the limiting period of thirty days."
39 8. Page 4, by inserting after line 5 the
40 following:
41 "Sec. _____. Section 312.2, subsection 15, Code
42 Supplement 1991, is amended to read as follows:
43 15. The treasurer of state, before making the
44 allotments provided for in this section, shall credit
45 monthly from the road use tax fund to the public
46 transit assistance fund, created under section 601J.6,
47 from revenue credited to the road use tax fund under
48 section 423.24, subsection 1, paragraph "c", an amount
49 equal to one-twentieth of the revenue ~~credited to the~~
50 ~~road use tax fund under section 423.24, subsection 1,~~

Page 10

1 ~~paragraph "c"~~ derived from the use tax on motor
2 vehicles, trailers, and motor vehicle accessories and
3 equipment as collected pursuant to section 423.7.
4 Notwithstanding the provisions of this subsection
5 directing that one-twentieth of the revenue ~~credited~~
6 ~~to the road use tax fund under section 423.24,~~
7 ~~subsection 1, paragraph "c"~~ derived from the use tax

H-5599A

8 on motor vehicles, trailers, and motor vehicle
9 accessories and equipment as collected pursuant to
10 section 423.7, be deposited into the public transit
11 assistance fund, for the fiscal period beginning on
12 July 1, 1991, and ending June 30, 1993, such amount
13 shall be deposited into the general fund of the state.
14 There is appropriated from the general fund of the
15 state for each fiscal year to the state department of
16 transportation the amount of revenues credited to the
17 general fund of the state during the fiscal year under
18 this subsection to be used for purposes of public
19 transit assistance under chapter 601J."
20 9. Page 4, by inserting after line 5 the
21 following:
22 "Sec. _____. Section 321J.4, subsection 2, Code
23 1991, is amended by striking the subsection.
24 Sec. _____. Section 321J.20, subsection 1, paragraph
25 a, Code 1991, is amended to read as follows:
26 a. The person's motor vehicle license is revoked
27 under section 321J.4, subsection 1, ~~2,~~ 4, or 6."
28 10. Page 4, by inserting after line 5, the
29 following:
30 "Sec. _____. Section 331.321, subsection 1,
31 paragraph i, Code 1991, is amended to read as follows:
32 i. A general ~~relief~~ assistance director in
33 accordance with section 252.26.
34 Sec. _____. Section 331.323, subsection 1, paragraph
35 f, Code 1991, is amended to read as follows:
36 f. General ~~relief~~ assistance director
37 Sec. _____. Section 331.381, subsection 8, Code
38 1991, is amended to read as follows:
39 8. Administer general ~~relief~~ assistance for the
40 poor in accordance with chapter 252."
41 11. Page 4, by inserting after line 5, the
42 following:
43 "Sec. _____. Section 331.604, Code Supplement 1991,
44 as amended by 1992 Iowa Acts, House File 39, is
45 amended to read as follows:
46 "331.604 GENERAL RECORDING AND FILING FEE.
47 1. Except as otherwise provided by state law,
48 subsection 2, or section 331.605, ~~subsection 2,~~ the
49 recorder shall collect a fee of five dollars for each
50 page or fraction of a page of an instrument which is

Page 11

1 filed or recorded in the recorder's office. If a page
2 or fraction of a page contains more than one
3 transaction, the recorder shall collect the fee for
4 each transaction.
5 2. A county shall not be required to pay a fee to

H–5599A

6 the recorder for filing or recording instruments."
7 12. Page 4, by inserting before line 6 the
8 following:
9 "Sec. _____. Section 347.16, subsection 2, Code
10 1991, is amended to read as follows:
11 2. Free care and treatment shall be furnished in a
12 county public hospital to any sick or injured person
13 who fulfills the residency requirements under section
14 47.4, subsection 4, in the county maintaining the
15 hospital, and who is indigent. The board of hospital
16 trustees shall determine whether a person is indigent
17 and entitled to free care under this subsection, or
18 may delegate that determination to the general ~~relief~~
19 assistance director or the office of the department of
20 human services in that county, subject to ~~such~~
21 guidelines ~~as~~ the board may adopt in conformity with
22 applicable statutes."
23 13. Page 6, by striking lines 1 through 24.
24 14. Page 6, by inserting before line 25 the
25 following:
26 "Sec. _____. Section 663A.9, Code 1991, is amended
27 to read as follows:
28 663A.9 APPEAL.
29 An appeal from a final judgment entered under this
30 chapter may be taken, perfected, and prosecuted either
31 by the applicant or by the state in the manner and
32 within the time after judgment as provided in the
33 rules of appellate procedure for appeals from final
34 judgments in criminal cases. However, if ~~the~~
35 ~~applicant~~ a party is seeking an appeal under section
36 663A.2, subsection 6, the appeal shall be by writ of
37 certiorari."
38 15. Page 8, by inserting after line 1, the
39 following:
40 "Sec. _____. EFFECTIVE DATE AND APPLICABILITY
41 PROVISION. Section 1000 and this section of this Act
42 take effect December 15, 1992. The fee specified in
43 section 1000 of this Act is effective for the 1993
44 license year and each subsequent license year until
45 otherwise provided by the general assembly."
46 16. Page 8, by inserting before line 2, the
47 following:
48 "Sec. _____. EFFECTIVE DATE PROVISION. Section 2000
49 and this section of this Act, being deemed of
50 immediate importance, take effect upon enactment."

Page 12

1 17. Page 8, by striking lines 2 through 8.
2 18. By renumbering, relettering, or redesignating
3 and correcting internal references as necessary.

Brand of Benton in the chair at 5:22 p.m.

On motion by Jay of Appanoose, the committee amendment H—5599A was adopted.

Jay of Appanoose asked and received unanimous consent to withdraw the committee amendment H—5599B.

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. 2097)

The ayes were, 63:

Adams	Arnould, Spkr.	Baker	Bartz
Beatty	Bernau	Bisignano	Black
Brammer	Brown	Burke	Chapman
Cohoon	Connors	Corbett	Doderer
Dvorsky	Fogarty	Gill	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. E.	Harbor	Hatch	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Spear
Svoboda	Teaford	Tyrrell	Weidman
Wise	Wissing	Brand Presiding	

The nays were, 32:

Beaman	Bennett	Branstad	Carpenter
Daggett	De Groot	Diemer	Eddie
Gipp	Grubbs	Hahn	Halvorson, R. N.
Hanson, D. R.	Hester	Hurley	Iverson
Kremer	Lageschulte	Lundby	Maulsby
McKean	McNeal	Metcalf	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Siegrist	Spenner	Van Maanen

Absent or not voting, 5:

Banks	Blanshan	Dickinson	Garman
Haverland			

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2097** be immediately messaged to the Senate.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 30th day of April, 1992: House Files 242, 2061, 2287, 2439, 2476 and 2478.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 29, 1992, he approved and transmitted to the Secretary of State the following bills:

House File 2025, an act prohibiting stalking and providing criminal penalties, and establishing restrictions concerning admissibility to bail.

House File 2243, an act relating to the requirements for licensure as a certified public accountant and providing an effective date.

House File 2250, an act relating to an employee's choice of care under the workers' compensation law.

House File 2256, an act relating to the local siting for new sanitary landfills and waste incinerators and providing an effective date.

House File 2292, an act relating to the health practice profession examining boards and the duties of the board of medical examiners and providing penalties.

House File 2343, an act relating to soil and water conservation by providing for financial incentives.

House File 2372, an act permitting a political subdivision to become a debtor under chapter 9 of the federal Bankruptcy Code under certain circumstances.

House File 2382, an act relating to the purchase or sale of wild animals illegally taken, transported, or possessed by a person, and subjecting violators to a criminal and a civil penalty.

House File 2412, an act relating to educational finance matters.

House File 2464, an act relating to the abatement or refund of property taxes for certain institutions in certain counties and providing an effective date.

Senate File 2061, an act exempting overweight vehicles transporting solid waste from unloading requirements.

Senate File 2244, an act relating to the care and feeding of swine by cooperative associations by providing for a study and providing an effective date.

Senate File 2290, an act relating to the procedures for city development and to the provision of solid waste collection.

Senate File 2343, an act relating to motor vehicle laws by changing to multiyear licensing for certain motor vehicle-related dealers and changing fees, making certain changes related to commercial drivers' licensing, expanding the definition of motor vehicle license, creating a penalty for violating a license restriction, relating to the operation of new motor vehicle models by a dealer licensed as a wholesaler, requiring consideration of safety concerns for location of roadways, allowing special registration plates for leased motor vehicles, relating to the sale of certain antique vehicles, relating to lighting devices and citations issued for failing to have certain lighting devices, increasing the penalty for failure to have a valid license or permit, providing for a physician's report of incompetency to operate a motor vehicle, expanding the seat belt exemption, exempting certain commercial vehicles from motor carrier safety regulations, eliminating a yield to honking passer requirement, and making other technical changes.

Senate File 2357, an act providing for the purchase of traffic-control devices with special assessments levied against commercial or industrial property.

Senate File 2361, an act relating to energy conservation including making appropriations of petroleum overcharge funds.

Senate File 2364, an act relating to the time for paying of drainage or levee tax assessments and providing effective and applicability provisions.

Senate File 2365, an act relating to the refund or abatement of property taxes paid or owed by certain exempt institutions on property purchased by the institutions and providing an effective date.

PRESENTATION OF VISITORS

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

Forty-seven fifth grade students from Atkins Elementary School, Atkins, accompanied by Dawn Andersen and Sara Wessling. By Brand of Benton.

Sixty fifth grade students from Hanawalt Elementary School, Des Moines, accompanied by Larry Burns. By Carpenter of Polk.

Thirty-seven fifth, sixth, and seventh grade students from Lutheran Inter-Parish School, Williamsburg, accompanied by Marna Durr and Andy Armbreck. By Dvorsky of Johnson.

Thirty-eight sixth grade students from Macedonia Elementary School, Macedonia, accompanied by Mrs. Ron Henderson. By Harbor of Mills.

AMENDMENTS FILED

H—6082	S.J.R. 2008	Murphy of Dubuque
H—6083	H.F. 2481	Senate Amendment

On motion by McKinney of Dallas, the House adjourned at 5:33 p.m., until 1:00 p.m., Friday, May 1, 1992.

JOURNAL OF THE HOUSE

One Hundred Tenth Calendar Day — Seventy-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, May 1, 1992

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

Prayer was offered by the Honorable Deo Koenigs, state representative from Mitchell County.

The Journal of Thursday, April 30, 1992 was approved.

INTRODUCTION OF BILL

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

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 30, 1992, adopted the conference committee report and passed Senate File 2249, a bill for an act relating to pari-mutuel racing and excursion boat gambling and providing effective dates.

JOHN F. DWYER, Secretary

GOVERNOR'S VETO MESSAGE

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

April 30, 1992

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

Dear Mr. President:

Senate File 2360, an act providing for voluntary limitation of campaign expenditures and contributions for certain elective officers and providing penalties and an effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2360 would provide a procedure for candidates of state elective offices to register for a restricted campaign. If a candidate does not register for a restricted campaign, the candidate would be required to submit with the candidate's nomination

petition, signatures of at least 20 percent of the votes cast in the last general election for the office being sought by the candidate. Candidates not registered for a restricted campaign would be required to include a statement on all printed campaign material and in all radio and television commercials that the candidate "refused to limit campaign spending." The commissioner of elections would be required to publish with the notice of the election and the ballot that those candidates who have not registered for a restricted campaign "refused to limit their campaign spending." Finally, the bill proposes to establish limits on contributions that political action committees can make to a candidate's campaign. While it has been suggested that Senate File 2360 addresses the concerns I expressed in my veto message of Senate File 505, the campaign finance bill of last year, it does so only superficially, and for the reasons that follow, I cannot approve this bill either.

Last year's bill, Senate File 505, would have required a candidate not registered for a restricted campaign to obtain the signatures of 10 percent of the voters in the last election for the office and to file the signatures with the nomination petition of the candidate. Senate File 2360 increases the requirement to 20 percent of the voters in the last general election. This requirement is nothing less than a provision to protect incumbents. It's a fact of political life that an incumbent has the advantage — as a result of constituent familiarity, press coverage, and the resources of the office, among other things. In order to compete, a challenger must be able to create some name recognition which can be accomplished to a large extent only through the purchase of advertisements and commercials. If the challenger does not register for a restricted campaign, so that he or she can raise the funds necessary to fairly compete, this bill then imposes on the challenger the nearly impossible task of obtaining the endorsement of 20 percent of the potential voters, even before the campaign begins.

The "scarlet letter" which I objected to in last year's veto, still exists, though not on the official ballot provided at the voting booth. This bill requires a statement indicating that the candidates who did not register for a restricted campaign "refused" to limit their campaign spending to be published with the notice of election and sample ballot. Campaign materials and advertisements of the candidates would be required to include the statement as well. The inclusion of this statement with all information that the public might receive about a candidate, by its wording, would have a prejudicial affect on the candidate and would bear no relationship to the candidate's position on issues or qualifications for the office. I do not intend to suggest with my objection to this requirement that the public does not have a right to know if a candidate has registered for a restricted campaign. Quite the contrary, the public has a right to know and could access that information under our current laws which would classify such information as public information, available to anyone who would request it including the press.

Finally, Senate File 2360 purports to limit the influence of special interest political action committees (PACs). Allowing a candidate to raise 50 percent of his or her campaign expenditure from PACs is not a reasonable or effective limit and would provide a great advantage to incumbents especially those in leadership positions or in the majority party. Incumbent candidates while in office have the opportunity to develop relationships with PACs, making it much easier for them to raise half of their funds from PACs at little cost. Whereas, challengers must rely on the contributions received from hundreds of individuals and must spend thousands of dollars on direct mail, phone solicitations and travelling to events to do so. This bill, like its predecessor Senate File 505, would be bad public policy. It clearly favors incumbents who raise the maximum amount allowed from PACs over challengers who must depend on a broad base of public support from individual Iowans.

For the above reasons, I hereby respectfully disapprove Senate File 2360.

Sincerely,
Terry E. Branstad
Governor

GOVERNOR'S ITEM VETO MESSAGE

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

April 30, 1992

The Honorable Robert Arnould
Speaker of the House
State Capitol Building
L O C A L

Dear Mr. Speaker:

I hereby transmit House File 2450, an act relating to public retirement systems and administration and benefits of the Iowa public employees' retirement system, including penalties, making an appropriation, and providing effective and retroactive applicability dates.

House File 2450 is, therefore, approved on this date with the following exception which I hereby disapprove.

I am unable to approve the item designated as Section 74, in its entirety. This section would establish a standing unlimited appropriation for the Iowa Senior Judge Act. Given the pending action of the General Assembly to eliminate many standing unlimited appropriations in order to regain control of government spending, it is inconsistent and inappropriate to establish a new standing unlimited appropriation. Because there is an imperative need to remove automatic appropriations from the general fund budget, I am unable to approve this item.

For the above reason, I hereby respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2450 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Petersen of Muscatine, Hahn of Muscatine and Branstad of Winnebago, until their arrival, on request of Van Maanen of Mahaska.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-eight members present, forty-two absent.

SENATE AMENDMENT CONSIDERED

Dickinson of Jackson called up for consideration **House File 2481,** a bill for an act relating to authorizing the use of state income tax withholding moneys for debt service costs incurred in funding capital improvements for purposes of a federal project and providing a repeal date, amended by the Senate amendment H—6083 as follows:

H—6083

1 Amend House File 2481, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 3, by inserting before the word
4 "However," the following: "As a condition for the
5 providing of state assistance, the community or
6 communities shall participate in the locating of the
7 federal project within or adjacent to the border of
8 the state by providing money, land, services, or other
9 contributions."
10 2. Page 2, line 11, by inserting after the word
11 "project." the following: "The agreement shall take
12 into consideration a provision to assign the
13 liability, in regard to the new jobs credit, where the
14 employer does not maintain the number of jobs for the
15 number of years claimed."

Dickinson of Jackson offered the following amendment H—6087, to the Senate amendment H—6083, filed by him from the floor and moved its adoption:

H—6087

1 Amend the Senate amendment, H—6083, to House File
2 2481, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 2 the
5 following:
6 "_____. Page 1, by inserting after line 21 the
7 following:
8 "e. For purposes of this section, an island
9 located in a river which borders the state is declared
10 to be adjacent to the borders of the state." "

Amendment H—6087 was adopted.

On motion by Dickinson of Jackson, the House concurred in the Senate amendment H—6083, as amended.

Dickinson of Jackson 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. 2481)

The ayes were, 74:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	Dickinson	Diemer
Dvorsky	Eddie	Fogarty	Gill
Gipp	Groninga	Grubbs	Halvorson, R. A.
Hansen, S. D.	Hanson, D. E.	Harbor	Haverland
Hester	Hibbard	Hurley	Jay
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Ollie	Pavich	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Sherzan	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Van Maanen	Weidman
Wissing	Mr. Speaker Arnould		

The nays were, 17:

Brammer	De Groot	Doderer	Garman
Gruhn	Halvorson, R. N.	Hammond	Hanson, D. R.
Holveck	Iverson	Jesse	Krebsbach
Maulsby	McKean	Nielsen	Osterberg
Shearer			

Absent or not voting, 9:

Blanshan	Brand	Branstad	Hahn
Hatch	Jochum	Petersen, D. F.	Shoning
Wise			

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2481** be immediately messaged to the Senate.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 114

Pavich of Pottawattamie called up for consideration House Concurrent Resolution 114, a concurrent resolution urging the Governor and Attorney General to assert the state's need for adequate water flow in the Missouri River and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House Concurrent Resolution 114** be immediately messaged to the Senate.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for an immediate meeting of the committee on appropriations.

The House stood at ease at 2:08 p.m., until the fall of the gavel.

The House resumed session at 3:35 p.m., Speaker Arnould in the chair.

QUORUM CALL

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Shoning of Woodbury, for the remainder of the session, on request of Van Maanen of Mahaska.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE
(Senate File 2249)

Bisignano of Polk called up for consideration the report of the conference committee on Senate File 2249 as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2249

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2249, a bill for an act relating to pari-mutuel racing and excursion boat gambling and providing effective dates, respectfully make the following report:

1. That the House recedes from its amendment, S—5556.

2. That Senate File 2249, as amended, passed, and reprinted by the Senate, is amended as follows:

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

"Section 1. Section 99B.8, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 5. However, notwithstanding subsection 1, paragraphs "b" and "c", if the games or raffles are conducted by a qualified organization issued a license pursuant to subsection 3, the sponsor may charge an entrance fee to a participant and the sponsor need not have a bona fide social relationship with the participant.

Sec. 2. Section 99D.5, subsection 3, Code Supplement 1991, is amended by striking the subsection and inserting the following:

3. Not more than three members of the commission shall belong to the same political party. A member of the commission shall not have a financial interest in a racetrack.

Sec. 3. Section 99D.11, subsection 5, Code Supplement 1991, is amended to read as follows:

5. As each race is run the licensee shall deduct sixteen percent from the total sum wagered on all horses or dogs as first winners. However, the commission shall authorize at the request of the licensee a deduction of a higher or lower percentage of the total sum wagered not to exceed eighteen percent and the additional deduction shall be retained by the licensee. The balance, after deducting breakage, shall be paid to the holders of certificates on the winning horse or dog in the proportion that the amount wagered by each certificate holder bears to the total amount wagered on all horses or dogs in the race as first winners. The licensee may pay a larger amount if approved by the commission. The licensee shall likewise receive other wagers on horses or dogs in places or combinations the commission may authorize. The method, procedure, and the authority and right of the licensee, as well as the deduction allowed to the licensee, shall be as specified with respect to wagers upon horses or dogs selected to run first. However, the commission ~~may~~ shall authorize at the request of the licensee ~~to deduct~~ a deduction of a higher or lower percent of the total sum wagered not to exceed ~~twenty~~ twenty-four percent on multiple or exotic wagering involving not more than two horses or dogs. The deduction authorized above twenty percent on the multiple or exotic wagering involving more than two dogs or horses shall be retained by the licensee. For exotic wagering involving three or more horses or dogs, the commission ~~may~~ shall authorize ~~a~~ at the request of the licensee ~~to deduct an additional two~~ a deduction of a higher or lower percent ~~from~~ of the total sum wagered but not more than a total sum wagered of twenty-five percent on the exotic wagers. The additional deduction authorized above twenty-two percent on the multiple or exotic wagers involving more than two horses or dogs shall be retained by the licensee. One percent of the exotic wagers on three or more horses or dogs shall be distributed as provided in section 99D.12.

Sec. 4. Section 99D.11, subsection 6, paragraph b, Code Supplement 1991, is amended to read as follows:

b. The commission may authorize the licensee to simultaneously telecast within the racetrack enclosure for purpose of pari-mutuel wagering a horse or dog race licensed by the racing authority of another state. It is the responsibility of each licensee to obtain the consent of appropriate racing officials in other states as required by the federal Interstate Horseracing Act of 1978, 15 U.S.C. § 3001-3007, to televise races for the purpose of conducting pari-mutuel wagering. A licensee may also obtain the permission of a person licensed by the commission to conduct horse or dog races in

this state to televise races conducted by that person for the purpose of conducting pari-mutuel racing. However, arrangements made by a licensee to televise any race for the purpose of conducting pari-mutuel wagering are subject to the approval of the commission, and the commission shall select the races to be televised. The races selected by the commission shall be the same for all licensees approved by the commission to televise races for the purpose of conducting pari-mutuel wagering. The commission shall not authorize the simultaneous telecast or televising of and a licensee shall not simultaneously telecast or televise any horse or dog race for the purpose of conducting pari-mutuel wagering unless the simultaneous telecast or televising is done at the racetrack of a licensee that schedules no less than ~~one hundred five~~ ninety performances of ~~eight~~ nine live races each day of the season. For purposes of the taxes imposed under this chapter, races televised by a licensee for purposes of pari-mutuel wagering shall be treated as if the races were held at the racetrack of the licensee.

Sec. 5. EXCEPTION FOR SIMULCAST RACING WITHOUT LIVE RACING. Notwithstanding section 99D.11, subsection 6, paragraph "b", the commission may authorize the simultaneous telecast or televising of horse or dog races for the purpose of conducting pari-mutuel wagering at the racetrack of a licensee where no live racing is scheduled during the period beginning May 1, 1992, and ending June 30, 1993.

Sec. 6. Section 99D.12, subsection 1, Code Supplement 1991, is amended to read as follows:

1. In horse races the breakage shall be retained by the licensee to supplement purses for races restricted to Iowa-foaled horses or to supplement purses won by Iowa-foaled horses by finishing first, second, third, or fourth in any other race. The purse supplements will be paid in proportion to the purse structure of the race. Two percent shall be deposited by the commission into a special fund to be known as the horse racing promotion fund. The commission each year shall approve a nonprofit organization to use moneys in the fund for research, education, and marketing of horse racing in the state, including public relations, and other promotional techniques. The nonprofit organization shall not engage in political activity. It shall be a condition of the allocation of funds that any organization receiving funds shall not expend the funds on political activity or on any attempt to influence legislation.

Sec. 7. HORSE RACING PLAN FOR 1993. The pari-mutuel licensee of a horse track shall submit a staffing plan for live horse racing for the year 1993 and have the plan approved by the commission no later than the regular commission meeting in January 1993. Failure to have an approved plan shall result in revocation of the license. The commission may extend the approval date not more than thirty days to allow the licensee to complete action on a staffing plan.

Sec. 8. Section 99D.15, subsection 2, Code Supplement 1991, is amended to read as follows:

2. A tax credit of up to five percent of the gross sum wagered per year shall be granted to licensees licensed for horse races and paid into a special fund to be used for ~~the purpose of retiring the annual debt on the cost of construction of the licensed facility~~ debt retirement or operating expenses. However, the tax credit is equal to six percent of the gross sum wagered in a year when the gross sum wagered is less than ninety million dollars. Any portion of the credit not used in a particular year shall be retained by the commission. A tax credit shall first be assessed against any share going to a city, then to the share going to a county, and then to the share going to the state.

Sec. 9. Section 99D.15, subsection 3, Code Supplement 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. If the gross sum wagered at a racetrack for the 1992 racing season is less than twenty million dollars, the licensee may retain up to three hundred eighty thousand dollars of its tax liability for the 1992 racing season as a no interest loan. The loan shall be repaid to the treasurer of state in four equal annual installments. The first installment is due and payable at the conclusion of the 1993 racing season and an additional installment is due and payable at the conclusion of each succeeding racing season ending with the 1996 racing season. A lien in favor of the state shall attach to the property of the taxpayer as provided in section 422.26 when the tax payment would otherwise be due and may be enforced by the state upon the delinquency of the loan repayment.

Sec. 10. Section 99D.15, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A tax of two percent is imposed on the gross sum wagered by the pari-mutuel method on horse races and dog races which are simultaneously telecast. The tax imposed by this subsection is in lieu of the taxes imposed pursuant to subsection 1 or 3, but the tax revenue from simulcast horse races shall be distributed as provided in subsection 1 and the tax revenue from simulcast dog races shall be distributed as provided in subsection 3.

Sec. 11. Section 99D.25A, subsection 6, Code 1991, is amended to read as follows:

6. Once a horse has been permitted the use of lasix, it must be brought to the detention barn for treatment not less than four hours prior to scheduled post time for the race in which it is entered to start. ~~Once at the detention barn, a horse shall remain there until it is taken to the paddock to be saddled or harnessed for a race.~~ After the lasix treatment, the commission, by rule, may authorize the release of the horse from the detention barn before the scheduled post time. If a horse is brought to the detention barn late, the commission shall assess a civil penalty of one hundred dollars against the trainer.

Sec. 12. Section 99E.9, subsection 3, paragraph b, Code 1991, is amended to read as follows:

b. The types of lottery games to be conducted. Rules governing the operation of a class of games are subject to chapter 17A. However, rules governing the particular features of specific games within a class of games are not subject to chapter 17A. Such rules may include, but are not limited to, setting the name and prize structure of the game and shall be made available to the public prior to the time the games go on sale and shall be kept on file at the office of the commissioner. The board shall authorize instant lottery and on-line lotto games and may authorize the use of any type of lottery game that on May 3, 1985, has been conducted by a state lottery of another state in the United States, or any game that the board determines will achieve the revenue objectives of the lottery and is consistent with subsection 1. However, the board shall not authorize a game using an electronic computer ~~terminals~~ terminal or other ~~devices~~ device if, upon winning a game, the ~~terminals or devices dispense~~ terminal or device immediately dispenses coins or currency ~~upon the winning of a prize~~ or a ticket, credit or token which is redeemable for cash or a prize. In a game utilizing instant tickets other than pull-tab tickets, each ticket in the game shall bear a unique consecutive serial number distinguishing it from every other ticket in the game, and each lottery

number or symbol shall be accompanied by a confirming caption consisting of a repetition of a symbol or a description of the symbol in words. In the game other than an instant game which uses tangible evidence of participation, each ticket shall bear a unique serial number distinguishing it from every other ticket in the game.

Sec. 13. Section 99E.9, subsection 6, Code 1991, is amended to read as follows:

6. If reasonably practical when the lottery division awards a contract under subsection 2, for the lease or purchase of a machine to be used in the conducting of a lottery game including, but not limited to, a ~~video lottery machine or~~ machine used in lotto, the lottery division shall give preference to awarding the contract to a responsible vendor who manufactures the machines in the state, provided the costs and benefits to the lottery division are equal to those available from competing vendors.

If reasonably practical when the lottery division awards a contract under subsection 2, for the servicing of a machine to be used in the conducting of a lottery game including, but not limited to, ~~a video lottery machine or~~ a machine used in lotto, the lottery division shall give preference to a responsible vendor whose principal place of business is in Iowa, provided the costs and benefits to the lottery division are equal to those available from competing vendors.

Sec. 14. Section 99F.1, subsection 10, Code 1991, is amended to read as follows:

10. "Gambling game" means ~~twenty-one, dice, slot machine, video game of chance or roulette wheel~~ any game of chance authorized by the commission. "Gambling game" does not include sports betting.

Sec. 15. Section 99F.7, subsection 1, Code 1991, is amended to read as follows:

1. If the commission is satisfied that this chapter and its rules adopted under this chapter applicable to licensees have been or will be complied with, the commission shall issue a license for a period of not more than three years to an applicant to own a gambling game operation and to an applicant to operate an excursion gambling boat. The commission shall decide which of the gambling games authorized under this chapter it will permit. The commission shall decide the number, location, and type of excursion gambling boats licensed under this chapter for operation on the rivers, lakes, and reservoirs of this state. The license shall set forth the name of the licensee, the type of license granted, the place where the excursion gambling boats will operate and dock, and the time and number of days during the excursion season and the off season when gambling may be conducted by the licensee. The commission shall not allow a licensee to conduct gambling games on an excursion gambling boat while docked during the off season if the licensee does not operate gambling excursions for a minimum number of days during the excursion season. The commission may delay the commencement of the excursion season at the request of a licensee.

Sec. 16. Section 99F.7, subsection 10, paragraph c, Code 1991, is amended to read as follows:

c. If, after July 1, 1989, section ~~99F.1, subsection 5,~~ 99F.4, subsection 4~~,~~ or 99F.9, subsection 2, is amended, the board of supervisors of a county in which excursion boat gambling has been approved shall submit to the county electorate a proposition to approve or disapprove the conduct of gambling games on excursion gambling boats at a special election at the earliest practicable time. If excursion boat gambling is not approved at the election, paragraph "b" does not apply to the licenses and the commission shall cancel the licenses issued for the county within sixty days of the unfavorable referendum.

Sec. 17. REFERENCE CLARIFICATION. The Code citation, section 99F.1, subsection 5, in section 16 of this Act refers to section 99F.1, subsection 5, as it appears in 1989 Iowa Acts, chapter 67, section 1.

Sec. 18. Section 99F.17, subsection 5, Code 1991, is amended to read as follows:

5. A manufacturer or distributor of gambling games who has been granted a license under this section shall have a representative within this state to take delivery of gambling games or implements of gambling prior to delivery to a licensee. The manufacturer or distributor shall provide the commission with a copy of the invoice showing the items shipped and a copy of the bill of lading. ~~When received, the gambling games or implements of gambling shall be stored in a public warehouse in this state until delivered to the licensee or, after delivery is complete, the shipment may be transferred to a licensee.~~

Sec. 19. Section 537A.4, unnumbered paragraph 2, Code 1991, is amended to read as follows:

This section does not apply to a contract for the operation of or for the sale or rental of equipment for games of skill or games of chance, if both the contract and the games are in compliance with chapter 99B. This section does not apply to wagering under the pari-mutuel method of wagering authorized by chapter 99D. This section does not apply to the sale, purchase or redemption of a ticket or share in the state lottery in compliance with chapter 99E. This section does not apply to wagering under the excursion boat gambling method of wagering authorized by chapter 99F. This section does not apply to the sale, purchase, or redemption of any ticket or similar gambling device legally purchased in Indian lands within this state.

Sec. 20. Section 725.16, Code 1991, is amended to read as follows:

725.16 GAMBLING PENALTY.

A person who commits an offense declared in chapter 99B to be a misdemeanor shall be guilty of a serious misdemeanor except if an owner of an electrical or mechanical amusement device commits an offense in violation of section 99B.10, the owner is guilty of a class "D" felony.

Sec. 21. EFFECTIVE DATES. Sections 5, 9, 12, 13, and 14 of this Act and this section, being deemed of immediate importance, take effect upon enactment. Sections 12 and 13 of this Act apply retroactively to January 1, 1992. Section 9 of the Act applies retroactively to April 1, 1992. Sections 5 and 14 of this Act apply retroactively to May 1, 1992. The remaining sections of this Act take effect on July 1, 1992."

2. Title page, line 1, by inserting after the word "gambling" the following: ", charitable gaming, and raffles, prohibiting video lottery, providing a tax credit, providing for properly related matters,".

3. Title page, line 2, by inserting after the word "effective" the following: "and retroactive applicability".

ON THE PART OF THE HOUSE:

TONY BISIGNANO, Chair
DENNIS BLACK
PHILIP WISE

ON THE PART OF THE SENATE:

LARRY MURPHY, Chair
HARRY SLIFE
JOHN E. SOORHOLTZ
JOE WELSH

Halvorson of Webster rose on a point of order and invoked Joint Rule 13.3 on the conference committee report stating that the report must be within the scope of the title of the bill as passed by the house of origin or amended by the second house.

The Speaker ruled the point not well taken and the conference committee report in order.

Svoboda of Tama in the chair at 4:42 p.m.

Speaker Arnould in the chair at 5:13 p.m.

Wise of Lee in the chair at 6:26 p.m.

Speaker Arnould in the chair at 6:40 p.m.

Bisignano of Polk moved the adoption of the conference committee report and the amendments contained therein.

A non-record roll call was requested.

The ayes were 50, nays 46.

The motion prevailed and the report was adopted.

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

On the question "Shall the bill pass?" (S.F. 2249)

The ayes were, 53:

Baker	Beaman	Beatty	Bisignano
Black	Blanshan	Brand	Brown
Burke	Chapman	Cohoon	Connors
Dickinson	Eddie	Fogarty	Gipp
Groninga	Halvorson, R. A.	Hanson, D. E.	Harbor
Hatch	Hester	Hibbard	Iverson
Jay	Jesse	Jochum	Krebsbach
Kremer	Lageschulte	Lundby	McKinney
McNeal	Mertz	Millage	Muhlbauer
Murphy	Ollie	Pavich	Peterson, M. K.
Poncy	Renaud	Royer	Sherzan
Shoultz	Siegrist	Spear	Spenner
Tyrrell	Weidman	Wise	Wissing
Mr. Speaker Arnould			

The nays were, 46:

Adams	Banks	Bartz	Bennett
Bernau	Brammer	Branstad	Carpenter
Corbett	Daggett	De Groot	Diemer

Doderer	Dvorsky	Garman	Gill
Grubbs	Gruhn	Hahn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Haverland
Holveck	Hurley	Johnson	Kistler
Knapp	Koenigs	Maulsby	McKean
Metcalf	Miller	Neuhauser	Nielsen
Osterberg	Petersen, D. F.	Plasier	Rafferty
Renken	Schrader	Shearer	Svoboda
Teaford	Van Maanen		

Absent or not voting, 1:

Shoning

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2249** be immediately messaged to the Senate.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for an immediate meeting of the committee on human resources.

The House stood at ease at 6:58 p.m., until the fall of the gavel.

The House resumed session at 7:58 p.m., Speaker Arnould in the chair.

Chapman of Linn in the chair at 8:08 p.m.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-one members present, thirty-nine absent.

SENATE AMENDMENT CONSIDERED

Osterberg of Linn called up for consideration **House File 2417**, a bill for an act requiring all contracts with the underground storage tank board to be publicly bid, and restricting the board's authority for certain expenditures from the underground storage tank fund, amended by the Senate amendment H—6077 as follows:

H—6077

1 Amend House File 2417, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 100. Section 422.43, subsection 11,
6 unnumbered paragraph 3, as enacted by 1992 Iowa Acts,
7 Senate File 2116, section 406, is amended to read as
8 follows:
9 For purposes of this subsection, "consultant
10 services" means services provided, except as otherwise
11 stated in this paragraph, by a person who purports to
12 give expert or professional advice on any subject
13 including, but not limited to, advice on audiovisual,
14 business, computer and data processing, insurance,
15 management, marketing, security, and weather and
16 meteorology. "Consultant services" does not mean
17 services provided by a person licensed, registered, or
18 certified by boards listed in section 258A.1, or
19 licensed under chapter 80A, 152A, 154C, 522, ~~or~~ 602,
20 article 10, or registered under section 455G.18, if
21 the services provided come within the purview of such
22 person's license, registration, or certification.
23 Sec. 101. Section 424.2, subsections 5, 9, and 12,
24 Code Supplement 1991, are amended to read as follows:
25 5. "Depositor" means the person who deposits
26 petroleum into an underground storage tank subject to
27 regulation under chapter 455G or an aboveground
28 petroleum storage tank as defined in section 101.21,
29 located at a retail motor vehicle fuel outlet if the
30 aboveground storage tank is physically connected
31 directly to pumps which dispense petroleum that is
32 sold at the motor vehicle fuel outlet on a retail
33 basis.
34 9. "Owner or operator" means "owner or operator"
35 of an underground storage tank as used in chapter 455G
36 or the "owner" or "operator" of an aboveground
37 petroleum storage tank as defined in section 101.21,
38 located at a retail motor vehicle fuel outlet if the
39 aboveground storage tank is physically connected
40 directly to pumps which dispense petroleum that is
41 sold at the motor vehicle fuel outlet on a retail
42 basis.
43 12. "Tank" means an underground storage tank
44 subject to regulation under chapter 455G or an
45 aboveground petroleum storage tank as defined in
46 section 101.21, located at a retail motor vehicle fuel
47 outlet if the aboveground storage tank is physically
48 connected directly to pumps which dispense petroleum
49 that is sold at the motor vehicle fuel outlet on a
50 retail basis.

Page 2

1 Sec. _____. Section 455G.4, subsection 1, Code

2 Supplement 1991, is amended by adding the following
3 new paragraph:
4 NEW PARAGRAPH. e. The director of the legislative
5 fiscal bureau, or the director's designee. The
6 director under this paragraph shall not participate as
7 a voting member of the board and shall be prohibited
8 from attending closed sessions of the board."
9 2. Page 1, line 2, by striking the word
10 "subsection" and inserting the following:
11 "subsections".
12 3. Page 1, line 6, by inserting after the word
13 "practical." the following: "In those situations
14 where it is determined that public bidding is not
15 practical, the basis for the determination of
16 impracticability shall be documented by the board or
17 its designee."
18 4. Page 1, by inserting after line 7 the
19 following:
20 "NEW SUBSECTION. 5. CONTRACT APPROVAL.
21 a. The board shall approve any contract entered
22 into pursuant to this chapter if the cost of the
23 contract exceeds seventy-five thousand dollars.
24 b. A listing of all contracts entered into
25 pursuant to this chapter shall be presented at each
26 board meeting and shall be made available to the
27 public. The listing shall state the interested
28 parties to the contract, the amount of the contract,
29 and the subject matter of the contract.
30 c. The board shall be required to review and
31 approve or disapprove the administrator's failure to
32 approve a contract under section 455G.12A. Review by
33 the board shall not be required for cancellation or
34 replacement of a contract for a site included in a
35 community remediation project or when an emergency
36 situation exists."
37 5. Page 1, by striking lines 8 through 13 and
38 inserting the following:
39 "Sec. _____. Section 455G.5, unnumbered paragraph 1,
40 Code 1991, is amended by striking the paragraph and
41 inserting in lieu thereof the following:
42 The board shall administer the fund. A contract
43 entered into on or after July 1, 1992, to retain a
44 person to act as the administrator of the fund shall
45 be subject to public bid. All other contracts to
46 retain a person under this section shall be in
47 compliance with the public bidding requirements of
48 section 455G.4, subsection 4."
49 6. Page 1, by striking lines 16 through 27 and
50 inserting the following:

Page 3

1 "15. a. Subject to the terms of any bond
2 documents, moneys in the fund or fund accounts may be
3 expended for administration expenses, civil penalties,
4 moneys paid under an agreement, stipulation, or
5 settlement, ~~and~~ for the costs associated with sites
6 within a community remediation project, for costs
7 related to contracts entered into with a state agency
8 or university, costs for activities relating to
9 litigation, or for the costs of any other activities
10 as the board may determine are necessary and
11 convenient to facilitate compliance with and to
12 implement the intent of federal laws and regulations
13 and this chapter.
14 b. The authority granted under this subsection
15 which allows the board to expend fund moneys on an
16 activity the board determines is necessary and
17 convenient to facilitate compliance with and to
18 implement the intent of federal laws and regulations
19 and this chapter, shall only be used in accordance
20 with the following:
21 (1) Prior board approval shall be required before
22 expenditure of moneys pursuant to this authority shall
23 be made.
24 (2) If the expenditure of fund moneys pursuant to
25 this authority would result in the board establishing
26 a policy which would substantially affect the
27 operation of the program, rules shall be adopted
28 pursuant to chapter 17A prior to the board or the
29 administrator taking any action pursuant to this
30 proposed policy."
31 7. Page 2, by inserting after line 9 the
32 following:
33 "Sec. _____. NEW SECTION. 455G.20 FINAL APPROVAL.
34 Notwithstanding any other provision to the
35 contrary, the department of natural resources shall
36 have final approval for a determination as to when
37 remediation shall begin on a site.
38 Sec. 102. The department of revenue and finance
39 shall refund the amount of the environmental
40 protection charge on petroleum diminution paid
41 pursuant to chapter 424, as authorized by 1991 Iowa
42 Acts, chapter 252, section 2, for aboveground storage
43 tanks located at retail motor vehicle fuel outlets
44 that are not physically connected directly to pumps
45 which dispense petroleum that is sold at the motor
46 vehicle fuel outlet on a retail basis.
47 Sec. _____. Sections 100, 101, and 102 of this Act,
48 being deemed of immediate importance, take effect upon
49 enactment."
50 8. Title page, by striking lines 1 through 4 and

Page 4

1 inserting the following: "An Act relating to
2 groundwater professionals, exempting certain
3 aboveground tanks from payment of the environmental
4 protection charge and providing a refund, relating to
5 the underground storage tank fund board and the
6 board's authority for certain expenditures from the
7 fund, relating to underground storage tank contracts
8 by requiring public bid and board approval of certain
9 contracts, relating to remedial authority of the
10 department of natural resources, and providing an
11 effective date."
12 9. By numbering, renumbering, and correcting
13 internal references as necessary.

Osterberg of Linn offered the following amendment H—6088, to the Senate amendment H—6077, filed by him from the floor and moved its adoption:

H—6088

1 Amend the Senate amendment, H—6077, to House File
2 2417, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 2, by striking lines 7 and 8 and insert-
5 ing the following: "a voting member of the board." "

Amendment H—6088 was adopted.

On motion by Osterberg of Linn, the House concurred in the Senate amendment H—6077, as amended.

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

On the question "Shall the bill pass?" (H.F. 2417)

The ayes were, 94:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Burke
Carpenter	Cohoon	Corbett	Daggett
De Groot	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Hanson, D. R.
Harbor	Hatch	Haverland	Hester

Hibbard	Holveck	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Maulsby	McKean
McKinney	McNeal	Mertz	Metcalf
Millage	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Royer	Schrader	Sherzan	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Van Maanen	Weidman	Wise
Wissing	Chapman Presiding		

The nays were, 2:

Lundby	Tyrrell

Absent or not voting, 4:

Brammer	Connors	Shearer	Shoning

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

Speaker Arnould in the chair at 8:24 p.m.

INTRODUCTION OF BILL

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

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

The House stood at ease at 8:48 p.m., until the fall of the gavel.

The House resumed session at 8:56 p.m., Koenigs of Mitchell in the chair.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2417** be immediately messaged to the Senate.

ADOPTION OF SENATE CONCURRENT RESOLUTION 118

Dickinson of Jackson called up for consideration **Senate Concurrent Resolution 118,** a concurrent resolution to honor pharmacist Robert J. Osterhous of Maquoketa, Iowa, on achieving the highest elected office in American pharmacy, President of the American Pharmaceutical Association, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate Concurrent Resolution 118** be immediately messaged to the Senate.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

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

Fiscal Note is not required.

Recommended **Do Pass** May 1, 1992.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate Concurrent Resolution 103.

ADOPTION OF SENATE CONCURRENT RESOLUTION 103

Hammond of Story called up for consideration **Senate Concurrent Resolution 103,** a concurrent resolution calling upon the United States Congress to provide for the establishment of benefit levels for aid to families with dependent children, and moved its adoption.

The motion prevailed and the resolution was adopted.

Speaker Arnould in the chair at 9:03 p.m.

IMMEDIATE MESSAGE

Poncy of Wapello asked and received unanimous consent that **Senate Concurrent Resolution 103** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 1, 1992, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

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

Also: That the Senate has on May 1, 1992, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 109, a concurrent resolution stating that all people, regardless of disability or chronic illness, have the right to a permanent and stable familial relationship in the community, that families be recognized as experts concerning their family member with a disability or chronic illness, and that a commitment be made in Iowa to maintain the integrity of the family and family values through family support services and philosophies.

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

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

Also: That the Senate has on May 1, 1992, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 121, a senate concurrent resolution requesting that the President of the United States and the Congress of the United States safeguard the laws of the United States relating to health, safety, labor, and environmental protection from threats by treaties affecting trade currently being negotiated, including the Uruguay Round of the General Agreement on Tariffs and Trade and the United States-Mexico Free Trade Agreement.

Also: That the Senate has on May 1, 1992, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 124, a concurrent resolution expressing support for independent living centers for persons with disabilities in Iowa.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

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

tax on carpeting, the sales tax on services, the time periods for auditing sales and use tax returns, the confidentiality of inheritance tax returns, estate tax returns, and generation skipping transfer tax returns, and providing effective and retroactive applicability dates, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6092, to the House amendment:

H—6092

1 Amend the House amendment, S—5928, to Senate File
2 2034, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 15 through 42.
5 2. Page 6, by inserting after line 35, the
6 following:
7 "_____. By striking page 4, line 27 through page 5,
8 line 31, and inserting the following:
9 "Sec. 200. Section 422.43, subsection 11,
10 unnumbered paragraph 1, Code Supplement 1991, as
11 amended by 1992 Iowa Acts, Senate File 2116, section
12 405, is amended to read as follows:
13 The following enumerated services are subject to
14 the tax imposed on gross taxable services: alteration
15 and garment repair; armored car; ~~automobile~~ vehicle
16 repair; battery, tire and allied; investment
17 counseling; service charges of all financial
18 institutions; barber and beauty; boat repair; ~~car~~
19 vehicle wash and wax; carpentry; roof, shingle, and
20 glass repair; ~~consultant services;~~ dance schools and
21 dance studios; dating services; dry cleaning,
22 pressing, dyeing, and laundering; electrical and
23 electronic repair and installation; rental of tangible
24 personal property, except mobile homes which are
25 tangible personal property; excavating and grading;
26 farm implement repair of all kinds; flying service;
27 furniture, rug, upholstery repair and cleaning; fur
28 storage and repair; golf and country clubs and all
29 commercial recreation; house and building moving;
30 household appliance, television, and radio repair;
31 jewelry and watch repair; limousine service, including
32 driver; machine operator; machine repair of all kinds;
33 motor repair; motorcycle, scooter, and bicycle repair;
34 oilers and lubricators; office and business machine
35 repair; painting, papering, and interior decorating;
36 parking facilities; pipe fitting and plumbing; wood
37 preparation; licensed executive search agencies;
38 private employment agencies, excluding services for
39 placing a person in employment where the principal
40 place of employment of that person is to be located
41 outside of the state; sewage services for

42 nonresidential commercial operations; sewing and
43 stitching; shoe repair and shoeshine; sign
44 construction and installation; storage of household
45 goods, mini-storage, and warehousing of raw
46 agricultural products; swimming pool cleaning and
47 maintenance; taxidermy services; telephone answering
48 service; test laboratories, except tests on humans or
49 animals; termite, bug, roach, and pest eradicators;
50 tin and sheet metal repair; turkish baths, massage,

Page 2

1 and reducing salons; weighing; welding; well drilling;
2 wrapping, packing, and packaging of merchandise other
3 than processed meat, fish, fowl and vegetables;
4 wrecking service; wrecker and towing; pay television;
5 campgrounds; carpet and upholstery cleaning; gun and
6 camera repair; janitorial and building maintenance or
7 cleaning; lawn care, landscaping and tree trimming and
8 removal; pet grooming; reflexology; security and
9 detective services; tanning beds or salons; and water
10 conditioning and softening.
11 Sec. 201. Section 422.43, subsection 11,
12 unnumbered paragraph 3, as enacted by 1992 Iowa Acts,
13 Senate File 2116, section 406, is amended by striking
14 the unnumbered paragraph." "
15 3. By striking page 8, line 37 through page 11,
16 line 1.
17 4. Page 11, by inserting after line 39 the
18 following:
19 "Sec. _____. Sections 200 and 201 of this Act take
20 effect retroactively to April 1, 1992." "
21 5. Page 11, by striking lines 40 through 47.
22 6. By striking page 11, line 48 through page 13,
23 line 17.
24 7. Page 13, by striking lines 23 through 25.
25 8. Page 13, by striking lines 26 through 29.
26 9. By renumbering, relettering, or redesignating
27 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H—6092, to the House amendment.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2034** be immediately messaged to the Senate.

The House stood at ease at 9:25 p.m., until the fall of the gavel.

The House resumed session at 9:52 p.m., Speaker Arnould in the chair.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

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

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—6089** May 1, 1992.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2373.

Senate File 2373, a bill for an act relating to state budgeting processes and providing applicability provisions and effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Wise of Lee offered the following amendment H—6089 filed by the committee on appropriations:

H—6089

1 Amend Senate File 2373, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 4 through 8 and
4 inserting the following:
5 "1. The governor shall develop a five-year
6 strategic plan for the executive branch of government.
7 The governor shall also develop a five-year strategic
8 plan providing long-term goals and objectives for the
9 state. The strategic plans shall".
10 2. Page 2, by striking lines 10 through 18.
11 3. Page 2, line 21, by striking the words "and
12 judicial branches" and inserting the following:
13 "branch".
14 4. By striking page 2, line 23 through page 3,
15 line 5.

16 5. Page 3, by striking lines 6 through 18.
17 6. By striking page 4, line 30 through page 5,
18 line 9 and inserting the following: "implement
19 sections 8.56 through 8.62."
20 7. Page 9, by striking lines 13 through 16.
21 8. Page 10, line 12, by inserting before the word
22 "exemption" the following: "the personal income tax".
23 9. Page 10, line 13, by striking the words "the
24 personal income tax,".
25 10. Page 10, line 14, by striking the figure
26 "422.35;" and inserting the following: "422.35,".
27 11. By striking page 11, line 14 through page 23,
28 line 6.
29 12. By renumbering as necessary.

Wise of Lee offered the following amendment H—6093, to the committee amendment H—6089, filed by him from the floor and moved its adoption:

H—6093

1 Amend the amendment, H—6089, to Senate File 2373,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 27 and 28 and
5 inserting the following:
6 "_____. Page 11, line 15, by striking the word
7 "BIENNIAL".
8 _____. By striking page 11, line 16 through page
9 13, line 16.
10 _____. By striking page 14, line 3 through page 18,
11 line 23.
12 _____. Page 18, by striking line 26 and inserting
13 the following:
14 "8.23 ANNUAL DEPARTMENTAL ESTIMATES."
15 _____. Page 18, by striking line 32, and inserting
16 the following: "~~expenditure~~, for the ensuing fiscal
17 year~~, classified~~".
18 _____. Page 19, by striking lines 3 and 4 and
19 inserting the following: "~~by the director~~.
20 Requirements of the initial budget".
21 _____. Page 20, by striking lines 5 through 17.
22 _____. By striking page 20, line 32 through page
23 21, line 20.
24 _____. Page 21, by striking lines 29 and 30 and
25 inserting the following: "Final budget records".
26 _____. Page 22, by striking lines 6 through 28.
27 _____. Page 22, line 30, by striking the word
28 "period" and inserting the following: "year".
29 _____. Page 22, by striking line 31 and inserting
30 the following: "1994, and succeeding fiscal years.
31 However, the program-".

32 _____. Page 22, line 33, by striking the word
33 "period" and inserting the following: "year".
34 _____. Page 23, line 1, by striking the word
35 "period" and inserting the following: "year"."
36 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 50, nays 44.

Amendment H—6093 was adopted.

Division of the committee amendment H—6089 was requested as follows:

H—6089A — lines 3 through 15 and lines 17 through 29.
H—6089B — line 16.

On motion by Wise of Lee, the committee amendment H—6089A, as amended, was adopted.

Mertz of Kossuth in the chair at 10:27 p.m.

Wise of Lee moved the adoption of the committee amendment H—6089B.

Roll call was requested by Halvorson of Clayton and Hanson of Delaware.

On the question "Shall the committee amendment H—6089B be adopted? (S.F. 2373)

The ayes were, 50:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Blanshan
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Fogarty	Gill	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Koenigs
McKinney	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peterson, M. K.	Renaud	Schrader	Shearer
Sherzan	Shoultz	Spear	Teaford
Wise	Wissing		

The nays were, 48:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.

Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Knapp	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Metcalf	Millage	Miller	Petersen, D. F.
Plasier	Poncy	Rafferty	Renken
Royer	Siegrist	Spenner	Svoboda
Tyrrell	Van Maanen	Weidman	Mertz Presiding

Absent or not voting, 2:

Brammer	Shoning

The committee amendment H—6089B was adopted.

Speaker Arnould in the chair at 10:56 p.m.

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. 2373)

The ayes were, 54:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Connors	Dickinson	Doderer	Dvorsky
Fogarty	Gill	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hatch	Haverland	Hibbard	Holveck
Jesse	Jochum	Knapp	Koenigs
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoultz
Spear	Svoboda	Teaford	Wise
Wissing	Mr. Speaker Arnould		

The nays were, 43:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. R.	Harbor	Hester	Hurley
Iverson	Johnson	Kistler	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McNeal	Metcalf	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Royer	Siegrist	Spenner
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 3:

Brammer Jay Shoning

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2373** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 1, 1992, receded from the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

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

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

Senate File 2320, a bill for an act relating to state aid to school corporations and providing effective date and applicability provisions.

JOHN F. DWYER, Secretary

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2345)

Cohoon of Des Moines called up for consideration the report of the conference committee on Senate File 2345 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2345

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2345, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement,

and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H—5945.

2. That the House recedes from its amendment, S—5663.

3. That Senate File 2345, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by inserting after line 11, the following:

"For use by the prosecuting attorneys training coordinator in implementing a course of instruction relating to public offenses perpetrated due to a victim's protected class status, as provided in section 80B.11, subsection 3, if and as amended by the Seventy-fourth General Assembly, 1992 Session:
.....$ 10,000".

2. Page 2, by striking lines 28 through 32.

3. Page 3, line 1, by striking the words "The study".

4. Page 3, by striking lines 2 through 5 and inserting the following: "The".

5. Page 3, by striking lines 24 and 25 and inserting the following: "included within the Iowa public employees' retirement system as members of a protection occupation under section 97B.49, subsection 16, paragraph "d"."

6. Page 5, by striking lines 7 through 10.

7. Page 11, line 16, by striking the word "August" and inserting the following: "September".

8. Page 14, by inserting after line 2 the following:

"Sec. _____ . There is appropriated from moneys, other than federal moneys, deposited in the victim compensation fund established under section 912.14 to the department of justice for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For use by the prosecuting attorneys training coordinator in implementing a course of instruction relating to public offenses perpetrated due to a victim's protected class status, as provided in section 80B.11, subsection 3, if and as amended by the Seventy-fourth General Assembly, 1992 Session:
.....$ 10,000".

9. Page 14, line 4, by striking the words and figures ", effective July 1, 1992,".

10. Page 14, line 7, by striking the word "order" and inserting the following: "initiate any action regarding".

11. Page 14, line 9, by striking the word "Any".

12. Page 14, by striking lines 10 and 11 and inserting the following: "The moratorium shall go into effect as of the effective date of this Act."

13. Page 14, by inserting before line 12, the following:

"Sec. _____. STATE OPPOSITION EXPRESSED. To the extent that Iowa motor vehicle license suspension and revocation law is contrary to or inconsistent with 23 U.S.C. § 104(a)(3)(A) both houses of the general assembly do hereby resolve and the governor does hereby certify their combined opposition to the enactment and enforcement in the state of Iowa of the law described in 23 U.S.C. § 104(a)(3)(A).

Sec. _____. Section 2.45, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The transportation policy review committee which shall be composed of eight members consisting of the chairpersons or their designated committee members and the ranking minority party members or their designated committee members of the house and senate transportation standing committees and the house and senate joint transportation and safety appropriations subcommittees. The transportation policy review committee shall meet at least two times, but not more than four times per year, in conjunction with the state transportation commission, and shall exchange information and discuss state policy concerns affecting transportation related issues.

Sec. _____. Section 29A.27, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Officers and enlisted persons while in active state service shall receive the same pay, per diem, and allowances as are paid for the same rank or grade for service in the armed forces of the United States. However, a person shall not be paid at a base rate of pay of less than ~~fifty~~ seventy-five dollars per calendar day of active state service.

Sec. _____. Section 29A.57, subsection 3, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Grant a temporary or permanent easement with or without monetary consideration for utility or public highway purposes if granting the easement will not adversely affect use of the real estate for military purposes."

14. Page 15, by inserting after line 4, the following:

"Sec. _____. Section 80.9, subsection 2, Code Supplement 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. To maintain a vehicle theft unit in the Iowa highway safety patrol to investigate and assist in the examination and identification of stolen, altered, or forfeited vehicles.

Sec. _____. Section 80B.5, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director shall be appointed by the Iowa law enforcement academy council."

15. Page 16, by inserting after line 10, the following:

"Sec. _____. Section 309.10, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

A county shall not use farm-to-market road funds as described in this section unless the total funds that the county transferred or provided during the prior fiscal year pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", are at least

seventy-five percent of the sum of the following for the fiscal year ending June 30, 1993, eighty percent of the sum of the following for the fiscal year ending June 30, 1994, eighty-five percent of the sum of the following for the fiscal year ending June 30, 1995, and ninety percent of the sum of the following for each fiscal year beginning on or after July 1, 1995:

Sec. _____. Section 312.2, subsection 8, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

The treasurer of state, before making any allotments to counties under this section, shall reduce the allotment to a county for the secondary road fund by the amount by which the total funds that the county transferred or provided during the prior fiscal year under section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", are less than seventy-five percent of the sum of the following for the fiscal year ending June 30, 1993, eighty percent of the sum of the following for the fiscal year ending June 30, 1994, eighty-five percent of the sum of the following for the fiscal year ending June 30, 1995, and ninety percent of the sum of the following for each fiscal year beginning on or after July 1, 1995:".

16. Page 17, by inserting after line 21 the following:

"Sec. _____. Section 313.4, subsection 4, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Such fund is appropriated and shall be used by the department to provide energy and for the operation and maintenance of those primary road freeway lighting systems within the corporate boundaries of cities including energy and maintenance costs associated with interchange conflict lighting on existing and future freeway and expressway segments constructed to interstate standards."

17. Page 17, by inserting after line 28, the following:

"Sec. _____. Section 321.89, subsection 1, paragraph a, Code 1991, is amended to read as follows:

a. "Police authority" means the Iowa highway safety patrol, ~~or~~ any law enforcement agency of a county or city or any special security officer employed by the state board of regents under section 262.13.

Sec. _____. Section 321.152, subsection 1, Code Supplement 1991, is amended to read as follows:

1. Four ~~and one-quarter~~ percent of the total collection for each annual or semiannual vehicle registration and each duplicate registration card or plate issued."

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

"Sec. _____. Section 321.463, unnumbered paragraph 6, Code 1991, is amended to read as follows:

In addition, the weight on any one axle, including a tandem axle, of a vehicle which is transporting raw materials ~~which are removed from a road under construction~~ from a designated borrow site to a construction project or transporting raw materials from a construction project, may exceed the legal maximum weight otherwise allowed under this chapter by ten percent if the gross weight on any particular group of axles on the vehicle does not exceed the gross weight allowed under this chapter for that group of axles. However, if the vehicle exceeds the ten percent tolerance allowed for any

one axle or tandem axle under this paragraph the fine to be assessed for the axle or tandem axle shall be computed on the difference between the actual weight and the ten percent tolerance weight allowed for the axle or tandem axle under this paragraph. This paragraph applies only to vehicles operating along a route of travel approved by the department."

19. Page 19, by inserting after line 13 the following:

"Sec. 200. NEW SECTION. 441.73 LITIGATION EXPENSE FUND.

1. A litigation expense fund is created in the state treasury. The litigation expense fund shall be used for the payment of litigation expenses incurred by the state to defend property valuations established by the director of revenue and finance pursuant to section 428.24 and chapters 430A, 433, 434, 436, 437, and 438.

2. If the director of revenue and finance determines that foreseeable litigation expenses will exceed the amount available from appropriations made to the department of revenue and finance, the director of revenue and finance may apply to the executive council for use of funds on deposit in the litigation defense fund. The initial application for approval shall include an estimate of potential litigation expenses, allocated to each of the next four succeeding calendar quarters and substantiated by a breakdown of all anticipated costs for legal counsel, expert witnesses, and other applicable litigation expenses.

3. The executive council may approve expenditures from the litigation expense fund on a quarterly basis. Prior to each quarter, the director of revenue and finance shall report to the executive council and give a full accounting of actual litigation expenses to date as well as estimated litigation expenses for the remaining calendar quarters of the fiscal year. The executive council may adjust quarterly expenditures from the litigation expense fund based on this information.

4. The executive council shall transfer for the fiscal year beginning July 1, 1992, and each fiscal year thereafter, from funds established in sections 405A.8, 425.1, and 426.1, an amount necessary to pay litigation expenses. However, the amount of funds transferred to the litigation expense fund for the fiscal year beginning July 1, 1992, shall not exceed three hundred fifty thousand dollars and the amount of the fund for the succeeding fiscal years shall not exceed seven hundred thousand dollars. The executive council shall determine annually the proportionate amounts to be transferred from the three separate funds. At any time when no litigation is pending or in progress the balance in the litigation defense fund shall not exceed one hundred thousand dollars. Any excess moneys shall be transferred in a proportionate amount back to the funds from which they were originally transferred."

20. Page 20, by inserting after line 6, the following:

"Sec. _____ . That section of 1992 Iowa Acts, Senate File 2354, which amends 1990 Iowa Acts, chapter 1234, section 76, as amended by 1991 Iowa Acts, chapter 213, section 35, is repealed.

Sec. _____ . LITIGATION EXPENSE FUND RECOMMENDATIONS. The legislative fiscal committee shall request the attorney general's office to make recommendations as to the potential for recoupment of costs expended from the litigation expense fund under Section 200 of this Act. The legislative fiscal bureau and the legislative service bureau shall work in cooperation with the attorney general's office. The recommendations shall be presented to the legislative council and the members of the transportation and safety appropriations subcommittee on or before January 15, 1993."

21. Page 20, by inserting after line 7 the following:

"Sec. _____ . Chapter 307D, Code 1991, is repealed."

22. Page 20, line 8, by inserting after the word "Sections" the following: "11,".

23. Page 20, by inserting after line 9, the following:

"Sec. _____ . Sections 18 and 19 of this Act take effect on July 1, 1993."

24. Title page, line 5, by inserting after the words "road fund" the following: ", creating a litigation expense fund and making appropriations, providing for properly related matters,".

25. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

DENNIS COHOON, Chair
KENNETH DE GROOT
PATRICK GILL
EMIL PAVICH

ON THE PART OF THE SENATE:

DONALD GETTINGS, Chair
MIKE CONNOLLY
DONALD DOYLE
JOHN JENSEN
JAMES KERSTEN

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 2345)

The ayes were, 56:

Adams	Baker	Beaman	Beatty
Bernau	Bisignano	Black	Blanshan
Brand	Brown	Burke	Chapman
Cohoon	Connors	Daggett	Dickinson
Diemer	Doderer	Dvorsky	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hatch	Haverland
Hibbard	Holveck	Jesse	Jochum
Knapp	Koenigs	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Teaford	Wise	Wissing	Mr. Speaker Arnould

The nays were, 41:

Banks	Bartz	Bennett	Branstad
Carpenter	Corbett	De Groot	Eddie
Garman	Gipp	Grubbs	Hahn
Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.	Harbor
Hester	Hurley	Iverson	Johnson
Kistler	Krebsbach	Kremer	Lageschulte
Lundby	Maulsby	McKean	McNeal
Metcalf	Millage	Miller	Petersen, D. F.
Plasier	Rafferty	Renken	Royer
Siegrist	Spenner	Tyrrell	Van Maanen
Weidman			

Absent or not voting, 3:

Brammer	Jay	Shoning

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2345** be immediately messaged to the Senate.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

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

Fiscal Note is not required.

Recommended **Do Pass** May 1, 1992.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2487.

House File 2487, a bill for an act relating to information subject to the review or control of the office of citizens' aide, with report of committee recommending passage was taken up for consideration.

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. 2487)

The ayes were, 69:

Adams	Baker	Bartz	Beaman
Beatty	Bernau	Bisignano	Black
Blanshan	Brand	Brown	Burke
Chapman	Cohoon	Connors	Corbett
Daggett	Dickinson	Doderer	Dvorsky
Fogarty	Garman	Gill	Groninga
Grubbs	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Jesse	Jochum	Johnson
Knapp	Koenigs	Krebsbach	McKinney
McNeal	Mertz	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Spenner	Svoboda
Teaford	Weidman	Wise	Wissing
Mr. Speaker Arnould			

The nays were, 28:

Banks	Bennett	Branstad	Carpenter
De Groot	Diemer	Eddie	Gipp
Hahn	Halvorson, R. A.	Hurley	Iverson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Millage
Petersen, D. F.	Plasier	Rafferty	Renken
Royer	Siegrist	Tyrrell	Van Maanen

Absent or not voting, 3:

Brammer	Jay	Shoning

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2487** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Halvorson of Webster called up for consideration **House File 2459**, a bill for an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, providing for the payment of abandoned property and payment of workers' compensation claims of state employees, providing for centralized collection of debt owed to the state, and making related statutory changes, amended by the Senate amendment H—5825 as follows:

H–5825

1 Amend House File 2459, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 19, the
4 following:
5 "Sec. _____. WORLD FOOD PRIZE. Notwithstanding the
6 requirement in section 99E.10, subsection 1, to
7 transfer lottery revenue remaining after expenses are
8 deducted, before the transfer of the revenue there is
9 appropriated from the lottery fund to the treasurer of
10 state for the fiscal year beginning July 1, 1992, and
11 ending June 30, 1993, the following amount, or so much
12 thereof as is necessary, to be used for the purpose
13 designated:
14 For the continued funding of Iowa's participation
15 in the funding of the world food prize:
16 .....$ 250,000
17 It is the intent of the general assembly that this
18 appropriation of public funds will result in a
19 commitment for additional funding for the world food
20 prize from private sources.
21 The treasurer of state shall only provide the funds
22 appropriated in this section to the world food prize
23 foundation if sufficient private funds are raised to
24 maintain the world food prize foundation in Iowa and
25 the foundation is structured to include representation
26 that reflects environmental concerns and sustainable
27 agriculture."
28 2. Page 14, line 17, by striking the figure
29 "7,267,285" and inserting the following: "7,217,285".
30 3. Page 14, line 33, by inserting after the word
31 "purpose" the following: "only if Monroe county is
32 not reimbursed for the machinery and computer
33 equipment tax replacement with money appropriated
34 pursuant to section 427B.13".
35 4. Page 15, line 1, by inserting after the word
36 "through" the following: "427B.12 and".
37 5. Page 15, line 17, by inserting after the word
38 "maintenance," the following: "relocation of office
39 facilities outside of the state capitol building,".
40 6. Page 16, line 8, by inserting after the word
41 "maintenance," the following: "relocation of office
42 facilities outside of the state capitol building,".
43 7. Page 16, by inserting after line 14 the
44 following:
45 "Sec. _____. STATE CAPITOL OFFICES VACATED. The
46 auditor of state, secretary of state, and treasurer of
47 state, and their staff shall vacate their respective
48 office facilities in the state capitol building on or
49 before December 1, 1992, so as to provide more
50 effective and efficient management and operation of

1 state government. The auditor of state, secretary of
2 state, and treasurer of state shall cooperate with the
3 legislative council pursuant to section 2.43 and the
4 director of the department of general services in
5 relocating their respective offices to other buildings
6 within the state capitol complex as provided in
7 section 18.12, subsection 9. The legislative council
8 may authorize the use of formal personal office
9 facilities in the state capitol building by the
10 auditor of state, secretary of state, and treasurer of
11 state."
12 8. Page 16, by inserting after line 25 the
13 following:
14 "Sec. 100. Notwithstanding the standing
15 appropriation in section 307.45, and 1991 Iowa Acts,
16 chapter 267, section 507, there is appropriated from
17 the general fund of the state to the city of
18 Guttenberg to pay the cost of a public improvement
19 assessment against the state-owned land the following
20 amount:
21 .....$ 37,911".
22 9. Page 18, line 4, by inserting after the word
23 "claims." the following: "The director of revenue and
24 finance is authorized and directed to draw warrants on
25 this fund for the payment of state employee workers'
26 compensation claims."
27 10. Page 18, by inserting after line 6 the
28 following:
29 "Sec. _____. STATE WORKERS' COMPENSATION CLAIMS.
30 There is appropriated from the general fund of the
31 state to the department of personnel for the fiscal
32 year beginning July 1, 1992, and ending June 30, 1993,
33 the following amount, or so much thereof as is
34 necessary, to be used for the purpose designated:
35 For distribution, subject to approval of the
36 department of management, to various state departments
37 to fund the premiums for paying workers' compensation
38 claims which are assessed to and collected from the
39 state department by the department of personnel based
40 upon a rating formula established by the department of
41 personnel:
42 .....$ 6,325,000
43 The premiums collected by the department of
44 personnel shall be segregated into a separate workers'
45 compensation fund in the state treasury to be used for
46 payment of state employees' workers' compensation
47 claims. Notwithstanding section 8.33, unencumbered or
48 unobligated moneys remaining in this workers'
49 compensation fund shall not revert."
50 11. Page 20, by inserting after line 7, the

Page 3

1 following:
2 "_____. The director shall report quarterly to the
3 legislative fiscal committee, the legislative fiscal
4 bureau, and the chairpersons and ranking members of
5 the joint administration appropriations subcommittee
6 concerning the implementation of the centralized debt
7 collection program, the number of departmental
8 collection programs initiated, the amount of debts
9 collected, and an estimate of future costs and
10 benefits which may be associated with the collection
11 program. It is the intent of the general assembly
12 that the centralized debt collection program will
13 result in the collection of at least two dollars of
14 indebtedness for every dollar expended in
15 administering the collection program during a fiscal
16 year. It is also the intent of the general assembly
17 that the centralized debt collection program be
18 administered without the anticipation of future
19 additional commitments of computer equipment and
20 personnel."
21 12. Page 20, line 31, by striking the words and
22 figures "sections 25 and 26" and inserting the
23 following: "section 100,".
24 13. Title page, line 5, by striking the word
25 "and".
26 14. Title page, line 6, by inserting after the
27 word "changes" the following: ", and providing
28 effective dates".
29 15. By renumbering, relettering, or redesignating
30 and correcting internal references as necessary.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H—5906, to the Senate amendment H—5825, filed by him on April 14, 1992.

Spenner of Henry asked and received unanimous consent to withdraw amendment H—5907, to the Senate amendment H—5825, filed by Spenner, et al., on April 14, 1992.

On motion by Halvorson of Webster, the House concurred in the Senate amendment H—5825.

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

On the question "Shall the bill pass?" (H.F. 2459)

The ayes were, 69:

Adams	Baker	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Blanshan	Brand	Brown	Burke
Chapman	Cohoon	Connors	Corbett
Daggett	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Gill
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Knapp	Koenigs	Lageschulte	McKinney
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spenner	Svoboda	Teaford
Van Maanen	Weidman	Wise	Wissing
Mr. Speaker Arnould			

The nays were, 29:

Banks	Black	Branstad	Carpenter
De Groot	Garman	Gipp	Grubbs
Hahn	Hansen, S. D.	Hurley	Iverson
Johnson	Kistler	Krebsbach	Kremer
Lundby	Maulsby	McKean	McNeal
Mertz	Metcalf	Millage	Plasier
Rafferty	Renken	Royer	Spear
Tyrrell			

Absent or not voting, 2:

Brammer	Shoning

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2459** be immediately messaged to the Senate.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on the afternoon of April 29 and April 30, 1992. Had I been present, I would have voted "aye" on House Files 2205, 2446, amendment H—6084 to Senate File 2034; Senate Files 2034, 2097, 2351, 2356 and 2375; "nay" on the motion to withdraw House Joint Resolution 5.

DICKINSON of Jackson

PRESENTATION OF VISITORS

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

Twenty-one sixth grade students from Elk Horn-Kimballtown Elementary School, Elk Horn, accompanied by Randy Mohning. By Peterson of Carroll.

COMMUNICATION RECEIVED

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

DEPARTMENT OF CULTURAL AFFAIRS

The 1992 Iowa Cultural Resources Directory, pursuant to Chapter 303.1(b), Code of Iowa.

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, making an appropriation from the general fund of the state to a certain person in settlement of a claim against the state of Iowa.

Fiscal Note is not required.

Recommended **Do Pass** May 1, 1992.

RESOLUTIONS FILED

HCR 122, by Neuhauser, a concurrent resolution to honor Roxanne Conlin on achieving the Office of President of the Association of Trial Lawyers of America.

Laid over under **Rule 25.**

SCR 121, by Riordan and Rosenberg, a concurrent resolution requesting that the President of the United States and the Congress of the United States safeguard the laws of the United States relating to health, safety, labor, and environmental protection from threats by treaties affecting trade currently being negotiated, including the Uruguay Round of the General Agreement on Tariffs and Trade and the United States-Mexico Free Trade Agreement.

Laid over under **Rule 25.**

SCR 124, by Szymoniak, Lloyd-Jones, Murphy, Hannon, Kramer, Rittmer, Miller, Slife, McLaren, Riordan, Deluhery, Tinsman and Taylor, a concurrent resolution expressing support for independent living centers for persons with disabilities in Iowa.

Laid over under **Rule 25.**

AMENDMENT FILED

H—6090	H.F. 2488	Spenner of Henry Cohoon of Des Moines Spear of Lee

On motion by McKinney of Dallas, the House adjourned at 11:34 p.m., until 9:30 a.m., Saturday, May 2, 1992.

JOURNAL OF THE HOUSE

One Hundred Eleventh Calendar Day — Seventy-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Saturday, May 2, 1992

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

Prayer was offered by the Honorable Mary Lundby, state representative from Linn County.

The Journal of Friday, May 1, 1992 was approved.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-five members present, twenty-five absent.

PRESENTATION TO RETIRING MEMBERS AND LEADERS

Connors of Polk and Harbor of Mills invited to the well of the House for special recognition members of the House who will be retiring or are candidates for the Iowa Senate. Plaques were presented by Shearer of Louisa and Miller of Cherokee to the following members:

Merlin E. Bartz, District 19	1990 - 1992	2 years
Bradly C. Banks, District 5	1989 - 1992	4 years
Dave Hibbard, District 90	1989 - 1992	4 years
Tony Bisignano, District 80	1987 - 1992	6 years
Jack Hatch, District 81	1985 - 1992	8 years
Joseph M. Kremer, District 27	1985 - 1992	8 years
Daniel F. Petersen, District 57	1985 - 1992	8 years
Don Shoning, District 3	1985 - 1992	8 years
Eugene H. Blanshan, District 88	1983 - 1992	10 years
John D. Groninga, District 20	1983 - 1992	10 years
Josephine K. Gruhn, District 12	1983 - 1992	10 years
Louis J. Muhlbauer, District 96	1983 - 1992	10 years
Kenneth R. De Groot, District 8	1979 - 1992	14 years
Marvin E. Diemer, District 23	1979 - 1992	14 years
Daniel J. Jay, District 66	1979 - 1992	14 years
Andy McKean, District 44	1979 - 1992	14 years
Thomas J. Jochum, District 36	1975 - 1992	18 years
Ray A. Lageschulte, District 22	1975 - 1992	18 years
Wayne Bennett District 4	1973 - 1992	20 years

The House rose and expressed its appreciation.

Minority Leader Harold Van Maanen, Majority Leader Wayne McKinney and House Speaker Bob Arnould were invited to the Speaker's station for a special presentation.

Connors of Polk and Harbor of Mills, assisted by Shearer of Louisa and Miller of Cherokee, on behalf of the House, presented plaques to each leader in appreciation of his service and dedication to the Iowa House of Representatives during the Seventy-fourth General Assembly.

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 May 2, 1992, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2400, a bill for an act relating to the funding for emergency medical services, authorizing a county to impose a local option tax or combination of taxes to provide local funding.

Also: That the Senate has on May 2, 1992, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2417, a bill for an act requiring all contracts with the underground storage tank board to be publicly bid, and restricting the board's authority for certain expenditures from the underground storage tank fund.

Also: That the Senate has on April 14, 1992, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2455, a bill for an act relating to and making appropriations to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, the department of commerce, public employment relations board, and the racing and gaming commission, allocating certain standing appropriations subject to certain procedures and conditions, and providing an effective date.

Also: That the Senate has on April 24, 1992, adopted the conference committee report and passed House File 2457, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, and the department of human rights.

Also: That the Senate has on April 10, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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

Also: That the Senate has on April 30, 1992, passed the following bill in which the concurrence of the House is asked:

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

JOHN F. DWYER, Secretary

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of House Concurrent Resolution 122.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 122

Neuhauser of Johnson called up for consideration **House Concurrent Resolution 122,** a concurrent resolution to honor Roxanne Conlin on achieving the office of President of the Association of Trial Lawyers of America, and moved its adoption.

The motion prevailed and the resolution was adopted.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2488.

CONSIDERATION OF BILLS
Appropriations Calendar

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

Spenner of Henry offered the following amendment H—6090 filed by Spenner, et al., and moved its adoption:

H—6090

1 Amend House File 2488 as follows:
2 1. Page 1, by inserting after line 11 the
3 following:
4 "Sec. _____. There is appropriated from the general
5 fund of the state to the following person the amount
6 set opposite the person's name in full settlement of
7 all claims which the person has against the state of
8 Iowa:

CLAIMANT'S NAME	CLAIM NO.	NATURE OF CLAIM	AMOUNT
Young House Family Services Burlington, Iowa	G91-0578	Adolescent Day Treatment Services	$475.60

Sec. _____. There is appropriated from the general fund of the state to the following person the amount set opposite the person's name in full settlement of all claims which the person has against the state of Iowa:

CLAIMANT'S NAME	CLAIM NO.	NATURE OF CLAIM	AMOUNT
Young House Family Services Burlington, Iowa	G91-0579	Adolescent Substance Abuse Treatment".	$884.39

2. By renumbering as necessary.

Amendment H—6090 lost.

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. 2488)

The ayes were, 98:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	De Groot	Dickinson
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Hurley	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
Maulsby	McKean	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Van Maanen	Weidman	Wise
Wissing	Mr. Speaker Arnould		

The nays were, none.

Absent or not voting, 2:

Jay Shoning

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

IMMEDIATE MESSAGES

McKinney of Dallas asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2488 and House Concurrent Resolution 122.**

On motion by McKinney of Dallas, the House was recessed at 12:17 p.m., until 12:45 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Arnould 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 May 2, 1992, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 414, a bill for an act relating to landlords and tenants.

Also: That the Senate has on May 2, 1992, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2097, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing a retroactive applicability provision, and providing effective date and applicability provisions.

JOHN F. DWYER, Secretary

SENATE MESSAGE CONSIDERED

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

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

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-seven members present, twenty-three absent.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE
(House File 2466)

Peterson of Carroll called up for consideration the report of the conference committee on House File 2466 as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2466

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 2466, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions, respectfully make the following report:

1. That the Senate recedes from its amendment, H—6022.

2. That House File 2466, as amended, passed, and reprinted by the House, is amended to read as follows:

1. By striking page 1, line 35 through page 3, line 2.

2. Page 3, by striking lines 27 and 28, and inserting the following:

"(1) Is or is seeking to be a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the agency in which the donee holds office or is employed."

3. Page 3, by striking lines 30 through 34, and inserting the following: "controlled by a regulatory agency in which the donee holds an office or is employed.

(3) Will be directly and substantially affected financially by the performance or nonperformance of the donee's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region."

4. Page 4, line 24, by striking the words "with a cumulative retail value" and inserting the following: "of food and drink with a value".

5. Page 4, by striking lines 27 through 29, and inserting the following:

"(9) Items or services solicited or given to a state, national, or regional organization in which the state of Iowa or a political subdivision of the state of Iowa is a member."

6. Page 4, by striking lines 32 through 34, and inserting the following: "is sponsored and directed by any state, national, or regional organization in which the state of Iowa or a political subdivision of the state of Iowa is a member."

7. Page 4, by inserting before line 35, the following:

"c. For purposes of determining the value of an item given or received, an individual who gives an item on behalf of more than one person shall not divide the value of the item by the number of persons on whose behalf the item is given and the value of an item received shall be the value actually received by the donee."

8. Page 5, by striking line 5 and inserting the following:

"(1) Is or is seeking to be a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with".

9. Page 5, by striking lines 9 through 14, and inserting the following: "controlled by a regulatory agency in which the public official holds an office or the public employee is employed.

(3) Will be directly and substantially affected financially by the performance or nonperformance of the donee's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region."

10. Page 5, line 17, by striking the word "either" and inserting the following: "any".

11. Page 5, by inserting after line 24, the following:

"(3) A payment made to a public official or public employee for services rendered as part of a bona fide private business, trade, or profession in which the public official or public employee is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as a public official or public employee, but, rather, because of some special expertise or other qualification."

12. Page 5, by striking lines 30 and 31.

13. Page 6, by inserting after line 7 the following:

"(3) Is a federal, state, or local government official or employee who represents the official position of the official or employee's agency and who encourages the passage, defeat, or modification of legislation or regulation, or the influencing of a decision of the members of the general assembly, a state agency, or the office of the governor."

14. Page 6, by inserting after line 27, the following:

"(6) Members of legislative staff.

(7) Agency officials and employees who influence the decisions of the agency in which they serve or are employed."

15. Page 6, by striking lines 32 through 35.

16. Page 7, by striking lines 26 through 28.

17. Page 9, line 11, by striking the word "full-time" and inserting the following: "permanent".

18. Page 10, line 1, by inserting before the word "full-time" the following: "permanent".

19. Page 10, line 33, by inserting after the words "permit a" the following: "former".

20. Page 10, line 34, by inserting after the words "lobbyist if" the following: "the former employee's duties consisted of the performance of tasks that were purely ministerial in nature and did not involve the exercise of substantial administrative discretion and".

21. By striking page 11, line 22, through page 12, line 2.

22. By striking page 13, line 21 through page 14, line 2.

23. Page 14, by striking lines 17 and 18, and inserting the following: "or public employee is filed by the donor with the board. Reports of gifts filed with the board under this subsection are confidential records under chapter 22."

24. By striking page 14, line 30, through page 15, line 24, and inserting the following:

"Sec. 100. NEW SECTION. 68B.7C HONORARIA — BANNED.

A public official or public employee shall not seek or accept an honorarium as defined in section 68B.2, subsection 10."

25. Page 17, by striking lines 13 and 14, and inserting the following:

"3. The ~~house committee~~ majority leader of each house shall ~~elect a~~ designate the chairperson and vice-chairperson, and the minority leader of each house shall designate the ranking member, of each committee. The chairperson of each committee shall have the".

26. Page 17, by striking lines 18 and 19 and inserting the following: "findings from the board that a member of the general assembly has committed a violation of a provision of this chapter or of the rules relating to ethical conduct that are adopted pursuant to this chapter."

27. Page 18, by striking line 4, and inserting the following: "of ~~complaints made~~".

28. Page 18, line 7, by inserting after the word "adjourns." the following: "Rules adopted shall provide for the disposition of findings of fact received from the board within thirty days of receiving the findings from the board."

29. Page 18, by inserting after line 24, the following:

"The committees of each house shall receive from the board recommendations for rules relating to ethical conduct for members of the Seventy-fifth General Assembly on or before the end of the first week of the first session of the Seventy-fifth General Assembly. The house and senate shall adopt, by concurrent resolution, a code of ethics based upon the board's recommendations by May 1, 1993. The code adopted by the general assembly shall constitute the permanent code of ethical conduct for subsequent general assemblies but may be amended in whole or in part by rules adopted by the board under chapter 17A. If the general assembly fails to adopt a resolution by May 1, 1993, the rules as recommended by the board shall take effect and constitute the permanent code of ethical conduct, subject to any amendments by the board under chapter 17A."

30. Page 18, by striking lines 25 and 26, and inserting the following:

"Violation of ~~the code of ethics~~ a provision of this chapter or rules adopted relating to ethical conduct may result in censure, reprimand, or other".

31. Page 19, line 17, by striking the word "twelve" and inserting the following: "five".

32. By striking page 19, line 19 through page 20, line 1, and inserting the following:

"a. Two members, who shall be appointed by the governor.

b. Two members, who shall be appointed by the legislative council.

c. One member, who shall be appointed by the members appointed pursuant to paragraphs "a" and "b" from a list of individuals that is obtained from organizations which represent the interests of local officials and employees.

The membership of the board shall be balanced as to gender and political affiliation as provided under sections 69.16 and 69.16A."

33. Page 20, line 21, by striking the words ", the supreme court, or the" and inserting the following: ", the".

34. Page 20, line 22, by inserting after the word "assembly" the following: ", or a political subdivision of the state".

35. Page 20, line 30, by striking the word "Seven" and inserting the following: "Three".

36. Page 21, line 11, by striking the word "shall" and inserting the following: "may".

37. Page 21, line 13, by striking the word "The" and inserting the following: "If legal counsel is employed or contracted for, the".

38. Page 21, by striking lines 14 through 17, and inserting the following: "board's legal counsel shall advise and assist the board with all legal matters before the board, and, upon the instructions of the board, shall prosecute complaints filed with the board at any hearings ordered by the board on allegations contained in a complaint. Notwithstanding section 19A.3, all of the".

39. Page 23, by inserting after line 9, the following:

"_____. Forward copies of any findings of fact and supporting information relating to ethical complaints against members of the general assembly to the ethics committee of the house in which the person charged in the complaint is a member."

40. Page 23, lines 10 and 11, by striking the words "recommendations for punishment of" and inserting the following: "make recommendations for the taking of disciplinary action against".

41. Page 23, line 12, by striking the words "punishment by the board or by" and inserting the following: "disciplinary action by the board or".

42. Page 23, line 19, by striking the words "formal and informal board opinions" and inserting the following: "informal board opinions and declaratory rulings".

43. Page 23, line 21, by striking the words "Advice contained in formal board opinions" and inserting the following: "Declaratory rulings issued by the board".

44. Page 23, line 34, by inserting after the word "offers." the following: "Rules relating to ethical conduct for members of the general assembly shall be submitted to the ethics committee of each house in the form of a proposed concurrent resolution in the manner described under section 68B.10."

45. Page 23, by inserting after line 34 the following:

"_____. Annually review the provisions of this chapter and chapter 56 and make any recommendations necessary for legislation to enhance the efficient administration of this chapter and chapter 56."

46. Page 24, by striking lines 16 through 23, and inserting the following:

"2. A party charged with a violation of a provision of this chapter, chapter 56, or rules adopted by the board shall be notified by mail of the existence and contents of the complaint within ten days of the filing of the complaint with the board, unless the chairperson of the board concludes that notification would prejudice a preliminary investigation of the matter or subject the complainant to an unreasonable risk. If the chairperson determines not to notify the party charged within ten days of the filing of".

47. Page 25, by striking line 33, and inserting the following: "17A.13. If the board determines at any stage in the proceedings that take place prior to hearing that the complaint is without merit, the complaint shall be dismissed and the complainant and the party charged shall be notified. If, after investigation, the board determines evidence exists which, if proven, would support a finding of a violation of this chapter, chapter 56, or the rules adopted by the board, a finding of probable cause shall be made, and a hearing shall be ordered.

Upon making the finding of probable cause and ordering hearing on any ethics complaint, the chairperson of the board shall submit a written request to the supreme court requesting that a senior judge be appointed as a hearing master to preside at the hearing and make any necessary legal rulings in the matter. The hearing master shall have the same powers as provided in Iowa rule of civil procedure 209.

Upon making the finding of probable cause and ordering hearing on any complaint alleging a violation of chapter 56 or rules adopted pursuant to chapter 56, the chairperson or a member of the board designated by the chairperson shall preside at the hearing. However, the chairperson may also request that the supreme court appoint a senior judge to act as a hearing master and preside at hearings on complaints alleging violations of chapter 56 or rules adopted pursuant to chapter 56.

At all hearings, the legal counsel for the board shall present the allegations contained in the complaint and any supporting information obtained as a result of the investigation. The board shall receive all admissible evidence, determine any factual issues presented during hearing, and make findings of fact based upon evidence received."

48. Page 26, line 11, by inserting after the word "hearing." the following: "The board shall make every effort to hear all ethics complaints within three months of the date that the complaints are filed. However, after three months from the date of the filing of the complaint, extensions of time for purposes of preparing for hearing may only be granted by the board when the party charged in the complaint with the ethics violation consents to an extension. If the party charged does not consent to an extension, the board shall not grant any extensions of time for preparation prior to hearing. All complaints alleging a violation of this chapter, or rules adopted pursuant to this chapter shall be heard within nine months of the filing of the complaint. Final dispositions of violations, which the board has found to have been established by a preponderance of clear and convincing evidence, shall be made within thirty days of the conclusion of the hearing on the complaint."

49. Page 26, by striking lines 26 through 34, and inserting the following: "prosecutorial authorities by the board. The determination of".

50. Page 27, by striking lines 15 through 17, and inserting the following: "in any investigation. A complaint may be prosecuted at a board hearing by the attorney general if the board submits a request for assistance to the office of attorney general."

51. Page 27, line 25, by inserting after the word "notified." the following: "If a complaint that is dismissed relates to a member of the general assembly, a copy of the notice of dismissal shall also be forwarded to the ethics committee of the house in which the person is a member."

52. Page 27, by striking line 32, and inserting the following:

"Sec. 19. NEW SECTION. 68B.10D FINDINGS – DISPOSITION OF".

53. Page 28, by striking lines 1 and 2, and inserting the following: "member of the general assembly has committed a violation of a provision of this chapter, or a violation of a rule relating to ethical conduct adopted pursuant to this chapter, shall send a written copy of the board's findings, along with a transcript of the record and any other evidence upon which the finding was made to the ethics committee of the house to which the member of the general assembly belongs. If the board finds, after hearing, by a preponderance of clear and convincing evidence that a public official or a candidate for public office, who is not a member of the general assembly, or a public employee has committed a violation of this chapter or of a rule relating to ethical conduct adopted pursuant to this chapter, or that any public official, candidate, or public employee has committed a violation of chapter 56 or rules adopted by the board pursuant to chapter 56, the board may do one or more of the".

54. Page 28, by striking lines 17 through 21.

55. By striking page 29, line 16 through page 30, line 8, and inserting the following:

"Sec. 101. NEW SECTION. 68B.10F PERSONAL FINANCIAL DISCLOSURE – PUBLIC OFFICIALS.

1. Except as otherwise provided in this section, each public official and candidate for public office shall file a statement of personal financial disclosure with the board that discloses the sources of the public official's income and any significant financial interests of the public official or candidate in the manner required by the board, pursuant to this section.

2. For purposes of this section, "disclosure of sources of income" includes disclosure of the nature of each business in which the public official or candidate is engaged and the nature of the business of each company in which the public official or candidate has an income-producing interest. For purposes of this section, "significant financial interests" includes investments in stocks, bonds, bills, notes, mortgages, or other securities offered for sale through recognized financial brokers if greater than five percent of the total outstanding issue of any stock, bonds, bills, notes, mortgages, or other securities of the offering entity, or with a value of greater than five thousand dollars; any in-state or out-of-state business, trade, labor, farm, professional, religious, educational, or charitable association, foundation, or organization which is involved in supporting or opposing any measures brought before the body in which the public official or candidate holds office and by which the public official or candidate is employed or retained or has rendered services for compensation within the previous twelve months; any office or directorship held during the previous twelve months by the public official or candidate in any corporation, firm, enterprise, labor union, farm organization, cooperative, religious, education, or charitable association or organization or trade or professional association.

3. A candidate for public office shall file the statement of personal financial disclosure concerning the year preceding the year in which the election is to be held. The

statement shall be filed no later than thirty days after the date on which the person formally becomes a candidate. Public officials shall file the statements at times designated by the board.

4. This section shall not apply to township and library trustees, members of statutory boards or commissions that do not have or exercise any policymaking authority, and cemetery association members or directors. The board may also exempt any public official or candidate for public office from the requirements of this section if the board finds that the official's position or the office which the candidate is seeking does not involve the exercise of any policymaking authority."

56. By striking page 31, line 33 through page 32, line 3, and inserting the following: "following: the lobbyist's clients; all campaign contributions made by the lobbyist during the prior calendar month; and the recipient of the".

57. Page 32, line 21, by striking the words "adopt rules" and inserting the following: "prescribe rules by January 1, 1993,".

58. Page 32, line 24, by striking the word "adopted" and inserting the following: "prescribed".

59. Page 32, by inserting after line 29, the following:

"Sec. _____ . Section 22.7, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 29. Reports filed with the Iowa ethics and campaign finance board of gifts of food, beverages, travel, and lodging received by a public official or public employee as a result of official participation in economic development opportunities under section 68B.7B."

60. Page 33, by striking lines 25 through 28, and inserting the following: "board. All statements".

61. Page 35, lines 23 and 24, by striking the words ", or both if required under section 56.4,".

62. By striking page 43, line 34 through page 44, line 7, and inserting the following:

"1. The appointee selected from the list obtained from the organizations which represent the interests of local officials and local employees shall serve an initial term of two years.

2. The appointees of the governor shall serve initial terms of four years.

3. The appointees of the legislative council shall serve initial terms of six years."

63. Page 44, line 13, by inserting after the word "commission." the following: "Rules, forms, and precedents established by the campaign finance disclosure commission regarding the administration of chapter 56 shall remain effective until ratified, rescinded, or modified by action by the board. Notwithstanding chapter 68B, until rules are adopted that establish standards for ethical conduct for members of the general assembly and the conduct of lobbyists who appear before the general assembly, the rules of the Seventy-fourth General Assembly that establish codes of ethics for members of the general assembly and regulate the conduct of lobbyists of the general assembly shall remain in effect."

64. Page 44, line 14, by striking the figure "7" and inserting the following: "9".

65. Page 44, lines 17 and 18, by striking the words "the date of enactment of this Act" and inserting the following: "July 1, 1992".

66. Page 44, line 22, by striking the figures "12, 14, 15, sections 21" and inserting the following: "100, 101, 14, 15, 18, 19, sections 22".

67. Page 44, line 23, by inserting after the figure "38," the following: "40, 42, 43,".

68. Page 44, by striking line 25, and inserting the following:

"Sec. _____ . Sections 16, 39, 41, and 49 of this".

69. By numbering, renumbering, and changing internal references as necessary.

ON THE PART OF THE HOUSE:	ON THE PART OF THE SENATE:
MICHAEL PETERSON, Chair	JOHN KIBBIE, Chair
JOEL BROWN	EMIL HUSAK
DOROTHY CARPENTER	RALPH ROSENBERG
MARY NEUHAUSER	

The House stood at ease at 3:40 p.m., until the fall of the gavel.

The House resumed session and consideration of the conference committee report on House File 2466 at 4:37 p.m., Speaker Arnould in the chair.

Chapman of Linn in the chair at 4:59 p.m.

Speaker Arnould in the chair at 5:34 p.m.

Dickinson of Jackson in the chair at 5:44 p.m.

Speaker Arnould in the chair at 5:53 p.m.

Peterson of Carroll moved the adoption of the conference committee report and the amendments contained therein, which motion prevailed.

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. 2466)

The ayes were, 84:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Burke
Carpenter	Cohoon	Connors	Corbett
Daggett	De Groot	Dickinson	Diemer
Doderer	Dvorsky	Fogarty	Garman

Gipp	Groninga	Grubbs	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson, D. E.
Hanson, D. R.	Hatch	Haverland	Hester
Holveck	Hurley	Iverson	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lageschulte	Lundby
McKean	McKinney	McNeal	Millage
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Van Maanen	Wise	Wissing	Mr. Speaker Arnould

The nays were, 14:

Eddie	Gill	Gruhn	Hansen, S. D.
Harbor	Hibbard	Jay	Jesse
Maulsby	Mertz	Metcalf	Miller
Royer	Weidman		

Absent or not voting, 2:

Chapman	Shoning

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2466** be immediately messaged to the Senate.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for immediate meetings of the committees on education and administration.

The House stood at ease at 6:48 p.m., until the fall of the gavel.

The House resumed session at 7:39 p.m., Speaker Arnould in the chair.

INTRODUCTION OF BILL

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

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

QUORUM CALL

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

ADOPTION OF HOUSE CONCURRENT RESOLUTION 121

Chapman of Linn called up for consideration **House Concurrent Resolution 121**, a concurrent resolution to honor Carroll J. Reasoner on achieving the Office of President of the Iowa State Bar Association, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House Concurrent Resolution 121** be immediately messaged to the Senate.

HOUSE INSISTS

Jay of Appanoose called up for consideration **Senate File 2097**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing a retroactive applicability provision, and providing effective date and applicability provisions, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED
(Senate File 2097)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2097: Jay of Appanoose, Chair; Hibbard of Madison; Siegrist of Pottawattamie; Kremer of Buchanan and Hansen of Woodbury.

The House stood at ease at 8:25 p.m., until the fall of the gavel.

The House resumed session at 8:31 p.m., Hansen of Woodbury in the chair.

Appropriations Calendar

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

Speaker Arnould in the chair at 8:33 p.m.

Millage of Scott offered the following amendment H—6040 filed by him and questioned whether or not the amendment was germane:

H—6040

1 Amend House File 2486 as follows:
2 1. Page 2, by inserting after line 28 the
3 following:
4 "_____. For deposit into the state communications
5 network fund under section 18.137:
6 .....$ -0".
7 2. By numbering and renumbering as necessary.

The Speaker ruled amendment H—6040 not germane.

Lageschulte of Bremer offered the following amendment H—6039 filed by him:

H—6039

1 Amend House File 2486 as follows:
2 1. Page 3, by inserting after line 14 the
3 following:
4 "Sec. 20. Section 425A.3, subsection 1, Code
5 Supplement 1991, is amended to read as follows:
6 1. The family farm tax credit fund shall be
7 apportioned each year in the manner provided in this
8 chapter so as to give a credit against the tax on the
9 first three hundred thousand dollars of assessed
10 valuation of each eligible tract of agricultural land
11 within the several school districts of the state in
12 which the levy for the general school fund exceeds
13 five dollars and forty cents per thousand dollars of
14 assessed value. The amount of the credit on the first
15 three hundred thousand dollars of assessed valuation
16 of each eligible tract of agricultural land shall be
17 the amount the tax levied for the general school fund
18 exceeds the amount of tax which would be levied on the
19 first three hundred thousand dollars of assessed
20 valuation of each eligible tract of agricultural land
21 were the levy for the general school fund five dollars
22 and forty cents per thousand dollars of assessed value
23 for the previous year. However, in the case of a
24 deficiency in the family farm tax credit fund to pay

25 the credits in full, the credit ~~on~~ for each eligible
26 tract of agricultural land in the state shall be
27 proportionate and applied as provided in this chapter.
28 Sec. 21. Section 425A.5, Code Supplement 1991, is
29 amended to read as follows:
30 425A.5 COMPUTATION BY COUNTY AUDITOR.
31 The family farm tax credit allowed each year shall
32 be computed as follows: On or before March 1, the
33 county auditor shall list by school districts all
34 tracts of agricultural land which are entitled to
35 credit, the taxable value for the previous year, the
36 budget from each school district for the previous
37 year, and the tax rate determined for the general fund
38 of the school district in the manner prescribed in
39 section 444.3 for the previous year, and if the tax
40 rate is in excess of five dollars and forty cents per
41 thousand dollars of assessed value, the auditor shall
42 multiply the tax levy which is in excess of five
43 dollars and forty cents per thousand dollars of
44 assessed value by the ~~total taxable~~ first three
45 hundred thousand dollars of value of the agricultural
46 land entitled to credit in the school district, and on
47 or before March 1, certify the total amount of credit
48 and the total number of acres entitled to the credit
49 to the department of revenue and finance.
50 Sec. _____. Sections 20 and 21 of this Act are

Page 2

1 effective July 1, 1992, for family farm tax credits
2 allowed for property taxes payable in fiscal years
3 beginning on or after July 1, 1993."

Wise of Lee rose on a point of order that amendment H—6039 was not germane.

The Speaker ruled the point well taken and amendment H—6039 not germane.

The House stood at ease at 8:39 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2486 at 8:44 p.m., Speaker Arnould in the chair.

McKinney of Dallas asked and received unanimous consent that House File 2486 be deferred and that the bill retain its place on the calendar.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE
(House File 2465)

Chapman of Linn called up for consideration the report of the conference committee on House File 2465 as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2465

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 2465, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing effective and applicability provisions, respectfully make the following report:

1. That the Senate recedes from its amendment, H—5885.

2. That House File 2465, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, line 11, by striking the figure "4,813,000" and inserting the following: "8,412,000".

2. Page 1, line 12, by striking the figure "107.00" and inserting the following: "145.00".

3. Page 1, by striking lines 13 through 16.

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

"_____. BOARD OF EDUCATIONAL EXAMINERS

For salaries, support, maintenance, miscellaneous purposes and for not more than the following full-time equivalent positions:

.....$ 120,000
.....FTEs 2.00"

5. Page 2, by inserting after line 22 the following:

"_____. PUBLIC BROADCASTING DIVISION

For salaries, support, maintenance, capital expenditures, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....$ 5,959,000
.....FTEs 96.00".

6. By striking page 2, line 32 through page 3, line 14 and inserting the following:

".....$ 90,444,323

The funds appropriated in this subsection shall be allocated as follows:

a. Merged Area I .....$ 4,233,706
b. Merged Area II .....$ 5,106,833
c. Merged Area III .....$ 4,923,558
d. Merged Area IV .....$ 2,316,905
e. Merged Area V .....$ 4,910,817
f. Merged Area VI .....$ 4,602,152
g. Merged Area VII .....$ 6,318,184
h. Merged Area IX .....$ 7,947,083
i. Merged Area X .....$ 12,285,772
j. Merged Area XI .....$ 13,347,163

k.	Merged Area XII	$ 5,207,421
l.	Merged Area XIII	$ 5,360,677
m.	Merged Area XIV	$ 2,372,695
n.	Merged Area XV	$ 7,354,647
o.	Merged Area XVI	$ 4,156,710".

7. Page 5, line 19, by striking the figure "1,309,031" and inserting the following: "563,953".

8. By striking page 5, line 20 through page 6, line 3.

9. Page 6, by striking lines 12 through 15 and inserting the following:

"During the fiscal year beginning July 1, 1992, the funds appropriated in this section shall be allocated in the same manner as allocated in 1991 Iowa Acts, chapter 267, section 205."

10. By striking page 7, line 17 through page 8, line 12.

11. Page 8, by inserting after line 24 the following:

"a. The college student aid commission, in conjunction with the university of osteopathic medicine and health sciences and the state university of Iowa college of medicine, shall conduct a tracking study of the Iowa graduates of the university of osteopathic medicine and health sciences and the Iowa graduates of the state university of Iowa college of medicine. The study shall track Iowa students who graduated from the university and completed their residencies from 1989 through 1992. The study shall ascertain the number of graduates who practice outside of Iowa and the number who practice within Iowa. Of the graduates practicing in Iowa, the study shall determine their reasons for remaining in Iowa; the number of graduates practicing in rural communities, hospitals, or clinics; the number of graduates practicing in urban communities, hospitals, or clinics; the number of graduates practicing in county communities, hospitals, or clinics; the number of graduates who include medical assistance patients and indigent patients in their practice; and the average percentage of medical assistance and indigent patients treated by graduates. The commission shall report the study's findings and recommendations to the general assembly by January 1, 1993.

b. The higher education strategic planning council shall conduct a study relating to dental hygienists in Iowa. The study shall determine the following:

(1) The need for dental hygienists in Iowa.

(2) The qualifications needed to perform as a dental hygienist in Iowa.

(3) Cost-effective means to provide the education necessary to supply the state with qualified dental hygienists."

12. Page 9, line 2, by striking the figure "387,000" and inserting the following: "300,000".

13. Page 10, line 3, by striking the figure "1,075,000" and inserting the following: "1,025,000".

14. Page 10, line 4, by striking the figure "17.63" and inserting the following: "16.63".

15. Page 10, line 33, by striking the figure "167,993,000" and inserting the following: "168,193,000".

16. Page 11, line 5, by striking the figure "27,280,000" and inserting the following: "27,359,000".

17. Page 11, line 17, by striking the words "or health".

18. Page 13, line 31, by striking the figure "233,138" and inserting the following: "272,000".

19. Page 14, line 2, by striking the figure "136,764,000" and inserting the following: "136,964,000".

20. Page 14, line 8, by striking the figure "23,585,411" and inserting the following: "23,955,396".

21. Page 15, line 2, by striking the figure "58,163,829" and inserting the following: "58,338,189".

22. Page 15, line 5, by striking the figure "257,138" and inserting the following: "244,638".

23. Page 15, line 10, by striking the figure "5,734,000" and inserting the following: "5,744,000".

24. Page 15, line 33, by striking the word "shall" and inserting the following: "may".

25. By striking page 16, line 3 through page 17, line 15, and inserting the following:

"Sec. 200. The department of human services shall implement a supplemental disproportionate share adjustment applicable to state-owned acute care hospitals with more than five hundred beds and shall reimburse qualifying hospitals pursuant to that adjustment with a supplemental amount for services provided medical assistance recipients. The adjustment shall generate payments intended to equal the state appropriation made to a qualifying hospital for treatment of indigent patients as provided in chapter 255. To the extent of the supplemental disproportionate share adjustment payments, a qualifying hospital shall, after receipt of the funds, transfer to the department of human services an amount equal to the actual supplemental payments that were made in that month. The aggregate amounts for a fiscal year shall not exceed the state appropriation made to the qualifying hospital for treatment of indigent patients as provided in chapter 255. If Senate File 2351 becomes law, the department of human services shall deposit the portion of these funds equal to the state share in the department's medical assistance account and the balance shall be credited to the cash reserve fund created under section 8.56, and if Senate File 2351 does not become law, the department of human services shall deposit the portion of these funds equal to the state share in the department's medical assistance account and the balance is transferred and appropriated to the department of management to be spent for the purpose of eliminating Iowa's GAAP deficit. As used in this section, "GAAP" means generally accepted accounting principles as established by the governmental accounting standards board. To the extent that state funds appropriated to a qualifying hospital for the treatment of indigent patients as provided in chapter 255 have been transferred to the department of human services as a result of these supplemental disproportionate share payments made to the qualifying hospital, the department shall not, directly or indirectly, recoup the supplemental disproportionate share adjustment payments made to a qualifying hospital for any reason, unless an equivalent amount of the funds transferred to the department of human services by a qualifying hospital pursuant to this provision is transferred to the qualifying hospital by the department.

If the state supplemental amount allotted to the state of Iowa for the federal fiscal year beginning October 1, 1992, and ending September 30, 1993, pursuant to section 1923 (f)(3) of the federal Social Security Act, as amended, is greater than the amount necessary to fund the federal share of the supplemental disproportionate share payments specified in the preceding paragraph, the department of human services shall increase the supplemental disproportionate share adjustment by the lesser of the amount necessary to utilize fully the state supplemental amount or the amount of state funds appropriated to the university of Iowa general education fund and allocated by the university for the college of medicine. The university of Iowa shall transfer from the allocation for the college of medicine to the department of human services, on a monthly basis, an amount equal to the additional supplemental disproportionate share payments made during the previous month pursuant to this paragraph. A qualifying hospital receiving supplemental disproportionate share payments pursuant to this paragraph that are greater than the state appropriation made to the qualifying hospital for treatment of indigent patients as provided in chapter 255 shall be obligated as a condition of its participation in the medical assistance program to transfer to the university of Iowa general education fund on a monthly basis an amount equal to the funds transferred by the university of Iowa to the department of human services. To the extent that state funds appropriated to the university of Iowa and allocated for the college of medicine have been transferred to the department of human services as a result of these supplemental disproportionate share payments made to the qualifying hospital, the department shall not, directly or indirectly, recoup these supplemental disproportionate share adjustment payments made to a qualifying hospital for any reason, unless an equivalent amount of the funds transferred to the department of human services by the university of Iowa pursuant to this paragraph is transferred to the qualifying hospital by the department.

It is the intent of the general assembly that any implementation of the supplemental disproportionate share adjustment shall preserve the funds available to the university hospital for medical and surgical treatment of indigent patients as provided in chapter 255 and to the university of Iowa for the educational purposes of the college of medicine at the same level as provided by the state funds initially appropriated for that purpose.

The department of human services shall, in any compilation of data or other report distributed to the public concerning payments to providers under the medical assistance program, set forth reimbursements to a qualifying hospital through the supplemental disproportionate share adjustment as a separate item and shall not include such payments in the amounts otherwise reported as the reimbursement to a qualifying hospital for services to medical assistance recipients.

For purposes of this section, "supplemental disproportionate share payment" means a supplemental payment amount paid for medical assistance to a hospital qualifying for that payment under this section."

26. Page 17, by striking line 16 and inserting the following: "OFFICE OF SECRETARY OF STATE".

27. Page 17, by striking line 18 and inserting the following: "the state to the office of the secretary of state for the fiscal".

28. Page 17, by striking line 22.

29. Page 17, line 24, by inserting after the word "for" the following: "the arts and historical divisions, administration of cultural affairs, community cultural grants,".

30. Page 17, line 28, by striking the figure "997,000" and inserting the following: "4,289,000".

31. Page 17, line 29, by striking the figure "10.00" and inserting the following: "76.50".

32. Page 17, by striking lines 30 through 35 and inserting the following:

"Not more than five percent of moneys appropriated for grants under this section to the office of the secretary of state shall be used for administrative purposes.

Of the funds appropriated in this subsection, $10,000 shall be allocated for the operating and maintenance costs of the Plum Grove residence of former Governor Lucas."

33. Page 18, by striking lines 1 through 31 and inserting the following:

"OFFICE OF THE GOVERNOR

Sec. _____ . TERRACE HILL COMMISSION

There is appropriated from the general fund of the state to the office of the governor for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, for the operation of Terrace Hill and for not more than the following full-time equivalent positions:

.....$ 161,000
.....FTEs 4.75".

34. Page 19, by striking lines 8 through 14.

35. Page 19, by striking lines 19 through 26 and inserting the following: "graduate studies center, $280,040 shall be distributed under the Iowa scholarship program, $11,209 shall be distributed under the vocational-technical tuition grant program, and $26,293 shall be distributed under the work-study program by the college student aid commission.

Sec. _____ . Notwithstanding section 294A.25, for the fiscal year beginning July 1, 1992, the additional funds transferred from phase I to phase III may be used by the department of education for management information systems, the center for assessment, technology initiatives, and the Iowa geography alliance. The department shall notify the legislative fiscal bureau as to the distribution of moneys for these programs."

36. Page 19, by striking line 34 and inserting the following: "division of the".

37. Page 20, by inserting after line 1 the following:

"Sec. _____ . Notwithstanding section 321.376, the annual budget request requirement is suspended for the fiscal year ending June 30, 1993, and the moneys collected from fees for the issuance of a school bus driver's permit for the fiscal year beginning July 1, 1992, and ending June 30, 1993, shall be deposited in the department of education's operating fund for the purposes designated under section 321.376, subsection 3."

38. Page 20, by inserting after line 16 the following:

"Sec. _____. NEW SECTION. 9.8 ARTS DIVISION, HISTORICAL DIVISION, COMMUNITY CULTURAL GRANTS, HISTORICAL PRESERVATION DISTRICTS, AND ARTS AND CULTURAL ENHANCEMENT ENDOWMENT.

Notwithstanding sections 7E.5, 7G.1, 10A.202, 12.52, 15.108, 15.272, 18.97, 18.98, 19A.3, 103A.45, 108B.2, 111E.2, 111F.2, 111F.3, 218.22, 246.601, 303.1, 303.1A, 303.2, 303.3, 303.4 through 303.34, 303.86 through 303.88, chapter 303C, 304.3, 304.10, 304A.9, 304A.21, 305B.8, 305B.11, 306D.2, 321.252, 427.16, 455A.19, 470.5, and any provisions to the contrary, the office of secretary of state shall perform the duties and exercise the authority delegated to the department of cultural affairs, and its director, for purposes of administering the arts division, the historical division, community cultural grants, the historical preservation districts, and the arts and cultural enhancement endowment."

39. Page 20, by striking lines 17 through 25 and inserting the following:

"Sec. _____. Section 18.136, subsection 3, Code 1991, is amended to read as follows:

3. The financing for the procurement costs for the entirety of Part I of the system, and the video, data, and voice capacity for state agencies for Part II and Part III of the system, shall be provided by the state. The financing for the procurement costs for Part II of the system shall be provided eighty percent from the state and twenty percent from the community colleges for the areas in which Part II of the system is located. The basis for the state match is eighty percent of a single interactive video and interactive audio for Parts I and II of the system, and such data and voice capacity as is necessary. The financing for the procurement and maintenance costs for Part III of the system shall be provided eighty percent from the state and twenty percent from the local school boards of the areas which receive transmissions from the system. The local school boards may meet all or part of the match requirements of Part III of the system through a cooperative arrangement with community colleges. The basis for the state match is eighty percent of a single interactive audio and one-way video for Part III of the system, and such data and voice capacity as is necessary. The local school boards and community colleges may meet the match requirements for Part II and Part III of the system from funds they have already spent for their systems, from funds available in the school budget, or from funds received from other nonstate sources. In the case of existing systems, in order to upgrade facilities to the specifications of the state communications network, the local school boards and community colleges, in lieu of a cash match, may meet the match requirements from funds they have already spent for their systems provided that the state match does not exceed the lesser of eighty percent of the total cost of the upgraded system or eighty percent of the replacement cost of the system. The communications equipment funds used as a match by a community college shall be calculated based on verified expenditures for capital, equipment, hardware, and software for long-distance learning technologies, including both audio and visual transmission. The communications equipment used as a match shall not subsequently be used as a match by another educational entity or for another part of the system. A local school board may request the school budget review committee to adjust the allowable growth for the school district so that the resulting increase in budget could be used for the match. A local school board may also elect not to become part of the system. Such election shall be made on an annual basis. State matching funds shall not be provided for Part III of the system until Part I and Part II of the system have been completed.

Sec. 100. Section 176A.10, subsection 6, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

An extension council of an extension district may choose to be subject to the levy and revenue limits specified in paragraphs "b" of subsections 1, 2, 3, and 4 and subsection 5 for the purpose of the annual levy for the fiscal year commencing July 1, 1991, which levy is payable in the fiscal year beginning July 1, 1992. Before an extension district may be subject to the levy and revenue limits specified in paragraphs "b" of subsections 1, 2, 3, and 4 and subsection 5, for fiscal years beginning on or after July 1, 1992, which levy is payable in fiscal years beginning on or after July 1, 1993, the question of whether the district shall be subject to the levy and revenue limits as specified in such subsections must be submitted to the registered voters of the district. The question shall be submitted at the time of a state general election. If the question is approved by a majority of those voting on the question the levy and revenue limits specified in paragraphs "b" of subsections 1, 2, 3, and 4 and subsection 5, shall thereafter apply to the extension district. The question need only be approved at one state general election. If a majority of those voting on the question vote against the question, the district may continue to submit the question at subsequent state general elections until approved.

Sec. _____. Section 256.7, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 22. Receive and review the budget and unified plan of service submitted by the division of libraries and information services.

Sec. _____. Section 256.9, Code Supplement 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 46. Serve as an ex officio member of the commission of libraries.

NEW SUBSECTION. 47. Receive, from the division of public broadcasting, and submit an annual public broadcasting budget request separately from the department's annual budget request.

NEW SUBSECTION. 48. Establish a division of libraries and information services, a public broadcasting division, and a regional library system, to perform the duties and exercise the responsibilities enumerated in section 256.22.

Sec. _____. NEW SECTION. 256.22 LIBRARY DIVISION, REGIONAL LIBRARY SYSTEM, LIBRARY COMPACT, STATE DATA CENTER, AND PUBLIC BROADCASTING DIVISION.

Notwithstanding sections 7E.5, 15.108, 15.272, 18.87, 18.97, 18.100, 218.22, 246.601, 303.1, 303.1A, 303.2, 303.75 through 303.85, 303.91 through 303.94, 303A.8 through 303A.11, chapter 303B, and any provisions to the contrary, the department of education, and its director, shall perform the duties and exercise the authority delegated to the department of cultural affairs, and its director, for purposes of administering the library division, the regional library system, the state data center, the public broadcasting division, and the library compact. Any authority of the department of cultural affairs to adopt rules for the library division, the regional library system, the state data center, and library compact is transferred to the state board of education.

Sec. _____. Section 261.1, subsection 5, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

~~Eight~~ Ten additional members to be appointed by the governor. One of the members shall be selected to represent private colleges, private universities and private junior colleges located in the state of Iowa. When appointing this member, the governor shall give careful consideration to any person or persons nominated or recommended by any organization or association of some or all private colleges, private universities and private junior colleges located in the state of Iowa. One of the members shall be ~~selected to represent~~ the executive director of the organization or association of community colleges that represents the largest number of community colleges located in the state of Iowa. ~~When appointing this member, the governor shall give careful consideration to any person or persons nominated or recommended by any organization or association of Iowa community colleges.~~ One member shall be the executive director of the organization or association that represents all of the students attending the institutions of higher education under the control of the state board of regents. One member shall be enrolled as a student at a ~~board of regents institution,~~ community college~~, or~~. One member shall be enrolled as a student at an accredited private institution. One member shall be a representative of a lending institution located in this state. One member shall be a representative of the Iowa student loan liquidity corporation. The other three members, none of whom shall be official board members or trustees of an institution of higher learning or of an association of institutions of higher learning, shall be selected to represent the general public."

40. Page 20, lines 30 and 31, by striking the words "thirty-one million one hundred seventy-seven thousand" and inserting the following: "thirty-one million one hundred forty-six thousand eight hundred sixty-seven".

41. Page 20, by striking line 34 and inserting the following: "~~hundred thirteen thousand~~ five hundred five thousand eight hundred eighty-two dollars".

42. Page 21, by inserting after line 34, the following:

"Sec. _____. Section 261.47, Code 1991, is amended by adding the following new unnumbered paragraph after subsection 4:

NEW UNNUMBERED PARAGRAPH. Priority for loan reimbursement payments shall be given to eligible nurses who currently practice in an area of the state that is determined by the college student aid commission to demonstrate a nursing shortage, and shall be based upon the nurses' level of educational debt."

43. Page 22, by striking lines 8 through 28 and inserting the following:

"Sec. _____. Section 262.9, subsection 24, Code Supplement 1991, is amended to read as follows:

24. By July 1, 1991, develop a policy which requires oral communication competence of persons who provide instruction to students attending institutions under the control of the board. The policy shall include a student evaluation mechanism which requires student evaluation of persons providing instruction ~~at the end of each academic period~~ on at least an annual basis.

Sec. _____. Section 262.9, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 27. Establish a policy by which the institutions of higher education under its control shall charge fees for specific services provided by the institutions to the nonstudent population."

44. By striking page 23, line 14 through page 25, line 4, and inserting the following:

"Sec. _____ . NEW SECTION. 262.34B STUDENT FEE COMMITTEE.

1. A student fee committee composed of five students and five university employees shall be established at each of the universities governed by the board as identified in section 262.7, subsections 1 through 3. The five student members of the student fee committee of each university shall be appointed by the recognized student government organization of each university. The five university employees shall be appointed by the president of the university.

2. The student fee committee shall consider any proposed student activity changes at the university and shall make recommendations concerning student activity fee changes to the president of the affected university for review no later than April 15 of the year which includes the subsequent academic period in which the proposed fee change will take effect. The student fee committee shall provide a copy of its recommendations to the recognized student government organizations at each university and those organizations may review the recommendations and provide comment to the president of the university and the state board of regents. The president of the university shall transmit the recommendations of the student fee committee and the president's endorsement or recommendation to the state board of regents for consideration. The president of the university shall transmit a copy of the president's endorsement or recommendation to the recognized student government organizations for the university.

3. The state board of regents shall make the final decision on student activity fee changes. The state board of regents shall forward a copy of the committee's recommendations, the president's endorsement or recommendation, the recognized student government organization's comments, and its decision regarding student activity fee changes to the chairpersons and ranking members of the joint education appropriations subcommittee.

4. This section does not apply to fees charged for purposes of acquisition or construction of self-liquidating and revenue-producing buildings and facilities under sections 262.35 through 262.42, 262.44 through 262.53, and 262.55 through 262.66; or acquiring, purchasing, leasing, or constructing buildings and facilities under chapter 262A."

45. Page 25, by inserting after line 15 the following:

"Sec. _____ . Section 275.1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

It is the policy of the state to encourage economical and efficient school districts which will ensure an equal educational opportunity to all children of the state. All areas of the state shall be in school districts maintaining kindergarten and twelve grades. If a school district ceases to maintain kindergarten and twelve grades except as otherwise provided in section 28E.9, 256.13, 280.15, 282.7, subsection 1 or subsections 1 and 3, or 282.8, it shall reorganize within six months or the state board shall attach the school district not maintaining kindergarten and twelve grades to one or more adjacent districts. Voluntary reorganizations under this chapter shall be commenced only if the affected school districts are contiguous or marginally adjacent to one another. A reorganized district shall meet the requirements of section 275.3.

Sec. _____ . Section 275.1, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 4. "Marginally adjacent district" or "marginally adjacent territory" means a district or territory which is separated from a second district or territory by property which is part of a third school district which completely surrounds one of the two districts.

Sec. _____ . Section 275.4, unnumbered paragraph 2, Code 1991, is amended to read as follows:

In addition, the area education agency board shall consult with the ~~commissioner of public instruction~~ director of the department of education in the development of surveys and plans. The ~~commissioner of public instruction~~ director of the department of education shall provide assistance to the area education agency boards as requested and shall advise the area education agency boards concerning plans of contiguous area education agencies and the reorganization policies adopted by the state board of ~~public instruction~~ education.

Sec. _____ . Section 275.11, Code 1991, is amended to read as follows:

275.11 PROPOSALS INVOLVING TWO OR MORE DISTRICTS.

Subject to the approval of the area education agency board, contiguous or marginally adjacent territory located in two or more school districts may be united into a single district in the manner provided in sections 275.12 to 275.22 ~~hereof~~.

Sec. _____ . Section 275.23A, subsection 1, Code 1991, is amended to read as follows:

1. School districts which have directors who represent director districts as provided in section 275.12, subsection 2, paragraphs "b" through "e", shall be divided into director districts on the basis of population as determined from the most recent federal decennial census. The director districts shall be as nearly equal as practicable to the ideal population for the districts as determined by dividing the number of director districts to be established into the population of the school district. The director districts shall be composed of contiguous or marginally adjacent territory as compact as practicable.

Sec. _____ . Section 280A.28, Code 1991, is amended to read as follows:

280A.28 TAX FOR EQUIPMENT REPLACEMENT AND PROGRAM SHARING.

1. Annually, the board of directors may certify for levy a tax on taxable property in the merged area at a rate not exceeding three cents per thousand dollars of assessed valuation for equipment replacement for the community college.

2. However, the board of directors may annually certify for levy a tax on taxable property in the merged area at a rate in excess of the three cents per thousand dollars of assessed valuation specified under subsection 1 if the excess tax levied does not cause the total rate certified to exceed a rate of nine cents per thousand dollars of assessed valuation, and the excess revenue generated is used for purposes of program sharing between community colleges. Programs that are shared shall be designed to increase student access to community college programs and to achieve efficiencies in program delivery at the community colleges, including, but not limited to, the programs described under sections 280A.45 and 280A.46. Prior to expenditure of the excess revenues generated under this subsection, the board of directors shall obtain the approval of the director of the department of education.

3. If the board of directors wishes to certify for a levy under subsection 2, the board shall direct the county commissioner of elections to call an election to submit the question of such authorization for the board at a regular or special election. If a majority of those voting on the question at the election favors authorization of the board to make such a levy, the board may certify for a levy as provided under subsection 2 during each of the ten years following the election. If a majority of those voting on the question at the election does not favor authorization of the board to make a levy under subsection 2, the board shall not submit the question to the voters again until twelve months has lapsed from the election."

46. Page 26, by striking lines 30 through 32, and inserting the following: "beginning July 1, 1992, the amount of three hundred thirty-five thousand dollars from phase III moneys for the support of school transformation pilot projects administered by the department of education. Funds appropriated in this subsection may be used for projects by nonprofit corporations representing a coalition of organizations interested in school improvement in Iowa."

47. Page 27, by inserting after line 2 the following:

"Sec. _____. Section 303.1, subsection 6, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

The ~~divisions shall be administered by administrators who shall be appointed by the director and serve at the director's pleasure. However, the~~ administrator of the public broadcasting division shall be appointed by and serve at the pleasure of the public broadcasting board ~~and the~~. The administrator of the library division shall be appointed by and serve at the pleasure of the library commission. The administrator of the historical division shall be appointed by the state historical society board of trustees, and shall serve at the pleasure of the state historical society board of trustees. The administrator of the arts division shall be appointed by the arts council, and shall serve at the pleasure of the arts council. The administrators shall serve four-year terms beginning and ending as provided in section 69.19 and are subject to senate confirmation as provided in section 2.32. For purposes of this section, the public broadcasting board, the library commission, the state historical society board of trustees, and the arts council, shall assume the duties and responsibilities of the governor enumerated in section 2.32. The administrators shall:

Sec. _____. Section 303.2, subsection 3, paragraph f, Code Supplement 1991, is amended to read as follows:

f. Shall develop in cooperation with the Iowa regional library system ~~an annual~~ a biennial unified plan of service for the ~~Iowa regional library system and its individual members to insure consistency with the state long-range plan~~ division of libraries.

Sec. _____. Section 303.92, subsection 1, Code 1991, is amended to read as follows:

1. The state library commission consists of one member appointed by the state supreme court and six members appointed by the governor to serve four-year terms beginning and ending as provided in section 69.19. Of the governor's appointees, one member shall be from the medical profession, two members shall be regional library trustees at the time of appointment, and ~~five~~ three members shall be selected at large. Not more than three of the members appointed by the governor shall be of the same gender. The members shall be reimbursed for their actual expenditures necessitated by their official duties. Members may also be eligible for compensation as provided in section 7E.6.

Sec. _____. Section 303.92, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The commission shall receive and approve the budget and unified plan of service submitted by the division of libraries.

Sec. _____. NEW SECTION. 303B.2A REGIONAL LIBRARY TRUSTEES — NONVOTING MEMBERS.

In addition to the members of the seven regional boards of library trustees provided in section 303B.2, the director of education shall appoint to each of the seven regional boards of library trustees the following nonvoting members:

1. A representative from an area education agency.

2. A representative who serves as a member on the board of directors for a community college.

The nonvoting members shall serve at the pleasure of the director. The appointed members shall cease to be members if they no longer are employed by an area education agency or no longer serve as a member on a community college board of directors. Sections 303B.3 and 303B.4 do not apply to the appointed nonvoting members of the regional boards of library trustees."

48. By striking page 27, line 3 through page 29, line 21, and inserting the following:

"Sec. _____. The department of education shall conduct a study of statewide coordination of information delivery and report the results of the study, along with any recommendations, to the general assembly by January 1, 1994.

Sec. _____. DEPARTMENTAL STUDY. The department of education shall conduct a study on dyslexia. The department, in conjunction with the area education agencies and the institutions of higher education governed by the state board of regents, shall appoint a committee to study the methods by which the school districts in this state address dyslexia and related reading disorders. Members to be appointed by the department shall include, but are not limited to, representatives from the department, the area education agencies, and the state board of regents; a school administrator; a regular classroom teacher; a teacher employed under the federal Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, Pub. L. No. 100-297, chapter 1; a representative selected by the Iowa branch of the Orton dyslexia society; a representative selected by the Iowa reading association; a representative selected by the learning disabilities association of Iowa; and a parent of a child with dyslexia or a related reading disorder. The study shall include, but is not limited to, the identification, methods of teaching, and the remediation of persons with dyslexia and related reading disorders. The committee shall report the results of the study, along with any recommendations, to the department of education and the general assembly by January 1, 1994.

Sec. _____. TRANSITION. The current administrators of the arts division, the historical division, the library division, and the public broadcasting division of the department of cultural affairs shall continue to serve as administrators of the divisions to which they were appointed until May 1, 1993.

Sec. _____. TRANSFER. On the effective date of this Act, the executive assistant responsible for community cultural grants for the department of cultural affairs, and all of the equipment assigned to that position, shall be transferred to the office of secretary of state.

Sec. _____. TRANSFER. On the effective date of this Act, the budget analyst III employed in the administrative division of the department of cultural affairs, and all of the equipment assigned to that position, shall be transferred to the department of education."

49. Page 29, by striking line 24.

50. Page 29, line 30, by striking the figure "15" and inserting the following: "200".

51. Page 29, line 31, by striking the word and figures "32, and 37" and inserting the following: "and 100".

52. By renumbering, redesignating, and correcting internal references as necessary.

ON THE PART OF THE HOUSE:	ON THE PART OF THE SENATE:
KAY CHAPMAN, Chair	RICHARD VARN, Chair
JANET ADAMS	LEONARD BOSWELL
RAYMOND LAGESCHULTE	JIM LIND
MARY NEUHAUSER	LARRY MURPHY

Wise of Lee in the chair at 8:51 p.m.

Chapman of Linn moved the adoption of the conference committee report and the amendments contained therein.

A non-record roll call was requested.

The ayes were 49, nays 44.

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 2465)

The ayes were, 48:

Adams	Arnould, Spkr.	Beaman	Beatty
Bernau	Black	Blanshan	Brand
Burke	Chapman	Cohoon	Daggett
Dickinson	Diemer	Doderer	Dvorsky
Fogarty	Gill	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Haverland	Hibbard	Jay	Jesse
Knapp	Koenigs	Lageschulte	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Peterson, M. K.
Poncy	Schrader	Shearer	Shoultz
Svoboda	Teaford	Wissing	Wise
			Presiding

The nays were, 51:

Baker	Banks	Bartz	Bennett
Bisignano	Brammer	Branstad	Brown
Carpenter	Connors	Corbett	De Groot
Eddie	Garman	Gipp	Grubbs
Hahn	Halvorson, R. A.	Hanson, D. R.	Harbor
Hatch	Hester	Holveck	Hurley
Iverson	Jochum	Johnson	Kistler
Krebsbach	Kremer	Lundby	Maulsby
McKean	McNeal	Metcalf	Millage
Miller	Ollie	Petersen, D. F.	Plasier
Rafferty	Renaud	Renken	Royer
Sherzan	Siegrist	Spear	Spenner
Tyrrell	Van Maanen	Weidman	

Absent or not voting, 1:

Shoning

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

Speaker Arnould in the chair at 9:34 p.m.

MOTION TO RECONSIDER PREVAILED

Jochum of Dubuque called up for consideration the motion to reconsider House File 2465, filed by him from the floor, and moved to reconsider the vote by which **House File 2465**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing effective and applicability provisions, failed to pass the House on May 2, 1992.

A non-record roll call was requested.

The ayes were 55, nays 18.

The motion prevailed and House File 2465 was taken up for consideration.

Jochum of Dubuque moved to reconsider the vote by which the conference committee report on House File 2465 was adopted by the House on May 2, 1992.

The motion prevailed and the conference committee report was taken up for consideration.

On motion by Chapman of Linn, the conference committee report failed to be adopted.

SECOND CONFERENCE COMMITTEE APPOINTED
(House File 2465)

The Speaker announced the appointment of the second conference committee to consider the differences between the House and Senate concerning House File 2465: Chapman of Linn, Chair; Jochum of Dubuque; Ollie of Clinton; Corbett of Linn and Lageschulte of Bremer.

Appropriations Calendar

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

Svoboda of Tama offered the following amendment H–6095 filed by her and Mertz of Kossuth from the floor:

H–6095

1 Amend House File 2486 as follows:
2 1. Page 3, by inserting after line 14 the follow-
3 ing:
4 "Sec. _____. APPROPRIATIONS.
5 1. Notwithstanding any provision of an Act enacted
6 by the Seventy-fourth General Assembly during the 1992
7 Session which appropriates moneys from the general
8 fund, there is appropriated from the general fund of
9 the state to each department and establishment, as
10 defined in section 8.2, of the executive branch, to
11 each unit within the judicial branch, and to each unit
12 within the legislative branch, from the general fund
13 of the state for the fiscal year beginning July 1,
14 1992, and ending June 30, 1993, 101.9 percent of the
15 amount appropriated to that department, establishment,
16 or unit, from the general fund of the state for the
17 fiscal year beginning July 1, 1991, as reduced by any
18 item vetoes of the governor and by the execution of
19 the governor's executive order number 42, to be used
20 for the purposes for which the moneys were
21 appropriated for the fiscal year beginning July 1,
22 1991. This section does not apply to standing limited
23 or unlimited appropriations. The department shall
24 fund programs and services in such a manner that there
25 will not be an additional cost transfer to the
26 counties.
27 2. Notwithstanding subsection 1, a state
28 department or establishment of the executive branch,
29 unit within the judicial branch, or unit within the
30 legislative branch may apply to the state appeal board
31 for an increase in its appropriation for the fiscal

32 year beginning July 1, 1992, if there is an
33 outstanding need for such increase because of any of
34 the following reasons:
35 a. Risk of losing federal funds.
36 b. Natural disaster or other emergency.
37 c. Inability to fully fund entitlement programs or
38 health and retirement benefits.
39 d. Inability of the department of corrections to
40 staff, equip, and operate any new authorized beds in a
41 correctional facility.
42 The appeal board may approve or modify and approve
43 the request for an increase in appropriations. There
44 is appropriated from the general fund of the state for
45 the fiscal year beginning July 1, 1992, an amount
46 sufficient to fund any approved or modified and
47 approved request for an increase in appropriation
48 under this subsection.
49 Sec. _____. There is appropriated from the general
50 fund of the state to the department of management for

Page 2

1 the fiscal year beginning July 1, 1992, and ending
2 June 30, 1993, the following amount, or so much
3 thereof as is necessary, for the purpose designated:
4 For reducing the state deficit as determined under
5 generally accepted accounting principles, as defined
6 by the governmental accounting standards board:
7 .....$ 60,000,000
8 Sec. _____. COLLECTIVE BARGAINING AGREEMENTS FUNDED
9 — GENERAL FUND. There is appropriated from the
10 general fund of the state to the salary adjustment
11 fund for distribution by the department of management
12 to the various state departments, boards, commissions,
13 councils, and agencies for the fiscal year beginning
14 July 1, 1992, and ending June 30, 1993, the following
15 amount, $64,000,000, or so much thereof as may be
16 necessary, to fund the following annual pay
17 adjustments, expense reimbursements, and related
18 benefits:
19 1. The collective bargaining agreement negotiated
20 pursuant to chapter 20 for employees in the blue
21 collar bargaining unit.
22 2. The collective bargaining agreement negotiated
23 pursuant to chapter 20 for employees in the state
24 police officers council bargaining unit.
25 3. The collective bargaining agreement negotiated
26 pursuant to chapter 20 for employees in the security
27 bargaining unit.
28 4. The collective bargaining agreement negotiated
29 pursuant to chapter 20 for employees in the technical
30 bargaining unit.

31 5. The collective bargaining agreement negotiated
32 pursuant to chapter 20 for employees in the
33 professional fiscal and staff bargaining unit.
34 6. The collective bargaining agreement negotiated
35 pursuant to chapter 20 for employees in the clerical
36 bargaining unit.
37 7. The collective bargaining agreement negotiated
38 pursuant to chapter 20 for employees in the Iowa
39 united professionals bargaining unit.
40 8. The collective bargaining agreement negotiated
41 pursuant to chapter 20 for employees in the community-
42 based corrections bargaining unit.
43 9. If an agreement is negotiated pursuant to
44 chapter 20 for employees of the judicial branch of
45 government bargaining unit, notwithstanding section
46 8.43, the salary and benefit expenditures shall be
47 paid from funds otherwise appropriated to the judicial
48 branch.
49 Sec. _____. APPROPRIATIONS FROM ROAD FUNDS.
50 1. There is appropriated from the road use tax

Page 3

1 fund to the salary adjustment fund for the fiscal year
2 beginning July 1, 1992, and ending June 30, 1993, the
3 following amount, or so much thereof as may be
4 necessary, to be used for the purpose designated:
5 To supplement other funds appropriated by the
6 general assembly:
7 ..... $ 4,145,259
8 2. There is appropriated from the primary road
9 fund to the salary adjustment fund, for the fiscal
10 year beginning July 1, 1992, and ending June 30, 1993,
11 the following amount, or so much thereof as may be
12 necessary, to be used for the purpose designated:
13 To supplement other funds appropriated by the
14 general assembly:
15 ..... $ 10,612,193
16 3. Except as otherwise provided in this Act, the
17 amounts appropriated in subsections 1 and 2 shall be
18 used to fund the annual pay adjustments, expense
19 reimbursement, and related benefits for public
20 employees subject to collective bargaining agreements
21 negotiated pursuant to chapter 20.
22 Sec. _____. BACK PAY. The moneys appropriated in
23 this Act shall also be used to pay annual pay
24 adjustments, interest, and related benefits due
25 employees covered by collective bargaining agreements
26 negotiated pursuant to chapter 20 for the fiscal year
27 beginning July 1, 1991, and ending June 30, 1992.

28 Sec. _____. SPECIAL FUNDS — AUTHORIZATION. To
29 departmental revolving, trust, or special funds,
30 except for the primary road fund or the road use tax
31 fund, for which the general assembly has established
32 an operating budget, a supplemental expenditure
33 authorization is provided, unless otherwise provided,
34 in an amount necessary to fund salary adjustments as
35 otherwise provided in this Act.
36 Sec. _____. EFFECT OF APPROPRIATION REDUCTIONS. The
37 moneys appropriated to pay back pay to employees
38 subject to collective bargaining agreements negotiated
39 pursuant to chapter 20 for the fiscal year beginning
40 July 1, 1991, and ending June 30, 1992, made in this
41 Act are not subject to the allotment reductions of
42 3.25 percent and .62 percent pursuant to executive
43 orders number 42 and number 43, respectively.
44 Sec. _____. GENERAL FUND SALARY MONEYS. Funds
45 appropriated from the general fund of the state in
46 this Act relate only to salaries supported from
47 general fund appropriations of the state.
48 Sec. _____. FEDERAL FUNDS APPROPRIATED. All federal
49 grants to and the federal receipts of the agencies
50 affected by this Act which are received and may be

Page 4

1 expended for purposes of this Act are appropriated for
2 those purposes and as set forth in the federal grants
3 or receipts.
4 Sec. _____. Notwithstanding any provision of an Act
5 enacted by the Seventy-fourth General Assembly during
6 the 1992 Session, any new program that was to be
7 established pursuant to such Act during the fiscal
8 year beginning July 1, 1992, shall not be established
9 until the fiscal year beginning July 1, 1993, and any
10 appropriation to be made for such program for the
11 fiscal year beginning July 1, 1992, is void.
12 Sec. _____. It is the intent of the general assembly
13 that for the fiscal year beginning July 1, 1992,
14 notwithstanding the allocation provisions in section
15 294A.25, the department of education use half of the
16 phase III allocation for purposes of phase II salaries
17 and use the other half to fund the base budgets for
18 the school districts.
19 Sec. _____. It is the intent of the general assembly
20 that from moneys appropriated under this Act, the
21 Marshalltown community college shall reinstate the
22 vocational educational programs at the Iowa juvenile
23 home.
24 Sec. _____. There is appropriated from the general
25 fund of the state to the department of corrections for
26 the fiscal year beginning July 1, 1992, and ending

27 June 30, 1993, the following amount, or so much
28 thereof as is necessary, to be used for the purpose
29 designated:
30 For the operation and construction of the 620
31 additional prison beds authorized pursuant to 1989
32 Iowa Acts, chapter 316, section 7, and 1990 Iowa Acts,
33 chapter 1257, section 24:
34 .....$ 8,800,000
35 Sec. _____. Notwithstanding the amount of the
36 standing appropriation from the general fund of the
37 state under section 455A.18, subsection 3, there is
38 appropriated from the general fund of the state, in
39 lieu of the appropriation made in section 455A.18, for
40 the fiscal year beginning July 1, 1992, to the Iowa
41 resources enhancement and protection fund the sum of
42 $10,000,000.
43 Sec. _____. There is appropriated from the general
44 fund of the state to the designated funds for the
45 fiscal year beginning July 1, 1992, and ending June
46 30, 1993, the following amount, or so much thereof as
47 is necessary, for the purpose designated:
48 For repayment of moneys transferred to the general
49 fund of the state from the funds designated in 1991
50 Iowa Acts, chapter 260, sections 1101, 1102, 1103, and

Page 5

1 1104 as a result of such sections:
2 .....$ 44,000,000
3 The amount that shall be repaid to each of the
4 designated funds equals the amount transferred
5 pursuant to 1991 Iowa Acts, chapter 260, division XI,
6 less any amounts previously repaid to such fund from
7 the general fund of the state.
8 Sec. _____. Notwithstanding section 331.438, at
9 least $20,000,000 shall be appropriated from the
10 general fund of the state, for the fiscal year
11 beginning July 1, 1992, and ending June 30, 1993, for
12 mental health, mental retardation, and developmental
13 disabilities services expenditures for counties.
14 Sec. _____. The mental health institute per diem
15 costs to counties shall be based upon the previous
16 year costs increased by the percentage increase in the
17 consumer price index for the previous calendar year.
18 Sec. _____. There is appropriated from the general
19 fund of the state to the Iowa economic emergency fund
20 for the fiscal year beginning July 1, 1992, and ending
21 June 30, 1993, the following amount or so much thereof
22 as is necessary to comply with the provisions of
23 section 8.55:
24 .....$ 25,000,000

25 Sec. _____. NEW SECTION. 2.111 PROGRAMS –
26 APPROPRIATIONS – LIMITS.
27 Beginning with the fiscal year beginning July 1,
28 1993, the general assembly shall not establish new
29 programs to be administered by a state agency unless
30 the Act in which the new program is established
31 contains an appropriation for the administration and
32 operating costs of the program for the first fiscal
33 year. In addition, such program shall only begin on
34 July 1 unless the program is required by the federal
35 government and it is not possible to begin the program
36 at the beginning of the fiscal year. In making
37 appropriations for a fiscal year, the general assembly
38 shall not make the appropriations contingent upon the
39 occurrence of some event, including but not limited
40 to, the passage of a bill by the general assembly,
41 establishment of a program, or unexpected increase in
42 state revenues."

Peterson of Carroll in the chair at 9:50 p.m.

Wise of Lee rose on a point of order that amendment H–6095 was not germane.

The Speaker ruled the point well taken and amendment H–6095 not germane.

Jochum of Dubuque moved that the rules be suspended to consider amendment H–6095.

Roll call was requested by Mertz of Kossuth and Kremer of Buchanan.

On the question "Shall the rules be suspended to consider amendment H–6095?" (H.F. 2486)

The ayes were, 27:

Bartz	Beaman	Branstad	Daggett
De Groot	Eddie	Fogarty	Gruhn
Halvorson, R. A.	Hester	Hurley	Iverson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lageschulte	Maulsby	McKean
McNeal	Mertz	Petersen, D. F.	Plasier
Renken	Spear	Svoboda	

The nays were, 61:

Adams	Baker	Banks	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Burke
Carpenter	Cohoon	Connors	Corbett
Dickinson	Diemer	Dvorsky	Garman

Gill	Gipp	Hahn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Harbor
Haverland	Holveck	Jay	Jesse
Johnson	Lundby	McKinney	Metcalf
Millage	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Poncy	Rafferty	Renaud	Royer
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spenner	Teaford	Tyrrell
Van Maanen	Weidman	Wise	Wissing
Peterson, M. K. Presiding			

Absent or not voting, 12:

Arnould, Spkr.	Beatty	Chapman	Doderer
Groninga	Grubbs	Hanson, D. R.	Hatch
Hibbard	Jochum	Neuhauser	Shoning

The motion to suspend the rules 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?" (H.F. 2486)

The ayes were, 98:

Adams	Arnould, Spkr.	Baker	Banks
Bartz	Beaman	Beatty	Bennett
Bernau	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Burke	Carpenter	Chapman	Cohoon
Connors	Corbett	Daggett	De Groot
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	McNeal	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Plasier	Poncy	Rafferty
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford

Tyrrell	Van Maanen	Weidman	Wise
Wissing	Peterson, M. K. Presiding		

The nays were, 1:

Mertz

Absent or not voting, 1:

Shoning

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 2, 1992, adopted the conference committee report and passed Senate File 2347, a bill for an act relating to agriculture and natural resources, by making appropriations and statutory changes, and providing effective dates.

Also: That the Senate has on May 2, 1992, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

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

JOHN F. DWYER, Secretary

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2486** be immediately messaged to the Senate.

Speaker Arnould in the chair at 10:20 p.m.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for an immediate meeting of the committee on state government.

The House stood at ease at 10:25 p.m., until the fall of the gavel.

The House resumed session at 11:01 p.m., Speaker Arnould in the chair.

QUORUM CALL

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

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE
(Senate File 2347)

Shoultz of Black Hawk called up for consideration the report of the conference committee on Senate File 2347 as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2347

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2347, a bill for an act relating to agriculture and natural resources, by making appropriations and statutory changes, and providing effective dates, respectfully make the following report:

1. That the House recedes from its amendment, S—5679.

2. That Senate File 2347, as amended, passed, and reprinted by the Senate, is amended as follows:

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

"DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Section 1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE DIVISION

a. For salaries, support, maintenance, the support of the state 4-H foundation, support of the statistics bureau, and miscellaneous purposes:
.....$ 1,000,544

Of the funds appropriated in this paragraph "a", $35,000 shall be allocated to the state 4-H foundation to foster the development of Iowa's youth and to encourage them to study the subject of agriculture.

Of the funds appropriated in this paragraph "a", $140,000 and 5.00 FTEs shall be allocated to the statistics bureau to provide county-by-county information on land in farms, production by crop, acres by crop, and county prices by crop. This information shall be made available to the department of revenue and finance for use in the productivity formula for valuing and equalizing agricultural land.

b. For the operations of the dairy trade practices bureau:
.....$ 69,612

Of the funds appropriated in this paragraph "b", not more than $46,945 shall be used to support the operations of the dairy trade practices bureau for the fiscal year beginning July 1, 1992, and ending June 30, 1993. Notwithstanding section 8.39, moneys

appropriated under this paragraph shall not be transferred by the department to support a purpose other than the operations of the bureau. Notwithstanding section 8.33, unobligated or unencumbered moneys remaining on June 30, 1993, shall not revert, but shall be available for expenditure for the bureau for the next fiscal year and any of these moneys remaining on June 30, 1994, shall revert to the general fund of the state.

c. For the operations of the agricultural marketing bureau:
.....$ 776,805

Of the funds appropriated in this paragraph "c", $325,000 and 8.00 FTEs shall be used to support horticulture.

d. For the purpose of performing commercial feed audits:
.....$ 56,157

e. For the purpose of performing fertilizer audits:
.....$ 56,157

f. Funds appropriated by this subsection are for the salaries and support of not more than the following full-time equivalent positions:
.....FTEs 56.20

2. FARMERS' MARKET COUPON PROGRAM

For salaries, support, maintenance, and miscellaneous purposes, to be used by the department to continue and expand the farmers' market coupon program by providing federal special supplemental food program recipients with coupons redeemable at farmers' markets, and for not more than the following full-time equivalent positions:
.....$ 190,822
.....FTEs 1.00

3. REGULATORY DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
.....$ 3,587,025
.....FTEs 135.00

b. To cover the costs of inspection, sampling, analysis, and other expenses necessary for the administration of chapters 192, 194, and 195:
.....$ 648,571

4. LABORATORY DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, including the administration of the gypsy moth program:
.....$ 670,538

Of the amount appropriated under this paragraph "a", $50,000 shall be used to administer a program relating to the detection, surveillance, and eradication of the gypsy moth. The department shall allocate and use the appropriation made under this paragraph before moneys other than those appropriated under this paragraph are used to support the program.

b. For the operations of the commercial feed programs:
.....$ 705,436

c. For the operations of the pesticide programs:
.....$ 1,189,105

d. For the operations of the fertilizer programs:
..... $ 622,674

e. Funds appropriated by this subsection are for the salaries and support of not more than the following full-time equivalent positions:
..... FTEs 79.25

5. SOIL CONSERVATION DIVISION

a. For salaries, support, maintenance, assistance to soil conservation districts, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... $ 4,973,030
..... FTEs 173.52

Of the funds appropriated in this paragraph "a", $330,000 shall be used to reimburse commissioners of soil and water conservation districts for administrative expenses. Moneys used for the payment of meeting dues by counties shall be matched on a dollar-for-dollar basis by the soil conservation division.

b. To provide financial incentives for soil conservation practices under chapter 467A:
..... $ 5,947,480

c. The following requirements apply to the moneys appropriated by paragraph "b":

(1) Not more than 5 percent of the moneys appropriated in paragraph "b" may be allocated for cost sharing to abate complaints filed under section 467A.47.

(2) Of the moneys appropriated in paragraph "b", 5 percent shall be allocated for financial incentives to establish practices to protect watersheds above publicly owned lakes of the state from soil erosion and sediment. The financial incentives shall be awarded to watersheds which are of the highest importance based on soil loss as established by the natural resource commission pursuant to section 107.33A. The financial incentives shall not exceed seventy-five percent of the estimated cost of establishing the practices as determined by the commissioners or seventy-five percent of the actual cost of establishing the practices, whichever is less.

(3) The commissioners of a soil and water conservation district may allocate financial incentives to encourage summer construction of permanent soil and water conservation practices. The practices shall be constructed on or after June 1 but not later than August 15. The commissioners may also provide for the payment of moneys on a prorated basis to compensate persons for the production loss on an area disturbed by construction, according to rules which shall be adopted by the division. The commissioners shall not allocate cost-share moneys to support summer construction during a fiscal year in which applications for cost-share moneys required to establish permanent soil and water conservation practices, other than established by summer construction, equal the total amount available to support the nonsummer construction practices. The financial incentives shall not exceed sixty percent of the estimated cost of establishing the practice as determined by the commissioners, or sixty percent of the actual cost of establishing the practice, whichever is less.

(4) The commissioners of a soil and water conservation district may allocate financial incentives under a special agreement with owners of land in the district who shall adopt a watershed conservation plan as provided by rules which shall be adopted by the division. The watershed conservation plan shall be in conjunction with the owners' respective farm unit soil conservation plans. The funding agreement must provide for the funding of a project which includes five or more contiguous farm units which have

at least five hundred acres of agricultural land and which constitutes at least seventy-five percent of the agricultural land located within a watershed or subwatershed. The financial incentives shall not exceed sixty percent of the estimated cost of the project as determined by the commissioners or sixty percent of the actual cost, whichever is less.

(5) Except as otherwise provided in subparagraphs (1) through (4), the moneys appropriated in paragraph "b" shall not be used alone or in combination with other public funds to provide a financial incentive payment greater than fifty percent of the approved cost for a voluntary permanent soil conservation practice. Priority for funding shall be given to family-operated farms.

(6) Not more than 30 percent of a district's allocation of moneys as financial incentives may be provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to no-till planting, ridge-till planting, contouring, and contour strip-cropping. The division shall by rule establish limits on the amount of incentives which shall be authorized for payment to landowners upon establishment of the practice.

(7) The soil conservation committee may allocate moneys to conduct research and demonstration projects to promote conservation tillage and nonpoint sources pollution control practices.

(8) The financial incentive payments may be used in combination with department of natural resources funds.

d. The provisions of section 8.33 shall not apply to the funds appropriated under paragraph "b". Unencumbered or unobligated funds remaining on June 30, 1996, from funds appropriated under paragraph "b" for the fiscal year beginning July 1, 1992, shall revert to the general fund on August 31, 1996.

Sec. 2. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To fund lamb and wool management education projects approved by the department at community colleges selected as project sites as provided in section 99E.32, subsection 3, paragraph "m":
.....$ 192,426

Sec. 3. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For support of the pseudorabies eradication program:
.....$ 795,560

Sec. 4. There is appropriated from the funds available under section 99D.13 to the regulatory division of the department of agriculture and land stewardship for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For salaries, support, maintenance, and miscellaneous purposes for the administration of section 99D.22:
.....$ 174,342

INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING

Sec. 5. There is appropriated from the general fund of the state to the interstate agricultural grain marketing commission for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For carrying out duties of the commission as provided in Article IV of the interstate compact on agricultural grain marketing as provided in chapter 183:

..... $ 61,606

DEPARTMENT OF NATURAL RESOURCES

Sec. 6. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE AND SUPPORT SERVICES

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,058,055
..... FTEs 135.00

2. PARKS AND PRESERVES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 5,176,266
..... FTEs 210.57

3. FORESTS AND FORESTRY DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,390,537
..... FTEs 55.71

4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,455,711
..... FTEs 55.02

5. ENVIRONMENTAL PROTECTION DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 2,101,771
..... FTEs 174.00

6. FISH AND WILDLIFE DIVISION

For not more than the following full-time equivalent positions:

..... FTEs 338.78

7. WASTE MANAGEMENT ASSISTANCE DIVISION

For not more than the following full-time equivalent positions:
.....FTEs 18.75

8. For the green thumb program for the employment of the elderly in conservation and outdoor recreation related fields in coordination with other agencies as provided by law, and for not more than the following full-time equivalent positions:
.....$ 129,279
.....FTEs 10.00

Sec. 7. There is appropriated from the state fish and game protection fund to the division of fish and wildlife of the department of natural resources for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for administrative support, and for salaries, support, maintenance, equipment, and miscellaneous purposes:
.....$ 18,386,561

The department shall not expend more moneys from the fish and game protection fund than provided in this section, unless the expenditure derives from contributions made by a private entity, or a grant or moneys received from the federal government, and is approved by the natural resource commission. The department of natural resources shall promptly notify the legislative fiscal bureau of the commission's approval, and the chairpersons and ranking members of the agriculture and natural resources appropriations subcommittee.

Sec. 8. There is appropriated from the marine fuel tax receipts deposited in the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For purposes of funding expenditures traditionally funded from marine fuel tax revenues, but not considered as capitals or operations:
.....$ 198,890

2. For purposes of maintaining and developing boating facilities and access to public waters by the parks and preserves division:
.....$ 432,959

3. For deposit in the state fish and game protection fund for maintenance of boating access on lands managed by the fish and wildlife division:
.....$ 144,320

4. For purposes of funding capitals traditionally funded from marine fuel tax receipts for the purposes specified in section 324.79:
.....$ 1,540,000

Notwithstanding section 8.33, the unencumbered or unobligated moneys remaining on June 30, 1993, from moneys appropriated for purposes of funding capitals traditionally funded from marine fuel tax receipts as provided in this subsection 4 for the fiscal year beginning July 1, 1992, shall revert on September 30, 1994.

Sec. 9. There is transferred on July 1, 1992, from the fees deposited under section 321G.7 to the fish and game protection fund and appropriated to the department of natural resources for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of enforcing snowmobile laws as part of the state snowmobile program administered by the department of natural resources:
.....$ 100,000

Sec. 10. There is transferred on July 1, 1992, from the fees deposited under section 106.52 to the fish and game protection fund and appropriated to the department of natural resources for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of administration and enforcement of navigation laws and water safety:
.....$ 950,000

MISCELLANEOUS

Sec. 11. PREDATOR DAMAGE CONTROL. From moneys appropriated for the fiscal year beginning July 1, 1992, and ending June 30, 1993, to the agricultural experiment station at Iowa state university of science and technology there is transferred to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount to be used for purposes of supporting a predator damage management program:
.....$ 50,000

The program shall provide for controlling predators, including coyotes which interfere with agricultural production including livestock production. A primary purpose of the program shall be to reduce damages or injury to property involved in farming as defined in section 172C.1. The program shall emphasize the prevention of damage through management techniques which preserve the life and habitat of predators. An animal or an animal's habitat shall not be destroyed only because the animal belongs to a particular species. The department shall cooperate with the department of natural resources. The program shall be conducted in accordance with federal and state law, notwithstanding laws relating to open seasons.

Sec. 12. REAP.

1. Notwithstanding the amount of the standing appropriation from the general fund of the state under section 455A.18, subsection 3, there is appropriated from the general fund of the state, in lieu of the appropriation made in section 455A.18, for the fiscal year beginning July 1, 1992, to the Iowa resources enhancement and protection fund the sum of $9,944,500, of which all moneys shall be allocated as provided in subsection 2 and section 455A.19.

2. Of the amount appropriated under subsection 1, there is allocated the following amounts to be used for the purposes designated:

a. To the department of natural resources to support the purposes specified pursuant to section 455D.15, subsection 3, paragraph "g":
.....$ 500,000

b. To the soil conservation division of the department of agriculture and land stewardship to provide state soil and water conservation cost-sharing moneys pursuant to chapter 467A:
.....$ 400,000

Sec. 13. STREAM STABILIZATION. There is appropriated from the general fund of the state to the division of soil conservation of the department of agriculture and land stewardship for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purposes of participating with local entities including local governments, and with entities receiving federal funding, in developing and installing projects that stabilize degrading stream channels in areas of the state determined by the division to require assistance:

.....$ 99,445

Sec. 14. LAKE PROJECT. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of supporting lake preservation efforts at Black Hawk Lake:

.....$ 397,780

The moneys appropriated under this section shall be allocated by the department to continue lake preservation, including dredging operations, at Black Hawk Lake, located at Lake View, Iowa. Remaining moneys previously designated for Black Hawk Lake under the federal clean lakes program shall be allocated on a matching basis with moneys appropriated under this section for purposes of preserving Black Hawk Lake. The allocation of moneys shall be contingent upon land used as a spoil site for the lake being provided without financial obligation to the state and the active participation of a local entity in preparing the spoil site.

This section shall become effective upon enactment.

Sec. 15. The department of agriculture and land stewardship and the department of natural resources, in cooperation as necessary with the department of management and the department of personnel, shall provide a list to the legislative fiscal bureau, on a quarterly basis, of all permanent positions added to or deleted from the departments' table of organization in the previous fiscal quarter. This list shall include at least the position number, salary range, projected funding source or sources of each position, and the reason for the addition or deletion. The legislative fiscal bureau may use this information to assist in the establishment of the full-time equivalent position limits contained in the this Act for the departments.

Sec. 16. The department of revenue and finance in cooperation with the department of agriculture and land stewardship and the department of natural resources shall track receipts to the general fund which have traditionally been deposited into the following funds:

1. The fertilizer fund created in section 200.9.

2. The pesticide fund created in section 206.12.

3. The dairy trade practices trust fund pursuant to section 192A.30.

4. The milk fund created in section 192.111.

5. The commercial feed fund created in section 198.9.

6. The marine fuel tax fund created in section 324.79.

7. The energy research and development fund provided in section 93.11.

The departments designated in this section shall prepare reports detailing revenue from receipts traditionally deposited into each of the funds. A report shall be submitted to the legislative fiscal bureau at least once for each three-month period as designated by the legislative fiscal bureau.

Sec. 17. The department of natural resources shall provide the legislative fiscal bureau information and financial data by cost center, on at least a monthly basis, relating to the indirect cost accounting procedure, the amount of funding from each funding source for each cost center, and the internal budget system used by the department. The information shall include but is not limited to financial data covering the department's budget by cost center and funding source prior to the start of the fiscal year, and to the department's actual expenditures by cost center and funding source after the accounting system has been closed for that fiscal year.

Sec. 18. Notwithstanding section 17A.2, subsection 7, paragraph "g", the department of natural resources shall by rule establish prices of plant material grown at the state forest nurseries to cover all expenses related to the growing of the plants.

The department shall develop programs to encourage the wise management and preservation of existing woodlands and shall continue its efforts to encourage forestation and reforestation on private and public lands in the state.

The department shall encourage a cooperative relationship between the state forest nurseries and private nurseries in the state in order to achieve these goals.

Sec. 19. During the fiscal year for which funds are appropriated by sections 6 and 7 of this Act, the department of natural resources shall not require the installation or use of equipment to control the emission of dust or other particulate matter on or by facilities for storage of grain which are located within the ambient air quality attainment areas for suspended particulates.

Sec. 20. ZERO-BASE BUDGET PROPOSAL. The parks and preserves division of the department of natural resources shall submit a zero-base budget proposal for the fiscal year beginning July 1, 1993, and ending June 30, 1994, to the joint appropriations subcommittee on agriculture and natural resources by January 15, 1993.

Sec. 21. CODE EDITOR. The Code editor shall change the name of the waste management authority within the department of natural resources to the waste management assistance division wherever it appears in the Code.

Sec. 22. 1992 Iowa Acts, Senate File 2367, section 201, unnumbered paragraph 2, is amended by striking the paragraph.

This section, being deemed of immediate importance, takes effect upon enactment.

Sec. 23. Section 93.11, subsection 1, paragraph f, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

Notwithstanding the provisions of this section directing that moneys be deposited into the energy research and development fund, for the fiscal period beginning July 1, 1991, and ending June 30, 1993, all moneys shall be deposited into the general fund of the state. ~~There is appropriated annually from the general fund of the state the sum of one hundred fifty thousand dollars to be used for the purposes of this section.~~

Sec. 24. NEW SECTION. 111.17A PAYMENT IN LIEU OF PROPERTY TAXES. The director of the department of natural resources shall submit a budget request to pay the annual property taxes on property held by the department. The budget request shall be submitted to the general assembly as part of the annual budget proposal provided in section 455A.4. The amount of the payment shall be based on property acquired on or after July 1, 1992, which would otherwise be subject to the levy of property taxes. The assessed value of property held by the department shall be that determined under section 427.1, subsection 31, and the director may protest the assessed value in the manner provided by law for any property owner to protest an assessment. For the purposes of chapter 257, the assessed value of any property which was acquired by the department on or after July 1, 1992, shall be included in the valuation base of the school district and the payments made pursuant to this section shall be considered as property tax revenues and not as miscellaneous income. The county treasurer shall certify the amount of taxes due to the department. The taxes shall be paid annually from the departmental fund or account from which the property acquisition was funded. If the departmental fund or account has no moneys, no longer exists, or if the acquisition of property was made without an expenditure of funds by the department, the taxes shall be paid from funds in the manner provided by the general assembly. If the total amount of taxes due, as certified to the department, exceeds the amount available for expenditure under this section, the property taxes due shall be reduced proportionately so that the total amount due equals the amount available for expenditure.

Sec. 25. NEW SECTION. 159.6A CONTRIBUTIONS.

The department may accept contributions, including gifts and grants, in order to carry out and administer the provisions of this chapter. The department shall maintain an itemized accounting of the contributions. At the end of each fiscal year, the department shall prepare a list recognizing private contributors.

Sec. 26. Section 159.20, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

~~An agricultural marketing division is created within the department.~~ The ~~division~~ department shall perform duties designed to lead to more advantageous marketing of Iowa agricultural commodities. The ~~division~~ department may do any of the following:

Sec. 27. Section 159.20, subsections 5 and 9, Code Supplement 1991, are amended to read as follows:

5. Accumulate and diffuse information concerning the marketing of agricultural commodities in cooperation with persons, agencies, or the federal government. The ~~division~~ department shall establish an agricultural commodity informational data base.

9. Cooperate with the Iowa department of economic development to avoid duplication of efforts between the ~~division~~ department and the agricultural marketing program operated by the Iowa department of economic development.

Sec. 28. Section 159.20, unnumbered paragraph 2, Code Supplement 1991, is amended by striking the paragraph.

Sec. 29. Section 159.22, Code Supplement 1991, is amended to read as follows:

159.22 GRANTS AND GIFTS OF FUNDS.

The ~~division may with the approval of the~~ secretary may accept grants and allotments of funds from the federal government and enter into co-operative agreements with the United States department of agriculture for projects to effectuate a purpose described in this subchapter. ~~The division may accept grants, gifts or allotments of funds from any person for the purpose of carrying out the provisions of this subchapter. If funds are accepted from a person, the director shall prepare an itemized accounting to the department at the end of each fiscal year.~~

Sec. 30. Section 159.23, Code 1991, is amended to read as follows:

159.23 SPECIAL FUND.

All fees collected as a result of the inspection and grading provisions set out herein shall be paid into the state treasury, there to be set aside in a separate fund which is hereby appropriated for the use of the ~~division~~ department except as indicated. Withdrawals therefrom shall be by warrant of the director of revenue and finance upon requisition by the ~~administrator of the division approved by the~~ secretary of agriculture. Such fund shall be continued from year to year, provided, however, that if there be any balance remaining at the end of the biennium which, in the opinion of the governor, director of management and secretary of agriculture, is greater than necessary for the proper administration of the inspection and grading program referred to herein, the treasurer of state is hereby authorized on the recommendation and with the approval of the governor, director of management and secretary of agriculture, to transfer to the general fund of the state that portion of such account as they shall deem advisable.

Sec. 31. Section 159.24, Code 1991, is amended to read as follows:

159.24 GRADES OR CLASSIFICATIONS OF FARM PRODUCTS.

A certificate of the grade, or other classification, of any farm products issued under ~~this division of~~ this chapter shall be accepted in any court of this state as prima facie evidence of the true grade or classification of such farm products as the same existed at the time of their classification.

Sec. 32. Section 159.37, subsection 1, Code 1991, is amended to read as follows:

1. The department shall establish ~~within the international trade bureau of the marketing division~~ a special quality grains electronic bulletin board system. The system shall be available to any and all buyers and sellers of special quality grains for the purpose of posting the availability of special quality grains, or a demand for special quality grains.

Sec. 33. Section 159A.3, subsection 1, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

An office of renewable fuel is created within ~~the agricultural marketing division of~~ the department and shall be staffed by a coordinator who shall be appointed by the ~~division administrator~~ secretary. It shall be the policy of the office to further renewable fuel activities. The office shall first further renewable fuel activities based on the following considerations:

Sec. 34. Section 199.3, subsection 4, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. The last date on which the variety of seed will normally germinate according to standards established by rules adopted by the department.

Sec. 35. Section 199.11, Code 1991, is amended to read as follows:

199.11 AUTHORITY OF ~~SECRETARY OF AGRICULTURE~~ THE DEPARTMENT.

1. For the purpose of carrying out the provisions of this chapter, the ~~state secretary of agriculture who may act through authorized agents is hereby authorized and directed~~ department shall do all of the following:

a. ~~To sample~~ Sample, inspect, ~~make analysis of~~ analyze, and test agricultural ~~seeds~~ seed other than lawn seed, if the agricultural seed is transported, sold, offered, or exposed for sale within this state for sowing ~~purposes,~~. The department shall perform these duties at ~~such~~ a time and place and to ~~such~~ an extent ~~as the secretary may deem~~ necessary to determine whether ~~said~~ the agricultural ~~seeds are~~ seed is in compliance with ~~the provisions of~~ this chapter~~, and to notify~~. The department shall promptly notify the person who transported, sold, offered, or exposed the seed for sale, of ~~any~~ a violation.

b. ~~To prescribe and, after public hearing following due public notice, to adopt~~ Adopt rules ~~and regulations~~ governing ~~the~~ methods of sampling, inspecting, ~~analysis, tests~~ analyzing, testing, and ~~examination of~~ examining agricultural seed~~, and the~~ other than lawn seed. The rules shall include tolerances to be followed in the administration of this chapter, which shall be in general accord with officially prescribed practice in interstate commerce under the federal seed Act and ~~such~~ other rules ~~and~~ or regulations ~~as may be~~ necessary ~~to secure~~ for the efficient enforcement of this chapter.

2. ~~Further, for~~ For the purpose of carrying out the provisions of this chapter, the ~~state secretary of agriculture, individually or through authorized agents, is authorized and directed~~ department may:

a. ~~To enter~~ Enter upon ~~any~~ public or private premises during regular business hours in order to have access to ~~seeds~~ commercial seed other than lawn seed, subject to this chapter and ~~the~~ departmental rules ~~and regulations thereunder~~.

b. ~~To issue~~ Issue and enforce a written or printed "stop sale" order to the owner or custodian of any lot of agricultural seed other than lawn seed which the ~~state secretary of agriculture or the secretary's authorized agents believe~~ department believes is in violation of ~~any of the provisions of~~ this chapter ~~which~~ or departmental rules. The order shall prohibit further sale of ~~such~~ the seed until ~~such officer~~ the department has evidence ~~that the law has been complied with; provided, that~~ of compliance. However, the owner or custodian of ~~such~~ the seed shall be permitted to remove ~~said~~ the seed from a salesroom open to the public~~; provided further, that in respect to seeds which have been denied sale as provided in this subsection, judicial~~. Judicial review of the order may be sought in accordance with ~~the terms of the Iowa administrative procedure Act~~ chapter 17A. ~~Notwithstanding the terms of said Act~~ However, notwithstanding chapter 17A, petitions for judicial review may be filed in the district court~~; and provided further, that the provisions of this~~. This subsection ~~shall~~ does not ~~be construed as limiting~~ limit the right of the ~~enforcement officer~~ department to proceed as authorized by other sections of this chapter.

c. ~~To establish~~ Establish and maintain or make provision for seed testing facilities essential to the enforcement of this chapter~~, to~~. The department may employ qualified persons, and ~~to~~ incur ~~such~~ expenses ~~as may be~~ necessary to comply with these provisions.

d. ~~To co-operate~~ Cooperate with the United States department of agriculture in seed law enforcement.

Sec. 36. Section 214.3, subsection 1, Code 1991, is amended to read as follows:

1. The license for inspection of a commercial weighing and measuring device shall expire on December 31 of each year, and for a motor vehicle fuel pump on June 30 of each year. The amount of the fee due for each license shall be as provided in subsection 3, except that the fee for a motor vehicle fuel pump shall be ~~three~~ four dollars and fifty cents if paid within one month from the date the license is due.

Sec. 37. Section 214.3, subsection 3, paragraphs a through e, Code 1991, are amended to read as follows:

a. Class S—IIIL.

(1) Railroad track scales, ~~seventy-one~~ one hundred six dollars and fifty cents.

(2) Other scales.

(a) 500 to 1,000 pounds capacity, ~~eleven~~ sixteen dollars and fifty cents.

(b) 1,001 to 30,000 pounds capacity, ~~twenty-one~~ thirty-one dollars and fifty cents.

(c) 30,001 to 50,000 pounds capacity, ~~forty-one~~ sixty-one dollars and fifty cents.

(d) 50,001 pounds capacity or more, ~~fifty-six~~ eighty-four dollars.

(3) A minimum fee of ~~thirty-one~~ forty-six dollars and fifty cents shall be charged for each vehicle or livestock scale.

b. Class S—II and S—III, ~~six~~ nine dollars.

(1) Bench scale, ~~six~~ nine dollars.

(2) Counter scale, ~~six~~ nine dollars.

(3) Portable platform scale, ~~six~~ nine dollars.

(4) Livestock monorail scale, ~~six~~ nine dollars.

(5) Single animal scale, ~~six~~ nine dollars.

(6) Grain test scale, ~~six~~ nine dollars.

(7) Precious metal and gems scale, ~~six~~ nine dollars.

(8) Postal scale, ~~six~~ nine dollars.

c. (1) Grain moisture meters, ~~sixteen~~ twenty-four dollars.

(2) Additional meters at the same location, ~~eleven~~ sixteen dollars and fifty cents.

d. Class M-I. One hundred-gallon prover.

(1) Bulk meters, ~~six~~ nine dollars.

(2) Bulk liquid petroleum gas meters, ~~thirty-five~~ fifty-two dollars and fifty cents.

(3) Bulk refined fuel meters, ~~six~~ nine dollars.

(4) Mass flow meters, ~~six~~ nine dollars.

e. Class M-II. Five-gallon prover.

(1) Slow flow meters, ~~six~~ nine dollars.

(2) Retail motor vehicle fuel pump, ~~six~~ nine dollars.

Sec. 38. Section 215.2, subsections 1 and 2, Code 1991, are amended to read as follows:

1. Class S, scales, ~~fifty~~ seventy-five dollars per hour.

2. Class M, meters, ~~thirty-five~~ fifty-two dollars and fifty cents per hour.

Sec. 39. Section 215.17, Code 1991, is amended to read as follows:

215.17 TEST WEIGHTS TO BE USED.

~~Any~~ A person~~, firm or corporation~~ engaged in scale repair work for hire shall use only test weights sealed by the department in determining the effectiveness of repair work and ~~said~~ the test weights shall be sealed as to their accuracy once each year. ~~Provided, however, that it shall be unlawful for such~~ However, a person ~~to~~ shall not claim to be an official scale inspector ~~or to~~ and shall not use ~~said~~ the test weights except to determine the accuracy of scale repair work done by the person and the person shall not be entitled to ~~no~~ a fee for their use. A fee shall be charged and collected at time of inspection for the inspection of such weights as follows:

All weights up to and including 25 pounds ..... $	~~.75~~	1.10 each
~~All weights~~ Over twenty-five pounds capacity, up to and including 50 pounds	~~1.50~~	2.25 each
Over 50 pounds capacity, up to and including 100 pounds	~~2.00~~	3.00 each
Over 100 pounds capacity, up to and including 500 pounds	~~3.00~~	4.50 each
Over 500 pounds capacity, up to and including 1,000 pounds	~~5.00~~	7.50 each

The fee for all tank calibrations shall be as follows:

100 gallons up to and including 300 gallons ..... $	~~3.00~~	4.50
301 gallons up to and including 500 gallons	~~5.00~~	7.50
501 gallons up to and including 1,000 gallons	~~7.50~~	11.25
1,001 gallons up to and including 2,000 gallons	~~10.00~~	15.00
2,001 gallons up to and including 3,000 gallons	~~12.00~~	18.00
3,001 gallons up to and including 4,000 gallons	~~14.00~~	21.00
4,001 gallons up to and including 5,000 gallons	~~16.00~~	24.00
5,001 gallons up to and including 6,000 gallons	~~18.00~~	27.00
6,001 gallons up to and including 7,000 gallons	~~20.00~~	30.00
7,001 gallons and up	~~25.00~~	37.50

~~No calibration will~~ Calibration shall not be required of ~~any~~ a tank which is not used for the purpose of measuring, or which is equipped with a meter, ~~nor shall~~ and vehicle tanks loaded from meters and carrying a printed ticket showing gallonage shall not be required to be calibrated.

Sec. 40. Section 215A.9, unnumbered paragraph 2, Code 1991, is amended to read as follows:

A fee of ~~ten~~ fifteen dollars shall be charged for each device subject to reinspection under section 215A.5. All moneys received by the department under the provisions of this chapter shall be handled in the same manner as "repayment receipts" as defined in chapter 8, and shall be used for the administration and enforcement of the provisions of this chapter.

Sec. 41. Section 423.24, subsection 1, paragraph b, as enacted by 1992 Iowa Acts, House File 2456, section 6, is amended to read as follows:

b. Beginning on July 1, 1993, three and one-half percent of the ~~remaining~~ revenue, not to exceed one million dollars per quarter, derived from the use tax on motor vehicles, trailers, and motor vehicle accessories and equipment as collected pursuant to section 423.7, shall be deposited in the ethanol production incentive account of the renewable fuel fund created in section 159A.7. Moneys deposited according to this paragraph are a continuing appropriation for expenditure under section 159A.8. Moneys deposited during a state fiscal year to the ethanol production incentive account which remain unobligated and unencumbered on July 31 of the following state fiscal year shall be credited to the road use tax fund as provided in this section.

Sec. 42. Section 455A.5, subsection 6, Code Supplement 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. Approve or disapprove proposals involving the dredging or renovation of lakes; the acquisition, development, and maintenance of boating facilities; and the acquisition, development, and maintenance of recreational facilities associated with recreational boating.

Sec. 43. Section 455A.6, subsection 6, paragraph d, Code Supplement 1991, is amended to read as follows:

d. Approve the budget request prepared by the director for the programs authorized by chapters 455B, 455C, 455E, and 455F. The commission shall approve the budget request prepared by the director for programs administered by the energy and geological resources division~~, the coordination and information division,~~ the administrative services division, and the office of the director, as provided in section 455A.7. The commission may increase, decrease, or strike any item within the department budget request for the specified programs before granting approval.

Sec. 44. Section 455A.7, subsection 1, paragraph f, Code Supplement 1991, is amended by striking the paragraph.

Sec. 45. Section 455A.7, subsection 1, paragraph j, Code Supplement 1991, is amended to read as follows:

j. Office of the director which has responsibilities for administering the department, including information dissemination, education, and government liaison services.

Sec. 46. Section 455B.103A, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The enforcement provisions of division III, part of this chapter, apply to general permits for stormwater discharge.

Sec. 47. Section 455B.310, subsection 2, paragraph b, subparagraph (5), Code Supplement 1991, is amended to read as follows:

(5) Five cents per ton per year is appropriated to the department of economic development to establish, in cooperation with the department of natural resources, a marketing initiative to assist Iowa businesses producing recycling or reclamation equipment or services, recyclable products, or products from recycled materials to expand into national markets. Efforts shall include the reuse and recycling of sawdust. For ~~the~~ each fiscal year beginning July 1, 1991, and ending June 30, 1992, and beginning July 1, 1992, and ending June 30, 1993, fifty thousand dollars of the moneys appropriated under this subparagraph shall be allocated for the purposes of developing advanced microbiological technologies for reduction, destruction, or disposal of wet solid waste. For ~~the~~ each fiscal year beginning July 1, ~~1992~~ 1993, and thereafter, fifty thousand dollars of the moneys appropriated under this subparagraph shall be used by the department of economic development to provide grants or loans to Iowa businesses which have participated in the waste reduction assistance program of the department of natural resources or the program provided by the waste reduction center at the university of northern Iowa, and which have identified needs for equipment or retooling to achieve waste reduction.

Sec. 48. NEW SECTION. 455B.601 PESTICIDE AND FERTILIZER CONTAMINATED AGRICULTURAL CHEMICAL DEALER SITES — PRIORITIZATION OF CLEANUP.

1. The commission shall adopt rules to establish criteria for the classification and prioritization of sites upon which contamination has been discovered.

a. For purposes of this section:

(1) "Action level" means action level as defined in 567 IAC 133.2, adopted as of a specific date by rule of the department.

(2) "Contamination" means the presence of one or more pesticides, as defined in section 206.2, or the presence of fertilizer, as defined in section 200.3, in soil or groundwater at levels above those that would result at normal field application rates or above background levels.

(3) "Contaminated site" means a site upon which contamination has been discovered.

(4) "Responsible person" means responsible person as defined in 567 IAC 133.2, adopted as of a specific date by rule of the department.

b. A contaminated site shall be classified as either high, medium, or low priority.

(1) A site shall be considered high priority under any of the following conditions:

(a) Groundwater contamination exceeds action levels and is affecting or likely to affect groundwater used as a drinking water source.

(b) Contamination is affecting or likely to affect surface water bodies to a level which exceeds surface water quality standards under section 455B.173.

(c) Contamination is discovered in an ecologically sensitive area. An ecologically sensitive area is one which is designated by the department.

(2) A site shall be considered medium priority if contamination of groundwater exceeds action levels, but does not meet the criteria for classification as a high priority site.

(3) A site shall be considered low priority under any of the following conditions:

(a) If soil contamination exists at the site, but no groundwater contamination exists at the site.

(b) If soil contamination exists and groundwater contamination has been discovered, but is below action levels.

(4) A site shall be reclassified as a site with a higher or lower classification when the site falls within a higher or lower classification as established under this paragraph.

c. An initial site plan shall be developed by the responsible person and approved by the department for each site upon which contamination has been discovered. The site plan shall include all of the following:

(1) A determination as to the extent of the existing soil, groundwater, or surface water contamination.

(2) The proximity of the contamination and the likelihood that the contamination will affect a drinking water well.

(3) The characteristics of the site and the potential for migration of the contamination.

(4) A recommendation as to whether the site should be classified as a high, medium, or low priority site.

(5) If a site is classified as a high or medium priority site, further investigation shall be conducted to determine the extent of the remediation which should be conducted on the site.

d. The corrective action response requirements for high, medium, or low priority sites shall be administered in accordance with the following:

(1) Soils and groundwaters on a high priority site shall be actively remediated, where technically feasible, until such time as the groundwater contamination levels are below action levels.

(2) Remediation on a medium priority site shall include either monitoring or active or passive remediation and shall be determined by the department on a site-by-site basis based upon the findings of the site plan. Remediation on a medium priority site shall include at least that which would be required on a low priority site.

(3) (a) Active soil remediation shall be required on a low priority site if remediation would be more practical and cost-effective than monitoring.

(b) If active soil remediation on a low priority site is undertaken, no further action shall be required on the site.

(c) If active soil remediation is not undertaken on a low priority site, a site shall be monitored, for a specified period of time as determined by the department.

2. This section is applicable to all sites upon which contamination has been discovered, unless corrective action on a site has already been approved and implemented.

3. Application of contaminated groundwaters and soils on land upon which the contaminants have been applied in accordance with department rules shall not exceed a level which would preclude the resumption of normal farming practices within a two-year period.

4. This section does not affect the ability of the department or the United States environmental protection agency to require monitoring or remediation on sites that are placed on the national priorities list pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act.

Sec. 49. Section 467A.7, subsections 17 and 19, Code 1991, are amended by striking the subsections.

Sec. 50. Section 467A.43, unnumbered paragraph 2, as enacted in 1992 Iowa Acts, House File 2343, section 4, is amended to read as follows:

A landowner shall not be liable for a claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent installation, construction, or reconstruction of a soil and water ~~construction~~ conservation practice or an erosion control practice that was installed, constructed, or reconstructed in accordance with generally recognized engineering or safety standards, criteria, or design theory in existence at the time of the installation, construction, or reconstruction. A soil and water conservation practice or an erosion control practice installed, constructed, or reconstructed in compliance with rules adopted by the division and currently in effect shall be deemed to be installed, constructed, or reconstructed according to generally recognized engineering or safety standards, criteria, or design theory in existence at the time of the installation, construction, or reconstruction. A claim shall not be allowed for failure to upgrade, improve, or alter any aspect of an existing soil and water conservation practice or erosion control practice to a new, changed, or altered design standard. This section does not apply to a claim based on a failure of a landowner to upgrade, improve, or alter a soil and water conservation practice or erosion control practice in violation of law. This section does not apply to claims based upon gross negligence.

Sec. 51. Section 467A.73, subsection 1, paragraph b, as enacted by 1992 Iowa Acts, House File 2343, section 8, is amended to read as follows:

b. The allocation of moneys as financial incentives provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to no-till planting, ridge-till planting, contouring, and contour strip-cropping. The division shall by rule establish limits on the amount of incentives which shall be authorized for payment to landowners upon establishment of the practice.

Sec. 52. Section 467A.73, subsection 2, paragraph a, as enacted in House File 2343 by the Seventy-fourth General Assembly, is amended to read as follows:

a. The allocation of cost-share moneys as financial incentives under a special agreement with owners of land in the district who promise to adopt a watershed conservation plan as provided by rules which shall be adopted by the division. The watershed conservation plan shall be in conjunction with ~~the district soil and water resource conservation plan provided under section 467A.7~~ the owners' respective farm unit soil conservation plans. The funding agreement must provide for the funding of a project which ~~shall include~~ includes five or more contiguous farm units which have at least five hundred acres of agricultural land and which constitutes at least seventy-five percent of the agricultural land located within a watershed or subwatershed. The financial incentives shall not exceed sixty percent of the estimated cost of the project as determined by the commissioners or sixty percent of the actual cost, whichever is less.

Sec. 53. Section 467A.74, subsection 1, paragraph a, as enacted in House File 2343 by the Seventy-fourth General Assembly, is amended to read as follows:

a. The financial incentives shall not exceed more than fifty percent of the estimated cost of establishing the practices as determined by the commissioners, or fifty percent of the actual cost of establishing the practices, whichever is less. However, the commissioners may allocate an amount determined by the ~~division~~ committee for management of soil and water conservation practices, except as otherwise provided regarding land classified as agricultural land under conservation cover.

Sec. 54. Section 467A.74, subsection 2, as enacted in House File 2343 by the Seventy-fourth General Assembly, is amended to read as follows:

2. The committee shall review requirements of this section once each year. The ~~division~~ committee may authorize commissioners in districts to condition the establishment of a mandatory soil and water conservation practice in a specific case on a higher proportion of public cost-sharing than is required by this section. The commissioners shall determine the amount of cost-sharing moneys allocated to establish a specific soil and water conservation practice in accordance with an administrative order issued pursuant to section 467A.47 by considering the extent to which the practice will contribute benefits to the individual owner or occupant of the land on which the practice is to be established.

Sec. 55. Section 542.1, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 10. "Good cause" means that the department has cause to believe that the net worth or current asset to current liability ratio of a grain dealer presents a danger to sellers with whom the grain dealer does business, based on evidence of any of the following:

a. The making of a payment by use of a financial instrument which is a check, share draft, draft, or written order on a financial institution, and a financial institution refuses payment on the instrument because of insufficient funds in a grain dealer's account.

b. A violation of recordkeeping requirements provided in this chapter or rules adopted pursuant to this chapter by the department.

c. A substantial risk of loss to the grain depositors and sellers indemnity fund caused by the possible insolvency of the grain dealer based on a statistical model provided in section 542.22.

Sec. 56. Section 542.3, subsection 4, paragraph b, Code 1991, is amended to read as follows:

b. The grain dealer shall submit, as required by the department, a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the department may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the department. The department shall not require that a grain dealer submit more than one such unqualified opinion per year. The grain dealer, except as provided in section 542.15, may elect~~, however,~~ to submit a financial statement that

is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph. However, at any time the department may require a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by a certified public accountant if the department has good cause ~~to believe that the net worth or current asset to current liability ratio of a licensee presents a danger to producers or sellers with whom the licensee deals. "Good cause" means that the department has evidence that the licensee issued checks on insufficient funds, evidence of a quality or quantity shortage in a warehouse facility, or evidence of violations of recordkeeping requirements. If a grain dealer making the election engages in credit sale contracts, the grain dealer shall also comply with the provisions of section 542.15, subsection 8.~~

Sec. 57. Section 542.3, subsection 5, paragraph b, Code 1991, is amended to read as follows:

b. The grain dealer shall submit, as required by the department, a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the department may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the department. The department shall not require that a grain dealer submit more than one such unqualified opinion per year. The grain dealer may elect, however, to submit a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph. However, at any time the department may require a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by a certified public accountant if the department has good cause ~~to believe that the net worth or current asset to current liability ratio of a licensee presents a danger to producers or sellers with whom the licensee deals. "Good cause" means that the department has evidence that the licensee issued checks on insufficient funds, evidence of a quality or quantity shortage in a warehouse facility, or evidence of violations of recordkeeping requirements. If a grain dealer making the election engages in credit sale contracts, the grain dealer shall also comply with the provisions of section 542.15, subsection 8.~~

Sec. 58. Section 542.5, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Upon the filing of the application and compliance with the terms and conditions of this chapter and rules of the department, the department shall issue a license to the applicant. The license shall terminate ~~on~~ at the ~~thirtieth of June of each year~~ end of the third calendar month following the close of the grain dealer's fiscal year. A grain dealer's license may be renewed annually by the filing of a renewal fee and a renewal application on a form prescribed by the department. An application for renewal shall be received by the department on or before the ~~thirtieth of June~~ end of the third calendar month following the close of the grain dealer's fiscal year. A grain dealer license which has terminated may be reinstated by the department upon receipt of a proper renewal application, the renewal fee, and the reinstatement fee as provided in section 542.6 if filed within thirty days from the date of termination of the grain dealer license. The department may cancel a license upon request of the licensee unless a complaint

or information is filed against the licensee alleging a violation of a provision of this chapter. Fees for licenses issued for less than a full year shall be prorated from the date of the application.

Sec. 59. Section 542.6, subsection 1, Code 1991, is amended to read as follows:

1. For the issuance or renewal of a license ~~for a grain dealer~~ required under section 542.3, and for any inspection of a grain dealer, the fee shall be determined on the basis of ~~dollar volume of~~ all bushels of grain purchased during the grain dealer's previous ~~calendar~~ fiscal year ~~as follows~~ according to the grain dealer's financial statement required in section 542.3. The fee shall be calculated according to the following schedule:

a. If the total number of bushels purchased is ~~one hundred~~ thirty-five thousand ~~dollars~~ or less, the license fee is ~~forty~~ sixty-six dollars and the inspection fee is ~~fifty~~ eighty-three dollars.

b. If the total number of bushels purchased is more than ~~one hundred~~ thirty-five thousand ~~dollars~~, but not more than ~~seven~~ two hundred fifty thousand ~~dollars~~, the license fee is ~~seventy~~ one hundred sixteen dollars and the inspection fee is ~~seventy-five~~ one hundred twenty-five dollars.

c. If the total number of bushels purchased is more than ~~seven~~ two hundred fifty thousand ~~dollars~~, but not more than ~~one million~~ five hundred thousand ~~dollars~~, the license fee is one hundred sixty-six dollars and the inspection fee is one hundred ~~fifteen~~ ninety-one dollars.

d. If the total number of bushels purchased is more than ~~one million~~ five hundred thousand ~~dollars~~, but not more than ~~three~~ one million ~~dollars~~, the license fee is ~~one~~ two hundred ~~seventy-five~~ ninety-one dollars and the inspection fee is ~~one~~ two hundred ~~fifty~~ forty-nine dollars.

e. If the total number of bushels purchased is more than ~~three~~ one million ~~dollars~~, but not more than ~~four~~ one million ~~seven~~ eight hundred fifty thousand ~~dollars~~, the license fee is ~~three~~ four hundred ninety-eight dollars and the inspection fee is ~~one~~ three hundred ~~eighty-five~~ seven dollars.

f. If the total number of bushels purchased is more than ~~four~~ one million ~~seven~~ eight hundred fifty thousand ~~dollars~~, but not more than ~~nine~~ three million ~~five~~ two hundred thousand ~~dollars~~, the license fee is ~~four~~ seven hundred ~~twenty-five~~ six dollars and the inspection fee is ~~two~~ three hundred ~~twenty-five~~ seventy-four dollars.

g. If the total number of bushels purchased is more than ~~nine~~ three million ~~five~~ two hundred thousand ~~dollars~~, the license fee is ~~five~~ nine hundred ~~seventy-five~~ fifty-five dollars and the inspection fee is ~~two~~ four hundred ~~sixty-five~~ forty dollars.

If the applicant did not purchase grain in the applicant's previous ~~calendar~~ fiscal year, the applicant ~~will~~ shall pay the fee specified in paragraph "a". If during the ~~license period~~ licensee's fiscal year the ~~total~~ number of bushels of grain actually purchased exceeds ~~one hundred~~ thirty-five thousand ~~dollars~~, the licensee shall notify the department and the license and inspection fee shall be adjusted accordingly. Subsequent adjustments shall be made as necessary. An applicant may elect licensing in any category of this subsection. ~~New~~ Fees for new licenses issued for less than a full year shall be prorated from the date of application.

Sec. 60. Section 542.9, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The department may inspect the premises used by any grain dealer in the conduct of the dealer's business at any time, and the books, accounts, records, and papers of every grain dealer which pertain to grain purchases are subject to inspection by the department during ordinary business hours. The department shall cause the business premises and books, accounts, records, and papers of every grain dealer to be inspected ~~not less than~~ at least once ~~during~~ each ~~twelve-month~~ eighteen-month period~~, but not more than four times in a twenty-four month period~~ without ~~good cause~~ justification. The department shall prioritize inspections based on the system provided in section 542.22. The department may use a risk rating produced by a statistical model provided in section 542.22 as justification to conduct an inspection. The transporter of grain in transit shall possess bills of lading or other documents covering the grain, and shall present them to any law enforcement officer or to a person designated as an enforcement officer under section 542.13 on demand. If there is ~~good cause~~ justification to believe that a person is engaged without a license in the business of a grain dealer in this state, the department may inspect the books, papers, and records of the person which pertain to grain purchases.

Sec. 61. Section 542.11, subsection 4, Code 1991, is amended to read as follows:

4. A person in violation of this chapter, or ~~a~~ in violation of chapter 714 or 715A ~~involving~~, which violation involves the business of a grain dealer, is subject to prosecution by the county attorney in the county where the business is located. However, if the county attorney fails to initiate prosecution within thirty days and upon request by the department, the attorney general may initiate and carry out the prosecution in cooperation, if possible, with the county attorney. The person in violation may be restrained by an injunction in an action brought by the department or the attorney general upon request by the department.

Sec. 62. NEW SECTION. 542.12A LIEN ON GRAIN DEALER ASSETS.

1. A statutory lien is imposed on all grain dealer assets in favor of sellers who have surrendered warehouse receipts or other written evidence of ownership as part of a grain sale transaction or who possess written evidence of the sale of grain to a grain dealer, without receiving full payment for the grain.

2. "Grain dealer assets" includes proceeds received or due a grain dealer upon the sale, including exchange, collection, or other disposition, of grain sold by the grain dealer. As used in this section, "proceeds" means noncash and cash proceeds as provided in section 554.9306. "Grain dealer assets" also includes any other funds or property of the grain dealer which can be directly traced as being from the sale of grain by the grain dealer, or which were utilized in the business operation of the grain dealer. A court, upon petition by an affected party, may order that claimed grain dealer assets are not grain dealer assets as defined in this section. The burden of proof shall be upon the petitioner to establish that the assets are not grain dealer assets as defined in this section.

3. The lien shall arise at the time of surrender of warehouse receipts or other written evidence of ownership as part of a grain sale transaction or the time of delivery of the grain for sale, and shall terminate when the liability of the grain dealer to the seller has been discharged. The lien of all sellers is hereby assigned to the Iowa grain indemnity fund board, on behalf of the grain depositors and sellers indemnity fund.

4. To perfect the lien, the Iowa grain indemnity fund board must file a lien statement with the office of the secretary of state. The lien statement is valid only if filed

on or after the date of suspension but not later than sixty days after the incurrence date as provided in section 543A.6. The lien statement shall disclose the name of the grain dealer, the address of the dealer's principal place of business, a description of identifiable grain dealer assets, and the amount of the lien. The lien amount shall be the board's estimate of the final cost of reimbursing the grain depositors and sellers indemnity fund for the payment of claims against the fund resulting from the breach of the grain dealer's obligations. The board shall correct the amount not later than one hundred eighty days following the incurrence date. A court, upon petition by an affected person, may correct the amount. The board shall have the burden of proving that the amount is an accurate estimate.

5. The Iowa grain indemnity fund board shall upon written demand of the grain dealer file a termination statement with the secretary of state, if the license of the grain dealer is not revoked, terminated, or canceled after one hundred eighty days from the date that the lien is perfected. Upon filing the termination statement, the lien becomes unperfected. The board shall also deliver a copy of the termination statement to the grain dealer.

6. The secretary of state shall note the filing of a lien statement under this section in a manner provided by chapter 554, the uniform commercial code. The secretary shall note the filing of a termination statement with the lien statement.

7. A lien statement filed under this section shall be a security interest perfected under chapter 554 and subject to the same priority as provided under section 554.9312.

8. If the grain dealer is also licensed under chapter 543, and in the event the department is appointed as a receiver under section 543.3, assets under the authority of the receiver are free from this statutory lien. However, if there are receivership assets in excess of those necessary to fully reimburse depositors, the perfected lien will attach to those excess assets.

9. The board may enforce the lien in the manner provided in chapter 554, article 9, part 5, for the enforcement of security interests. If, upon enforcement of the lien, the lien amount is satisfied in full without exhaustion of the grain dealer assets, the remaining assets shall be returned to the grain dealer or, if there are competing claims to those remaining assets by other creditors, shall place those assets in the custody of the district court and implead the known creditors.

For purposes of enforcement of the lien, the board is deemed to be the secured party and the grain dealer is deemed to be the debtor, and each has the respective rights and duties of a secured party and a debtor as provided in chapter 554, article 9, part 5. If a right or duty under chapter 554, article 9, part 5, is contingent upon the existence of express language in a security agreement, or may be waived by express language in a security agreement, the requisite language is deemed not to exist for purposes of enforcement of the lien created by this section.

10. Actions relating to this section shall be brought in the district court in the county in which the grain dealer's primary place of business is located or in Polk county.

Sec. 63. Section 542.15, subsection 7, Code 1991, is amended by striking the subsection and inserting in lieu thereof the following:

7. a. A grain dealer shall not purchase grain on credit-sale contract during any time period in which the grain dealer fails to maintain fifty cents of net worth for each outstanding bushel of grain purchased under credit. The grain dealer may maintain

a deficiency bond or an irrevocable letter of credit in the amount of two thousand dollars for each one thousand dollars or fraction thereof of deficiency in net worth.

b. A grain dealer holding a federal or state warehouse license who does not have a sufficient quantity or quality of grain to satisfy the warehouse operator's obligations based on an examination by the department or the United States department of agriculture shall not purchase grain on credit-sale contract to correct the shortage of grain.

c. A grain dealer must meet at least either of the following conditions:

(1) The grain dealer's last financial statement required to be submitted to the department pursuant to section 542.3 is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state.

(2) The grain dealer files a bond with the department in the amount of one hundred thousand dollars payable to the department. The bond shall be used to indemnify sellers for losses resulting from a breach of a credit-sale contract as provided by rules adopted by the department. The rules shall include, but are not limited to, procedures and criteria for providing notice, filing claims, valuing losses, and paying claims. The bond provided in this paragraph shall be in addition to any other bond required in this chapter.

A bond filed with the department under this paragraph shall not be canceled by the issuer on less than ninety days notice by certified mail to the department and the principal. When the department receives notice from an issuer that it has canceled the bond, the department shall automatically suspend the grain dealer's license if a replacement bond is not received by the department within sixty days of the issuance of the notice of cancellation. The department shall cause an inspection of the licensed grain dealer immediately at the end of the sixty-day period. If a replacement bond is not filed within another thirty days following the suspension, the grain dealer license shall be automatically revoked. When a license is revoked, the department shall provide notice of the revocation by ordinary mail to the last known address of each holder of an outstanding credit-sale contract and all known sellers.

Sec. 64. Section 542.15, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. The department may adopt rules to suspend the right of a grain dealer to purchase grain by credit-sale contract based on any of the following conditions:

a. The grain dealer holding a federal or state warehouse license does not have a sufficient quantity or quality of grain to satisfy the warehouse operator's obligations based on an examination by the department or the United States department of agriculture.

b. The grain dealer holding a state or federal warehouse license issues back to the grain dealer a warehouse receipt for purposes of providing collateral, if the grain which is the subject of the warehouse receipt was purchased on credit and is unpaid for by the grain dealer.

c. The grain dealer fails to maintain requirements relating to net worth or fails to maintain a ratio of current assets to current liabilities, as required in section 542.3.

d. The grain dealer violates this section.

e. The grain dealer's total liabilities are greater than seventy-five percent of the grain dealer's total assets.

f. The grain dealer has made payment by use of a financial instrument which is a check, share draft, draft, or written order on a financial institution, and a financial institution refuses payment on the instrument because of insufficient funds in a grain dealer's account.

g. The department discovers that a grain dealer has delayed payment for grain purchased since the department last inspected the grain dealer pursuant to section 542.9.

Sec. 65. NEW SECTION. 542.22 PRIORITIZATION OF INSPECTIONS OF GRAIN DEALERS.

The department shall develop a system to prioritize the inspections of grain dealers provided in section 542.9. The system of prioritization shall be computed each year based on the risk of loss to the grain depositors and sellers indemnity fund caused by the possible insolvency of the grain dealer. The department shall compute the risk by utilizing an available statistical model to measure the financial condition of grain dealers, and especially grain dealers who execute credit-sale contracts. Procedures for utilizing the statistical model shall be adopted by department rules. The statistical model shall be used to provide risk ratings. A risk rating shall be used as a factor by the department to prioritize its inspection schedule. The department may use a risk rating produced by the statistical model as justification to inspect the grain dealer at any time. A substantial risk of loss to the grain depositors and sellers indemnity fund caused by the possible insolvency of the grain dealer based on the statistical model shall be good cause.

Sec. 66. Section 543.1, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. "Good cause" means that the department has cause to believe that the net worth or current asset to current liability ratio of a warehouse operator presents a danger to depositors with whom the warehouse operator does business, based on evidence of any of the following:

a. The making of a payment by use of a financial instrument which is a check, share draft, draft, or written order on a financial institution, and a financial institution refuses payment on the instrument because of insufficient funds in the warehouse operator's account.

b. A violation of recordkeeping requirements provided in this chapter or rules adopted pursuant to this chapter by the department.

c. A quality or quantity shortage in the warehouse facility.

d. A high risk of loss to the grain depositors and sellers indemnity fund caused by the possible insolvency of the warehouse operator based on a statistical model provided in section 543.40.

Sec. 67. Section 543.2, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The department may exercise general supervision over the storage, warehousing, classifying according to grade or otherwise, weighing, and certification of agricultural products. The department may inspect or cause to be inspected any warehouse.

Inspections may be made at times and for purposes as the department determines. Except as provided in section 543.6, the department shall cause every licensed warehouse and its contents to be inspected once in every twelve-month period. The department shall prioritize inspections based on the system provided in section 543.40. The department may require the filing of reports relating to a warehouse or its operation. If upon inspection a deficiency is found to exist as to the quantity or quality of agricultural products stored, as indicated on the warehouse operator's books and records according to official grain standards, the department may require an employee of the department to remain at the licensed warehouse and supervise all operations involving agricultural products stored there under this chapter until the deficiency is corrected. The charge for the cost of maintaining an employee of the department at a warehouse to supervise the correction of a deficiency is one hundred fifty dollars per day.

Sec. 68. Section 543.4, subsection 6, Code 1991, is amended to read as follows:

6. The department is entitled to reimbursement out of commodities or proceeds held in receivership for all expenses incurred as court costs or in handling and disposing of stored commodities, and for all other costs directly attributable to the receivership. The right of reimbursement of the department is prior to any claims against the commodities or proceeds of sales of commodities, and constitutes a claim against a deficiency bond or irrevocable letter of credit. Notwithstanding section 8.33, the reimbursement amount received by the department in a fiscal year shall not revert unless unobligated or unencumbered on June 30 of the following fiscal year.

Sec. 69. Section 543.6, subsection 4, paragraph b, Code 1991, is amended to read as follows:

b. The warehouse operator shall submit, as required by the department, a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the department may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the department. The department shall not require that a warehouse operator submit more than one such unqualified opinion per year. The warehouse operator may elect, however, to submit a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph. However, at any time the department may require a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by a certified public accountant if the department has good cause ~~to believe that the net worth or current asset to current liability ratio of a licensee presents a danger to producers or sellers with whom the licensee deals. "Good cause" means that the department has evidence that the licensee issued checks on insufficient funds, evidence of a quality or quantity shortage in a warehouse facility, or evidence of violations of recordkeeping requirements.~~

Sec. 70. Section 543.6, subsection 5, paragraph b, Code 1991, is amended to read as follows:

b. The warehouse operator shall submit, as required by the department, a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state. However, the department may accept a qualification in an opinion that is unavoidable by any audit procedure that is permitted under generally accepted accounting principles. An opinion that is qualified because of a limited audit procedure or because the scope of an audit is limited shall not be accepted by the department. The department shall not require that a warehouse operator submit more than one such unqualified opinion per year. The warehouse operator may elect, however, to submit a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by the certified public accountant in lieu of the audited financial statement specified in this paragraph. However, at any time the department may require a financial statement that is accompanied by the report of a certified public accountant licensed in this state that is based upon a review performed by a certified public accountant if the department has good cause ~~to believe that the net worth or current asset to current liability ratio of a licensee presents a danger to producers or sellers with whom the licensee deals. "Good cause" means that the department has evidence that the licensee issued checks on insufficient funds, evidence of a quality or quantity shortage in a warehouse facility, or evidence of violations of recordkeeping requirements.~~

Sec. 71. NEW SECTION. 543.12A LIEN ON WAREHOUSE OPERATOR ASSETS.

1. A statutory lien is imposed on all warehouse operator assets in favor of depositors possessing warehouse receipts covering grain stored by the warehouse operator and depositors with written evidence of ownership other than warehouse receipts disclosing a storage obligation of a warehouse operator.

2. "Warehouse operator assets" includes proceeds received or due a warehouse operator upon the sale, including exchange, collection, or other disposition, of grain sold by the warehouse operator. As used in this section, "proceeds" means noncash and cash proceeds as provided in section 554.9306. "Warehouse operator assets" also includes storage payments received or due to a warehouse operator, grain owned by the warehouse operator, and any other funds or property of the warehouse operator which can be directly traced as being from the sale of grain by the warehouse operator, or which were utilized in the business operation of the warehouse operator. A court, upon petition by an affected party, may order that claimed warehouse operator assets are not warehouse operator assets as defined in this section. The burden of proof shall be upon the petitioner to establish that the assets are not warehouse operator assets as defined in this section.

3. The lien shall arise at the commencement of the storage obligation, and shall terminate when the liability of the warehouse operator to the depositor has been discharged. The lien of all depositors is hereby assigned to the Iowa grain indemnity fund board, on behalf of the grain depositors and sellers indemnity fund.

4. To perfect the lien, the Iowa grain indemnity fund board must file a lien statement with the office of the secretary of state. The lien statement is valid only if filed on or after the date of suspension but not later than sixty days after the incurrence date as provided in section 543A.6. The lien statement shall disclose the name of the warehouse operator, the address of the warehouse operator's principal place of business, a description of identifiable warehouse operator assets, and the amount of the lien. The lien amount shall be the board's estimate of the final cost of reimbursing

the grain depositors and sellers indemnity fund for the payment of claims made against the fund resulting from the breach of the warehouse operator's obligations. The board shall correct the amount not later than one hundred eighty days following the incurrence date. A court, upon petition by an affected person, may correct the amount. The board shall have the burden of proving that the amount is an accurate estimate.

5. The Iowa grain indemnity fund board shall upon written demand of the warehouse operator file a termination statement with the secretary of state, if the license of the warehouse operator is not revoked, terminated, or canceled after one hundred eighty days from the date that the lien is perfected. Upon filing the termination statement, the lien becomes unperfected. The board shall also deliver a copy of the termination statement to the warehouse operator.

6. The secretary of state shall note the filing of a lien statement under this section in a manner provided by chapter 554, the uniform commercial code. The secretary shall note the filing of a termination statement with the lien statement.

7. A lien statement filed under this section shall be a security interest perfected under chapter 554 and subject to the same priority as provided under section 554.9312.

8. In the event the department is appointed as a receiver under section 543.3, assets under the authority of the receiver are free from this statutory lien. However, if there are receivership assets in excess of those necessary to fully reimburse depositors, the perfected lien will attach to those excess assets.

9. The Iowa grain indemnity fund board may enforce the lien in the manner provided in chapter 554, article 9, part 5, for the enforcement of security interests. If, upon enforcement of the lien, the lien amount is satisfied in full without exhaustion of the warehouse operator assets, the remaining assets shall be returned to the warehouse operator or, if there are competing claims to those remaining assets by other creditors, those assets shall be placed in the custody of the district court and the known creditors impleaded.

For purposes of enforcement of the lien, the board is deemed to be the secured party and the warehouse operator is deemed to be the debtor, and each has the respective rights and duties of a secured party and a debtor as provided in chapter 554, article 9, part 5. If a right or duty under chapter 554, article 9, part 5, is contingent upon the existence of express language in a security agreement, or may be waived by express language in a security agreement, the requisite language is deemed not to exist for purposes of enforcement of the lien created by this section.

10. Actions relating to this section shall be brought in the district court in the county in which the warehouse operator's primary place of business is located or in Polk county.

Sec. 72. Section 543.17, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. A licensed warehouse operator who does not have a sufficient quantity or quality of grain to satisfy the warehouse operator's obligations based on an examination by the department shall not purchase grain on credit-sale contract to correct the shortage of grain. A licensed warehouse operator shall not issue a warehouse receipt for purposes of providing collateral, if the grain which is the subject of the warehouse receipt was purchased by credit-sale contract and is unpaid for by the warehouse operator.

Sec. 73. Section 543.17, subsection 7, Code 1991, is amended to read as follows:

7. Every licensed warehouse operator shall, on or before July 1 of each year, send a statement for each holder of a warehouse receipt covering grain held for more than one year at that warehouse to the holder's last known address. The statement shall show the amount of all grain held pursuant to warehouse receipt for such warehouse receipt holder and the amount of any storage charges held by the licensed warehouse operator against that grain. However, a licensed warehouse operator need not prepare this annual statement for a holder of a warehouse receipt, if the licensed warehouse operator prepares such statements monthly, quarterly or for any other period more frequent than annually. ~~Failure~~ The failure to prepare a statement required by this subsection is a simple misdemeanor.

PARAGRAPH DIVIDED. Violation of this section shall not constitute grounds for suspension, revocation, or modification of the license of anyone licensed under this chapter.

Sec. 74. Section 543.33, subsection 1, paragraphs a through g, Code 1991, are amended to read as follows:

a. If the total storage capacity is one hundred thousand bushels or less, the fee is ~~thirty-five~~ fifty-eight dollars.

b. If the total storage capacity is more than one hundred thousand bushels, but not more than seven hundred fifty thousand bushels, the fee is ~~seventy-five~~ one hundred twenty-five dollars.

c. If the total storage capacity is more than seven hundred fifty thousand bushels, but not more than one million five hundred thousand bushels, the fee is one hundred ~~fifteen~~ ninety-one dollars.

d. If the total storage capacity is more than one million five hundred thousand bushels, but not more than three million bushels, the fee is ~~one~~ two hundred ~~fifty~~ forty-nine dollars.

e. If the total storage capacity is more than three million bushels, but not more than four million seven hundred fifty thousand bushels, the fee is ~~one~~ three hundred ~~eighty-five~~ seven dollars.

f. If the total storage capacity is more than four million seven hundred fifty thousand bushels, but not more than nine million five hundred thousand bushels, the fee is ~~two~~ three hundred ~~twenty-five~~ seventy-four dollars.

g. If the total storage capacity is more than nine million five hundred thousand bushels, the fee is ~~two~~ four hundred ~~sixty-five~~ forty dollars.

Sec. 75. Section 543.36, subsection 4, Code 1991, is amended to read as follows:

4. A person in violation of this chapter, or ~~a~~ in violation of chapter 714 or 715A ~~involving~~, which violation involves the business of a warehouse operator, is subject to prosecution by the county attorney in the county where the business is located. However, if the county attorney fails to initiate prosecution within thirty days, and upon request by the department, the attorney general may initiate and carry out the prosecution in cooperation, if possible, with the county attorney. The person in violation may be restrained by injunction in an action brought by the department or the attorney general upon request by the department.

Sec. 76. Section 543.37, Code 1991, is amended to read as follows:

543.37 FAILURE TO PAY FEE.

Failure to pay the ~~annual~~ license fee provided for in section 543.33 on or before ~~June 30 of the year for which due~~ the end of the third calendar month following the close of the licensee's fiscal year shall cause a license to terminate. A warehouse license which has terminated may be reinstated by the department upon receipt of a proper renewal application, the renewal fee, and the reinstatement fee as provided for in section 543.33, if filed within thirty days from the date of termination of the warehouse license. The department may cancel the license upon request of the licensee unless a complaint or information is filed against the licensee alleging a violation of a provision of this chapter.

Sec. 77. NEW SECTION. 543.40 PRIORITIZATION OF INSPECTIONS OF WAREHOUSE OPERATORS.

The department shall develop a system to prioritize the inspections of warehouse operators provided in section 543.2. The system of prioritization shall be computed each year based on the risk of loss to the grain depositors and sellers indemnity fund caused by the possible insolvency of the warehouse operator. The department shall compute the risk by utilizing an available statistical model to measure the financial condition of warehouse operators. Procedures for utilizing the statistical model shall be adopted by department rules. The statistical model shall be used to provide risk ratings. A risk rating shall be used as a factor by the department to prioritize its inspection schedule. The department may inspect a warehouse operator at any time based on a risk of loss to the fund according to the risk rating. A substantial risk of loss to the grain depositors and sellers indemnity fund caused by the possible insolvency of the warehouse operator based on the statistical model shall be good cause.

Sec. 78. NEW SECTION. 543A.5A LIEN ON LICENSEE'S ASSETS.

The board may enforce a lien attached to assets held by a licensee under chapter 542 or 543. The lien shall be perfected and enforced pursuant to section 542.12A or 543.12A.

Sec. 79. Section 554.9407, subsection 3, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Upon written request, the filing officer shall issue a certificate showing whether there is on file on the date and hour stated, an effective financing statement, lien statement, or termination statement under chapter 542 or 543 naming a grain dealer or warehouse operator as a debtor, the address of the grain dealer's or warehouse operator's principal place of business, and the grain indemnity fund board as secured creditor, identifiable grain proceeds subject to the lien, and the amount of the lien. The uniform fee for a certificate is five dollars if the request for the certificate is on a form conforming to standards prescribed by the secretary of state, or the fee is six dollars if the request is not on a form conforming to the standards.

Sec. 80. Section 715A.2, subsection 2, paragraph a, Code 1991, is amended to read as follows:

a. Forgery is a class "D" felony if the writing is or purports to be part of an issue of money, securities, postage or revenue stamps, or other instruments issued by the

government, or part of an issue of stock, bonds, credit-sale contracts as defined in section 542.1, or other instruments representing interests in or claims against any property or enterprise, or a check, draft, or other writing which ostensibly evidences an obligation of the person who has purportedly executed it or authorized its execution.

Sec. 81. TRANSITION PERIOD. There shall be a transition period for implementing and enforcing provisions of this Act relating to any license period as provided in sections 542.5 and 543.37 as amended by this Act. Within the transition period, the department of agriculture and land stewardship may issue or renew licenses under chapter 542 or 543 for a period less than twelve consecutive months. The department shall prorate the fees charged for issuing or renewing the licenses for a period of less than twelve consecutive months. The transition period shall terminate on June 30, 1993.

Sec. 82. DATES OF APPLICABILITY. The liens established in sections 542.12A and 543.12A are applicable and enforceable against all grain dealer and warehouse operator licensees with an incurrence date on or after July 1, 1992.

Sec. 83. 1991 Iowa Acts, chapter 268, sections 212 and 213, are repealed.

This section, being deemed of immediate importance, takes effect upon enactment.

Sec. 84. REPEAL. Section 542.21, Code 1991, is repealed.

Sec. 85. This Act takes effect on July 1, 1992, except as otherwise provided in specific sections of this Act."

2. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to budgetary and administrative matters by providing for appropriations and revenue, and providing for statutory changes, including matters involving agriculture and natural resources, and providing effective".

ON THE PART OF THE HOUSE:	ON THE PART OF THE SENATE:
DON SHOULTZ, Chair	EMIL HUSAK, Chair
LOUIS MUHLBAUER	JOHN P. KIBBIE
DAVID SCHRADER	BERL E. PRIEBE

Shoultz of Black Hawk moved the adoption of the conference committee report and the amendments contained therein, which motion prevailed.

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. 2347)

The ayes were, 57:

Adams	Baker	Bartz	Beatty
Bennett	Bisignano	Black	Blanshan
Brand	Brown	Burke	Chapman
Cohoon	Connors	Dickinson	Doderer
Dvorsky	Fogarty	Gill	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hatch	Haverland	Hibbard	Holveck

Jay	Jesse	Jochum	Knapp
Koenigs	Lundby	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Teaford	Wise	Wissing
Mr. Speaker Arnould			

The nays were, 40:

Banks	Beaman	Bernau	Branstad
Carpenter	Corbett	Daggett	Diemer
Eddie	Garman	Gipp	Grubbs
Hahn	Halvorson, R. A.	Hanson, D. E.	Hanson, D. R.
Harbor	Hester	Hurley	Iverson
Johnson	Kistler	Krebsbach	Kremer
Lageschulte	Maulsby	McKean	McNeal
Metcalf	Millage	Miller	Plasier
Rafferty	Renken	Royer	Siegrist
Spenner	Tyrrell	Van Maanen	Weidman

Absent or not voting, 3:

Brammer	De Groot	Shoning

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2347** be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2462)

Wise of Lee called up for consideration the report of the conference committee on House File 2462 as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2462

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 2462, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, the Wallace technology transfer foundation, INTERNET, state university of Iowa, and Iowa state university of science and technology and creating the strategic investment fund, respectfully make the following report:

1. That the Senate recedes from its amendment, H—5890.

2. That House File 2462, as amended, passed, and reprinted by the House, is amended to read as follows:

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

"Section 1. There is appropriated from the general fund of the state to the department of economic development for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE SERVICES DIVISION

a. General administration

For salaries, support, maintenance, miscellaneous purposes, to implement total quality management, and for not more than the following full-time equivalent positions:

.....	$	789,000
.....	FTEs	21.00

The department shall plan for and initiate a long-term process for the continuous improvement of the services provided to the citizens of Iowa using the principles of total quality management.

b. Information management center

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	$	361,000
.....	FTEs	6.50

c. Film office

For salaries, support, maintenance, miscellaneous purposes, for not more than the following full-time equivalent positions, and for utilizing $20,000 or so much thereof as is necessary, to promote the film "Gentle Giants, Windows to our Heritage" regarding the impact of the Iowa draft horse in making Iowa the greatest food producing state in the world:

.....	$	182,000
.....	FTEs	2.00

2. BUSINESS DEVELOPMENT DIVISION

a. Business development operations

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	$	2,550,000
.....	FTEs	15.00

b. Small business programs

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for the small business program, the small business advisory council, targeted small business program, and business incubators, of which $46,424 shall be allocated for the administration of the targeted small business program and $50,000 shall be used to fund, with local matching funds, a targeted

small business incubator in each county with a population greater than two hundred fifty thousand:

.....$ 323,000
.....FTEs 5.50

c. Federal procurement office

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....$ 96,953
.....FTEs 3.00

Notwithstanding section 8.33, moneys remaining unencumbered or unobligated on June 30, 1993, shall not revert and shall be available for expenditure during the fiscal year beginning July 1, 1993, for the same purposes.

d. Strategic investment fund

For deposit in the strategic investment fund for salaries, support, and for not more than the following full-time equivalent positions:

.....$ 4,075,733
.....FTEs 10.00

Notwithstanding section 8.33, moneys in the strategic investment fund at the end of each fiscal year shall not revert to the general fund but shall remain in the strategic investment fund.

e. Small business investment company capitalization

For transfer to the treasurer of state for the purpose of facilitating the organization and private capitalization of the small business investment company under sections 28.162 through 28.164. If the small business investment company for which the funds are to be used is not organized within eighteen months of the effective date of this Act, unused funds shall revert to the general fund of the state:

.....$ 200,000

f. Insurance economic development

There is appropriated from moneys collected by the division of insurance in excess of the anticipated gross revenues under section 505.7, subsection 3, to the department for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for insurance economic development and international insurance economic development:

.....$ 200,000

3. COMMUNITY AND RURAL DEVELOPMENT DIVISION

a. Community assistance

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for administration of the community economic preparedness program, the Iowa community betterment program, and the city development board:

.....$ 500,000
.....FTEs 7.50

b. Main street/rural main street program

For salaries and support for not more than the following full-time equivalent positions:

.....	$	353,386
.....	FTEs	3.00

Notwithstanding section 8.33, moneys committed to grantees under contract from the general fund or through transfers from the Iowa community development loan fund that remain unexpended on June 30 of any fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

c. Rural development program

For allocating $75,000 to the Adams community economic development corporation and for salaries, support, maintenance, miscellaneous purposes, for not more than the following full-time equivalent positions for rural resource coordination, rural community leadership, and the rural enterprise fund, out of which the department may set aside a portion of the moneys for one or more pilot efforts supporting cooperative agriculture-related or livestock production projects:

.....	$	675,000
.....	FTEs	3.50

The department shall allocate $75,000 to the Adams community economic development corporation for the purposes of evaluating the organizational structure of the county, the present workload of the county office functions, consolidation of county offices, and exploring state outreach services available for cross-training employees, and that the funds shall not be used by the department for any other purpose.

Notwithstanding section 8.33, moneys obligated or committed to grantees under contract from the general fund or through transfers from the Iowa community development loan fund that remain unexpended at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the contract during succeeding fiscal years.

d. Community development block grant and HOME

For administration and related federal housing and urban development grant administration for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	$	375,397
.....	FTEs	18.75

e. Councils of governments

To provide to Iowa's councils of governments funds for planning and technical assistance funds to assist local governments to develop community development strategies for addressing long-term and short-term community needs:

.....	$	187,500

4. INTERNATIONAL DIVISION

a. International trade operations

For conducting foreign trade missions on behalf of Iowa businesses, salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....$ 375,000
.....FTEs 6.00

b. Foreign trade offices

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....$ 743,000
.....FTEs 6.00

c. Export trade assistance program

For export trade activities, including a program to encourage and increase participation in trade shows and trade missions by providing financial assistance to businesses for a percentage of their costs of participating in trade shows and trade missions, by providing for the lease/sublease of showcase space in existing world trade centers, by providing temporary office space for foreign buyers, international prospects, and potential reverse investors, and by providing other promotional and assistance activities, provided that the department shall consult with the department of agriculture and land stewardship prior to allocating export trade assistance program moneys, including salaries and support for not more than the following full-time equivalent positions:

.....$ 334,000
.....FTEs .25

d. Agricultural product advisory council

For support, maintenance, and miscellaneous purposes:

.....$ 1,400

5. TOURISM DIVISION

a. Tourism operations

For utilizing $41,586, or so much thereof as may be necessary, to be used for the operation of the interstate welcome center system, salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions, provided that the appropriation shall not be used for advertising placements for in-state and out-of-state tourism marketing:

.....$ 691,586
.....FTEs 17.77

b. Tourism advertising

For contracting exclusively for tourism advertising for in-state and out-of-state tourism marketing services, tourism promotion programs, electronic media, print media, and printed materials:

.....$ 2,250,000

The department shall not use the moneys appropriated in this paragraph unless the department develops public-private partnerships with Iowa businesses in the

tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions in this state to assist in the development of advertising efforts. The department shall, to the fullest extent possible, develop cooperative efforts for advertising with contributions from other sources.

c. Welcome center program

To implement the recommendations of the statewide long-range plan for developing and operating welcome centers throughout the state, for transferring $30,000 to the city of West Branch for the purpose of conducting a study and for planning for the development of a welcome and historical center, and for a match of $25,000 if the department uses $125,000 of other moneys for a welcome center project based on the department's prioritization report, dated December 1991:

..... $ 263,625

Notwithstanding section 8.33, pursuant to 1990 Iowa Acts, chapter 1255, section 37, subsection 1, as amended by 1991 Iowa Acts, chapter 260, section 1001, the department may use up to $125,000 for a welcome center project based upon the department's prioritization report, dated December 1991. Moneys used for welcome center projects based on the department's prioritization report require a dollar-for-dollar match. Moneys committed to grantees under contract that remain unexpended on June 30 of any fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

6. WORK FORCE DEVELOPMENT DIVISION

a. Youth work force programs

For purposes of the conservation corps, including salary, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,000,000
..... FTEs 1.90

Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended on June 30 of any fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

b. Job retraining program

To the community college job training fund created in section 280C.6, including salaries and support for not more than the following full-time equivalent positions:

..... $ 932,831
..... FTEs .60

c. Work force investment program

For purposes of the work force investment program, for a competitive grant program by the department in consultation with the state job training coordinating council for projects that increase Iowa's pool of available labor via training and support services with priority given to projects which serve displaced homemakers or welfare recipients, including salaries and support for not more than the following full-time equivalent positions:

..... $ 500,000
..... FTEs .90

The department shall ensure that the work force investment program is coordinated with services provided under the federal Job Training Partnership Act and that welfare recipients receive priority for services under both programs.

Notwithstanding section 8.33, moneys obligated or committed to grantees under contract that remain unexpended at the end of the fiscal year, shall not revert but shall be available for expenditure for purposes of the contract during succeeding fiscal years.

d. Labor management councils

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	$	195,745
.....	FTEs	1.00

The department shall not use moneys appropriated in this paragraph for grants to grantees who do not facilitate the active participation of labor as members of labor management councils or who fail to make a good faith effort to either schedule meetings during nonworking hours or obtain voluntary agreements with employers to allow employees time off to attend labor management council meetings with no loss of pay or other benefits.

Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended on June 30 of any fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

7. For transfer to the Iowa product development corporation fund established in section 28.89:

.....	$	887,500
.....	FTEs	5.00

Sec. 2. Notwithstanding section 28.120, subsections 5, 6, and 7, and section 15.287, there is appropriated from the Iowa community development loan fund from the moneys available during the fiscal year beginning July 1, 1992, and ending June 30, 1993, to the department of economic development for the fiscal year beginning July 1, 1992, and ending June 30, 1993, $50,000, or so much thereof as is necessary, to be used for rural development financing; $20,000 to be transferred to and used by the main street program; with the remainder of the Iowa community development loan fund to be transferred only to the rural development program to be used by the department for the purposes of the program, including pilot efforts supporting cooperative agriculture-related or livestock production projects.

Sec. 3. Notwithstanding section 15.251, subsection 2, there is appropriated from the job training fund created in the office of the treasurer of state to the department of economic development for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For administration of chapter 280B, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	$	125,000
.....	FTEs	2.40

2. For the target alliance program:
.....$ 30,000

3. For allocation to the community colleges to supplement the coordination and instruction of apprentice related instruction, and instructional equipment for apprenticeship programs as provided in section 280A.44 on the basis of the percentage of total contact hours enrolled in apprenticeship training at community colleges as of July 1, 1992, if funds remain in the job training fund after the appropriations in subsections 1 and 2 are made:
.....$ 125,000

Sec. 4. There is appropriated from the community college job training fund created in section 280C.6, subsection 1, to the department of economic development for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for the administration of the Iowa small business new jobs training Act, and for not more than the following full-time equivalent positions:
.....$ 38,954
.....FTEs .70

Sec. 5. There is appropriated from the general fund of the state to the Iowa finance authority for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For deposit in the housing improvement fund created in section 220.100 for purposes of the fund:
.....$ 1,573,550

Sec. 6. There is appropriated from the general fund of the state to the Wallace technology transfer foundation for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and other operational purposes, for providing a state match of $50,000 for present and future federal funding for the subcontractor of an existing federal grant for beef fat content research administered through the United States department of agriculture and the cooperative state research service, for transfer of $50,000 to the department of natural resources for the approval of a grant to a waste paper recycling company located in Iowa which recycles waste paper into paperboard products, which grant shall be used to conduct a feasibility study for a new cogeneration plant to be located in Iowa, for approving and submitting to the governor and general assembly not later than January 15 an annual report relating to performance goals of and efforts by the foundation to improve the modernization of industrial facilities, for funding the small business innovation research program, for funding activities as provided in section 28.158, and for transferring $75,000 of the funds appropriated in this subsection to the Iowa quality coalition for productivity enhancement projects:
.....$ 2,900,000
.....FTEs 6.00

Sec. 7. There is appropriated from the general fund of the state to INTERNET for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the international network on trade fund created by the INTERNET board, provided that $290,250 shall be allocated to the department of economic development for the Iowa international development foundation for the salaries and support for not more than 5.00 full-time equivalent positions for employees of the department of economic development, $96,750 shall be allocated to the peace institute, and $96,750 shall be allocated for the partner state program and the department may contract with private groups or organizations which are the most appropriate to administer this program, and the groups and organizations participating in the program shall, to the fullest extent possible, provide the funds to match the appropriation made in this section:

..... $ 828,750
..... FTEs 5.00

INTERNET shall use moneys appropriated in this section, unless otherwise specified, for the purposes set out in chapter 18B.

Of the full-time equivalent positions authorized for the Iowa international development foundation, 3.00 full-time equivalent positions shall be devoted to the agribusiness centers in Russia and the Ukraine and shall be effective upon enactment of this Act.

Sec. 8. There is appropriated from the general fund of the state to the Iowa state university of science and technology for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For funding the small business development centers:
..... $ 991,325

2. For funding the institute for physical research and technology provided that $281,360 shall be allocated to the institute for physical research and technology industrial incentive program in accordance with the legislative intent of this section:
..... $ 3,281,360

It is the intent of the general assembly that the incentive program focus on Iowa industrial sectors and seek contributions and in-kind donations from businesses, industrial foundations, and trade associations and that moneys for the institute for physical research and technology industrial incentive program shall only be allocated for projects which are matched by private sector moneys for directed contract research or for nondirected research. The match required of small businesses as defined in section 15.102, subsection 4, for directed contract research or for nondirected research shall be $1 for each $3 of state funds. The match required for other businesses for directed contract research or for nondirected research shall be $1 for each $1 of state funds. The match required of industrial foundations or trade associations shall be $1 for each $1 of state funds.

Iowa state university shall report annually to the joint economic development subcommittee of the Senate and House appropriations committees the total amounts of private contributions, the proportion of contributions from small businesses and other businesses, and the proportion for directed contract research and nondirected research of benefit to Iowa businesses and industrial sectors.

Notwithstanding section 8.33, moneys appropriated for any fiscal year which remain unobligated and unexpended at the end of the fiscal year shall not revert but shall be available for expenditure the following fiscal year and the appropriation for the incentive program for the following year shall be reduced by an equal amount.

Sec. 9. There is appropriated from the general fund of the state to the university of Iowa for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For funding the advanced drug development program at the Oakdale research park: ..... $ 500,000

Sec. 10. Section 12.32, subsection 1, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For the purposes of this division, "nontraditional crops" includes animals as defined by the department of agriculture and land stewardship pursuant to section 99D.22.

Sec. 11. Section 12.44, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Agencies of state government shall be required to waive the requirement of satisfaction, ~~or~~ performance, surety, or bid bonds for targeted small businesses which are able to demonstrate the inability of securing such a bond because of a lack of experience, lack of net worth, or lack of capital. This waiver shall not apply to businesses with a record of repeated failure of substantial performance or material breach of contract in prior circumstances. The waiver shall be applied only to a project or individual transaction amounting to fifty thousand dollars or less, notwithstanding section 573.2. In order to qualify, the targeted small business shall provide written evidence to the department of inspections and appeals that the bond would otherwise be denied the business. The granting of the waiver shall in no way relieve the business from its contractual obligations and shall not preclude the state agency from pursuing any remedies under law upon default or breach of contract.

Sec. 12. Section 15.108, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 10. ECONOMIC DEVELOPMENT PLANNING AND RESEARCH ACTIVITIES. To provide leadership and support for economic and community development activities statewide. To carry out this responsibility, the department may establish a research center for economic development programs and services whose duties may include but are not limited to the following:

a. Implementation of a comprehensive statewide economic development planning process and provision of leadership, coordination, and support to regional and local economic and community planning efforts.

b. Coordination of the delivery of economic and community development programs with other local, regional, state, federal, and private sector programs and activities.

c. Collection and analysis of data and information, development of databases and performing research to keep abreast of Iowa's present economic base, changing market demands, and emerging trends, including identification of targeted markets and development of marketing strategies.

d. Provision of access to databases to facilitate sales and exports by Iowa businesses.

e. Establishment of a database of community and economic information to aid local regional and statewide economic development and service delivery efforts.

Sec. 13. Section 15.241, unnumbered paragraphs 1 and 2, Code 1991, are amended to read as follows:

~~The department shall establish, contingent upon the availability of funds authorized for the program, a~~ A "self-employment loan program~~,~~ account" is established within the strategic investment fund created in section 15.313 to provide funding for the self-employment loan program which is to be conducted in coordination with the job training partnership program and other programs administered under section 15.108, subsection 6, paragraph "c". The department may contract with local community action agencies or other local entities in administering the program, and shall work with the department of employment services and the department of human services in developing the program.

The self-employment loan program shall administer a low-interest loan program to provide loans to low-income persons for the purpose of establishing or expanding small business ventures. The terms of the loans shall be determined by the department, but shall not be in excess of ~~five~~ ten thousand dollars to any single applicant or at a rate to exceed five percent simple interest per annum. ~~A self-employment loan program revolving loan fund shall be established within the department.~~ The department shall maintain records of all loans approved and the effectiveness of those loans in establishing or expanding small business ventures.

Sec. 14. Section 15.241, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Payments of interest, recaptures of awards, and repayments of moneys loaned under this program shall be deposited into the strategic investment fund.

Sec. 15. Section 15.247, subsections 2 and 3, Code 1991, are amended to read as follows:

2. ~~The department shall establish, contingent upon the availability of funds authorized for the program, a~~ A "targeted small business financial assistance program account" is established within the strategic investment fund created in section 15.313, to provide for loans, loan guarantees, revolving loans, loans secured by accounts receivable, or grants to targeted small businesses. A targeted small business in any year shall receive under this program not more than twenty-five thousand dollars in a loan or grant, and not more than forty thousand dollars in a guarantee, or a combination of loans, grants, or guarantees. The program shall provide guarantees not to exceed seventy-five percent for loans made by qualified lenders. The department shall establish a financial assistance reserve account from funds ~~provided for this~~ allocated to the program account, from which any default on a guaranteed loan under this section shall be paid. In administering the program the department shall not guarantee loan values in excess of the amount credited to the reserve account and only moneys set aside in the loan reserve account may be used for the payment of a default.

3. All moneys designated for the targeted small business financial assistance program shall be credited to the ~~financial assistance reserve~~ program account. ~~The department shall also establish an administrative account from which the operating costs of the program shall be paid. The department may transfer moneys between the reserve and the administrative accounts except that not more than twenty-five percent of the moneys shall be used to administer the fund.~~ The department shall determine the actuarially sound reserve requirement for the amount of guaranteed loans outstanding.

Sec. 16. Section 15.247, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Payments of interest, recaptures of awards, and repayments of moneys loaned under this program shall be deposited into the strategic investment fund.

Sec. 17. NEW SECTION. 15.311 STRATEGIC INVESTMENT FUND.

This part shall be known as the "Iowa Strategic Investment Fund" program.

Sec. 18. NEW SECTION. 15.312 PURPOSE.

The purpose of this part shall be to provide a mechanism for funding those programs listed in section 15.313, subsection 2, in order to more efficiently meet the needs identified within those individual programs.

Sec. 19. NEW SECTION. 15.313 STRATEGIC INVESTMENT FUND.

1. An Iowa strategic investment fund is created as a revolving fund consisting of any money appropriated by the general assembly for that purpose and any other moneys available to and obtained or accepted by the department from the federal government or private sources for placement in the fund. The fund shall also include all of the following:

a. All unencumbered and unobligated funds from the special community economic betterment program fund created under 1990 Iowa Acts, chapter 1262, section 1, subsection 18, remaining on June 30, 1992, all repayments of loans or other awards made under the community economic betterment account or under the community economic betterment program during any fiscal year beginning on or after July 1, 1985, and recaptures of awards.

b. All unencumbered and unobligated funds from the self-employment loan program, the targeted small business financial assistance program, the microenterprise development revolving fund, financing rural economic development or successor loan program, and the value-added agricultural products and processes financial assistance fund remaining on June 30, 1992, and all repayments of loans or other awards or recaptures of awards made under these programs.

Notwithstanding section 8.33, moneys in the strategic investment fund at the end of each fiscal year shall not revert to any other fund but shall remain in the strategic investment fund for expenditure for subsequent fiscal years.

2. The assets of the fund shall be used by the department for the following programs and purposes:

a. The community economic betterment program created in sections 15.315 through 15.320.

b. The value-added agricultural products and processes financial assistance program created in sections 28.111 and 28.112.

c. The business development finance corporation created in sections 28.131 through 28.149.

d. The self-employment loan program created in section 15.241.

e. The targeted small business financial assistance program created in section 15.247.

f. To provide comprehensive management assistance for applicants or recipients of assistance from programs supported by the fund.

g. If funds are available under a federal microloan demonstration program, a portion of the moneys in the strategic investment fund may be utilized to access those federal funds to expand the state's small business financial assistance programs including the self-employment loan program and the targeted small business financial assistance program.

3. The director shall submit annually at a regular or special meeting preceding the beginning of the fiscal year, for approval by the economic development board, the proposed allocation of funds from the strategic investment fund to be made for that fiscal year to the community economic betterment program, the value-added agricultural products and processes financial assistance program, the business development finance corporation, the self-employment loan program, and the targeted small business financial assistance program and for comprehensive management assistance. If funds are available under a federal microloan demonstration program, the director may recommend an allocation for that purpose. The plans may provide for increased or decreased allocations if the demand in a program indicates that the need exceeds the allocation for that program. The director shall report on a monthly basis to the board on the status of the funds and may present proposed revisions for approval by the board in January and April of each year. Unobligated and unencumbered moneys remaining in the strategic investment fund or any of its accounts on June 30 of each year shall be considered part of the fund for purposes of the next year's allocation.

Sec. 20. NEW SECTION. 15.315 COMMUNITY ECONOMIC BETTERMENT PROGRAM.

This part shall be known as the "Community Economic Betterment Program."

Sec. 21. NEW SECTION. 15.316 PURPOSE.

The purpose of this program is to assist communities and rural areas of the state with their economic development efforts and to increase employment opportunities for Iowans by increasing the level of economic activity and development within the state.

Sec. 22. NEW SECTION. 15.317 PROGRAM.

1. The department shall establish a program to effectuate the purposes of this part by providing financial assistance for small business gap financing, new business opportunities, and new product and entrepreneurial development. These purposes may be accomplished by providing the following types of assistance:

a. A principal buy-down program to reduce the principal of a business loan.

b. An interest buy-down program to reduce the interest of a business loan.

c. Loans or forgivable loans to aid in economic development.

d. Loan guarantees for business loans made by commercial lenders.

e. Equity-like investments.

2. Only a political subdivision of this state may apply to receive funds for any of the purposes specified in subsection 1. The political subdivision shall make application to the department specifying the purpose for which the funds will be used.

3. The department shall not provide more than one million dollars for any project, unless approved by at least two-thirds of the members of the economic development board.

Sec. 23. NEW SECTION. 15.318 RATING FACTORS AND CRITERIA.

In ranking applications for funds, the department shall consider a variety of factors including, but not limited to, the following:

1. The proportion of local match to be provided.

2. The proportion of private contributions to be provided, including the involvement of financial institutions.

3. The total number of jobs to be created or retained.

4. The size of the business receiving assistance. The department shall award more points to small businesses as defined by the United States small business administration than to other businesses.

5. The potential for future growth in the industry represented by the business being considered for assistance.

6. The need of the business for financial assistance from governmental sources. The department shall award more points to a business for which the department determines that governmental assistance is most necessary to the success of a project, than to other businesses.

7. The quality of the jobs to be created. In rating the quality of the jobs the department shall award more points to those jobs that have a higher wage scale, have a lower turnover rate, are full-time or career-type positions, provide comprehensive health benefits, or have other related factors which could be considered to be higher in quality, than to other jobs. Businesses that have wage scales substantially below that of existing Iowa businesses in that area should be rated as providing the lowest quality of jobs and should therefore be given the lowest ranking for providing such assistance.

8. The level of need of the political subdivision.

9. The impact of the proposed project on the economy of the political subdivision.

10. The impact of the proposed project on other businesses in competition with the business being considered for assistance. The department shall make a good faith effort to identify existing Iowa businesses within an industry in competition with the business being considered for assistance. The department shall make a good faith effort to determine the probability that the proposed financial assistance will displace employees of the existing businesses. In determining the impact on businesses in competition with the business being considered for assistance, jobs created as a result of other jobs being displaced elsewhere in the state shall not be considered direct jobs created.

11. The impact to the state of the proposed project. In measuring the economic impact the department shall award more points for projects which have greater consistency with the state strategic plan than other projects. Greater consistency may include any or all of the following:

a. A business with a greater percentage of sales out-of-state or of import substitution.

b. A business with a higher proportion of in-state suppliers.

c. A project which would provide greater diversification of the state economy.

d. A business with fewer in-state competitors.

e. A potential for future job growth.

f. A project which is not a retail operation.

12. If a business has a record of violations of the law over a period of time that tends to show a consistent pattern, the business shall be given the lowest ranking for providing assistance. The department shall make a good faith effort to compile this information.

13. If a business has, within three years of application for assistance, acquired or merged with an Iowa corporation or company, whether the business has made a good faith effort to hire the workers of the acquired or merged company.

14. Whether a business provides for a preference for hiring residents of the state or of the economic development area, except for out-of-state employees offered a transfer to Iowa or to the economic development area.

15. Whether all known required environmental permits have been issued and regulations met before moneys are released.

Sec. 24. NEW SECTION. 15.319 MONITORING OF JOB CREATION AND RETENTION.

1. The department shall develop definitions for the terms "job creation" and "job retention" to measure and identify the actual number of permanent, full-time positions which businesses actually create or retain and which can be documented by comparison of the payroll reports during the twenty-four-month period after awards to the businesses are made.

2. The department shall document the actual job creation and retention effects of all businesses receiving financial assistance from the program in the context of the employer contribution and payroll reports filed by the businesses.

3. The department shall require businesses which receive assistance from the program to submit historical copies of the employer contributions and payroll reports with the application for funds, require businesses to submit the reports after an award is made on a timely basis, and require businesses to estimate the expected job creation and retention effects for the twelve-month and twenty-four-month periods after an award is made in terms of the number of employees and total wages as documented in the payroll reports.

Sec. 25. NEW SECTION. 15.320 COMMUNITY ECONOMIC BETTERMENT PROGRAM ACCOUNT.

1. A community economic betterment program account is established within the strategic investment fund to be used by the department for the community economic betterment program. The account shall consist of all appropriations, grants, or gifts received by the department specifically for use under this part and any moneys allocated to the community economic betterment program account from the strategic investment fund.

2. Payments of interest, repayments of moneys loaned under the community economic betterment program, or recaptures of awards shall be deposited into the strategic investment fund.

Sec. 26. Section 28.111, subsection 3, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The department of economic development may grant financial or technical assistance to a person eligible to receive assistance under this section, upon review and evaluation of the person's application by the agricultural products advisory council as established in section 15.203. ~~The council shall make recommendations to approve or disapprove an application to the department.~~ The department shall consider the ~~recommendations~~ council's evaluation in granting or denying assistance. The department shall not approve an application for assistance under this section to refinance an existing loan~~,~~ or to finance traditional agricultural operations. An application is eligible for consideration if the application seeks assistance for any of the following purposes:

Sec. 27. Section 28.112, Code Supplement 1991, is amended to read as follows:

28.112 VALUE-ADDED AGRICULTURAL PRODUCTS AND PROCESSES FINANCIAL ASSISTANCE ~~FUND~~ ACCOUNT.

1. ~~The department may establish a~~ A value-added agricultural products and processes financial assistance ~~fund~~ account is established within the strategic investment fund created in section 15.313. The ~~fund~~ account shall ~~be a revolving fund composed~~ consist of any money appropriated by the general assembly for that purpose, moneys allocated to the account from the strategic investment fund, and any other moneys available to and obtained or accepted by the department from the federal government or private sources for placement in the ~~fund~~ account. Except as otherwise provided in subsection 2, the assets of the ~~fund~~ account shall be used by the department only for carrying out the purposes of section 28.111.

2. The department may use moneys in the ~~fund~~ account to do any of the following:

a. Contract, sue and be sued, and adopt administrative rules necessary to carry out the provisions of this section and section 28.111, but the department shall not in any manner directly or indirectly pledge the credit of the state.

b. Authorize payment from the ~~fund~~ account for costs, commissions, attorney fees, and other reasonable expenses related to and necessary for insuring or guaranteeing loans under section 28.111, and for the recovery of loan moneys insured or guaranteed or the management of property acquired in connection with such loans.

3. ~~Section 8.33 shall not apply to moneys in the fund.~~ Payments of interest, recaptures of awards, or repayments of moneys loaned under the value-added agricultural products and processes financial assistance program shall be deposited into the strategic investment fund.

Sec. 28. Section 28.148, Code 1991, is amended to read as follows:

28.148 STATE ASSISTANCE FUND.

There is created in the treasurer of state's office a "business development finance corporation assistance fund". The fund shall consist of all appropriations, grants, or gifts received by the treasurer specifically for assistance under this division and moneys allocated from the strategic investment fund created in section 15.313. Moneys in this fund are appropriated to the corporation for the purposes stated in this division. Moneys allocated to this fund for purposes of the capital access program and repayments of moneys or recaptures of awards from the capital access program which remain unobligated at the end of a fiscal year may be returned to the strategic investment fund upon approval of the board of directors of the business development finance corporation.

Sec. 29. Section 28.156, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Carry out the duties specified in section 28.166 regarding the manufacturing technology program and adopt rules pursuant to chapter 17A for the monitoring and enforcement of contracts awarded to community colleges to carry out the purposes of the program. The foundation may withhold the disbursement of funds for failure to comply with the elements required to be included in the contracts.

Sec. 30. Section 28.158, subsection 1, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. For the manufacturing technology program.

Sec. 31. NEW SECTION. 28.162 IOWA BUSINESS INVESTMENT CORPORATION — PURPOSE.

1. The purpose of this section is to provide for the incorporation under chapter 504A of a nonprofit corporation to organize, capitalize, and fund an Iowa-based small business investment company which shall have the purpose of increasing the availability of funds for investment in and loans to Iowa small businesses on a regional basis. The small business investment company shall be incorporated under the Iowa law.

2. In addition to the powers granted under chapter 504A, the corporation shall have the power to invest in the small business investment company and to serve as guarantor of the preferred stock of the small business investment company.

In exchange for the guaranty, the corporation shall receive warrants for a percentage of the preferred stock of the small business investment company. The guaranty shall expire ten years after the guaranty agreement is entered into. The corporation shall only be liable as guarantor in the event that capital replenishment becomes necessary due to federal small business administration requirements or in the event of a capital loss upon liquidation of the small business investment company.

Sec. 32. NEW SECTION. 28.163 BOARD OF DIRECTORS OF CORPORATION.

1. The powers of the corporation are vested in and shall be exercised by the board of directors. The directors shall serve a term of three years. Each term shall begin and end as provided in section 69.19. No more than a simple majority of the members of the board shall belong to the same political party as provided in section 69.16.

2. The board shall consist of three members appointed as follows:

a. One member appointed by the governor or the governor's designee.

b. One member shall be the treasurer of state or the treasurer's designee.

c. One member shall be a private citizen appointed by the legislative council. This member shall be well qualified and shall have at least five years of experience in a responsible position in a business involved in investing in business concerns.

3. The board shall annually elect one member as chairperson and one member as secretary. The board may elect other officers of the corporation as necessary.

4. Each director of the corporation shall take an oath of office which shall be filed in the office of the secretary of state.

Sec. 33. NEW SECTION. 28.164 SMALL BUSINESS INVESTMENT COMPANY.

1. The small business investment company organized pursuant to section 28.162 and this section may make investments in the common and preferred stock of and may make loans to or purchase the debt obligations of Iowa small businesses which are unable to raise equity capital or obtain financing from conventional sources. The criteria for investment in or loans to Iowa small businesses by the small business investment company shall include geographic distribution, economic diversity, potential for job creation and retention, and potential for long-term success.

2. The small business investment company shall comply with the small business investment company licensing requirements of the federal small business administration.

3. The capital of the small business investment company shall consist of shares sold on a regional basis to banks, insurance companies, finance companies, savings institutions, other corporations, limited liability companies, partnerships, and individuals. For the purposes of section 28.162 the shares acquired by each investor shall be divided equally between common and preferred shares.

4. Applications to the small business investment company for investments and loans shall originate within the regions set out in section 28H.1. For the purposes of this section, Boone, Dallas, Jasper, Marion, Polk, Story, and Warren counties shall constitute a region.

5. The operations of the small business investment company shall be conducted by a private manager contracted for by the board of directors of the company on the basis of the manager's expertise and record in the making or procuring of investments in and loans to small businesses. The small business investment company shall be operated in accordance with federal small business administration regulations.

6. The board of directors of the small business investment company shall consist of not less than seventeen nor more than twenty-one persons who shall be elected by the private shareholders from each of the seventeen regions set out in subsection 4.

7. To qualify for the guaranty under section 28.162, the small business investment company shall satisfy the conditions set out in this section and those of the federal small business administration, provided that federal small business administration requirements shall take precedence over the requirements of this section.

Sec. 34. NEW SECTION. 28.165 PURPOSE – INTENT.

The purposes of the manufacturing technology program are:

1. To create and stimulate economic opportunity by providing technical assistance to individual industry or to industrial sectors in this state.

2. To assist in the identification of opportunities for modernization and increased competitiveness of individual business or industry or industrial sectors.

3. To assist individual business and industry or industrial sectors to integrate state-of-the-art technologies and processes.

4. To provide specific programs for individual industry or industrial sectors by:

a. Developing partnerships and coordination between statewide and regional providers of services for modernization and increased competitiveness for Iowa industry.

b. Establishing an industrial contact outreach program to evaluate the need for technical services and implementing an industrial needs assessment database.

c. Collaborating with a network of specialized technology resource sites throughout the state.

5. To facilitate the transfer of university research that is available for commercial application to individual industry or industrial sectors.

6. To provide technical assistance to existing individual industry or industrial sectors or nonmanufacturing business regarding available technological and management innovations to improve products, processes, and management systems, including implementation of total quality management methods.

Sec. 35. NEW SECTION. 28.166 REGIONALLY BASED MANUFACTURING TECHNOLOGY PROGRAM.

1. Contingent on the availability of funding from sources other than the general fund of the state or other state funds, the executive director of the foundation shall contract with six or more community colleges for employment of an industrial technology outreach specialist to work with individual industry or industrial sectors to determine company needs and provide technical assistance or referral to services, or to coordinate with other service providers to determine how services should be accessed or provided. However, if the foundation does not receive funding from other sources, the executive director shall contract with at least four community colleges. The contract shall include but is not limited to the following:

a. The establishment of an industrial technology outreach program that will identify needs of individual industry or industrial sectors.

b. Criteria for assuring access to programs and services to assist individual industry or industrial sectors.

c. An annual budget for operation of the program and activities agreed to in the contract including provisions related to the transfer of funds to the community college, as agreed upon by the president of the community college and the executive director.

d. Performance measures for quarterly and annual evaluation of the program and activities agreed to in the contract. The foundation may withhold the disbursement of funds for failure to achieve criteria established in the contract.

e. The duties of the industrial technology outreach specialist.

f. The provision of technical assistance to existing individual industry or industrial sectors or nonmanufacturing business regarding available technological and management innovations to improve products, processes, and management systems, including implementation of total quality management methods.

2. The foundation may provide or contract for the delivery of technical services to individual industry or industrial sectors.

3. The executive director of the foundation shall issue requests for proposals to the community colleges and shall select the best proposals after considering, among other factors, the geographic distribution of the provision of the program services to areas of the state which do not serve a city with a population over twenty thousand, the number of small and medium-sized industries within the community college district, and the level of community college interaction with those industries. Community colleges in contiguous regions may submit a joint proposal.

Sec. 36. Section 29C.9, subsections 7 and 8, Code 1991, as amended by 1992 Iowa Acts, Senate File 390, section 10, are amended to read as follows:

7. The commission shall delegate to the emergency management coordinator the authority to fulfill the commission duties as described in the division's administrative rules. Each commission shall appoint a county emergency management coordinator who shall meet the qualifications specified in the administrative rules by the administrator of the emergency management division. <u>However, in counties having a population of twenty-five thousand or less, an emergency management coordinator is not required to meet the qualifications specified by the administrator of the emergency management division.</u> Additional emergency management personnel may be appointed at the discretion of the commission.

8. The commission shall develop, adopt, and submit for approval by local governments within the county, a comprehensive county-wide emergency operations plan which meets standards adopted by the division in accordance with chapter 17A. If an approved comprehensive county-wide emergency operations plan has not been prepared according to established standards and the administrator of the emergency management division finds that satisfactory progress is not being made toward the completion of the plan, or if the administrator finds that a local emergency management commission has failed to appoint a qualified emergency management coordinator as provided in this chapter, the administrator shall notify the governing bodies of the counties and cities affected by the failure and the governing bodies shall not appropriate any moneys to the local emergency management fund until the disaster plan is prepared and approved or a qualified emergency management coordinator is appointed. If the administrator finds that a city or a county has appointed an unqualified emergency management coordinator, the administrator shall notify the governing body of the city or county citing the qualifications which are not met and the governing body shall not approve the payment of the salary or expenses of the unqualified emergency management coordinator. <u>However, in counties having a population of twenty-five thousand or less, funding sanctions in this subsection based solely on the qualifications of an emergency management coordinator do not apply.</u>

Sec. 37. Section 73.18, Code Supplement 1991, is amended to read as follows:

73.18 NOTICE OF SOLICITATION FOR BIDS — IDENTIFICATION OF TARGETED SMALL BUSINESSES.

The director of each agency or department, the administrator of each area education agency, the president of each community college, and the superintendent of each school district releasing a solicitation for bids or request for proposal under the targeted small business procurement goal program shall ~~notify the director of the department of economic development~~ consult a directory of certified targeted small businesses produced by the department of economic development that lists all certified targeted small businesses by category of goods or services provided prior to or upon release of the solicitation and shall send a copy of the request for proposal or solicitation to any appropriate targeted small business listed in the directory. The Iowa department of economic development may charge the department, agency, area education agency, community college, or school district a reasonable fee to cover the cost of producing, distributing, and updating the directory. ~~A community college, area education agency, or school district shall notify the department of education which shall notify the department of economic development prior to or upon release of the solicitation. The director of the department of economic development shall notify the soliciting agency or department, or community college, area education agency, or school district, of any targeted small businesses which have been certified pursuant to section 10A.104, subsection 8, and which may be qualified to bid.~~

Sec. 38. Section 99E.31, subsection 2, Code 1991, is amended by striking the subsection.

Sec. 39. Section 99E.32, subsection 2, Code Supplement 1991, is amended by striking the subsection.

Sec. 40. Section 280B.6, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Notwithstanding any other provision of this chapter to the contrary, a community college may use funds available from the retirement of certificates for the purposes of sections 280A.44 and 280A.46 and for economic development purposes. The funds may be used for these purposes for a period of five years following the date a certificate is retired.

Sec. 41. NEW SECTION. 307.41 MAINTENANCE FACILITIES.

The department shall maintain maintenance facilities within the boundaries of every county with a population in excess of eight thousand persons in which the department maintains a maintenance facility as of January 1, 1988.

Sec. 42. Section 321.19, subsection 2, unnumbered paragraph 2, Code 1991, is amended to read as follows:

~~Any person, firm, corporation, or company operating an urban transit system shall pay to the county treasurer annually as a registration fee for each bus, car, or vehicle used in the transportation of passengers, five dollars, which shall be paid into the city general fund. Any urban transit company operated by a municipality is not required to pay such registration fees.~~ The department, in accordance with subsection 1, shall furnish distinguishing plates for vehicles used by urban transit companies operated by a municipality. No other provision of law providing for the payment of taxes, registration, or license fees for vehicles shall be applicable to any bus, car, or vehicle for the transportation of passengers owned and operated by any urban transit company.

Sec. 43. Section 321.22, subsection 4, Code 1991, is amended by striking the subsection.

Sec. 44. Section 368.7, unnumbered paragraphs 2 and 3, as amended by 1992 Iowa Acts, Senate File 2290, section 2, is amended to read as follows:

An application for annexation of territory not within an urbanized area must be approved by resolution of the council which receives the application. In the discretion of a city council, the resolution may include a provision for a transition for the imposition of taxes as provided in section 368.11, subsection 13. Upon receiving approval of the council, the city clerk shall file a copy of the resolution, map, and legal description of the territory involved with the state department of transportation. The city clerk shall also file a copy of the map and resolution with the county recorder and secretary of state. The secretary of state shall not accept and acknowledge a copy of a map and resolution of annexation which would create an island, however, the applicant shall be given an opportunity to amend or correct its application to eliminate any island. The annexation is completed upon acknowledgment by the secretary of state that the secretary of state has received the map and resolution.

An application for annexation of territory within an urbanized area must be approved both by resolution of the council which receives the application and by the board. The board shall not approve an application which creates an island. If the board, committee, or secretary of state determines that granting an application or petition would create an island, or that the application or petition is in violation of a requirement of this chapter, the applicant or petitioner shall be given reasonable opportunity, after notice thereof from the board, committee, or secretary of state, to amend or otherwise correct such application or petition. Notice of the application shall be mailed by certified mail, by the city to which the annexation is directed, at least ten days prior to any action by the city council on the application to the council of each city whose boundary adjoins the territory or is within two miles of the territory, to the board of supervisors of each county which contains a portion of the territory, and to the regional planning authority of the territory. Notice of the application shall be published in an official county newspaper in each affected county at least ten days prior to any action by the city council on the application. In the discretion of a city council, the resolution may include a provision for a transition for the imposition of taxes as provided in section 368.11, subsection 13. The annexation is completed when the board has filed copies of applicable portions of the proceedings as required by section 368.20, subsection 2.

Sec. 45. Section 455B.310, subsection 2, paragraph b, subparagraph (1), Code Supplement 1991, is amended to read as follows:

(1) Ten cents per ton per year is appropriated to the department of natural resources to establish a program to provide competitive grants to regional coordinating councils for projects in regional economic development centers related to a by-products and waste exchange system. Grantees under this program shall coordinate activities with other available state or multistate waste exchanges, including but not limited to the by-products and waste search service at the university of northern Iowa. The department shall consult with the department of economic development and the waste reduction center at the university of northern Iowa in establishing criteria for and the awarding of grants under this program. The department of natural resources shall expend not more than thirty thousand dollars of the moneys appropriated under this subparagraph to contract with the by-products and waste search service at the university of northern Iowa to provide training and other technical services to grantees under the program. If regional economic development centers cease to exist, the department shall transfer existing contracts to one or more community colleges or

councils of governments and shall revise the criteria and rules for this program to allow community colleges or councils of governments ~~or regional planning councils~~ to be applicants for competitive grants.

Sec. 46. Section 455D.16, Code 1991, is amended to read as follows:

455D.16 PACKAGING PRODUCTS — RECYCLING — PROHIBITION OF POLYSTYRENE PRODUCTS.

The department, in cooperation with businesses involved in the manufacturing and use of packaging products or food service items, shall establish a recycling program to increase the recycling of packaging products or food service items by twenty-five percent by ~~January 1, 1992~~ July 1, 1993, and by fifty percent by ~~January 1, 1993~~ July 1, 1994. If the recycling goals are not reached, beginning January 1, ~~1994~~ 1995, a person shall not manufacture, offer for sale, sell, or use any polystyrene packaging products or food service items in this state.

Sec. 47. Section 490.1422, subsection 1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A corporation administratively dissolved under section 490.1421 may apply to the secretary of state for reinstatement within ~~two~~ ten years after the effective date of dissolution. The application must meet all of the following requirements:

Sec. 48. Section 508.10, unnumbered paragraph 2, Code 1991, is amended to read as follows:

An alien insurer, with the approval of the commissioner, may be treated as a domestic insurer of this state in whole or in part, and if so approved is deemed to be organized under the laws of this state and is an Iowa domestic insurer as provided by rules adopted by the commissioner. The approval of the commissioner may be based upon such factors as:

Sec. 49. NEW SECTION. 634.7 PUBLIC GRANTS BY PRIVATE FOUNDATIONS OR TRUSTS.

A grant, by a trust organized and funded prior to January 1, 1992, to which this chapter applies, to the state of Iowa, or a political subdivision, or agency of the state or political subdivision, for purposes of economic development, shall be regarded as a charitable contribution if made prior to January 1, 1994.

Sec. 50. Notwithstanding the provision in section 15.313 granting the director of the department of economic development discretion in the allocation of the moneys to the various accounts in the strategic investment fund, for the fiscal year beginning July 1, 1992, a minimum of $500,000 shall be allocated to the targeted small business financial assistance program account and a minimum of $220,000 shall be allocated to the self-employment loan program account.

Sec. 51. All loan repayments under the rural community 2000 program shall be transferred to the Iowa finance authority housing improvement fund under section 220.100.

Sec. 52. Sections 15.301, through 15.307, Code 1991, are repealed."

2. Title page, line 4, by striking the words "technology and" and inserting the following: "technology,".

3. Title page, line 5, by inserting after the word "fund" the following: ", replacing the Iowa economic development network with a manufacturing technology program under the Wallace technology transfer foundation, providing for economic development planning and research activities by the department of economic development, and making related and other statutory changes".

ON THE PART OF THE HOUSE:

PHILIP WISE, Chair
ROBERT DVORSKY
CHARLES N. PONCY

ON THE PART OF THE SENATE:

JIM RIORDAN, Chair
BILL HUTCHINS
RICHARD RUNNING

Wise of Lee moved the adoption of the conference committee report and the amendments contained therein.

A non-record roll call was requested.

The ayes were 50, nays 46.

The motion prevailed and the conference committee report 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.

Rule 75 was invoked.

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

The ayes were, 47:

Adams	Baker	Beatty	Bernau
Bisignano	Black	Blanshan	Brand
Brown	Burke	Chapman	Cohoon
Dickinson	Doderer	Dvorsky	Fogarty
Gill	Groninga	Hansen, S. D.	Hatch
Haverland	Hibbard	Jay	Jesse
Jochum	Knapp	Koenigs	McKinney
Mertz	Muhlbauer	Murphy	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Teaford	Wissing	Mr. Speaker Arnould	

The nays were, 49:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Corbett	Daggett
Diemer	Eddie	Garman	Gipp
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson, D. E.	Hanson, D. R.
Harbor	Hester	Holveck	Hurley

Iverson	Johnson	Kistler	Krebsbach
Kremer	Lageschulte	Lundby	Maulsby
McKean	McNeal	Metcalf	Millage
Miller	Neuhauser	Petersen, D. F.	Plasier
Rafferty	Renken	Royer	Siegrist
Spenner	Tyrrell	Van Maanen	Weidman
Wise			

Absent or not voting, 4:

Brammer	Connors	De Groot	Shoning

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

The House stood at ease at 12:24 a.m., until the fall of the gavel.

The House resumed session at 12:42 a.m., Speaker Arnould in the chair.

The House stood at ease at 12:43 a.m., until the fall of the gavel.

The House resumed session at 1:25 a.m., Speaker Arnould in the chair.

On motion by McKinney of Dallas, the House was recessed at 1:26 a.m., until 11:00 a.m.

MORNING SESSION

The House reconvened, Speaker Arnould in the chair.

Prayer was offered by the Honorable Mike Peterson, state representative from Carroll County.

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 May 3, 1992, appointed a second conference committee on House File 2465, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing effective and applicability provisions, and the members of the Senate are: The Senator from Johnson, Senator Varn, Chair; the Senator from Polk, Senator Buhr; the Senator from Fayette, Senator Murphy; the Senator from Black Hawk, Senator Lind; the Senator from Polk, Senator Kramer.

Also: That the Senate has on May 3, 1992, amended and passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has, on May 3, 1992, appointed the conference committee to Senate File 2097, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing a retroactive applicability provision, and providing effective date and applicability provisions, and the members of the Senate are: The Senator from Johnson, Senator Varn, Chair; the Senator from Woodbury, Senator Sturgeon; the Senator from Scott, Senator Deluhery; the Senator from Buena Vista, Senator Fuhrman; the Senator from Pottawattamie, Senator Hester.

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

Senate File 2376, a bill for an act relating to the state budget by making appropriations and tax changes and providing applicability date provisions and making technical corrections to the state general fund expenditure limitation budget law.

JOHN F. DWYER, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Adams of Hamilton, until her arrival, on request of Shoultz of Black Hawk; Van Maanen of Mahaska on request of Siegrist of Pottawattamie; Brand of Benton, until his arrival, on request of Bernau of Story; Royer of Page on request of Spenner of Henry; De Groot of Lyon on request of Spenner of Henry; Lageschulte of Bremer on request of Spenner of Henry.

QUORUM CALL

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

The House stood at ease at 12:02 p.m., until the fall of the gavel.

The House resumed session at 12:53 p.m., Speaker Arnould in the chair.

SUBCOMMITTEE ASSIGNMENT

House File 2489

State Government: Bisignano, Chair; Carpenter 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 STATE GOVERNMENT

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

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—6097** May 2, 1992.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2489.

Regular Calendar

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

Bisignano of Polk offered the following amendment H—6097 filed by the committee on state government and moved its adoption:

H—6097

1 Amend House File 2489 as follows:
2 1. Page 2, line 21, by inserting after the word
3 "MACHINES" the following: "OR VIDEO GAMES OF CHANCE".
4 2. Page 2, line 24, by inserting after the word
5 "machines" the following: "or video games of chance".
6 3. Page 2, line 25, by inserting after the word
7 "machines" the following: "or video games of chance".
8 4. Page 2, line 27, by inserting after the word
9 "machines" the following: "or video games of chance".

The committee amendment H—6097 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams, until his arrival, on request of Siegrist of Pottawattamie.

The following amendment H—6099 filed by Bisignano of Polk from the floor was adopted by unanimous consent:

H—6099

1 Amend House File 2489, as follows:
2 1. Title page, line 1, by inserting after the

3 word "machines" the following: "or video games of
4 chance".

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. 2489)

The ayes were, 90:

Baker	Banks	Bartz	Beaman
Beatty	Bennett	Bernau	Bisignano
Black	Blanshan	Brammer	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Corbett	Dickinson	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Groninga
Grubbs	Gruhn	Hahn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hanson, D. R.	Harbor	Hatch	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Rafferty	Renaud	Renken
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Weidman	Wise
Wissing	Mr. Speaker Arnould		

The nays were, none.

Absent or not voting, 10:

Adams	Brand	Connors	Daggett
De Groot	Lageschulte	Neuhauser	Royer
Shoning	Van Maanen		

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2489** be immediately messaged to the Senate.

MOTION TO RECONSIDER PREVAILED

Wise of Lee moved to reconsider the vote by which **House File 2462**, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, the Wallace technology transfer foundation, INTERNET, state university of Iowa, and Iowa state university of science and technology and creating the strategic investment fund, failed to pass the House on May 3, 1992.

A non-record roll call was requested.

The ayes were 59, nays 13.

The motion prevailed and House File 2462 was taken up for consideration.

Wise of Lee moved to reconsider the vote by which the House adopted the conference committee report on House File 2462, which motion prevailed.

Wise of Lee moved the adoption of the conference committee report and the amendments contained therein.

The motion lost.

SECOND CONFERENCE COMMITTEE APPOINTED
(House File 2462)

The Speaker announced the appointment of the second conference committee to consider the differences between the House and Senate concerning House File 2462: Wise of Lee, Chair; Poncy of Wapello, Hanson of Black Hawk, Harbor of Mills and Dvorsky of Johnson.

SENATE MESSAGE CONSIDERED

Senate File 2376, by committee on appropriations, a bill for an act relating to the state budget by making appropriations and tax changes and providing applicability date provisions and making technical corrections to the state general fund expenditure limitation budget law.

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 May 3, 1992, appointed a second conference committee on House File 2462, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, the Wallace technology transfer foundation, INTERNET, state university of Iowa, and Iowa state university of science and technology and creating the

strategic investment fund, and the members of the Senate are: The Senator from Dallas, Senator Riordan, Chair; the Senator from Linn, Senator Running; the Senator from Dubuque, Senator Connolly; the Senator from Polk, Senator Kramer; the Senator from Chickasaw, Senator Borlaug.

Also: That the Senate has on May 3, 1992, amended and passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on May 3, 1992, passed the following bill in which the concurrence of the Senate was asked:

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

Also: That the Senate has, on May 3, 1992, adopted the conference committee report and passed Senate File 2097, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing a retroactive applicability provision, and providing effective date and applicability provisions.

JOHN F. DWYER, Secretary

Schrader of Marion in the chair at 1:50 p.m.

The House stood at ease at 2:01 p.m., until the fall of the gavel.

The House resumed session at 4:55 p.m., Speaker Arnould in the chair.

QUORUM CALL

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

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 2097)

Jay of Appanoose called up for consideration the report of the conference committee on Senate File 2097 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2097

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2097, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing a retroactive applicability provision, and providing effective date and applicability provisions, respectfully make the following report:

1. That the House amendment, S—5929, to Senate File 2097, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 2, by striking lines 7 through 13.

2. Page 2, line 25, by inserting after the word "harbors" the following: "more than three breeding male or female".

3. Page 2, by striking line 28.

4. Page 2, line 29, by striking the words "harbored and".

5. By striking page 9, line 24, through page 10, line 2, and inserting the following:

" "Sec. 3333. Section 312.2, subsection 15, Code Supplement 1991, is amended to read as follows:

15. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the public transit assistance fund, created under section 601J.6, from revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "c", an amount equal to one-twentieth of eighty percent of the revenue ~~credited to~~ from the ~~road use tax fund under~~ operation of section ~~423.24, subsection 1, paragraph "c"~~ 423.7.

Notwithstanding the provisions of this subsection directing that one-twentieth of eighty percent of the revenue ~~credited to~~ derived from the ~~road use tax fund under~~ operation of section ~~423.24, subsection 1, paragraph "c"~~ 423.7, be deposited into the public transit assistance fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, such amount shall be deposited into the general fund of the state. There is appropriated from the general fund of the state for each fiscal year to the state department of transportation the amount of revenues credited to the general fund of the state during the fiscal year under this subsection to be used for purposes of public transit assistance under chapter 601J." "

6. Page 10, by striking lines 5 through 10 and inserting the following:

" "Sec. _____ . Section 321J.4, subsection 2, Code 1991, is amended to read as follows:

2. If the court defers judgment pursuant to section 907.3 for a violation of section 321J.2, the court shall order the department to revoke the defendant's motor vehicle license or nonresident operating privilege for a period of not less than thirty days nor

more than ninety days if the defendant's motor vehicle license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12 or has not otherwise been revoked for the occurrence from which the arrest arose. The court shall immediately require the defendant to surrender to it all Iowa licenses or permits held by the defendant, which the court shall forward to the department with a copy of the order deferring judgment." "

7. Page 11, by striking lines 21 through 28.

8. Page 11, by inserting after line 33 the following:

" _____ . Page 8, by inserting before line 2 the following:

"Sec. _____ . CREDITS FROM ROAD USE TAX FUND TO PUBLIC TRANSIT ASSISTANCE FUND – EFFECTIVE DATES.

1. Section 3333 of this Act, which amends section 312.2, subsection 15, is effective only if the state sales, services, and use taxes are increased from four to five percent and applies to the revenues derived from the five percent sales, services, and use tax rate collected on or after June 1, 1992.

2. 1992 Iowa Acts, Senate File 2345, section 25, which amends section 312.2, subsection 15, is effective only if the state sales, services, and use taxes remain at four percent." "

9. By renumbering and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

DANIEL JAY, Chair
STEVE HANSEN
DAVE HIBBARD

ON THE PART OF THE SENATE:

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

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 2097)

The ayes were, 93:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Burke	Carpenter
Chapman	Cohoon	Corbett	Daggett
Dickinson	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Gill
Gipp	Groninga	Grubbs	Gruhn
Hahn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hanson, D. R.	Harbor

Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Schrader
Shearer	Sherzan	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Weidman	Wise	Wissing
Mr. Speaker Arnould			

The nays were, none.

Absent or not voting, 7:

Brammer	Connors	De Groot	Lageschulte
Royer	Shoning	Van Maanen	

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

IMMEDIATE MESSAGE

Schrader of Marion asked and received unanimous consent that **Senate File 2097** be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE SECOND CONFERENCE COMMITTEE (House File 2462)

Wise of Lee called up for consideration the report of the second conference committee on House File 2462 and moved the adoption of the second conference committee report and the amendments contained therein as follows:

REPORT OF THE SECOND CONFERENCE COMMITTEE ON HOUSE FILE 2462

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the second conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2462, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, the Wallace technology transfer foundation, INTERNET, state university of Iowa, and Iowa state university of science and technology and creating the strategic investment fund, respectfully make the following report:

1. That the Senate recedes from its amendment, H–5890.

2. That House File 2462, as amended, passed, and reprinted by the House, is amended to read as follows:

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

"Section 1. There is appropriated from the general fund of the state to the department of economic development for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADMINISTRATIVE SERVICES DIVISION

a. General administration

For salaries, support, maintenance, miscellaneous purposes, to implement total quality management, and for not more than the following full-time equivalent positions:

.....	$	789,000
.....	FTEs	21.00

The department shall plan for and initiate a long-term process for the continuous improvement of the services provided to the citizens of Iowa using the principles of total quality management.

b. Information management center

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	$	361,000
.....	FTEs	6.50

c. Film office

For salaries, support, maintenance, miscellaneous purposes, for not more than the following full-time equivalent positions, and for utilizing $20,000 or so much thereof as is necessary, to promote the film "Gentle Giants, Windows to our Heritage" regarding the impact of the Iowa draft horse in making Iowa the greatest food producing state in the world:

.....	$	182,000
.....	FTEs	2.00

2. BUSINESS DEVELOPMENT DIVISION

a. Business development operations

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	$	2,525,000
.....	FTEs	15.00

b. Small business programs

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for the small business program, the small business advisory council, targeted small business program, and business incubators, of which $46,424 shall be allocated for the administration of the targeted small business program and $50,000 shall be used to fund, with local matching funds, a targeted small business incubator in each county with a population greater than two hundred fifty thousand:

.....$ 323,000
.....FTEs 5.50

c. Federal procurement office

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:
.....$ 96,953
.....FTEs 3.00

Notwithstanding section 8.33, moneys remaining unencumbered or unobligated on June 30, 1993, shall not revert and shall be available for expenditure during the fiscal year beginning July 1, 1993, for the same purposes.

d. Strategic investment fund

For deposit in the strategic investment fund for salaries, support, and for not more than the following full-time equivalent positions:
.....$ 4,075,733
.....FTEs 10.00

Notwithstanding section 8.33, moneys in the strategic investment fund at the end of each fiscal year shall not revert to the general fund but shall remain in the strategic investment fund.

e. Small business investment company capitalization

For transfer to the treasurer of state for the purpose of facilitating the organization and private capitalization of the small business investment company under sections 28.162 through 28.164. If the small business investment company for which the funds are to be used is not organized within eighteen months of the effective date of this Act, unused funds shall revert to the general fund of the state:
.....$ 200,000

f. Insurance economic development

There is appropriated from moneys collected by the division of insurance in excess of the anticipated gross revenues under section 505.7, subsection 3, to the department for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for insurance economic development and international insurance economic development:
.....$ 200,000

3. COMMUNITY AND RURAL DEVELOPMENT DIVISION

a. Community assistance

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions for administration of the community economic preparedness program, the Iowa community betterment program, and the city development board:
.....$ 500,000
.....FTEs 7.50

b. Main street/rural main street program

For salaries and support for not more than the following full-time equivalent positions:
.....$ 353,386
.....FTEs 3.00

Notwithstanding section 8.33, moneys committed to grantees under contract from the general fund or through transfers from the Iowa community development loan fund that remain unexpended on June 30 of any fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

c. Rural development program

For allocating $75,000 to the Adams community economic development corporation and for salaries, support, maintenance, miscellaneous purposes, for not more than the following full-time equivalent positions for rural resource coordination, rural community leadership, and the rural enterprise fund, out of which the department may set aside a portion of the moneys for one or more pilot efforts supporting cooperative agriculture-related or livestock production projects:

.....	$	675,000
.....	FTEs	3.50

The department shall allocate $75,000 to the Adams community economic development corporation for the purposes of evaluating the organizational structure of the county, the present workload of the county office functions, consolidation of county offices, and exploring state outreach services available for cross-training employees, and that the funds shall not be used by the department for any other purpose.

Notwithstanding section 8.33, moneys obligated or committed to grantees under contract from the general fund or through transfers from the Iowa community development loan fund that remain unexpended at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the contract during succeeding fiscal years.

d. Community development block grant and HOME

For administration and related federal housing and urban development grant administration for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	$	375,397
.....	FTEs	18.75

e. Councils of governments

To provide to Iowa's councils of governments funds for planning and technical assistance funds to assist local governments to develop community development strategies for addressing long-term and short-term community needs:

.....	$	187,500

4. INTERNATIONAL DIVISION

a. International trade operations

For conducting foreign trade missions on behalf of Iowa businesses, salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	$	375,000
.....	FTEs	6.00

b. Foreign trade offices

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....$ 743,000
.....FTEs 6.00

c. Export trade assistance program

For export trade activities, including a program to encourage and increase participation in trade shows and trade missions by providing financial assistance to businesses for a percentage of their costs of participating in trade shows and trade missions, by providing for the lease/sublease of showcase space in existing world trade centers, by providing temporary office space for foreign buyers, international prospects, and potential reverse investors, and by providing other promotional and assistance activities, provided that the department shall consult with the department of agriculture and land stewardship prior to allocating export trade assistance program moneys, including salaries and support for not more than the following full-time equivalent positions:

.....$ 334,000
.....FTEs .25

d. Agricultural product advisory council

For support, maintenance, and miscellaneous purposes:

.....$ 1,400

5. TOURISM DIVISION

a. Tourism operations

For utilizing $41,586, or so much thereof as may be necessary, to be used for the operation of the interstate welcome center system, salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions, provided that the appropriation shall not be used for advertising placements for in-state and out-of-state tourism marketing:

.....$ 691,586
.....FTEs 17.77

b. Tourism advertising

For contracting exclusively for tourism advertising for in-state and out-of-state tourism marketing services, tourism promotion programs, electronic media, print media, and printed materials:

.....$ 2,250,000

The department shall not use the moneys appropriated in this paragraph unless the department develops public-private partnerships with Iowa businesses in the tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions in this state to assist in the development of advertising efforts. The department shall, to the fullest extent possible, develop cooperative efforts for advertising with contributions from other sources.

c. Welcome center program

To implement the recommendations of the statewide long-range plan for developing and operating welcome centers throughout the state, for transferring $30,000 to the city of West Branch for the purpose of conducting a study and for planning for the

development of a welcome and historical center, and for a match of $25,000 if the department uses $125,000 of other moneys for a welcome center project based on the department's prioritization report, dated December 1991:

..... $ 263,625

Notwithstanding section 8.33, pursuant to 1990 Iowa Acts, chapter 1255, section 37, subsection 1, as amended by 1991 Iowa Acts, chapter 260, section 1001, the department may use up to $125,000 for a welcome center project based upon the department's prioritization report, dated December 1991. Moneys used for welcome center projects based on the department's prioritization report require a dollar-for-dollar match. Moneys committed to grantees under contract that remain unexpended on June 30 of any fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

6. WORK FORCE DEVELOPMENT DIVISION

a. Youth work force programs

For purposes of the conservation corps, including salary, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 1,000,000
..... FTEs 1.90

Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended on June 30 of any fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

b. Job retraining program

To the community college job training fund created in section 280C.6, including salaries and support for not more than the following full-time equivalent positions:

..... $ 932,831
..... FTEs .60

c. Work force investment program

For purposes of the work force investment program, for a competitive grant program by the department in consultation with the state job training coordinating council for projects that increase Iowa's pool of available labor via training and support services with priority given to projects which serve displaced homemakers or welfare recipients, including salaries and support for not more than the following full-time equivalent positions:

..... $ 500,000
..... FTEs .90

The department shall ensure that the work force investment program is coordinated with services provided under the federal Job Training Partnership Act and that welfare recipients receive priority for services under both programs.

Notwithstanding section 8.33, moneys obligated or committed to grantees under contract that remain unexpended at the end of the fiscal year, shall not revert but shall be available for expenditure for purposes of the contract during succeeding fiscal years.

d. Labor management councils

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	$	195,745
.....	FTEs	1.00

The department shall not use moneys appropriated in this paragraph for grants to grantees who do not facilitate the active participation of labor as members of labor management councils or who fail to make a good faith effort to either schedule meetings during nonworking hours or obtain voluntary agreements with employers to allow employees time off to attend labor management council meetings with no loss of pay or other benefits.

Notwithstanding section 8.33, moneys committed to grantees under contract that remain unexpended on June 30 of any fiscal year shall not revert to any fund but shall be available for expenditure for purposes of the contract during the succeeding fiscal year.

7. For transfer to the Iowa product development corporation fund established in section 28.89:

.....	$	887,500
.....	FTEs	5.00

Sec. 2. Notwithstanding section 28.120, subsections 5, 6, and 7, and section 15.287, there is appropriated from the Iowa community development loan fund from the moneys available during the fiscal year beginning July 1, 1992, and ending June 30, 1993, to the department of economic development for the fiscal year beginning July 1, 1992, and ending June 30, 1993, $50,000, or so much thereof as is necessary, to be used for rural development financing; $20,000 to be transferred to and used by the main street program; with the remainder of the Iowa community development loan fund to be transferred only to the rural development program to be used by the department for the purposes of the program, including pilot efforts supporting cooperative agriculture-related or livestock production projects.

Sec. 3. Notwithstanding section 15.251, subsection 2, there is appropriated from the job training fund created in the office of the treasurer of state to the department of economic development for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For administration of chapter 280B, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	$	125,000
.....	FTEs	2.40

2. For the target alliance program:

.....	$	30,000

3. For allocation to the community colleges to supplement the coordination and instruction of apprentice related instruction, and instructional equipment for apprenticeship programs as provided in section 280A.44 on the basis of the percentage of total contact hours enrolled in apprenticeship training at community colleges as of July 1, 1992, if funds remain in the job training fund after the appropriations in subsections 1 and 2 are made:

.....$ 125,000

Sec. 4. There is appropriated from the community college job training fund created in section 280C.6, subsection 1, to the department of economic development for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for the administration of the Iowa small business new jobs training Act, and for not more than the following full-time equivalent positions:

.....$ 38,954
.....FTEs .70

Sec. 5. There is appropriated from the general fund of the state to the Iowa finance authority for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For deposit in the housing improvement fund created in section 220.100 for purposes of the fund:

.....$ 1,623,550

Sec. 6. There is appropriated from the general fund of the state to the Wallace technology transfer foundation for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and other operational purposes, for providing a state match of $50,000 for present and future federal funding for the subcontractor of an existing federal grant for beef fat content research administered through the United States department of agriculture and the cooperative state research service, for approving and submitting to the governor and general assembly not later than January 15 an annual report relating to performance goals of and efforts by the foundation to improve the modernization of industrial facilities, for funding the small business innovation research program, for funding activities as provided in section 28.158, and for transferring $75,000 of the funds appropriated in this subsection to the Iowa quality coalition for productivity enhancement projects:

.....$ 2,900,000
.....FTEs 6.00

The foundation shall transfer $50,000 to the department of natural resources for the approval of a grant to a waste paper recycling company located in Iowa which recycles waste paper into paperboard products, which grant shall be used to conduct a feasibility study for a new cogeneration plant to be located in Iowa.

Sec. 7. There is appropriated from the general fund of the state to INTERNET for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the international network on trade fund created by the INTERNET board, provided that $290,250 shall be allocated to the department of economic development for the Iowa international development foundation for the salaries and support for not more than 5.00 full-time equivalent positions for employees of the department of economic development, $96,750 shall be allocated to the peace institute, and $96,750 shall be allocated for the partner state program and the department may contract with private groups or organizations which are the most appropriate to administer

this program, and the groups and organizations participating in the program shall, to the fullest extent possible, provide the funds to match the appropriation made in this section:

.....$ 828,750
.....FTEs 5.00

INTERNET shall use moneys appropriated in this section, unless otherwise specified, for the purposes set out in chapter 18B.

Of the full-time equivalent positions authorized for the Iowa international development foundation, 3.00 full-time equivalent positions shall be devoted to the agribusiness centers in Russia and the Ukraine and shall be effective upon enactment of this Act.

Sec. 8. There is appropriated from the general fund of the state to the Iowa state university of science and technology for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For funding the small business development centers:
.....$ 991,325

2. For funding the institute for physical research and technology provided that $281,360 shall be allocated to the institute for physical research and technology industrial incentive program in accordance with the legislative intent of this section:
.....$ 3,281,360

It is the intent of the general assembly that the incentive program focus on Iowa industrial sectors and seek contributions and in-kind donations from businesses, industrial foundations, and trade associations and that moneys for the institute for physical research and technology industrial incentive program shall only be allocated for projects which are matched by private sector moneys for directed contract research or for nondirected research. The match required of small businesses as defined in section 15.102, subsection 4, for directed contract research or for nondirected research shall be $1 for each $3 of state funds. The match required for other businesses for directed contract research or for nondirected research shall be $1 for each $1 of state funds. The match required of industrial foundations or trade associations shall be $1 for each $1 of state funds.

Iowa state university shall report annually to the joint economic development subcommittee of the Senate and House appropriations committees the total amounts of private contributions, the proportion of contributions from small businesses and other businesses, and the proportion for directed contract research and nondirected research of benefit to Iowa businesses and industrial sectors.

Notwithstanding section 8.33, moneys appropriated for any fiscal year which remain unobligated and unexpended at the end of the fiscal year shall not revert but shall be available for expenditure the following fiscal year and the appropriation for the incentive program for the following year shall be reduced by an equal amount.

Sec. 9. There is appropriated from the general fund of the state to the university of Iowa for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For funding the advanced drug development program at the Oakdale research park:
.....$ 500,000

Sec. 10. Section 12.44, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Agencies of state government shall be required to waive the requirement of satisfaction, ~~or~~ performance, surety, or bid bonds for targeted small businesses which are able to demonstrate the inability of securing such a bond because of a lack of experience, lack of net worth, or lack of capital. This waiver shall not apply to businesses with a record of repeated failure of substantial performance or material breach of contract in prior circumstances. The waiver shall be applied only to a project or individual transaction amounting to fifty thousand dollars or less, notwithstanding section 573.2. In order to qualify, the targeted small business shall provide written evidence to the department of inspections and appeals that the bond would otherwise be denied the business. The granting of the waiver shall in no way relieve the business from its contractual obligations and shall not preclude the state agency from pursuing any remedies under law upon default or breach of contract.

Sec. 11. Section 15.108, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 10. ECONOMIC DEVELOPMENT PLANNING AND RESEARCH ACTIVITIES. To provide leadership and support for economic and community development activities statewide. To carry out this responsibility, the department may establish a research center for economic development programs and services whose duties may include but are not limited to the following:

a. Implementation of a comprehensive statewide economic development planning process and provision of leadership, coordination, and support to regional and local economic and community planning efforts.

b. Coordination of the delivery of economic and community development programs with other local, regional, state, federal, and private sector programs and activities.

c. Collection and analysis of data and information, development of databases and performing research to keep abreast of Iowa's present economic base, changing market demands, and emerging trends, including identification of targeted markets and development of marketing strategies.

d. Provision of access to databases to facilitate sales and exports by Iowa businesses.

e. Establishment of a database of community and economic information to aid local regional and statewide economic development and service delivery efforts.

Sec. 12. Section 15.241, unnumbered paragraphs 1 and 2, Code 1991, are amended to read as follows:

~~The department shall establish, contingent upon the availability of funds authorized for the program, a~~ A "self-employment loan program~~,~~ account" is established within the strategic investment fund created in section 15.313 to provide funding for the self-employment loan program which is to be conducted in coordination with the job training partnership program and other programs administered under section 15.108, subsection 6, paragraph "c". The department may contract with local community action agencies or other local entities in administering the program, and shall work with the department of employment services and the department of human services in developing the program.

The self-employment loan program shall administer a low-interest loan program to provide loans to low-income persons for the purpose of establishing or expanding small business ventures. The terms of the loans shall be determined by the department, but shall not be in excess of ~~five~~ ten thousand dollars to any single applicant or at a rate to exceed five percent simple interest per annum. ~~A self-employment loan program revolving loan fund shall be established within the department.~~ The department shall maintain records of all loans approved and the effectiveness of those loans in establishing or expanding small business ventures.

Sec. 13. Section 15.241, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Payments of interest, recaptures of awards, and repayments of moneys loaned under this program shall be deposited into the strategic investment fund.

Sec. 14. Section 15.247, subsections 2 and 3, Code 1991, are amended to read as follows:

2. ~~The department shall establish, contingent upon the availability of funds authorized for the program, a~~ A "targeted small business financial assistance program account" is established within the strategic investment fund created in section 15.313, to provide for loans, loan guarantees, revolving loans, loans secured by accounts receivable, or grants to targeted small businesses. A targeted small business in any year shall receive under this program not more than twenty-five thousand dollars in a loan or grant, and not more than forty thousand dollars in a guarantee, or a combination of loans, grants, or guarantees. The program shall provide guarantees not to exceed seventy-five percent for loans made by qualified lenders. The department shall establish a financial assistance reserve account from funds ~~provided for this~~ allocated to the program account, from which any default on a guaranteed loan under this section shall be paid. In administering the program the department shall not guarantee loan values in excess of the amount credited to the reserve account and only moneys set aside in the loan reserve account may be used for the payment of a default.

3. All moneys designated for the targeted small business financial assistance program shall be credited to the ~~financial assistance reserve~~ program account. ~~The department shall also establish an administrative account from which the operating costs of the program shall be paid. The department may transfer moneys between the reserve and the administrative accounts except that not more than twenty-five percent of the moneys shall be used to administer the fund.~~ The department shall determine the actuarially sound reserve requirement for the amount of guaranteed loans outstanding.

Sec. 15. Section 15.247, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Payments of interest, recaptures of awards, and repayments of moneys loaned under this program shall be deposited into the strategic investment fund.

Sec. 16. NEW SECTION. 15.311 STRATEGIC INVESTMENT FUND.

This part shall be known as the "Iowa Strategic Investment Fund" program.

Sec. 17. NEW SECTION. 15.312 PURPOSE.

The purpose of this part shall be to provide a mechanism for funding those programs listed in section 15.313, subsection 2, in order to more efficiently meet the needs identified within those individual programs.

Sec. 18. NEW SECTION. 15.313 STRATEGIC INVESTMENT FUND.

1. An Iowa strategic investment fund is created as a revolving fund consisting of any money appropriated by the general assembly for that purpose and any other moneys available to and obtained or accepted by the department from the federal government or private sources for placement in the fund. The fund shall also include all of the following:

a. All unencumbered and unobligated funds from the special community economic betterment program fund created under 1990 Iowa Acts, chapter 1262, section 1, subsection 18, remaining on June 30, 1992, all repayments of loans or other awards made under the community economic betterment account or under the community economic betterment program during any fiscal year beginning on or after July 1, 1985, and recaptures of awards.

b. All unencumbered and unobligated funds from the self-employment loan program, the targeted small business financial assistance program, the microenterprise development revolving fund, financing rural economic development or successor loan program, and the value-added agricultural products and processes financial assistance fund remaining on June 30, 1992, and all repayments of loans or other awards or recaptures of awards made under these programs.

Notwithstanding section 8.33, moneys in the strategic investment fund at the end of each fiscal year shall not revert to any other fund but shall remain in the strategic investment fund for expenditure for subsequent fiscal years.

2. The assets of the fund shall be used by the department for the following programs and purposes:

a. The community economic betterment program created in sections 15.315 through 15.320.

b. The value-added agricultural products and processes financial assistance program created in sections 28.111 and 28.112.

c. The business development finance corporation created in sections 28.131 through 28.149.

d. The self-employment loan program created in section 15.241.

e. The targeted small business financial assistance program created in section 15.247.

f. To provide comprehensive management assistance for applicants or recipients of assistance from programs supported by the fund.

g. If funds are available under a federal microloan demonstration program, a portion of the moneys in the strategic investment fund may be utilized to access those federal funds to expand the state's small business financial assistance programs including the self-employment loan program and the targeted small business financial assistance program.

3. The director shall submit annually at a regular or special meeting preceding the beginning of the fiscal year, for approval by the economic development board, the proposed allocation of funds from the strategic investment fund to be made for that fiscal year to the community economic betterment program, the value-added agricultural products and processes financial assistance program, the business development finance corporation, the self-employment loan program, and the targeted small business financial assistance program and for comprehensive management assistance. If funds are available under a federal microloan demonstration program, the director may recommend an allocation for that purpose. The plans may provide for increased or decreased allocations if the demand in a program indicates that the need exceeds the allocation for that program. The director shall report on a monthly basis to the board on the status of the funds and may present proposed revisions for approval by the board in January and April of each year. Unobligated and unencumbered moneys remaining in the strategic investment fund or any of its accounts on June 30 of each year shall be considered part of the fund for purposes of the next year's allocation.

Sec. 19. NEW SECTION. 15.315 COMMUNITY ECONOMIC BETTERMENT PROGRAM.

This part shall be known as the "Community Economic Betterment Program."

Sec. 20. NEW SECTION. 15.316 PURPOSE.

The purpose of this program is to assist communities and rural areas of the state with their economic development efforts and to increase employment opportunities for Iowans by increasing the level of economic activity and development within the state.

Sec. 21. NEW SECTION. 15.317 PROGRAM.

1. The department shall establish a program to effectuate the purposes of this part by providing financial assistance for small business gap financing, new business opportunities, and new product and entrepreneurial development. These purposes may be accomplished by providing the following types of assistance:

a. A principal buy-down program to reduce the principal of a business loan.

b. An interest buy-down program to reduce the interest of a business loan.

c. Loans or forgivable loans to aid in economic development.

d. Loan guarantees for business loans made by commercial lenders.

e. Equity-like investments.

2. Only a political subdivision of this state may apply to receive funds for any of the purposes specified in subsection 1. The political subdivision shall make application to the department specifying the purpose for which the funds will be used.

3. The department shall not provide more than one million dollars for any project, unless approved by at least two-thirds of the members of the economic development board.

Sec. 22. NEW SECTION. 15.318 RATING FACTORS AND CRITERIA.

In ranking applications for funds, the department shall consider a variety of factors including, but not limited to, the following:

1. The proportion of local match to be provided.

2. The proportion of private contributions to be provided, including the involvement of financial institutions.

3. The total number of jobs to be created or retained.

4. The size of the business receiving assistance. The department shall award more points to small businesses as defined by the United States small business administration than to other businesses.

5. The potential for future growth in the industry represented by the business being considered for assistance.

6. The need of the business for financial assistance from governmental sources. The department shall award more points to a business for which the department determines that governmental assistance is most necessary to the success of a project, than to other businesses.

7. The quality of the jobs to be created. In rating the quality of the jobs the department shall award more points to those jobs that have a higher wage scale, have a lower turnover rate, are full-time or career-type positions, provide comprehensive health benefits, or have other related factors which could be considered to be higher in quality, than to other jobs. Businesses that have wage scales substantially below that of existing Iowa businesses in that area should be rated as providing the lowest quality of jobs and should therefore be given the lowest ranking for providing such assistance.

8. The level of need of the political subdivision.

9. The impact of the proposed project on the economy of the political subdivision.

10. The impact of the proposed project on other businesses in competition with the business being considered for assistance. The department shall make a good faith effort to identify existing Iowa businesses within an industry in competition with the business being considered for assistance. The department shall make a good faith effort to determine the probability that the proposed financial assistance will displace employees of the existing businesses. In determining the impact on businesses in competition with the business being considered for assistance, jobs created as a result of other jobs being displaced elsewhere in the state shall not be considered direct jobs created.

11. The impact to the state of the proposed project. In measuring the economic impact the department shall award more points for projects which have greater consistency with the state strategic plan than other projects. Greater consistency may include any or all of the following:

a. A business with a greater percentage of sales out-of-state or of import substitution.

b. A business with a higher proportion of in-state suppliers.

c. A project which would provide greater diversification of the state economy.

d. A business with fewer in-state competitors.

e. A potential for future job growth.

f. A project which is not a retail operation.

12. If a business has a record of violations of the law over a period of time that tends to show a consistent pattern, the business shall be given the lowest ranking for providing assistance. The department shall make a good faith effort to compile this information.

13. If a business has, within three years of application for assistance, acquired or merged with an Iowa corporation or company, whether the business has made a good faith effort to hire the workers of the acquired or merged company.

14. Whether a business provides for a preference for hiring residents of the state or of the economic development area, except for out-of-state employees offered a transfer to Iowa or to the economic development area.

15. Whether all known required environmental permits have been issued and regulations met before moneys are released.

Sec. 23. NEW SECTION. 15.319 MONITORING OF JOB CREATION AND RETENTION.

1. The department shall develop definitions for the terms "job creation" and "job retention" to measure and identify the actual number of permanent, full-time positions which businesses actually create or retain and which can be documented by comparison of the payroll reports during the twenty-four-month period after awards to the businesses are made.

2. The department shall document the actual job creation and retention effects of all businesses receiving financial assistance from the program in the context of the employer contribution and payroll reports filed by the businesses.

3. The department shall require businesses which receive assistance from the program to submit historical copies of the employer contributions and payroll reports with the application for funds, require businesses to submit the reports after an award is made on a timely basis, and require businesses to estimate the expected job creation and retention effects for the twelve-month and twenty-four-month periods after an award is made in terms of the number of employees and total wages as documented in the payroll reports.

Sec. 24. NEW SECTION. 15.320 COMMUNITY ECONOMIC BETTERMENT PROGRAM ACCOUNT.

1. A community economic betterment program account is established within the strategic investment fund to be used by the department for the community economic betterment program. The account shall consist of all appropriations, grants, or gifts received by the department specifically for use under this part and any moneys allocated to the community economic betterment program account from the strategic investment fund.

2. Payments of interest, repayments of moneys loaned under the community economic betterment program, or recaptures of awards shall be deposited into the strategic investment fund.

Sec. 25. Section 28.111, subsection 3, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The department of economic development may grant financial or technical assistance to a person eligible to receive assistance under this section, upon review

and evaluation of the person's application by the agricultural products advisory council as established in section 15.203. ~~The council shall make recommendations to approve or disapprove an application to the department.~~ The department shall consider the ~~recommendations~~ council's evaluation in granting or denying assistance. The department shall not approve an application for assistance under this section to refinance an existing loan~~,~~ or to finance traditional agricultural operations. An application is eligible for consideration if the application seeks assistance for any of the following purposes:

Sec. 26. Section 28.112, Code Supplement 1991, is amended to read as follows:

28.112 VALUE-ADDED AGRICULTURAL PRODUCTS AND PROCESSES FINANCIAL ASSISTANCE ~~FUND~~ ACCOUNT.

1. ~~The department may establish a~~ A value-added agricultural products and processes financial assistance ~~fund~~ account is established within the strategic investment fund created in section 15.313. The ~~fund~~ account shall ~~be a revolving fund composed~~ consist of any money appropriated by the general assembly for that purpose, moneys allocated to the account from the strategic investment fund, and any other moneys available to and obtained or accepted by the department from the federal government or private sources for placement in the ~~fund~~ account. Except as otherwise provided in subsection 2, the assets of the ~~fund~~ account shall be used by the department only for carrying out the purposes of section 28.111.

2. The department may use moneys in the ~~fund~~ account to do any of the following:

a. Contract, sue and be sued, and adopt administrative rules necessary to carry out the provisions of this section and section 28.111, but the department shall not in any manner directly or indirectly pledge the credit of the state.

b. Authorize payment from the ~~fund~~ account for costs, commissions, attorney fees, and other reasonable expenses related to and necessary for insuring or guaranteeing loans under section 28.111, and for the recovery of loan moneys insured or guaranteed or the management of property acquired in connection with such loans.

3. ~~Section 8.33 shall not apply to moneys in the fund.~~ Payments of interest, recaptures of awards, or repayments of moneys loaned under the value-added agricultural products and processes financial assistance program shall be deposited into the strategic investment fund.

Sec. 27. Section 28.148, Code 1991, is amended to read as follows:

28.148 STATE ASSISTANCE FUND.

There is created in the treasurer of state's office a "business development finance corporation assistance fund". The fund shall consist of all appropriations, grants, or gifts received by the treasurer specifically for assistance under this division and moneys allocated from the strategic investment fund created in section 15.313. Moneys in this fund are appropriated to the corporation for the purposes stated in this division. Moneys allocated to this fund for purposes of the capital access program and repayments of moneys or recaptures of awards from the capital access program which remain unobligated at the end of a fiscal year may be returned to the strategic investment fund upon approval of the board of directors of the business development finance corporation.

Sec. 28. Section 28.156, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Carry out the duties specified in section 28.166 regarding the manufacturing technology program and adopt rules pursuant to chapter 17A for the monitoring and enforcement of contracts awarded to community colleges to carry out the purposes of the program. The foundation may withhold the disbursement of funds for failure to comply with the elements required to be included in the contracts.

Sec. 29. Section 28.158, subsection 1, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. For the manufacturing technology program.

Sec. 30. NEW SECTION. 28.162 IOWA BUSINESS INVESTMENT CORPORATION — PURPOSE.

1. The purpose of this section is to provide for the incorporation under chapter 504A of a nonprofit corporation to organize, capitalize, and fund an Iowa-based small business investment company which shall have the purpose of increasing the availability of funds for investment in and loans to Iowa small businesses on a regional basis. The small business investment company shall be incorporated under the Iowa law.

2. In addition to the powers granted under chapter 504A, the corporation shall have the power to invest in the small business investment company and to serve as guarantor of the preferred stock of the small business investment company.

In exchange for the guaranty, the corporation shall receive warrants for a percentage of the preferred stock of the small business investment company. The guaranty shall expire ten years after the guaranty agreement is entered into. The corporation shall only be liable as guarantor in the event that capital replenishment becomes necessary due to federal small business administration requirements or in the event of a capital loss upon liquidation of the small business investment company.

Sec. 31. NEW SECTION. 28.163 BOARD OF DIRECTORS OF CORPORATION.

1. The powers of the corporation are vested in and shall be exercised by the board of directors. The directors shall serve a term of three years. Each term shall begin and end as provided in section 69.19. No more than a simple majority of the members of the board shall belong to the same political party as provided in section 69.16.

2. The board shall consist of three members appointed as follows:

a. One member appointed by the governor or the governor's designee.

b. One member shall be the treasurer of state or the treasurer's designee.

c. One member shall be a private citizen appointed by the legislative council. This member shall be well qualified and shall have at least five years of experience in a responsible position in a business involved in investing in business concerns.

3. The board shall annually elect one member as chairperson and one member as secretary. The board may elect other officers of the corporation as necessary.

4. Each director of the corporation shall take an oath of office which shall be filed in the office of the secretary of state.

Sec. 32. NEW SECTION. 28.164 SMALL BUSINESS INVESTMENT COMPANY.

1. The small business investment company organized pursuant to section 28.162 and this section may make investments in the common and preferred stock of and may make loans to or purchase the debt obligations of Iowa small businesses which are unable to raise equity capital or obtain financing from conventional sources. The criteria for investment in or loans to Iowa small businesses by the small business investment company shall include geographic distribution, economic diversity, potential for job creation and retention, and potential for long-term success.

2. The small business investment company shall comply with the small business investment company licensing requirements of the federal small business administration.

3. The capital of the small business investment company shall consist of shares sold on a regional basis to banks, insurance companies, finance companies, savings institutions, other corporations, limited liability companies, partnerships, and individuals. For the purposes of section 28.162 the shares acquired by each investor shall be divided equally between common and preferred shares.

4. Applications to the small business investment company for investments and loans shall originate within the regions set out in section 28H.1. For the purposes of this section, Boone, Dallas, Jasper, Marion, Polk, Story, and Warren counties shall constitute a region.

5. The operations of the small business investment company shall be conducted by a private manager contracted for by the board of directors of the company on the basis of the manager's expertise and record in the making or procuring of investments in and loans to small businesses. The small business investment company shall be operated in accordance with federal small business administration regulations.

6. The board of directors of the small business investment company shall consist of not less than seventeen nor more than twenty-one persons who shall be elected by the private shareholders from each of the seventeen regions set out in subsection 4.

7. To qualify for the guaranty under section 28.162, the small business investment company shall satisfy the conditions set out in this section and those of the federal small business administration, provided that federal small business administration requirements shall take precedence over the requirements of this section.

Sec. 33. NEW SECTION. 28.165 PURPOSE — INTENT.

The purposes of the manufacturing technology program are:

1. To create and stimulate economic opportunity by providing technical assistance to individual industry or to industrial sectors in this state.

2. To assist in the identification of opportunities for modernization and increased competitiveness of individual business or industry or industrial sectors.

3. To assist individual business and industry or industrial sectors to integrate state-of-the-art technologies and processes.

4. To provide specific programs for individual industry or industrial sectors by:

a. Developing partnerships and coordination between statewide and regional providers of services for modernization and increased competitiveness for Iowa industry.

b. Establishing an industrial contact outreach program to evaluate the need for technical services and implementing an industrial needs assessment database.

c. Collaborating with a network of specialized technology resource sites throughout the state.

5. To facilitate the transfer of university research that is available for commercial application to individual industry or industrial sectors.

6. To provide technical assistance to existing individual industry or industrial sectors or nonmanufacturing business regarding available technological and management innovations to improve products, processes, and management systems, including implementation of total quality management methods.

Sec. 34. NEW SECTION. 28.166 REGIONALLY BASED MANUFACTURING TECHNOLOGY PROGRAM.

1. Contingent on the availability of funding from sources other than the general fund of the state or other state funds, the executive director of the foundation shall contract with six or more community colleges for employment of an industrial technology outreach specialist to work with individual industry or industrial sectors to determine company needs and provide technical assistance or referral to services, or to coordinate with other service providers to determine how services should be accessed or provided. However, if the foundation does not receive funding from other sources, the executive director shall contract with at least four community colleges. The contract shall include but is not limited to the following:

a. The establishment of an industrial technology outreach program that will identify needs of individual industry or industrial sectors.

b. Criteria for assuring access to programs and services to assist individual industry or industrial sectors.

c. An annual budget for operation of the program and activities agreed to in the contract including provisions related to the transfer of funds to the community college, as agreed upon by the president of the community college and the executive director.

d. Performance measures for quarterly and annual evaluation of the program and activities agreed to in the contract. The foundation may withhold the disbursement of funds for failure to achieve criteria established in the contract.

e. The duties of the industrial technology outreach specialist.

f. The provision of technical assistance to existing individual industry or industrial sectors or nonmanufacturing business regarding available technological and management innovations to improve products, processes, and management systems, including implementation of total quality management methods.

2. The foundation may provide or contract for the delivery of technical services to individual industry or industrial sectors.

3. The executive director of the foundation shall issue requests for proposals to the community colleges and shall select the best proposals after considering, among other factors, the geographic distribution of the provision of the program services to areas of the state which do not serve a city with a population over twenty thousand,

the number of small and medium-sized industries within the community college district, and the level of community college interaction with those industries. Community colleges in contiguous regions may submit a joint proposal.

Sec. 35. Section 29C.9, subsections 7 and 8, Code 1991, as amended by 1992 Iowa Acts, Senate File 390, section 10, are amended to read as follows:

7. The commission shall delegate to the emergency management coordinator the authority to fulfill the commission duties as described in the division's administrative rules. Each commission shall appoint a county emergency management coordinator who shall meet the qualifications specified in the administrative rules by the administrator of the emergency management division. However, in counties having a population of twenty-five thousand or less, an emergency management coordinator is not required to meet the qualifications specified by the administrator of the emergency management division. Additional emergency management personnel may be appointed at the discretion of the commission.

8. The commission shall develop, adopt, and submit for approval by local governments within the county, a comprehensive county-wide emergency operations plan which meets standards adopted by the division in accordance with chapter 17A. If an approved comprehensive county-wide emergency operations plan has not been prepared according to established standards and the administrator of the emergency management division finds that satisfactory progress is not being made toward the completion of the plan, or if the administrator finds that a local emergency management commission has failed to appoint a qualified emergency management coordinator as provided in this chapter, the administrator shall notify the governing bodies of the counties and cities affected by the failure and the governing bodies shall not appropriate any moneys to the local emergency management fund until the disaster plan is prepared and approved or a qualified emergency management coordinator is appointed. If the administrator finds that a city or a county has appointed an unqualified emergency management coordinator, the administrator shall notify the governing body of the city or county citing the qualifications which are not met and the governing body shall not approve the payment of the salary or expenses of the unqualified emergency management coordinator. However, in counties having a population of twenty-five thousand or less, funding sanctions in this subsection based solely on the qualifications of an emergency management coordinator do not apply.

Sec. 36. Section 73.18, Code Supplement 1991, is amended to read as follows:

73.18 NOTICE OF SOLICITATION FOR BIDS — IDENTIFICATION OF TARGETED SMALL BUSINESSES.

The director of each agency or department, the administrator of each area education agency, the president of each community college, and the superintendent of each school district releasing a solicitation for bids or request for proposal under the targeted small business procurement goal program shall ~~notify the director of the department of economic development~~ consult a directory of certified targeted small businesses produced by the department of economic development that lists all certified targeted small businesses by category of goods or services provided prior to or upon release of the solicitation and shall send a copy of the request for proposal or solicitation to any appropriate targeted small business listed in the directory. The Iowa department of economic development may charge the department, agency, area education agency, community college, or school district a reasonable fee to cover the cost of producing, distributing, and updating the directory. ~~A community college, area education agency,~~

~~or school district shall notify the department of education which shall notify the department of economic development prior to or upon release of the solicitation. The director of the department of economic development shall notify the soliciting agency or department, or community college, area education agency, or school district, of any targeted small businesses which have been certified pursuant to section 10A.104, subsection 8, and which may be qualified to bid.~~

Sec. 37. Section 99E.31, subsection 2, Code 1991, is amended by striking the subsection.

Sec. 38. Section 99E.32, subsection 2, Code Supplement 1991, is amended by striking the subsection.

Sec. 39. Section 280B.6, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Notwithstanding any other provision of this chapter to the contrary, a community college may use funds available from the retirement of certificates for the purposes of sections 280A.44 and 280A.46 and for economic development purposes. The funds may be used for these purposes for a period of five years following the date a certificate is retired.

Sec. 40. NEW SECTION. 307.41 MAINTENANCE FACILITIES.

The department shall maintain maintenance facilities within the boundaries of every county with a population in excess of eight thousand persons in which the department maintains a maintenance facility as of January 1, 1988.

Sec. 41. Section 321.19, subsection 2, unnumbered paragraph 2, Code 1991, is amended to read as follows:

~~Any person, firm, corporation, or company operating an urban transit system shall pay to the county treasurer annually as a registration fee for each bus, car, or vehicle used in the transportation of passengers, five dollars, which shall be paid into the city general fund. Any urban transit company operated by a municipality is not required to pay such registration fees.~~ The department, in accordance with subsection 1, shall furnish distinguishing plates for vehicles used by urban transit companies operated by a municipality. No other provision of law providing for the payment of taxes, registration, or license fees for vehicles shall be applicable to any bus, car, or vehicle for the transportation of passengers owned and operated by any urban transit company.

Sec. 42. Section 321.22, subsection 4, Code 1991, is amended by striking the subsection.

Sec. 43. Section 368.7, unnumbered paragraphs 2 and 3, as amended by 1992 Iowa Acts, Senate File 2290, section 2, is amended to read as follows:

An application for annexation of territory not within an urbanized area must be approved by resolution of the council which receives the application. In the discretion of a city council, the resolution may include a provision for a transition for the imposition of taxes as provided in section 368.11, subsection 13. Upon receiving approval of the council, the city clerk shall file a copy of the resolution, map, and legal description of the territory involved with the state department of transportation. The city clerk shall also file a copy of the map and resolution with the county recorder and secretary of state. The secretary of state shall not accept and acknowledge a copy of a map and resolution of annexation which would create an island, however, the applicant shall be given an opportunity to amend or correct its application to eliminate any island.

The annexation is completed upon acknowledgment by the secretary of state that the secretary of state has received the map and resolution.

An application for annexation of territory within an urbanized area must be approved both by resolution of the council which receives the application and by the board. The board shall not approve an application which creates an island. If the board, committee, or secretary of state determines that granting an application or petition would create an island, or that the application or petition is in violation of a requirement of this chapter, the applicant or petitioner shall be given reasonable opportunity, after notice thereof from the board, committee, or secretary of state, to amend or otherwise correct such application or petition. Notice of the application shall be mailed by certified mail, by the city to which the annexation is directed, at least ten days prior to any action by the city council on the application to the council of each city whose boundary adjoins the territory or is within two miles of the territory, to the board of supervisors of each county which contains a portion of the territory, and to the regional planning authority of the territory. Notice of the application shall be published in an official county newspaper in each affected county at least ten days prior to any action by the city council on the application. In the discretion of a city council, the resolution may include a provision for a transition for the imposition of taxes as provided in section 368.11, subsection 13. The annexation is completed when the board has filed copies of applicable portions of the proceedings as required by section 368.20, subsection 2.

Sec. 44. Section 455B.310, subsection 2, paragraph b, subparagraph (1), Code Supplement 1991, is amended to read as follows:

(1) Ten cents per ton per year is appropriated to the department of natural resources to establish a program to provide competitive grants to regional coordinating councils for projects in regional economic development centers related to a by-products and waste exchange system. Grantees under this program shall coordinate activities with other available state or multistate waste exchanges, including but not limited to the by-products and waste search service at the university of northern Iowa. The department shall consult with the department of economic development and the waste reduction center at the university of northern Iowa in establishing criteria for and the awarding of grants under this program. The department of natural resources shall expend not more than thirty thousand dollars of the moneys appropriated under this subparagraph to contract with the by-products and waste search service at the university of northern Iowa to provide training and other technical services to grantees under the program. If regional economic development centers cease to exist, the department shall transfer existing contracts to one or more community colleges or councils of governments and shall revise the criteria and rules for this program to allow community colleges or councils of governments ~~or regional planning councils~~ to be applicants for competitive grants.

Sec. 45. Section 455D.16, Code 1991, is amended to read as follows:

455D.16 PACKAGING PRODUCTS — RECYCLING — PROHIBITION OF POLYSTYRENE PRODUCTS.

The department, in cooperation with businesses involved in the manufacturing and use of packaging products or food service items, shall establish a recycling program to increase the recycling of packaging products or food service items by twenty-five percent by ~~January 1, 1992~~ July 1, 1993, and by fifty percent by ~~January 1, 1993~~ July 1, 1994. If the recycling goals are not reached, beginning January 1, ~~1994~~ 1995,

a person shall not manufacture, offer for sale, sell, or use any polystyrene packaging products or food service items in this state.

Sec. 46. Section 490.1422, subsection 1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A corporation administratively dissolved under section 490.1421 may apply to the secretary of state for reinstatement within ~~two~~ ten years after the effective date of dissolution. The application must meet all of the following requirements:

Sec. 47. Section 508.10, unnumbered paragraph 2, Code 1991, is amended to read as follows:

An alien insurer, with the approval of the commissioner, may be treated as a domestic insurer of this state in whole or in part, and if so approved is deemed to be organized under the laws of this state and is an Iowa domestic insurer as provided by rules adopted by the commissioner. The approval of the commissioner may be based upon such factors as:

Sec. 48. NEW SECTION. 634.7 PUBLIC GRANTS BY PRIVATE FOUNDATIONS OR TRUSTS.

A grant, by a trust organized and funded prior to January 1, 1992, to which this chapter applies, to the state of Iowa, or a political subdivision, or agency of the state or political subdivision, for purposes of economic development, shall be regarded as a charitable contribution if made prior to January 1, 1994.

Sec. 49. Notwithstanding the provision in section 15.313 granting the director of the department of economic development discretion in the allocation of the moneys to the various accounts in the strategic investment fund, for the fiscal year beginning July 1, 1992, a minimum of $500,000 shall be allocated to the targeted small business financial assistance program account and a minimum of $220,000 shall be allocated to the self-employment loan program account.

Sec. 50. All loan repayments under the rural community 2000 program shall be transferred to the Iowa finance authority housing improvement fund under section 220.100.

Sec. 51. Sections 15.301, through 15.307, Code 1991, are repealed."

2. Title page, line 4, by striking the words "technology and" and inserting the following: "technology,".

3. Title page, line 5, by inserting after the word "fund" the following: ", replacing the Iowa economic development network with a manufacturing technology program under the Wallace technology transfer foundation, providing for economic development planning and research activities by the department of economic development, and making related and other statutory changes".

ON THE PART OF THE HOUSE:

PHILIP WISE, Chair
ROBERT DVORSKY
CHARLES N. PONCY

ON THE PART OF THE SENATE:

JIM RIORDAN, Chair
MIKE CONNOLLY
RICHARD RUNNING

The motion prevailed and the conference committee report 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. 2462)

The ayes were, 56:

Adams	Baker	Bartz	Beaman
Beatty	Bernau	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Burke	Chapman	Cohoon	Daggett
Dickinson	Dvorsky	Fogarty	Gill
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Knapp	Koenigs	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Teaford	Wise	Wissing	Mr. Speaker Arnould

The nays were, 37:

Banks	Bennett	Carpenter	Corbett
Diemer	Doderer	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hanson, D. E.	Hanson, D. R.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Lundby	Maulsby
McKean	McNeal	Metcalf	Millage
Miller	Petersen, D. F.	Plasier	Rafferty
Renken	Siegrist	Spenner	Tyrrell
Weidman			

Absent or not voting, 7:

Brammer	Connors	De Groot	Lageschulte
Royer	Shoning	Van Maanen	

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2462** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 3, 1992, passed the following bill in which the concurrence of the House is asked:

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

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Adams of Hamilton called up for consideration **House File 2484,** a bill for an act relating to speculative shell buildings by allowing a for-profit entity to receive a property tax exemption for the building under certain circumstances and allowing accelerated depreciation of the building for income tax purposes and providing applicability date provisions, amended by the Senate, and moved that the House concur in the following Senate amendment H–6100:

H–6100

1 Amend House File 2484, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 3 through 10 and
4 inserting the following:
5 "NEW SUBSECTION. 26. Add depreciation taken for
6 federal income tax purposes on a speculative shell
7 building defined in section 427.1, subsection 41 which
8 is owned by a for-profit entity and the for-profit
9 entity is receiving the proper tax exemption.
10 Subtract depreciation computed as if the speculative
11 shell building were classified as fifteen-year
12 property under the accelerated cost recovery system of
13 the Internal Revenue Code during the period during".
14 2. Page 1, by striking lines 20 through 25 and
15 inserting the following:
16 NEW SUBSECTION. 15. Add depreciation taken for
17 federal income tax purposes on a speculative shell
18 building defined in section 427.1, subsection 41 which
19 is owned by a for-profit entity and the for-profit
20 entity is receiving the proper tax exemption.
21 Subtract depreciation computed as if the speculative
22 shell building were classified as".
23 3. Page 2, line 17, by inserting after the word
24 "exemption." the following: "Eligibility for an
25 exemption as a speculative shell building shall be
26 determined as of January 1 of the assessment year."

The motion prevailed and the House concurred in the Senate amendment H—6100.

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

On the question "Shall the bill pass?" (H.F. 2484)

The ayes were, 82:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Blanshan	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Corbett	Daggett	Dickinson
Diemer	Dvorsky	Eddie	Fogarty
Garman	Gill	Gipp	Gruhn
Hahn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	McKinney	McNeal
Mertz	Metcalf	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Svoboda
Teaford	Tyrrell	Weidman	Wise
Wissing	Mr. Speaker Arnould		

The nays were, 11:

Black	Doderer	Groninga	Grubbs
Halvorson, R. N.	Holveck	Lundby	Maulsby
McKean	Osterberg	Schrader	

Absent or not voting, 7:

Brammer	Connors	De Groot	Lageschulte
Royer	Shoning	Van Maanen	

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2484** be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE SECOND CONFERENCE COMMITTEE (House File 2465)

Chapman of Linn called up for consideration the report of the second conference committee on House File 2465 and moved the adoption of the second conference committee report and the amendments contained therein as follows:

REPORT OF THE SECOND CONFERENCE COMMITTEE ON HOUSE FILE 2465

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the second conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2465, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing effective and applicability provisions, respectfully make the following report:

1. That the Senate recedes from its amendment, H—5885.

2. That House File 2465, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, line 11, by striking the figure "4,813,000" and inserting the following: "8,412,000".

2. Page 1, line 12, by striking the figure "107.00" and inserting the following: "145.00".

3. Page 1, by striking lines 13 through 16.

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

"_____. BOARD OF EDUCATIONAL EXAMINERS

For salaries, support, maintenance, miscellaneous purposes and for not more than the following full-time equivalent positions:

.....$ 120,000
.....FTEs 2.00"

5. Page 2, by inserting after line 22 the following:

"_____. PUBLIC BROADCASTING DIVISION

For salaries, support, maintenance, capital expenditures, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....$ 5,959,000
.....FTEs 96.00".

6. By striking page 2, line 32 through page 3, line 14 and inserting the following:
".....$ 90,444,323

The funds appropriated in this subsection shall be allocated as follows:

a.	Merged Area I	$ 4,233,706
b.	Merged Area II	$ 5,106,833
c.	Merged Area III	$ 4,923,558
d.	Merged Area IV	$ 2,316,905
e.	Merged Area V	$ 4,910,817
f.	Merged Area VI	$ 4,602,152
g.	Merged Area VII	$ 6,318,184
h.	Merged Area IX	$ 7,947,083
i.	Merged Area X	$ 12,285,772
j.	Merged Area XI	$ 13,347,163
k.	Merged Area XII	$ 5,207,421
l.	Merged Area XIII	$ 5,360,677
m.	Merged Area XIV	$ 2,372,695
n.	Merged Area XV	$ 7,354,647
o.	Merged Area XVI	$ 4,156,710".

7. Page 5, line 19, by striking the figure "1,309,031" and inserting the following: "563,953".

8. By striking page 5, line 20 through page 6, line 3.

9. Page 6, by striking lines 12 through 15 and inserting the following:

"During the fiscal year beginning July 1, 1992, the funds appropriated in this section shall be allocated in the same manner as allocated in 1991 Iowa Acts, chapter 267, section 205."

10. By striking page 7, line 17 through page 8, line 12.

11. Page 8, by inserting after line 24 the following:

"a. The college student aid commission, in conjunction with the university of osteopathic medicine and health sciences and the state university of Iowa college of medicine, shall conduct a tracking study of the Iowa graduates of the university of osteopathic medicine and health sciences and the Iowa graduates of the state university of Iowa college of medicine. The study shall track Iowa students who graduated from the university and completed their residencies from 1989 through 1992. The study shall ascertain the number of graduates who practice outside of Iowa and the number who practice within Iowa. Of the graduates practicing in Iowa, the study shall determine their reasons for remaining in Iowa; the number of graduates practicing in rural communities, hospitals, or clinics; the number of graduates practicing in urban communities, hospitals, or clinics; the number of graduates practicing in county communities, hospitals, or clinics; the number of graduates who include medical assistance patients and indigent patients in their practice; and the average percentage of medical assistance and indigent patients treated by graduates. The commission shall report the study's findings and recommendations to the general assembly by January 1, 1993.

b. The higher education strategic planning council shall conduct a study relating to dental hygienists in Iowa. The study shall determine the following:

(1) The need for dental hygienists in Iowa.

(2) The qualifications needed to perform as a dental hygienist in Iowa.

(3) Cost-effective means to provide the education necessary to supply the state with qualified dental hygienists."

12. Page 9, line 2, by striking the figure "387,000" and inserting the following: "250,000".

13. Page 10, line 3, by striking the figure "1,075,000" and inserting the following: "1,025,000".

14. Page 10, line 4, by striking the figure "17.63" and inserting the following: "16.63".

15. Page 10, line 33, by striking the figure "167,993,000" and inserting the following: "168,193,000".

16. Page 11, line 5, by striking the figure "27,280,000" and inserting the following: "27,359,000".

17. Page 11, line 17, by striking the words "or health".

18. Page 13, line 31, by striking the figure "233,138" and inserting the following: "272,000".

19. Page 14, line 2, by striking the figure "136,764,000" and inserting the following: "136,964,000".

20. Page 14, line 8, by striking the figure "23,585,411" and inserting the following: "23,955,396".

21. Page 15, line 2, by striking the figure "58,163,829" and inserting the following: "58,338,189".

22. Page 15, line 5, by striking the figure "257,138" and inserting the following: "244,638".

23. Page 15, line 10, by striking the figure "5,734,000" and inserting the following: "5,744,000".

24. Page 15, line 33, by striking the word "shall" and inserting the following: "may".

25. By striking page 16, line 3 through page 17, line 15, and inserting the following:

"Sec. 200. The department of human services shall implement a supplemental disproportionate share adjustment applicable to state-owned acute care hospitals with more than five hundred beds and shall reimburse qualifying hospitals pursuant to that adjustment with a supplemental amount for services provided medical assistance recipients. The adjustment shall generate payments intended to equal the state appropriation made to a qualifying hospital for treatment of indigent patients as provided in chapter 255. To the extent of the supplemental disproportionate share adjustment payments, a qualifying hospital shall, after receipt of the funds, transfer to the department of human services an amount equal to the actual supplemental payments that were made in that month. The aggregate amounts for a fiscal year shall not exceed the state appropriation made to the qualifying hospital for treatment of indigent patients as provided in chapter 255. If 1992 Iowa Acts, Senate File 2351, becomes law, the department of human services shall deposit the portion of these funds equal to the state share in the department's medical assistance account and the balance shall be credited to the cash reserve fund created under section 8.56, and if 1992 Iowa Acts, Senate File 2351, does not become law, the department of human services shall

deposit the portion of these funds equal to the state share in the department's medical assistance account and the balance is transferred and appropriated to the department of management to be spent for the purpose of eliminating Iowa's GAAP deficit. As used in this section, "GAAP" means generally accepted accounting principles as established by the governmental accounting standards board. To the extent that state funds appropriated to a qualifying hospital for the treatment of indigent patients as provided in chapter 255 have been transferred to the department of human services as a result of these supplemental disproportionate share payments made to the qualifying hospital, the department shall not, directly or indirectly, recoup the supplemental disproportionate share adjustment payments made to a qualifying hospital for any reason, unless an equivalent amount of the funds transferred to the department of human services by a qualifying hospital pursuant to this provision is transferred to the qualifying hospital by the department.

If the state supplemental amount allotted to the state of Iowa for the federal fiscal year beginning October 1, 1992, and ending September 30, 1993, pursuant to section 1923 (f)(3) of the federal Social Security Act, as amended, is greater than the amount necessary to fund the federal share of the supplemental disproportionate share payments specified in the preceding paragraph, the department of human services shall increase the supplemental disproportionate share adjustment by the lesser of the amount necessary to utilize fully the state supplemental amount or the amount of state funds appropriated to the university of Iowa general education fund and allocated by the university for the college of medicine. The university of Iowa shall transfer from the allocation for the college of medicine to the department of human services, on a monthly basis, an amount equal to the additional supplemental disproportionate share payments made during the previous month pursuant to this paragraph. A qualifying hospital receiving supplemental disproportionate share payments pursuant to this paragraph that are greater than the state appropriation made to the qualifying hospital for treatment of indigent patients as provided in chapter 255 shall be obligated as a condition of its participation in the medical assistance program to transfer to the university of Iowa general education fund on a monthly basis an amount equal to the funds transferred by the university of Iowa to the department of human services. To the extent that state funds appropriated to the university of Iowa and allocated for the college of medicine have been transferred to the department of human services as a result of these supplemental disproportionate share payments made to the qualifying hospital, the department shall not, directly or indirectly, recoup these supplemental disproportionate share adjustment payments made to a qualifying hospital for any reason, unless an equivalent amount of the funds transferred to the department of human services by the university of Iowa pursuant to this paragraph is transferred to the qualifying hospital by the department.

It is the intent of the general assembly that any implementation of the supplemental disproportionate share adjustment shall preserve the funds available to the university hospital for medical and surgical treatment of indigent patients as provided in chapter 255 and to the university of Iowa for the educational purposes of the college of medicine at the same level as provided by the state funds initially appropriated for that purpose.

The department of human services shall, in any compilation of data or other report distributed to the public concerning payments to providers under the medical assistance program, set forth reimbursements to a qualifying hospital through the supplemental disproportionate share adjustment as a separate item and shall not include such payments in the amounts otherwise reported as the reimbursement to a qualifying hospital for services to medical assistance recipients.

For purposes of this section, "supplemental disproportionate share payment" means a supplemental payment amount paid for medical assistance to a hospital qualifying for that payment under this section."

26. Page 17, line 28, by striking the figure "997,000" and inserting the following: "1,047,000".

27. Page 17, line 29, by striking the figure "10.00" and inserting the following: "11.00".

28. Page 17, line 34, by striking the figure "2,332,000" and inserting the following: "2,432,000".

29. Page 17, by inserting after line 35, the following:

"Of the funds appropriated in this subsection, $10,000 shall be allocated for the operating and maintenance costs of the Plum Grove residence of former Governor Lucas."

30. Page 18, by striking lines 1 through 15.

31. Page 18, line 20, by striking the figure "308,289" and inserting the following: "140,000".

32. Page 18, line 21, by striking the figure "6.50" and inserting the following: "3.00".

33. Page 18, line 25, by striking the figure "528,000" and inserting the following: "720,000".

34. Page 18, by inserting after line 25 the following:

"Not more than one percent of moneys appropriated for grants under this section shall be used for administrative purposes."

35. Page 18, by striking lines 26 through 31 and inserting the following:

"OFFICE OF THE GOVERNOR

Sec. _____ . TERRACE HILL COMMISSION

There is appropriated from the general fund of the state to the office of the governor for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, for the operation of Terrace Hill, and for not more than the following full-time equivalent positions:

.....	$	161,000
.....	FTEs	4.75".

36. Page 19, by striking lines 8 through 14.

37. Page 19, by striking lines 19 through 26 and inserting the following: "graduate studies center, $280,040 shall be distributed under the Iowa scholarship program, $11,209 shall be distributed under the vocational-technical tuition grant program, and $26,293 shall be distributed under the work-study program by the college student aid commission.

Sec. _____. Notwithstanding section 294A.25, for the fiscal year beginning July 1, 1992, the additional funds transferred from phase I to phase III may be used by the department of education for management information systems, the center for assessment, and the Iowa geography alliance. However, moneys transferred under this section shall not exceed $275,000. The department shall notify the legislative fiscal bureau as to the distribution of moneys for these programs."

38. Page 20, by inserting after line 1 the following:

"Sec. _____. Notwithstanding section 321.376, the annual budget request requirement is suspended for the fiscal year ending June 30, 1993, and the moneys collected from fees for the issuance of a school bus driver's permit for the fiscal year beginning July 1, 1992, and ending June 30, 1993, shall be deposited in the department of education's operating fund for the purposes designated under section 321.376, subsection 3."

39. Page 20, by striking lines 17 through 25 and inserting the following:

"Sec. _____. Section 18.136, subsection 3, Code 1991, is amended to read as follows:

3. The financing for the procurement costs for the entirety of Part I of the system, and the video, data, and voice capacity for state agencies for Part II and Part III of the system, shall be provided by the state. The financing for the procurement costs for Part II of the system shall be provided eighty percent from the state and twenty percent from the community colleges for the areas in which Part II of the system is located. The basis for the state match is eighty percent of a single interactive video and interactive audio for Parts I and II of the system, and such data and voice capacity as is necessary. The financing for the procurement and maintenance costs for Part III of the system shall be provided eighty percent from the state and twenty percent from the local school boards of the areas which receive transmissions from the system. The local school boards may meet all or part of the match requirements of Part III of the system through a cooperative arrangement with community colleges. The basis for the state match is eighty percent of a single interactive audio and one-way video for Part III of the system, and such data and voice capacity as is necessary. The local school boards and community colleges may meet the match requirements for Part II and Part III of the system from funds they have already spent for their systems, from funds available in the school budget, or from funds received from other nonstate sources. In the case of existing systems, in order to upgrade facilities to the specifications of the state communications network, the local school boards and community colleges, in lieu of a cash match, may meet the match requirements from funds they have already spent for their systems provided that the state match does not exceed the lesser of eighty percent of the total cost of the upgraded system or eighty percent of the replacement cost of the system. The communications equipment funds used as a match by a community college shall be calculated based on verified expenditures for capital, equipment, hardware, and software for long-distance learning technologies, including both audio and visual transmission. The communications equipment used as a match shall not subsequently be used as a match by another educational entity or for another part of the system. A local school board may request the school budget review committee to adjust the allowable growth for the school district so that the resulting increase in budget could be used for the match. A local school board may also elect not to become part of the system. Such election shall be made on an annual basis. State matching funds shall not be provided for Part III of the system until Part I and Part II of the system have been completed.

Sec. 100. Section 176A.10, subsection 6, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

An extension council of an extension district may choose to be subject to the levy and revenue limits specified in paragraphs "b" of subsections 1, 2, 3, and 4 and subsection 5 for the purpose of the annual levy for the fiscal year commencing July 1, 1991, which levy is payable in the fiscal year beginning July 1, 1992. Before an extension district may be subject to the levy and revenue limits specified in paragraphs "b" of subsections 1, 2, 3, and 4 and subsection 5, for fiscal years beginning on or after July 1, 1992, which levy is payable in fiscal years beginning on or after July 1, 1993, the question of whether the district shall be subject to the levy and revenue limits as specified in such subsections must be submitted to the registered voters of the district. The question shall be submitted at the time of a state general election. If the question is approved by a majority of those voting on the question the levy and revenue limits specified in paragraphs "b" of subsections 1, 2, 3, and 4 and subsection 5, shall thereafter apply to the extension district. The question need only be approved at one state general election. If a majority of those voting on the question vote against the question, the district may continue to submit the question at subsequent state general elections until approved.

Sec. _____. Section 256.7, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 22. Receive and review the budget and unified plan of service submitted by the division of libraries and information services.

Sec. _____. Section 256.9, Code Supplement 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 46. Serve as an ex officio member of the commission of libraries.

NEW SUBSECTION. 47. Receive, from the division of public broadcasting, and submit an annual public broadcasting budget request separately from the department's annual budget request.

NEW SUBSECTION. 48. Establish a division of libraries and information services, a public broadcasting division, and a regional library system, to perform the duties and exercise the responsibilities enumerated in section 256.22.

Sec. _____. NEW SECTION. 256.22 LIBRARY DIVISION, REGIONAL LIBRARY SYSTEM, LIBRARY COMPACT, STATE DATA CENTER, AND PUBLIC BROADCASTING DIVISION.

Notwithstanding sections 7E.5, 15.108, 15.272, 18.87, 18.97, 18.100, 218.22, 246.601, 303.1, 303.1A, 303.2, 303.75 through 303.85, 303.91 through 303.94, 303A.8 through 303A.11, chapter 303B, and any provisions to the contrary, the department of education, and its director, shall perform the duties and exercise the authority delegated to the department of cultural affairs, and its director, for purposes of administering the library division, the regional library system, the state data center, the public broadcasting division, and the library compact. Any authority of the department of cultural affairs to adopt rules for the library division, the regional library system, the state data center, and library compact is transferred to the state board of education.

Sec. _____. Section 261.1, subsection 5, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

~~Eight~~ Ten additional members to be appointed by the governor. One of the members shall be selected to represent private colleges, private universities and private junior colleges located in the state of Iowa. When appointing this member, the governor shall give careful consideration to any person or persons nominated or recommended by any organization or association of some or all private colleges, private universities and private junior colleges located in the state of Iowa. One of the members shall be selected to represent community colleges located in the state of Iowa. ~~When appointing this member, the governor shall give careful consideration to any person or persons nominated or recommended by any organization or association of Iowa community colleges.~~ One member shall be the executive director of the organization or association that represents all of the students attending the institutions of higher education under the control of the state board of regents. One member shall be enrolled as a student at a ~~board of regents institution,~~ community college~~, or~~. One member shall be enrolled as a student at an accredited private institution. One member shall be a representative of a lending institution located in this state. One member shall be a representative of the Iowa student loan liquidity corporation. The other three members, none of whom shall be official board members or trustees of an institution of higher learning or of an association of institutions of higher learning, shall be selected to represent the general public."

40. Page 20, lines 30 and 31, by striking the words "thirty-one million one hundred seventy-seven thousand" and inserting the following: "thirty-one million one hundred forty-six thousand eight hundred sixty-seven".

41. Page 20, by striking line 34 and inserting the following: "~~hundred thirteen~~ five hundred five thousand eight hundred eighty-two dollars".

42. Page 21, by inserting after line 34, the following:

"Sec. _____ . Section 261.47, Code 1991, is amended by adding the following new unnumbered paragraph after subsection 4:

NEW UNNUMBERED PARAGRAPH. Priority for loan reimbursement payments shall be given to eligible nurses who currently practice in an area of the state that is determined by the college student aid commission to demonstrate a nursing shortage, and shall be based upon the nurses' level of educational debt."

43. Page 22, by striking lines 8 through 28 and inserting the following:

"Sec. _____ . Section 262.9, subsection 24, Code Supplement 1991, is amended to read as follows:

24. By July 1, 1991, develop a policy which requires oral communication competence of persons who provide instruction to students attending institutions under the control of the board. The policy shall include a student evaluation mechanism which requires student evaluation of persons providing instruction ~~at the end of each academic period~~ on at least an annual basis.

Sec. _____ . Section 262.9, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 27. Establish a policy by which the institutions of higher education under its control shall charge fees for specific services provided by the institutions to the nonstudent population."

44. By striking page 23, line 14 through page 25, line 4, and inserting the following:

"Sec. _____ . NEW SECTION. 262.34B STUDENT FEE COMMITTEE.

1. A student fee committee composed of five students and five university employees shall be established at each of the universities governed by the board as identified in section 262.7, subsections 1 through 3. The five student members of the student fee committee of each university shall be appointed by the recognized student government organization of each university. The five university employees shall be appointed by the president of the university.

2. The student fee committee shall consider any proposed student activity changes at the university and shall make recommendations concerning student activity fee changes to the president of the affected university for review no later than April 15 of the year which includes the subsequent academic period in which the proposed fee change will take effect. The student fee committee shall provide a copy of its recommendations to the recognized student government organizations at each university and those organizations may review the recommendations and provide comment to the president of the university and the state board of regents. The president of the university shall transmit the recommendations of the student fee committee and the president's endorsement or recommendation to the state board of regents for consideration. The president of the university shall transmit a copy of the president's endorsement or recommendation to the recognized student government organizations for the university.

3. The state board of regents shall make the final decision on student activity fee changes. The state board of regents shall forward a copy of the committee's recommendations, the president's endorsement or recommendation, the recognized student government organization's comments, and its decision regarding student activity fee changes to the chairpersons and ranking members of the joint education appropriations subcommittee.

4. This section does not apply to fees charged for purposes of acquisition or construction of self-liquidating and revenue-producing buildings and facilities under sections 262.35 through 262.42, 262.44 through 262.53, and 262.55 through 262.66; or acquiring, purchasing, leasing, or constructing buildings and facilities under chapter 262A."

45. Page 25, by inserting after line 15 the following:

"Sec. _____ . Section 275.1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

It is the policy of the state to encourage economical and efficient school districts which will ensure an equal educational opportunity to all children of the state. All areas of the state shall be in school districts maintaining kindergarten and twelve grades. If a school district ceases to maintain kindergarten and twelve grades except as otherwise provided in section 28E.9, 256.13, 280.15, 282.7, subsection 1 or subsections 1 and 3, or 282.8, it shall reorganize within six months or the state board shall attach the school district not maintaining kindergarten and twelve grades to one or more adjacent districts. Voluntary reorganizations under this chapter shall be commenced only if the affected school districts are contiguous or marginally adjacent to one another. A reorganized district shall meet the requirements of section 275.3.

Sec. _____ . Section 275.1, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 4. "Marginally adjacent district" or "marginally adjacent territory" means a district or territory which is separated from a second district or territory by property which is part of a third school district which completely surrounds one of the two districts.

Sec. _____. Section 275.4, unnumbered paragraph 2, Code 1991, is amended to read as follows:

In addition, the area education agency board shall consult with the ~~commissioner of public instruction~~ director of the department of education in the development of surveys and plans. The ~~commissioner of public instruction~~ director of the department of education shall provide assistance to the area education agency boards as requested and shall advise the area education agency boards concerning plans of contiguous area education agencies and the reorganization policies adopted by the state board of ~~public instruction~~ education.

Sec. _____. Section 275.11, Code 1991, is amended to read as follows:

275.11 PROPOSALS INVOLVING TWO OR MORE DISTRICTS.

Subject to the approval of the area education agency board, contiguous or marginally adjacent territory located in two or more school districts may be united into a single district in the manner provided in sections 275.12 to 275.22 ~~hereof~~.

Sec. _____. Section 275.23A, subsection 1, Code 1991, is amended to read as follows:

1. School districts which have directors who represent director districts as provided in section 275.12, subsection 2, paragraphs "b" through "e", shall be divided into director districts on the basis of population as determined from the most recent federal decennial census. The director districts shall be as nearly equal as practicable to the ideal population for the districts as determined by dividing the number of director districts to be established into the population of the school district. The director districts shall be composed of contiguous or marginally adjacent territory as compact as practicable.

Sec. _____. Section 280A.28, Code 1991, is amended to read as follows:

280A.28 TAX FOR EQUIPMENT REPLACEMENT AND PROGRAM SHARING.

1. Annually, the board of directors may certify for levy a tax on taxable property in the merged area at a rate not exceeding three cents per thousand dollars of assessed valuation for equipment replacement for the community college.

2. However, the board of directors may annually certify for levy a tax on taxable property in the merged area at a rate in excess of the three cents per thousand dollars of assessed valuation specified under subsection 1 if the excess tax levied does not cause the total rate certified to exceed a rate of nine cents per thousand dollars of assessed valuation, and the excess revenue generated is used for purposes of program sharing between community colleges. Programs that are shared shall be designed to increase student access to community college programs and to achieve efficiencies in program delivery at the community colleges, including, but not limited to, the programs described under sections 280A.45 and 280A.46. Prior to expenditure of the excess revenues generated under this subsection, the board of directors shall obtain the approval of the director of the department of education.

3. If the board of directors wishes to certify for a levy under subsection 2, the board shall direct the county commissioner of elections to call an election to submit the question of such authorization for the board at a regular or special election. If a majority of those voting on the question at the election favors authorization of the board to make such a levy, the board may certify for a levy as provided under subsection 2 during each of the ten years following the election. If a majority of those voting on the question at the election does not favor authorization of the board to make a levy under subsection 2, the board shall not submit the question to the voters again until twelve months has lapsed from the election."

46. Page 26, by striking lines 30 through 32, and inserting the following: "beginning July 1, 1992, the amount of three hundred thirty-five thousand dollars from phase III moneys for the support of school transformation pilot projects administered by the department of education. Funds appropriated in this subsection may be used for projects by nonprofit corporations representing a coalition of organizations interested in school improvement in Iowa."

47. Page 27, by inserting after line 2 the following:

"Sec. _____. Section 303.1, subsection 6, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

The ~~divisions shall be administered by administrators who shall be appointed by the director and serve at the director's pleasure. However, the~~ administrator of the public broadcasting division shall be appointed by and serve at the pleasure of the public broadcasting board ~~and the~~. The administrator of the library division shall be appointed by and serve at the pleasure of the library commission. The administrator of the historical division shall be appointed by and serve at the pleasure of the state historical society board of trustees. The administrator of the arts division shall be appointed by and serve at the pleasure of the arts council. The administrators shall serve four-year terms beginning and ending as provided in section 69.19 and are subject to senate confirmation as provided in section 2.32. For purposes of this section, the public broadcasting board, the library commission, the state historical society board of trustees, and the arts council, shall assume the duties and responsibilities of the governor enumerated in section 2.32. The administrators shall:

Sec. _____. Section 303.2, subsection 3, paragraph f, Code Supplement 1991, is amended to read as follows:

f. Shall develop in cooperation with the Iowa regional library system ~~an annual~~ a biennial unified plan of service for the ~~Iowa regional library system and its individual members to insure consistency with the state long-range plan~~ division of libraries.

Sec. _____. Section 303.92, subsection 1, Code 1991, is amended to read as follows:

1. The state library commission consists of one member appointed by the state supreme court and six members appointed by the governor to serve four-year terms beginning and ending as provided in section 69.19. Of the governor's appointees, one member shall be from the medical profession, two members shall be regional library trustees at the time of appointment, and ~~five~~ three members shall be selected at large. Not more than three of the members appointed by the governor shall be of the same gender. The members shall be reimbursed for their actual expenditures necessitated by their official duties. Members may also be eligible for compensation as provided in section 7E.6.

Sec. _____. Section 303.92, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The commission shall receive and approve the budget and unified plan of service submitted by the division of libraries.

Sec. _____. NEW SECTION. 303B.2A REGIONAL LIBRARY TRUSTEES — NONVOTING MEMBERS.

In addition to the members of the seven regional boards of library trustees provided in section 303B.2, the director of education shall appoint to each of the seven regional boards of library trustees the following nonvoting members:

1. A representative from an area education agency.

2. A representative who serves as a member on the board of directors for a community college.

The nonvoting members shall serve at the pleasure of the director. The appointed members shall cease to be members if they no longer are employed by an area education agency or no longer serve as a member on a community college board of directors. Sections 303B.3 and 303B.4 do not apply to the appointed nonvoting members of the regional boards of library trustees."

48. By striking page 27, line 3 through page 29, line 21, and inserting the following:

"Sec. _____. The department of education shall conduct a study of statewide coordination of information delivery and report the results of the study, along with any recom-mendations, to the general assembly by January 1, 1994.

Sec. _____. DEPARTMENTAL STUDY. The department of education shall conduct a study on dyslexia. The department, in conjunction with the area education agencies and the institutions of higher education governed by the state board of regents, shall appoint a committee to study the methods by which the school districts in this state address dyslexia and related reading disorders. Members to be appointed by the department shall include, but are not limited to, representatives from the department, the area education agencies, and the state board of regents; a school administrator; a regular classroom teacher; a teacher employed under the federal Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, Pub. L. No. 100-297, chapter 1; a representative selected by the Iowa branch of the Orton dyslexia society; a representative selected by the Iowa reading association; a representative selected by the learning disabilities association of Iowa; and a parent of a child with dyslexia or a related reading disorder. The study shall include, but is not limited to, the identification, methods of teaching, and the remediation of persons with dyslexia and related reading disorders. The committee shall report the results of the study, along with any recommendations, to the department of education and the general assembly by January 1, 1994.

Sec. _____. TRANSITION. The current administrators of the arts division, the historical division, the library division, and the public broadcasting division of the department of cultural affairs shall continue to serve as administrators of the divisions to which they were appointed until May 1, 1993.

Sec. _____. TRANSFER. On the effective date of this Act, the budget analyst III employed in the administrative division of the department of cultural affairs, and all of the equipment assigned to that position, shall be transferred to the department of education."

49. Page 29, by striking line 24.

50. Page 29, line 30, by striking the figure "15" and inserting the following: "200".

51. Page 29, line 31, by striking the word and figures "32, and 37" and inserting the following: "and 100".

52. By renumbering, redesignating, and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

KAY CHAPMAN, Chair
RON CORBETT
THOMAS JOCHUM
C. ARTHUR OLLIE

ON THE PART OF THE SENATE:

RICHARD VARN, Chair
FLORENCE BUHR
MARY KRAMER
JIM LIND
LARRY MURPHY

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 2465)

The ayes were, 76:

Adams	Baker	Bartz	Beaman
Beatty	Bernau	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Burke	Chapman	Cohoon	Corbett
Daggett	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Gill
Gipp	Groninga	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Harbor	Hatch	Haverland
Hester	Hibbard	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lundby	Maulsby	McKinney	McNeal
Mertz	Millage	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Teaford
Tyrrell	Wise	Wissing	Mr. Speaker Arnould

The nays were, 15:

Banks	Bennett	Carpenter	Garman
Grubbs	Hanson, D. R.	Hurley	McKean
Metcalf	Miller	Petersen, D. F.	Plasier
Rafferty	Renken	Weidman	

Absent or not voting, 9:

Brammer	Connors	De Groot	Holveck
Lageschulte	Royer	Shoning	Svoboda
Van Maanen			

Under the provision of Rule 76, conflict of interest, Holveck of Polk refrained from voting.

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2465** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Wise of Lee called up for consideration **Senate File 2373,** a bill for an act relating to state budgeting processes and providing applicability provisions and effective dates, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—6096 to the House amendment:

H—6096

1 Amend the House amendment, S—5939, to Senate File
2 2373, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 3 through 15.
5 2. Page 1, by striking lines 17 through 19.
6 3. By striking page 1, line 27, through page 2,
7 line 6.
8 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6096, to the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2373)

The ayes were, 91:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Black	Blanshan	Brand	Branstad
Brown	Burke	Carpenter	Chapman
Cohoon	Corbett	Daggett	Dickinson

Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Gill	Gipp
Groninga	Grubbs	Gruhn	Hahn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. E.	Hanson, D. R.	Harbor	Haverland
Hester	Hibbard	Holveck	Hurley
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Kremer	Lundby	Maulsby
McKean	McKinney	McNeal	Mertz
Metcalf	Millage	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rafferty	Renaud
Renken	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Spear	Spenner
Svoboda	Teaford	Tyrrell	Weidman
Wise	Wissing	Mr. Speaker Arnould	

The nays were, none.

Absent or not voting, 9:

Bisignano	Brammer	Connors	De Groot
Hatch	Lageschulte	Royer	Shoning
Van Maanen			

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

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2373** be immediately messaged to the Senate.

The House stood at ease at 7:12 p.m., until the fall of the gavel.

The House resumed session at 8:50 p.m., Speaker Arnould in the chair.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for immediate meetings of the committees on appropriations and 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 May 3, 1992, adopted the conference committee report and passed House File 2462, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, the Wallace technology transfer foundation, INTERNET, state university of Iowa, and Iowa state university of science and technology and creating the strategic investment fund.

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

JOHN F. DWYER, Secretary

The House stood at ease at 8:51 p.m., until the fall of the gavel.

The House resumed session at 10:48 p.m., Speaker Arnould 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 May 3, 1992, failed to adopt the conference committee report and appointed a second conference committee on House File 2466, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions, and the members of the Senate are: The Senator from Polk, Senator Kinley, Chair; the Senator from Pottawattamie, Senator Gronstal; the Senator from Johnson, Senator Lloyd-Jones; the Senator from Black Hawk, Senator Lind; the Senator from Cedar, Senator Rife.

JOHN F. DWYER, Secretary

SECOND CONFERENCE COMMITTEE APPOINTED
(House File 2466)

The Speaker announced the appointment of the second conference committee to consider the differences between the House and Senate concerning House File 2466: Peterson of Carroll, Chair; Tyrrell of Iowa, Carpenter of Polk, Neuhauser of Johnson and Brown of Lucas.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-five members present, twenty-five absent.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2452)

Jay of Appanoose called up for consideration the report of the conference committee on House File 2452 as follows:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2452

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 2452, a bill for an act relating to juvenile and criminal justice, establishing a juvenile court judges commission, providing for continuing supervision of delinquents upon attaining the age of majority under certain circumstances and providing penalties, providing for detention of some runaways for a limited period, expanding provisions for automatic waiver to adult court, establishing and increasing criminal offenses and penalties, establishing or amending certain juvenile and criminal procedures and financial responsibility provisions, and providing for related matters, respectfully make the following report:

1. That the Senate recedes from its amendment, H—5870.

2. That House File 2452, as amended, passed, and reprinted by the House, is amended as follows:

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

"Section 1. COURT-ORDERED SERVICES PROVIDED TO JUVENILES. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1992, and ending June 30, 1993, in addition to other appropriations made to the department for that fiscal year, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Payment of the expenses of court-ordered services provided to juveniles which are a charge upon the state pursuant to section 232.141, subsection 4:
.....$ 3,990,000

1. Notwithstanding section 232.141 or any other provision of law, the funds appropriated in this section shall be allocated to the judicial districts as determined by the state court administrator. The state court administrator shall make the determination on the allocations on or before June 15, 1992.

2. Each judicial district shall continue the planning group for the court-ordered services for juveniles provided in that district which was established pursuant to 1991 Iowa Acts, chapter 267, section 119. A planning group shall continue to perform its duties as specified in that law. Reimbursement rates for providers of court-ordered evaluation and treatment services paid under section 232.141, subsection 4, shall be negotiated with providers by each judicial district's planning group.

Each district planning group shall submit an annual report in January 1993 to the state court administrator and the department of human services. The report shall cover the preceding fiscal year and shall include a preliminary report on the current fiscal year. The administrator shall compile these reports and submit the reports to the chairpersons and ranking members of the joint justice appropriations subcommittee and the legislative fiscal bureau.

3. The judicial department shall develop policies and procedures to ensure that the funds appropriated in this section are spent only after all other reasonable actions have been taken to utilize other funding sources and community-based services. The policies and procedures shall be designed to achieve the following objectives relating to services provided under chapter 232:

a. Maximize the utilization of funds which may be available from the medical assistance program including usage of the early and periodic screening, diagnosis, and treatment (EPSDT) program.

b. Recover payments from any third-party insurance carrier which is liable for coverage of the services, including health insurance coverage.

c. Pursue development of agreements with regularly utilized out-of-state service providers which are intended to reduce per diem costs paid to those providers.

4. The judicial department, in consultation with the department of human services and the judicial district planning groups, shall compile a monthly report describing spending in the districts for court-ordered services for juveniles, including the utilization of the medical assistance program. The reports shall be submitted on or before the twentieth day of each month to the chairpersons and ranking members of the joint justice appropriations subcommittee and the legislative fiscal bureau.

5. Notwithstanding chapter 232 or any other provision of law, a district or juvenile court shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered services funds available in the district allocation to pay for the service. The chief juvenile court officer shall work with the judicial district planning group to encourage use of the funds appropriated in this section such that there are sufficient funds to pay for all court-related services during the entire year. The eight chief juvenile court officers shall attempt to anticipate potential surpluses and shortfalls in the allocations and shall cooperatively request the state court administrator to transfer funds between the districts' allocations as prudent.

6. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

7. Of the funds appropriated in this section, up to $200,000 may be used by the judicial department for administration of the requirements under this section and for travel associated with court-ordered placements which are a charge upon the state pursuant to section 232.141, subsection 4.

Sec. 2. HOMELESS, ABUSED, AND RUNAWAY JUVENILES. Of the moneys appropriated under the federal National Affordable Housing Act of 1990 and received in the fiscal year beginning July 1, 1991, $200,000 shall be used in order to provide at least 10 new shelter care beds for juveniles who are homeless, abandoned, abused, have run away from home, or are otherwise unable to safely remain in their home and who are not provided services by the department of human services or the court at the time the shelter care begins. The grants shall be awarded in accordance with federal requirements in order to provide the beds in the areas of the state with the greatest proportion of juveniles who are at risk of being homeless, abandoned, abused, or otherwise unable to remain safely in their home.

Sec. 3. DRUG ABUSE RESISTANCE EDUCATION. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1992, and ending June 30, 1993, in addition to other appropriations made for the following purpose for that fiscal year, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For use by the department to provide law enforcement officials for project D.A.R.E. (drug abuse resistance education) within local communities targeted to fifth and sixth grade students:
..... $ 28,500

Sec. 4. PILOT PROGRAMS FOR RUNAWAYS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For a pilot program for runaways in Woodbury county:
..... $ 20,000

2. For a pilot program for runaways in Polk county:
..... $ 30,000

The pilot programs shall involve joint efforts by local courts, law enforcement agencies, shelter care facilities, and family-centered service providers which contract with the department of human services. The programs shall identify runaways and children at risk of running away from home and shall identify available and needed services. The programs shall use a family-oriented approach intended to assist families in dealing with the various issues related to runaways. The local courts shall cooperate with the programs and shall enter appropriate orders to facilitate the implementation of the programs and the provision of services by the programs to runaways and children at risk of running away.

Sec. 5. CENTRALIZED JUVENILE INTAKE CENTER. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, and ending June 30, 1993, in addition to other appropriations made to the department for that fiscal year, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the development of a centralized juvenile intake center in a county with a population of more than 300,000, as determined pursuant to the 1990 federal census:
..... $ 125,000

The department of human services shall work with the judicial department, local law enforcement agencies, youth service agencies, and other persons as necessary in the development and operation of a centralized juvenile intake center in a county with a population of more than 300,000, as determined pursuant to the 1990 federal census. The centralized juvenile intake center shall serve as a central location for the placement, prior to adjudication, of juveniles involved in delinquency or child in need of assistance proceedings pursuant to chapter 232. The center shall be staffed by a juvenile court officer and a youth services aide. The center shall be used to provide a safe and secure setting for juveniles prior to adjudication, during the assessment of their cases.

Sec. 6. SUMMER WORK AND LEARN ALTERNATIVE FOR INNER CITY YOUTH.

1. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1992, and ending June 30, 1993, in addition to other appropriations made to the department for that fiscal year, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the award of a grant to a model program managed by the Sioux City community school district, to provide a summer work and learn alternative for inner city youth: ..... $ 75,000

2. The judicial department shall award a grant to a model program managed by the Sioux City community school district, to provide a summer work and learn alternative for inner city youth. The judicial department shall develop criteria for the operation of the model program. At a minimum, the model program shall do each of the following:

a. Utilize existing resources to the greatest extent possible.

b. Have the support and involvement of a broad array of existing community programs.

c. Have a duration of at least ten weeks.

d. Provide a work or community service component.

e. Provide a career development component, including intensive exploration of work options and related prerequisite skills.

f. Provide a teaching and learning component, including reading and language skills, mathematics skills, and basic keyboard and computer literacy.

g. Provide a social skills training component.

h. Provide an athletics and physical fitness component.

i. Provide a health assessment component, including referral to appropriate health care or service providers.

j. Provide a total program evaluation component.

Sec. 7. Section 123.46, subsection 4, Code 1991, is amended to read as follows:

4. Upon the expiration of two years following conviction for a violation of this section, a person may petition the court to exonerate the person of the conviction, and if the person has had no other criminal convictions, other than simple misdemeanor violations of chapter 321 during the two-year period, ~~the court shall order~~ the person

shall be deemed exonerated of the offense ~~and the record expunged~~ as a matter of law. ~~Upon entry of an order exonerating the person~~ The court shall enter an order exonerating the person of the conviction, and ordering that the record of the conviction ~~shall~~ be expunged by the clerk of the district court.

Sec. 8. Section 123.47, Code 1991, is amended to read as follows:

123.47 PERSONS UNDER ~~LEGAL~~ THE AGE OF EIGHTEEN.

A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that person to be under ~~legal~~ the age of eighteen, and a person or persons under ~~legal~~ the age of eighteen shall not individually or jointly have alcoholic liquor, wine, or beer in their possession or control; except in the case of liquor, wine, or beer given or dispensed to a person under ~~legal~~ the age of eighteen within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under ~~legal~~ the age of eighteen may handle alcoholic beverages, wine, and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under this chapter.

Sec. 9. Section 123.47A, Code 1991, is amended to read as follows:

123.47A PERSONS AGE EIGHTEEN, NINETEEN, AND TWENTY — PENALTY.

1. A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that the person is age eighteen, nineteen, or twenty. A person age eighteen, nineteen, or twenty shall not purchase or possess alcoholic liquor, wine, or beer. However, a person age eighteen, nineteen, or twenty may possess alcoholic liquor, wine, or beer given to the person within a private home with the knowledge and consent of the person's parent or guardian, and a person age eighteen, nineteen, or twenty may handle alcoholic liquor, wine, and beer during the course of the person's employment by a liquor control licensee, or wine or beer permittee. A person, other than a licensee or permittee, who ~~violates~~ commits a first offense under this section commits a scheduled violation of section 805.8, subsection 10. A person, other than a licensee or permittee, who commits a second or subsequent violation of this section, commits a simple misdemeanor. A licensee or permittee who violates this section with respect to a person who is age nineteen or twenty is guilty of a simple misdemeanor punishable by a fine of not more than fifty dollars. The penalty provided under this section against a licensee or permittee who violates this section with respect to a person who is age nineteen or twenty is the only penalty which shall be imposed against a licensee or permittee who violates this section. A licensee or permittee who violates this section with respect to a person who is age eighteen commits a simple misdemeanor, and is subject to the criminal and civil penalties provided pursuant to sections 123.49 and 123.50 with respect to selling, giving, or otherwise supplying alcoholic beverages, liquor, wine, or beer to persons under legal age.

2. For the purpose of determining if a violation charged is a second or subsequent offense, a conviction or plea of guilty to a violation of this section shall be counted as a previous offense.

Sec. 10. Section 232.2, subsection 4, paragraph f, Code Supplement 1991, is amended to read as follows:

f. When a child is sixteen years of age or older, a written plan of services which, based upon an assessment of the child's needs, would assist the child in preparing for the transition from foster care to independent living. If the child is interested in pursuing higher education, the plan shall provide for the child's participation in the college student aid commission's program of assistance in applying for federal and state aid under section 261.2.

Sec. 11. Section 232.2, subsection 6, Code Supplement 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. o. Who is voluntarily absent without permission from the child's home or placement for a period of time exceeding one week, or who is voluntarily absent without permission from the child's home or placement for a period of time exceeding twenty-four hours on each of three or more separate occasions in a three-month period, and whose health, safety, and welfare are at risk.

Sec. 12. Section 232.8, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The supreme court shall prescribe rules under section 602.4202 to resolve jurisdictional and venue issues when juveniles who are placed in another court's jurisdiction are alleged to have committed subsequent delinquent acts.

Sec. 13. Section 232.8, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The juvenile court shall retain jurisdiction over persons who attain their eighteenth birthday, as necessary to effectuate the provisions of sections 232.50 and 232.52 through 232.54 pertaining to the youthful offender program, for a period of up to three years beyond the delinquent's eighteenth birthday.

Sec. 14. Section 232.22, subsection 1, Code Supplement 1991, is amended to read as follows:

1. ~~No~~ A child shall not be placed in detention unless one of the following conditions is met:

a. The child is being held under warrant for another jurisdiction; ~~or~~.

b. The child is an escapee from a juvenile correctional or penal institution; ~~or~~.

c. There is probable cause to believe that the child has violated conditions of release imposed under section 232.44, subsection 5, paragraph "b", 232.52, or 232.54 and there is a substantial probability that the child will run away or otherwise be unavailable for subsequent court appearance; ~~or~~.

d. There is probable cause to believe the child has committed a delinquent act, and one of the following conditions is met:

(1) There is a substantial probability that the child will run away or otherwise be unavailable for subsequent court appearance; ~~or~~.

(2) There is a serious risk that the child if released may commit an act which would inflict serious bodily harm on the child or on another; ~~or~~.

(3) There is a serious risk that the child if released may commit serious damage to the property of others.

Sec. 15. Section 232.22, subsection 1, Code Supplement 1991, is amended by adding the following new paragraphs:

NEW PARAGRAPH. e. There is probable cause to believe that the child has committed a delinquent act involving possession with intent to deliver any of the following controlled substances:

(1) A mixture or substance containing cocaine base, also known as crack cocaine, and if the act was committed by an adult, it would be a violation of section 204.401, subsection 1, paragraph "a", subparagraph (3), paragraph "b", subparagraph (3), or paragraph "c", subparagraph (3).

(2) A mixture or substance containing cocaine, its salts, optical and geometric isomers, and salts of isomers, and if the act was committed by an adult, it would be a violation of section 204.401, subsection 1, paragraph "a", subparagraph (2), subparagraph subdivision (b), paragraph "b", subparagraph (2), subparagraph subdivision (b), or paragraph "c", subparagraph (2), subparagraph subdivision (b).

(3) A mixture or substance containing methamphetamine, its salts, isomers, and salts of isomers, and if the act was committed by an adult, it would be a violation of section 204.401, subsection 1, paragraph "c", subparagraph (6).

Sec. 16. Section 232.35, subsection 3, Code 1991, is amended to read as follows:

3. If the intake officer determines that a complaint is not legally sufficient for the filing of a petition or that the filing of a petition would not be in the best interests of the child and the community, the officer shall notify the complainant of the officer's determination and the reasons for such determination, and shall advise the complainant that the complainant may submit the complaint to the county attorney for review. Upon receiving a request for review, the county attorney shall consider the facts presented by the complainant, consult with the intake officer and make the final determination as to whether a petition should be filed. In the absence of a request by the complainant for a review of the intake officer's determination that a petition should not be filed, the officer's determination shall be final, and the intake officer shall inform the county attorney of this decision concerning complaints involving allegations of acts which, if committed by an adult, would constitute an aggravated misdemeanor or a felony.

Sec. 17. Section 232.45A, subsections 2 and 3, Code Supplement 1991, are amended to read as follows:

2. Once a child sixteen years of age or older has been waived to and convicted of a forcible felony or a felony violation of section 204.401 or chapter 707 by the district court, all criminal proceedings against the child for any forcible felony or a felony violation of section 204.401 or chapter 707 occurring subsequent to the date of the conviction of the child shall begin in district court, notwithstanding sections 232.8 and 232.45. A copy of the findings required by section 232.45, subsection 8, shall be made a part of the record in the district court proceedings.

3. If proceedings against a child for a forcible felony or a felony violation of section 204.401 or chapter 707 who has previously been waived to and convicted of ~~a forcible felony~~ such an offense by the district court are mistakenly begun in the juvenile court, the matter shall be transferred to district court upon the discovery of the prior waiver and conviction, notwithstanding sections 232.8 and 232.45.

Sec. 18. Section 232.50, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 5. If a child is sixteen years of age or older, at the dispositional hearing, the court shall determine if jurisdiction of the child should be extended beyond the age of eighteen. Extended jurisdiction determinations shall be consistent with the rules and provisions of the youthful offender program as set forth in sections 234.50 through 234.53. Subject to the other limitations contained in this subsection, the court may extend jurisdiction for participation in the youthful offender program upon finding each of the following:

a. The child is sixteen years of age or older and would qualify for placement at the state training school pursuant to section 232.52, subsection 2, paragraph "e".

b. The child falls within the other qualifications and limitations of the youthful offender program pursuant to section 234.53.

c. Participation in the youthful offender program is necessary for the rehabilitation of the child.

Upon finding each of the factors listed in paragraphs "a" through "c", the court shall provide equal access to the youthful offender program.

Sec. 19. Section 232.52, subsection 2, paragraph d, Code Supplement 1991, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) The department of human services for purposes of placement at a youthful offender program facility established pursuant to section 234.53. In addition to making each of the findings specified in section 232.50, subsection 5, prior to transferring custody for placement in a youthful offender program facility, the court must find that the delinquent meets the qualifications for placement in such a facility pursuant to section 234.53, subsection 6.

Sec. 20. Section 232.52, subsection 2, paragraph e, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

An order transferring the guardianship of the child, subject to the continuing jurisdiction and custody of the court for the purposes of section 232.54, to the director of the department of human services for purposes of placement in the state training school or other facility, provided that the child is at least twelve years of age and the court finds the placement to be in the best interests of the child or necessary for the protection of the public, and that the child has been found to have committed an act which is a forcible felony, as defined in section 702.11, or a felony violation of section 204.401 or chapter 707, or the court finds any three of the following conditions exist:

Sec. 21. Section 232.52, subsection 6, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

When the court orders the transfer of legal custody of a child pursuant to subsection 2, paragraph "d", and the child is sixteen years of age or older, the order shall specify the services needed to assist the child in preparing for the transition from foster care to independent living. If the child is interested in pursuing higher education, the plan shall provide for the child's participation in the college student aid commission's program of assistance in applying for federal and state aid under section 261.2.

Sec. 22. Section 232.52, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 10. If the court has determined that jurisdiction of the delinquent is to be extended beyond the age of eighteen pursuant to section 232.50, subsection 5, or section 232.54, subsection 7, for participation in the youthful offender program, any of the dispositions provided in this section may be ordered. All conditions and requirements affecting court orders, dispositions, or dispositional reviews in this section shall apply to an order or proceeding involving a person over whom jurisdiction has been extended for participation in the youthful offender program.

Sec. 23. Section 232.53, subsection 2, Code 1991, is amended to read as follows:

2. ~~All~~ Except as otherwise specifically provided in subsection 5, all dispositional orders entered prior to the child attaining the age of seventeen years and six months shall automatically terminate when the child becomes eighteen years of age. Dispositional orders entered subsequent to the child attaining the age of seventeen years and six months and prior to the child's eighteenth birthday shall automatically terminate one year after the date of disposition, except as otherwise provided in extending jurisdiction for participation in the youthful offender program pursuant to section 232.50, subsection 5, or section 232.54, subsection 7. In the case of an adult within the jurisdiction of the court under the provisions of section 232.8, subsection 1, the dispositional order shall automatically terminate one year after the last date upon which jurisdiction could attach.

Sec. 24. Section 232.53, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Notwithstanding any other provision of this section or any other law to the contrary, a disposition over a person as to whom the court has extended its jurisdiction pursuant to section 232.50, subsection 5, or section 232.54, subsection 7, for participation in the youthful offender program, may remain in effect for a period of up to three years from the person's eighteenth birthday, unless the time period would be in excess of the maximum possible duration of the sentence which may be imposed on an adult for the commission of the act which the person has been found by the court to have committed.

Sec. 25. Section 232.54, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Upon application of a juvenile court officer, the department, a person or agency to whom custody has been transferred, the child who is the subject of the order, or upon its own motion, the court may order the jurisdiction of the child to be extended beyond the person's eighteenth birthday in order for the person to participate in the youthful offender program, and may continue or modify the current dispositional order or enter a substituted dispositional order. The court shall not grant the application unless the court finds each of the criteria established in section 232.50, subsection 5. The continued or modified dispositional order or substituted dispositional order shall follow the qualifications, conditions, and limitations set forth in section 232.53, subsection 5, and sections 232.50 through 232.53. Notice shall be afforded all parties, and a hearing shall be held at the request of any party or upon the court's own motion.

Sec. 26. Section 232.102, subsection 6, Code Supplement 1991, is amended to read as follows:

6. The child shall not be placed in the state training school. Moreover, a child who is a child in need of assistance solely due to the fact that the child falls within the definition as set forth in section 232.2, subsection 6, paragraph "o", shall not be placed in the state training school or the Iowa juvenile home.

Sec. 27. Section 232.116, subsection 1, paragraph d, subparagraph (2), Code 1991, is amended to read as follows:

(2) The ~~custody of the~~ child has been ~~transferred~~ removed from the physical custody of the child's parents ~~for placement pursuant to section 232.102 and the placement has lasted~~ for a period of at least six consecutive months.

Sec. 28. Section 232.116, subsection 1, paragraph e, subparagraph (3), Code 1991, is amended to read as follows:

(3) The ~~custody of the~~ child has been ~~transferred~~ removed from the physical custody of the child's parents ~~for placement pursuant to section 232.102~~ for at least twelve of the last eighteen months, or for the last twelve consecutive months and any trial period at home has been less than thirty days.

Sec. 29. Section 232.116, subsection 1, paragraph g, subparagraph (3), Code 1991, is amended to read as follows:

(3) The ~~custody of the~~ child has been ~~transferred~~ removed from the physical custody of the child's parents ~~for placement pursuant to section 232.102~~ for at least six months of the last twelve months, or for the last six consecutive months and any trial period at home has been less than thirty days.

Sec. 30. Section 232.141, subsection 1, Code 1991, is amended to read as follows:

1. Except as otherwise provided by law, the court shall inquire into the ability of the child or the child's parent to pay expenses incurred pursuant to subsection 2 and subsection 4 and, after giving the parent a reasonable opportunity to be heard, the court may order the parent to pay all or part of the costs of the child's care, examination, treatment, legal expenses, or other expenses. An order entered under this section does not obligate a parent paying child support under a custody decree, except that part of the monthly support payment may be used to satisfy the obligations imposed by the order entered pursuant to this section. If a parent fails to pay as ordered, without good reason, the court may proceed against the parent for contempt and may inform the county attorney who shall proceed against the parent to collect the unpaid amount. Any payment ordered by the court shall be a judgment against each of the child's parents and a lien as provided in section 624.23. If all or part of the amount that the parents are ordered to pay is subsequently paid by the county or state, the judgment and lien shall thereafter be against each of the parents in favor of the county to the extent of the county's payments and in favor of the state to the extent of the state's payments. If the county attorney assists in the collection of funds, the judicial department shall refund to the county attorney thirty-five percent of all funds collected on the state's behalf, to defray the expenses of collection.

Sec. 31. Section 232.141, subsection 5, Code 1991, is amended to read as follows:

5. If no other provision of law requires the county to reimburse costs incurred pursuant to subsection 4, the judicial department shall reimburse the costs as follows:

a. The judicial department shall prescribe by ~~administrative~~ rule all services eligible for reimbursement pursuant to subsection 4 and shall establish an allowable rate of reimbursement for each service.

b. The judicial department shall receive billings for services provided and, after determining allowable costs, shall reimburse providers at a rate which is not greater than allowed by ~~administrative~~ rule. Reimbursement paid to a provider by the judicial department shall be considered reimbursement in full unless a county voluntarily agrees to pay any difference between the reimbursement amount and the actual cost. When there are specific program regulations prohibiting supplementation those regulations shall be applied to providers requesting supplemental payments from a county. Billings for services not listed ~~in administrative~~ by rule shall not be paid. However, ~~if~~ the court ~~orders~~ may order a service not currently listed ~~in administrative~~ by rule, ~~the department shall review the order and,~~ if the court finds that reimbursement for the service of the judicial department is not in conflict with other law or ~~administrative~~ rule, and meets the criteria of subsection 4, in which case the judicial department shall reimburse the provider.

Sec. 32. Section 232.141, subsection 8, if enacted by 1992 Iowa Acts, House File 2480, section 8, is amended to read as follows:

8. This subsection applies only to placements in a juvenile shelter care home which is publicly owned, operated as a county or multicounty shelter care home, or organized under a chapter 28E agreement. If ~~the department's reimbursement for~~ the allowable costs of a child's shelter care placement exceeds the amount the department is authorized to pay in accordance with law and administrative rule, the unpaid costs may be recovered from the child's county of legal settlement. The unpaid costs are payable pursuant to filing of verified claims against the county of legal settlement. A detailed statement of the facts upon which a ~~claims~~ claim is based shall accompany the claim. Any dispute between counties arising from filings of claims pursuant to this subsection shall be settled in the manner provided to determine legal settlement in section 230.12.

Sec. 33. Section 232.142, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 6. If a child has been adjudicated delinquent and is remaining in a county detention home awaiting placement, if the child remains in the detention home seventy-two hours after the first dispositional hearing after adjudication, the department shall reimburse the county for any period from that time forward in which the child remains in the detention home, at the rate established by the detention home for holding juveniles from another county.

Sec. 34. NEW SECTION. 233.6 USING A JUVENILE TO COMMIT CERTAIN OFFENSES.

1. As used in this section, unless the context otherwise requires, "profit" means a monetary gain, monetary advantage, or monetary benefit.

2. It is unlawful for a person to act with, enter into a common scheme or design with, conspire with, recruit or use a person under the age of eighteen, through threats, monetary payment, or other means, to commit an indictable offense for the profit of the person acting with, entering into the common scheme or design with, conspiring with, recruiting or using the juvenile. A person who violates this section commits a class "D" felony.

Sec. 35. NEW SECTION. 234.50 YOUTHFUL OFFENDER ADVISORY COMMITTEE ESTABLISHED — RULES.

1. The department of human services shall establish a youthful offender advisory committee. The advisory committee shall consist of nine members, with five voting members as follows:

a. A representative of the department of human services, appointed by the director.

b. A representative of the judicial department, appointed by the chief justice of the supreme court.

c. A representative of the division of criminal and juvenile justice planning of the department of human rights, appointed by the administrator of the division of criminal and juvenile justice planning.

d. A representative of the department of corrections, appointed by the director of the department of corrections.

e. A representative of youth service providers, appointed by the director of the department of human services from a list of names provided by youth service providers.

The nonvoting members of the advisory committee shall be two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate.

2. Except as otherwise provided for the initial appointments, voting members shall be appointed for four-year terms and nonvoting members shall be appointed for two-year terms, commencing on May 1 in the year of appointment and expiring on April 30 in the year of expiration. A member shall serve no more than two consecutive terms, excluding the terms of the initial advisory committee.

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

4. The advisory committee shall elect a chairperson from among its own voting members.

5. Voting members of the advisory committee shall be paid their actual and necessary expenses incurred in the performance of their duties as provided in section 7E.6. Nonvoting members shall be paid their actual and necessary expenses from the funds appropriated under section 2.12.

6. The advisory committee shall meet at least every other month and may hold special meetings on the call of the chairperson or as requested by a quorum of the advisory committee. A majority of the voting members shall constitute a quorum.

7. The department of human services shall adopt rules as necessary for the operation of the advisory committee in the performance of its duties.

Sec. 36. NEW SECTION. 234.51 ADMINISTRATIVE ACTIVITIES.

The administrative functions and staff services of the youthful offender advisory committee shall be performed by the department of human services. The advisory committee shall be located in the department of human services offices.

Sec. 37. NEW SECTION. 234.52 DUTIES OF ADVISORY COMMITTEE.

The youthful offender advisory committee shall do all of the following:

1. Establish a youthful offender program as provided in this chapter.

2. Annually report the results of its activities to the governor and the general assembly.

3. Perform other duties as specified by law.

Sec. 38. NEW SECTION. 234.53 YOUTHFUL OFFENDER PROGRAM.

1. As used in this section, unless the context otherwise requires, "youthful offender" means a person who is sixteen years of age or older, who is subject to delinquency proceedings of the juvenile court pursuant to chapter 232, and who would qualify for placement at the state training school pursuant to section 232.52, subsection 2, paragraph "e".

2. The youthful offender advisory committee shall establish a youthful offender program. The youthful offender program shall be designed to meet the needs of eighty youthful offenders, with a limit of ten youthful offenders from each judicial district, on or before October 1, 1993.

3. The youthful offender program shall be designed to meet the needs of youthful offenders with intensive programming needs, including but not limited to youthful offenders having a dual diagnosis.

4. The advisory committee may establish youthful offender program facilities in more than one location, and may include public and private facilities. The department of human services shall assist the advisory committee by issuing requests for proposals and entering into contracts with other state agencies, political subdivisions, or others, including private individuals or entities, to establish youthful offender program facilities, as determined necessary by the advisory committee. In addition, if the advisory committee determines that a youthful offender program facility should be operated by the department of human services, and a facility is available to meet the needs of the youthful offender program as designed by the advisory committee, the department of human services shall operate a youthful offender program facility and include the youthful offender program facility in the department's budget proposals.

5. If the court orders a youth adjudicated as delinquent placed in a youthful offender program facility, the youth may be transferred originally to the diagnosis and evaluation center at the state training school at Eldora for the identification of appropriate treatment needs. Upon undergoing an initial diagnosis and evaluation screening at the state training school, the department of human services shall place the youthful offender in a youthful offender program facility or file a motion with the court to modify the dispositional order.

6. a. The court shall not order a person under the age of eighteen placed in a youthful offender program facility unless the child meets the qualification and limitations specified in this section, and the court finds each of the following:

(1) Placement in the youthful offender program facility is necessary for the rehabilitation of the child.

(2) Placement in the youthful offender program facility is in the best interests of the child and the community.

b. In making the determination as to whether a child should be placed in a youthful offender program facility pursuant to paragraph "a", the court shall examine the following factors:

(1) The nature of the delinquent act and the circumstances under which it was committed.

(2) The nature and extent of the child's prior contacts with juvenile authorities, including past efforts of such authorities to treat and rehabilitate the child and the response to such efforts.

(3) The programs, facilities, and personnel available in the youthful offender program facilities as opposed to other programs, facilities, and personnel available to the juvenile court for rehabilitation and treatment of the child.

c. The court shall not order a person eighteen years of age or older to a youthful offender program facility unless the person meets the qualifications and limitations specified in this section, other measures taken have been inadequate to rehabilitate the person, and the court determines that placement in the youthful offender program facility is necessary for the rehabilitation of the person.

7. The advisory committee shall establish specific guidelines for the youthful offender program facilities to utilize in working with the court to provide follow-up services, transitional services, supervision, and after care for persons released from the facilities.

Sec. 39. Section 237.3, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 8. The department, in consultation with the judicial department, the division of criminal and juvenile justice planning of the department of human rights, residential treatment providers, the foster care provider association, and other parties which may be affected, shall review the licensing rules pertaining to residential treatment facilities, and examine whether the rules allow the facilities to accept and provide effective treatment to juveniles with serious problems who might not otherwise be placed in those facilities.

Sec. 40. Section 237.15, subsection 1, paragraph i, Code Supplement 1991, is amended to read as follows:

i. When a child is sixteen years of age or older, a written plan of services which, based upon an assessment of the child's needs, would assist the child in preparing for the transition from foster care to independent living. If the child is interested in pursuing higher education, the plan shall provide for the child's participation in the college student aid commission's program of assistance in applying for federal and state aid under section 261.2.

Sec. 41. Section 242.13, Code 1991, is amended to read as follows:

242.13 BINDING OUT OR DISCHARGE.

The binding out or the discharge of an inmate as reformed, or having arrived at the age of eighteen years, shall be a complete release from all penalties incurred by the conviction for the offense upon which the child was committed to the school, except as otherwise required for participation in the youthful offender program established in section 234.53.

Sec. 42. Section 261.2, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 15. Develop and implement, in cooperation with the department of human services and the judicial department, a program to assist juveniles who are sixteen years of age or older and who have a case permanency plan under chapter 232 or 237 or are otherwise under the jurisdiction of chapter 232 in applying for federal and state aid available for higher education.

Sec. 43. Section 282.29, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a child who is not identified as requiring special education services is placed for treatment in a facility located outside of this state, the department of revenue and finance shall pay the child's educational costs for the period of time the child is placed at that facility. The payment for the costs shall be based upon the average per pupil tuition and transportation costs for the school district in which the facility is located. The amount paid by the department of revenue and finance shall be deducted monthly from the state foundation aid paid under section 257.16 during the remainder of the fiscal year to all school districts in the state.

Sec. 44. Section 321.178, subsection 1, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

An approved driver education course as programmed by the department of education shall consist of at least thirty clock hours of classroom instruction, and six or more clock hours of laboratory instruction of which at least three clock hours shall consist of street or highway driving. An approved course shall include a minimum of ~~two~~ four hours of classroom instruction concerning substance abuse as part of its curriculum. After the student has completed three clock hours of street or highway driving and has demonstrated to the instructor an ability to properly operate a motor vehicle and upon written request of a parent or guardian, the instructor may waive the remaining required laboratory instruction.

Sec. 45. NEW SECTION. 321J.23 LEGISLATIVE FINDINGS.

The general assembly finds and declares as follows:

1. Drivers often do not realize the consequences of drinking alcohol or using other drugs, and driving a motor vehicle.

2. Prompt intervention is needed to protect society, including drivers, from death or serious long-term injury.

3. The conviction of a driver for operating while intoxicated identifies that person as a risk to the health and safety of others, as well as to the intoxicated driver.

4. Close observation of the effects on others of alcohol and drug use by an intoxicated driver convicted of operating while intoxicated may have a marked effect on recidivism and should therefore be encouraged by the courts.

5. The reality education substance abuse prevention program provides guidelines for the operation of an intensive program to discourage recidivism.

Sec. 46. NEW SECTION. 321J.24 COURT-ORDERED VISITATION FOR OFFENDERS — IMMUNITY FROM LIABILITY.

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

a. "Appropriate victim" means a victim whose condition demonstrates the results of a motor vehicle accident involving intoxicated drivers without being excessively traumatic to the participant, as determined by the tour supervisor.

b. "Participant" means a person who is sixteen years of age or older but under the age of twenty-one, and who is ordered by the court to participate in the reality education substance abuse prevention program.

c. "Program" means the reality education substance abuse prevention program.

d. "Program coordinator" means a person appointed by the court to coordinate the person's participation in the program.

e. "Tour supervisor" means a person selected by a participant's program coordinator to supervise a tour.

2. A reality education substance abuse prevention program is established in those judicial districts where the chief judge of the judicial district authorizes participation in the program. Upon a conviction or adjudication for a violation of section 321J.2, or the entry of a deferred judgment concerning a violation of section 321J.2, the court or juvenile court, with the consent of the defendant or delinquent child, may order a defendant who is sixteen years of age or older but under the age of twenty-one or delinquent child who is sixteen years of age or older to participate in the reality education substance abuse prevention program as a term and condition of probation or disposition in addition to any other term or condition of probation or disposition required or authorized by law. The court or juvenile court shall require the defendant or delinquent child to abstain from consuming any controlled substance, alcoholic liquor, wine, or beer before reaching age twenty-one while participating in the program.

3. The court or juvenile court shall consult with the defendant or delinquent child and the defendant's or delinquent child's attorney, if any, and may consult with any other person, including but not limited to the defendant's or delinquent child's parents or other family members, to determine if the defendant or delinquent child is suitable for participation in the program, if the program will be educational and meaningful to the defendant or delinquent child, and if any physical, emotional, mental, or other reasons exist which indicate that the program would be inappropriate or would cause any injury to the defendant or delinquent child.

4. The court or juvenile court may appoint a program coordinator, to coordinate all tours and select appropriate tour supervisors for each tour. The program coordinator shall monitor compliance by contacting each tour supervisor following the completion of a tour.

5. The court or juvenile court may include a requirement for a supervised educational tour by the defendant or delinquent child to any or all of the following:

a. A hospital or other emergency medical care facility which regularly receives victims of motor vehicle accidents, to observe treatment of appropriate victims of motor vehicle accidents involving intoxicated drivers, under the supervision of a registered nurse, physician, paramedic, or emergency medical technician.

b. A facility for the treatment of chemical substance abuse as defined in section 125.2, under the supervision of appropriately licensed medical personnel.

c. If approved by the state or county medical examiner, a morgue or a similar facility to receive appropriate educational material and instruction concerning damage caused by the consumption of alcohol or other drugs, under the supervision of the county medical examiner or deputy medical examiner.

However, the court or juvenile court shall not order the defendant or delinquent child to participate in a supervised education tour of a hospital or other facility specified in this subsection, unless the hospital or facility agrees to participate in the program.

6. Prior to a tour, the program coordinator shall explain and discuss the experiences which may be encountered during the tour to the participant. If the program coordinator determines at any time before or during a tour that the tour may be traumatic or otherwise inappropriate for the participant, the program coordinator shall terminate the tour without prejudice to the participant.

7. The court or juvenile court may order a personal conference after the tours with the participant, the participant's attorney, if any, and any other persons if available and deemed necessary by the court or juvenile court, to discuss the experiences of the participant in the program and how those experiences may impact the participant's conduct. The court or juvenile court may order the participant to write a report or letter concerning the participant's experiences in the program.

8. Tour supervisors and facilities toured during the program are not liable for any civil damages resulting from injury to the participant, or civil damages caused by the participant during or from any activities related to a tour, except for willful or grossly negligent acts intended to, or reasonably expected to result in, such injury or damage.

9. The chief judge of the judicial district shall determine fees to be paid by participants in the program. The judicial department shall use the fees to pay all costs associated with the program. The court shall either require the participant to pay the fee in order to participate in the program, or may waive the fee or collect a lesser amount upon a showing of cause.

Sec. 47. Section 601K.133, subsection 1, Code 1991, is amended to read as follows:

1. Identify issues and analyze the operation and impact of present criminal and juvenile justice policy and make recommendations for policy changes, <u>including recommendations pertaining to efforts to curtail criminal gang activity</u>.

Sec. 48. Section 601K.135, Code 1991, is amended by adding the following new unnumbered paragraph:

<u>NEW UNNUMBERED PARAGRAPH</u>. Beginning in 1992, the division shall include in the plans, updates, and reports required by this section an identification and evaluation of existing juvenile treatment programs based upon quantifiable goals established by the division, utilizing its existing computer capacity and access.

Sec. 49. <u>NEW SECTION</u>. 601K.138 MULTIAGENCY DATA BASE CONCERNING JUVENILES.

1. The division shall coordinate the development of a multiagency data base to track the progress of juveniles through various state and local agencies and programs. The division shall develop a plan which utilizes existing data bases, including the Iowa court information system, the federally mandated national adoption and foster care information system, and the other state and local data bases pertaining to juveniles, to the extent possible.

2. The department of human services, department of corrections, judicial department, department of public safety, department of education, local school districts, and other state agencies and political subdivisions shall cooperate with the division in the development of the plan.

3. The data base shall be designed to track the progress of juveniles in various programs, evaluate the experiences of juveniles, and evaluate the success of the services provided.

4. The division shall develop the plan within the context of existing federal privacy and confidentiality requirements. The plan shall build upon existing resources and facilities to the extent possible.

5. The plan shall include proposed guidelines for the sharing of information by case management teams, consisting of designated representatives of various state and local agencies and political subdivisions to coordinate the delivery of services to juveniles under the jurisdiction of the juvenile court. The guidelines shall be developed to structure and improve the information-sharing procedures of case management teams established pursuant to any applicable state or federal law or approved by the juvenile court with respect to a juvenile who is the recipient of the case management team services. The plan shall also contain proposals for changes in state laws or rules to facilitate the exchange of information among members of case management teams.

6. If the division has insufficient funds and resources to implement this section, the division shall determine what, if any, portion of this section may be implemented, and the remainder of this section shall not apply.

7. The division shall submit a report on the plan required by this section to the general assembly on or before January 15, 1994.

Sec. 50. Section 602.1301, subsection 1, Code Supplement 1991, is amended to read as follows:

1. The supreme court shall prepare an annual operating budget for the department, which shall include the department's expenses pursuant to section 232.141, and shall submit a budget request to the general assembly for the fiscal period for which the general assembly is appropriating funds.

Sec. 51. Section 602.1301, subsection 2, paragraph a, Code Supplement 1991, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (10) Expenses for court-ordered services provided to juveniles pursuant to section 232.141.

Sec. 52. Section 602.1301, subsection 2, paragraph b, Code Supplement 1991, is amended to read as follows:

b. Before December 1, the supreme court shall submit to the director of management an estimate of the total expenditure requirements of the judicial department, including expenditures pursuant to section 232.141. The director of management shall submit this estimate received from the supreme court to the governor for inclusion without change in the governor's proposed budget for the succeeding fiscal year. The estimate shall also be submitted to the chairpersons of the committees on appropriations.

Sec. 53. Section 602.6405, subsection 1, Code Supplement 1991, is amended to read as follows:

1. Magistrates have jurisdiction of simple misdemeanors, including traffic and ordinance violations, and preliminary hearings, search warrant proceedings, county and municipal infractions, and small claims. Magistrates have jurisdiction to exercise the powers specified in sections 644.2 and 644.12, and to hear complaints or preliminary informations, issue warrants, order arrests, make commitments, and take bail. Magistrates have jurisdiction over violations of ~~section 123.47 involving persons eighteen years of age, and~~ section 123.49, subsection 2, paragraph "h". Magistrates who are admitted to the practice of law in this state have jurisdiction over all proceedings for the involuntary commitment, treatment, or hospitalization of individuals under chapters 125 and 229, except as otherwise provided under section 229.6A; nonlawyer magistrates have jurisdiction over emergency detention and hospitalization proceedings under sections 125.91 and 229.22. Magistrates have jurisdiction to conduct hearings authorized under section 809.4 and section 809.10, subsection 2.

Sec. 54. NEW SECTION. 602.7301 JUVENILE COURT JUDGES COMMISSION ESTABLISHED.

1. A juvenile court judges commission is established within the judicial department.

2. The commission shall consist of five justices, district judges, and district associate judges and four juvenile court referees appointed by the governor from a list submitted by the chief justice of the supreme court. Of the original commission members, three shall be appointed for a term of three years, three for a term of two years, and three for a term of one year, as specified by the governor. Thereafter, members shall serve for a term of three years. Vacancies on the commission shall be filled for the unexpired term in the same manner as the original appointment. Annually, the commission shall select from its members a chairperson and a secretary. Five members shall constitute a quorum.

3. Members of the commission shall serve without compensation, but shall receive actual and necessary expenses, including travel, at the state rate.

4. The commission shall meet on the call of the chairperson or a majority of the members. The commission shall meet at least on a quarterly basis.

Sec. 55. NEW SECTION. 602.7302 DUTIES OF COMMISSION.

The juvenile court judges commission shall do all of the following:

1. Advise juvenile court judges and referees in all matters pertaining to the proper care and maintenance of delinquent children.

2. Examine the administrative methods and procedures used in juvenile courts throughout the state, establish proposed standards, and make recommendations to the supreme court.

3. Examine the personnel practices and employment standards used concerning juvenile courts and probation services, and make recommendations to the supreme court.

4. Collect, compile, and publish such statistical and other data as may be needed to accomplish reasonable and efficient administration of the juvenile courts, in cooperation with the division of criminal and juvenile justice planning of the department of human rights.

Sec. 56. Section 657.2, subsection 6, Code 1991, is amended to read as follows:

6. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, places resorted to by persons participating in criminal gang activity prohibited by chapter 723A, or places resorted to by persons using controlled substances, as defined in section 204.101, subsection 6, in violation of law, or houses where drunkenness, quarreling, fighting, or breaches of the peace are carried on or permitted to the disturbance of others.

Sec. 57. Section 713.3, Code 1991, is amended to read as follows:

713.3 BURGLARY IN THE FIRST DEGREE.

A person commits burglary in the first degree if, while perpetrating a burglary in or upon an occupied structure in which persons are present, the person has ~~in the person's~~ possession of an explosive or incendiary device or material, or a dangerous weapon, or intentionally or recklessly inflicts bodily injury on any person. Burglary in the first degree is a class "B" felony.

Sec. 58. Section 713.4, Code 1991, is amended to read as follows:

713.4 ATTEMPTED BURGLARY IN THE FIRST DEGREE.

A person commits attempted burglary in the first degree if, while perpetrating an attempted burglary in or upon an occupied structure in which persons are present, the person has possession of an explosive or incendiary device or material, or a dangerous weapon, or intentionally or recklessly inflicts ~~physical~~ bodily injury on any person. Attempted burglary in the first degree is a class "C" felony.

Sec. 59. Section 713.5, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

713.5 BURGLARY IN THE SECOND DEGREE.

A person commits burglary in the second degree in either of the following circumstances:

1. While perpetrating a burglary in or upon an occupied structure in which no persons are present, the person has possession of an explosive or incendiary device or material, or a dangerous weapon, or a bodily injury results to any person.

2. While perpetrating a burglary in or upon an occupied structure in which persons are present, the person does not have possession of an explosive or incendiary device or material, nor a dangerous weapon, and no bodily injury is caused to any person.

Burglary in the second degree is a class "C" felony.

Sec. 60. Section 713.6, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

713.6 ATTEMPTED BURGLARY IN THE SECOND DEGREE.

A person commits attempted burglary in the second degree in either of the following circumstances:

1. While perpetrating an attempted burglary in or upon an occupied structure in which no persons are present, the person has possession of an explosive or incendiary device or material, or a dangerous weapon, or a bodily injury results to any person.

2. While perpetrating an attempted burglary in or upon an occupied structure in which persons are present, the person does not have possession of an explosive or incendiary device or material, nor a dangerous weapon, and no bodily injury is caused to any person.

Attempted burglary in the second degree is a class "D" felony.

Sec. 61. NEW SECTION. 713.6A BURGLARY IN THE THIRD DEGREE.

All burglary which is not burglary in the first degree or burglary in the second degree is burglary in the third degree. Burglary in the third degree is a class "D" felony.

Sec. 62. NEW SECTION. 713.6B ATTEMPTED BURGLARY IN THE THIRD DEGREE.

All attempted burglary which is not attempted burglary in the first degree or attempted burglary in the second degree is attempted burglary in the third degree. Attempted burglary in the third degree is an aggravated misdemeanor.

Sec. 63. Section 713.7, Code 1991, is amended to read as follows:

713.7 POSSESSION OF BURGLAR'S TOOLS.

Any person who possesses any key, tool, instrument, device or any explosive, with the intent to use it in the perpetration of a burglary, ~~shall be guilty of possessing burglar's tools. Possessing burglar's tools is a class "C" felony~~ commits an aggravated misdemeanor.

Sec. 64. Section 805.8, subsection 10, Code 1991, is amended to read as follows:

10. ALCOHOLIC BEVERAGE VIOLATIONS. For violations of section 123.47A, which constitute first offenses as provided in that section, the scheduled fine is fifteen dollars.

Sec. 65. Section 910A.14, subsections 1 and 2, Code 1991, are amended to read as follows:

1. A court may, upon its own motion or upon motion of any party, order that the testimony of a ~~child~~ minor, as defined in section ~~702.5~~ 599.1, be taken in a room other than the courtroom and be televised by closed circuit equipment in the courtroom to be viewed by the court. Only the judge, parties, counsel, persons necessary to operate the equipment, and any person whose presence, in the opinion of the court, would contribute to the welfare and well-being of the ~~child~~ minor may be present in the room with the ~~child~~ minor during the ~~child's~~ minor's testimony. In addition, upon a finding of necessity, the court may allow the testimony of a victim or witness with a mental illness, mental retardation, or other developmental disability to be taken as provided in this subsection, regardless of the age of the victim or witness.

2. The court may, upon its own motion or upon motion of a party, order that the testimony of a ~~child~~ minor, as defined in section ~~702.5~~ 599.1, be taken by recorded deposition for use at trial, pursuant to rule of criminal procedure 12(2)(b). In addition to requiring that such testimony be recorded by stenographic means, the court may on motion and hearing, and upon a finding that the ~~child~~ minor is unavailable as provided in Iowa rules of evidence 804(a), order the videotaping of the ~~child's~~ minor's testimony for viewing in the courtroom by the court. The videotaping shall comply with the provisions of rule of criminal procedure 12(2)(b), and shall be admissible as evidence in the trial of the cause. In addition, upon a finding of necessity, the court may allow

the testimony of a victim or witness with a mental illness, mental retardation, or other developmental disability to be taken as provided in this subsection, regardless of the age of the victim or witness.

Sec. 66. Section 910A.15, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A prosecuting witness who is a child, as defined in section 702.5, in a case involving a violation of chapter 709 or section 726.2, 726.3, 726.6, or 728.12, is entitled to have the witness's interests represented by a guardian ad litem at all stages of the proceedings arising from such violation. The guardian ad litem shall be a practicing attorney and shall be designated by the court after due consideration is given to the desires and needs of the child and the compatibility of the child and the child's interests with the prospective guardian ad litem. If a guardian ad litem has previously been appointed for the child in a proceeding under chapter 232 or a proceeding in which the juvenile court has waived jurisdiction under section 232.45, the court shall appoint the same guardian ad litem under this section. The guardian ad litem shall receive notice of and may attend all depositions, hearings and trial proceedings to support the child and advocate for the protection of the child but shall not be allowed to separately introduce evidence or to directly examine or cross-examine witnesses. However, the guardian ad litem shall file reports to the court as required by the court. If a prosecuting witness is fourteen, fifteen, sixteen, or seventeen years of age, and would be entitled to the appointment of a guardian ad litem if the prosecuting witness were a child, the court may appoint a guardian ad litem if the requirements for guardian ad litems in this section are met, and the guardian ad litem agrees to participate without compensation.

Sec. 67. INITIAL YOUTHFUL OFFENDER ADVISORY COMMITTEE — IMPLEMENTATION — EFFECTIVE DATE.

1. In order to effectuate the purposes of this Act and to implement the provisions of this Act pertaining to the youthful offender advisory committee by July 1, 1992, the department of human services shall coordinate the establishment of the initial youthful offender advisory committee. The initial youthful offender advisory committee shall be appointed in the manner specified in the section of this Act establishing a new section 234.50, subsection 1, and the appointing entities shall cooperate with the department of human services to establish the initial youthful offender advisory committee by July 1, 1992.

2. The terms of the initial members of the advisory committee shall commence on July 1, 1992, and expire as follows:

a. For the representative of the department of human services, on April 30, 1993.

b. For the representative of the judicial department, on April 30, 1994.

c. For the representative of the division of criminal and juvenile justice planning, on April 30, 1995.

d. For the representative of the department of corrections and the representative of youth service providers, on April 30, 1996.

e. For the nonvoting legislative members, on April 30, 1993.

3. The department of human services shall provide administrative services as are necessary to implement this section. The department shall coordinate the first meetings of the initial advisory committee.

4. This section, being deemed of immediate importance, shall take effect upon enactment.

Sec. 68. JUVENILE JUSTICE STUDY. The legislative council is requested to negotiate a contract with the Annie E. Casey Foundation to conduct a comprehensive study concerning the delivery of services to juveniles involved in delinquency proceedings. The study shall examine the types of placements for juveniles adjudicated delinquent, taking into consideration the effectiveness of the placements in meeting the needs of juveniles and the cost-effectiveness of the programs. The study shall be completed and a report containing recommendations shall be submitted to the general assembly no later than March 1, 1993.

Sec. 69. REPEAL. 1992 Iowa Acts, Senate File 2355, section 16, if enacted by the 1992 Session of the Seventy-fourth General Assembly, is repealed.

Sec. 70. IMPLEMENTATION AND EFFECTIVE DATE CONCERNING YOUTHFUL OFFENDER PROVISIONS.

1. The sections of this Act which amend section 232.8 by adding a new subsection 7, and amend sections 232.50, 232.52, 232.53, and 232.54, by providing procedures for the juvenile court to order persons to participate in the youthful offender program, take effect July 1, 1993.

2. Although the provisions cited in subsection 1 take effect July 1, 1993, the court shall not utilize these sections unless the youthful offender program is established as provided in section 234.53, subsection 2.

Sec. 71. EFFECTIVE DATE. The second sentence of subsection 1 of section 1 and this section of this Act, being deemed of immediate importance, take effect upon enactment."

2. Title page, by striking lines 2 through 10 and inserting the following: "juvenile court judges commission, making appropriations, establishing and increasing penalties, granting the juvenile court jurisdiction over chronic runaways, expanding provisions for automatic waiver to adult court, establishing a youthful offender program, and altering provisions concerning the commission of burglary, providing implementation and effective date provisions, and providing for related matters."

ON THE PART OF THE HOUSE:	ON THE PART OF THE SENATE:
DANIEL JAY, Chair	RALPH ROSENBERG, Chair
STEVE HANSEN	JOHN PETERSON
GARY SHERZAN	AL STURGEON

Jay of Appanoose moved the adoption of the conference committee report and the amendments contained therein.

A non-record roll call was requested.

The ayes were 45, nays 35.

The motion prevailed and the conference committee report was adopted.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 2452)

The ayes were, 56:

Adams	Baker	Bartz	Beatty
Bernau	Bisignano	Black	Blanshan
Brand	Brown	Burke	Carpenter
Chapman	Cohoon	Dickinson	Diemer
Doderer	Dvorsky	Fogarty	Gill
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. E.	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Kremer	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Teaford	Wise	Wissing	Mr. Speaker Arnould

The nays were, 36:

Banks	Beaman	Bennett	Branstad
Corbett	Daggett	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Harbor	Hester	Hurley	Iverson
Johnson	Kistler	Knapp	Koenigs
Krebsbach	Lundby	Maulsby	McKean
McNeal	Metcalf	Millage	Miller
Petersen, D. F.	Plasier	Rafferty	Renken
Siegrist	Spenner	Tyrrell	Weidman

Absent or not voting, 8:

Brammer	Connors	De Groot	Hanson, D. R.
Lageschulte	Royer	Shoning	Van Maanen

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2452** be immediately messaged to the Senate.

INTRODUCTION OF BILL

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

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

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of House Resolution 107.

ADOPTION OF HOUSE RESOLUTION 107

Peterson of Carroll called up for consideration House Resolution 107, a resolution honoring Representatives Minnette Doderer and William Harbor for twenty-five or more years of legislative service, and moved its adoption.

The motion prevailed and the resolution was adopted.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 3, 1992, passed the following bill in which the concurrence of the Senate was asked:

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

Also: That the Senate has on May 3, 1992, passed the following bill in which the concurrence of the Senate was asked:

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

Also: That the Senate has on May 3, 1992, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 119, a concurrent resolution commending the University of Iowa for leading the nation in championing gender equality in athletic programs and athletic scholarships.

Also: That the Senate has on April 16, 1992, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2302, a bill for an act relating to domestic abuse, changing the definition of domestic abuse to include assaults between parents of the same child and persons who are involved or have been involved together in an engagement or marriage relationship, providing for the adjudication of acts of domestic abuse as delinquent acts by minors, expanding the jurisdiction of magistrates to cover emergency domestic abuse orders, and providing penalties.

JOHN F. DWYER, Secretary

SUBCOMMITTEE ASSIGNMENT

Senate File 2378

Ways and Means: Dvorsky, Chair.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

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

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—6101** May 3, 1991.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2378.

Ways and Means Calendar

Senate File 2378, a bill for an act relating to a limitation on the amount of property tax dollars that a city or county may collect from designated property tax levies and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

The House stood at ease at 11:43 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2378 at 12:42 a.m., Speaker Arnould in the chair.

Dvorsky of Johnson offered amendment H—6101 filed by the committee on ways and means. Division was requested as follows:

H—6101

1 Amend Senate File 2378, as amended, passed, and re-
2 printed by the Senate, as follows:

H–6101A

3 1. Page 1, line 2, by striking the words and
4 figure "and 1995 FISCAL YEARS" and inserting the
5 following: "FISCAL YEAR".
6 2. Page 1, line 5, by striking the words "each of
7 the fiscal years" and inserting the following: "the
8 fiscal year".
9 3. Page 1, lines 5 and 6, by striking the words
10 and figures "and July 1, 1994,".
11 4. Page 1, by striking line 17 and inserting the
12 following: "the fiscal year beginning July 1, 1993".
13 5. Page 1, line 18, by striking the figure
14 "1994".
15 6. Page 1, line 20, by striking the words "the
16 following levies" and inserting the following: "each
17 of the levies for the following".
18 7. Page 1, line 27, by striking the words "levies
19 made for the".
20 8. Page 1, line 28, by striking the word "Debt"
21 and inserting the following: "Levies for debt".
22 9. Page 1, by inserting after line 29 the
23 following:
24 "_____. Levies for health care, treatment and
25 facilities, including mental health and mental
26 retardation care and treatment pursuant to section
27 331.424, subsection 1, paragraphs "a" through "h"."
28 10. Page 1, line 30, by striking the word "Taxes"
29 and inserting the following: "Levies for taxes".
30 11. Page 1, line 33, by striking the word "Trust"
31 and inserting the following: "Levies for trust".

H–6101B

32 12. Page 1, by inserting after line 33 the
33 following:
34 "_____. An increase in the taxable valuation of the
35 property where the levy for the previous fiscal year
36 remains the same or is lower.
37 _____. Levies for hospitals under chapters 37, 347,
38 and 347A."

H–6101A

39 13. Page 1, line 34, by striking the word
40 "Unusual" and inserting the following: "An unusual".
41 14. Page 2, by striking lines 1 through 21 and
42 inserting the following: "city or county residents."
43 15. Page 2, line 24, by striking the word "years"
44 and inserting the following: "year".
45 16. Page 2, lines 24 and 25, by striking the
46 words and figures "and July 1, 1994,".

H–6101A

47 17. By striking page 2, line 28, through page 3,
48 line 10, and inserting the following:
49 "a. Not later than March 1, the city or county may
50 petition the state appeal board for approval of a

Page 2

1 property tax increase in excess of the limitation in
2 subsections 1 and 2, on forms furnished by the
3 director of the department of management.
4 Applications received after March 1 shall be
5 ineligible for consideration by the board.
6 b. Additional costs incurred by the city or county
7 because of a natural disaster or other life-
8 threatening emergencies shall be the only basis for
9 justifying a property tax increase under this
10 subsection."
11 18. Page 3, line 16, by inserting after the word
12 "appeal" the following: "under this subsection".
13 19. Page 3, by inserting after line 16 the
14 following:
15 "_____. The increase in property tax dollars under
16 this subsection is limited to no more than the product
17 of the total tax dollars certified in the fiscal year
18 beginning July 1, 1992, and the annual percent change
19 in the implicit price deflator for the gross domestic
20 product computed for the calendar year beginning
21 January 1, 1992, as defined by the bureau of economic
22 analysis of the United State department of commerce.
23 For purposes of this paragraph, tax dollars certified
24 in the fiscal year beginning July 1, 1992, shall not
25 include any exempt amounts under subsection 3."
26 20. Page 3, line 22, by inserting after the word
27 "board" the following: "unless the amount is for an
28 exemption listed under subsection 3".
29 21. Page 4, line 3, by striking the word "years"
30 and inserting the following: "year".
31 22. Page 4, line 4, by striking the words ", and
32 July 1, 1994".
33 23. By renumbering as necessary.

Hibbard of Madison offered the following amendment H–6103, to the committee amendment H–6101A, filed by him from the floor and moved its adoption:

H–6103

1 Amend the amendment, H–6101, to Senate File
2 2378, as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 1, by inserting after line 27, the
5 following:
6 "_____. Levies for collective bargaining agreements
7 under chapter 20." "
8 2. By renumbering, relettering, and redesignating
9 as necessary.

Amendment H—6103 lost.

Dvorsky of Johnson moved the adoption of the committee amendment H—6101A.

Roll call was requested by Bennett of Ida and Petersen of Muscatine.

Rule 75 was invoked.

On the question "Shall the committee amendment H—6101A be adopted?" (S.F. 2378)

The ayes were, 47:

Adams	Baker	Beatty	Bernau
Bisignano	Blanshan	Brand	Brown
Burke	Chapman	Cohoon	Dickinson
Doderer	Dvorsky	Gill	Groninga
Gruhn	Halvorson, R. N,	Hammond	Hansen, S. D.
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Knapp
McKinney	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Spear	Teaford
Wise	Wissing	Mr. Speaker Arnould	

The nays were, 45:

Banks	Bartz	Beaman	Bennett
Black	Branstad	Carpenter	Corbett
Daggett	Diemer	Eddie	Fogarty
Garman	Gipp	Grubbs	Hahn
Halvorson, R. A.	Hanson, D. E.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Koenigs	Krebsbach	Kremer	Lundby
Maulsby	McKean	McNeal	Mertz
Metcalf	Millage	Miller	Ollie
Petersen, D. F.	Plasier	Rafferty	Renken
Siegrist	Spenner	Svoboda	Tyrrell
Weidman			

Absent or not voting, 8:

Brammer	Connors	De Groot	Hanson, D. R.
Lageschulte	Royer	Shoning	Van Maanen

The committee amendment H—6101A was adopted.

McKinney of Dallas asked and received unanimous consent that Senate File 2378 be deferred and that the bill retain its place on the calendar.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2490.

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

Halvorson of Clayton offered the following amendment H–6104 filed by him from the floor:

H–6104

1 Amend House File 2490 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. COLLECTIVE BARGAINING AGREEMENTS
5 FUNDED – GENERAL FUND. There is appropriated from
6 the general fund of the state to the salary adjustment
7 fund for distribution by the department of management
8 to the various state departments, boards, commissions,
9 councils, and agencies for the fiscal year beginning
10 July 1, 1992, and ending June 30, 1993, the following
11 amount, $107,000,000, or as much as is necessary, to
12 fully fund the following annual pay adjustments,
13 expense reimbursements, and related benefits:
14 1. The collective bargaining agreement negotiated
15 pursuant to chapter 20 for employees in the blue
16 collar bargaining unit.
17 2. The collective bargaining agreement negotiated
18 pursuant to chapter 20 for employees in the state
19 police officers council bargaining unit.
20 3. The collective bargaining agreement negotiated
21 pursuant to chapter 20 for employees in the security
22 bargaining unit.
23 4. The collective bargaining agreement negotiated
24 pursuant to chapter 20 for employees in the technical
25 bargaining unit.
26 5. The collective bargaining agreement negotiated
27 pursuant to chapter 20 for employees in the
28 professional fiscal and staff bargaining unit.
29 6. The collective bargaining agreement negotiated
30 pursuant to chapter 20 for employees in the university
31 of northern Iowa faculty bargaining unit.

32 7. The collective bargaining agreement negotiated
33 pursuant to chapter 20 for employees in the clerical
34 bargaining unit.
35 8. The collective bargaining agreement negotiated
36 pursuant to chapter 20 for employees in the
37 professional social services bargaining unit.
38 9. The collective bargaining agreement negotiated
39 pursuant to chapter 20 for employees in the community-
40 based corrections bargaining unit.
41 10. The collective bargaining agreement negotiated
42 pursuant to chapter 20 for employees in the judicial
43 branch of government bargaining unit.
44 11. The annual pay adjustments, related benefits,
45 and expense reimbursements referred to in sections 9
46 and 10 of this Act for employees not covered by a
47 collective bargaining agreement.
48 Sec. 2. NONCONTRACT STATE EMPLOYEES — GENERAL.
49 1. The maximum salary levels of all pay plans
50 provided for in section 19A.9, subsection 2, as they

Page 2

1 existed for the fiscal year ending June 30, 1991,
2 shall be increased for employees who are not included
3 in a collective bargaining agreement made final under
4 chapter 20 and who are not otherwise specified in this
5 Act, by 9 percent for the fiscal year beginning July
6 1, 1992, effective with the pay period beginning July
7 3, 1992. The department of personnel shall revise the
8 pay plans as provided under section 19A.9, subsection
9 2, by increasing the maximum salary levels for the
10 various grades by 9 percent and the minimum salary
11 levels of the various grades in such a way, not to
12 exceed 9 percent, as to achieve comparability with
13 other executive branch pay plans excluding those of
14 the board of regents. In addition to the increases
15 specified above, employees may receive a merit
16 increase in accordance with policies to be adopted by
17 the department of personnel for the reimplementation
18 of merit increases.
19 2. The pay plans for state employees who are
20 exempt from chapter 19A and who are included in the
21 department of revenue and finance's centralized
22 payroll system, and the board office employees of the
23 state board of regents shall be increased by the same
24 percent and in the same manner as provided in
25 subsection 1.
26 3. This section does not apply to members of the
27 general assembly, board members, commission members,
28 salaries of persons set by the general assembly
29 pursuant to this Act, or set by the governor,
30 employees designated under section 19A.3, subsection

31 5, and employees under the state board of regents, but
32 subsection 2 does apply to office employees of the
33 state board of regents.
34 4. The pay plans for the bargaining eligible
35 employees of the state shall be increased by the same
36 percent and in the same manner as provided in
37 subsection 1. As used in this section, "bargaining
38 eligible employee" means an employee who is eligible
39 to organize under chapter 20, but has not done so.
40 5. The policies for implementation of this section
41 shall be approved by the governor.
42 Sec. 3. NONCONTRACT STATE EMPLOYEES — STATE BOARD
43 OF REGENTS. The funds allocated to the state board of
44 regents for the purpose of providing increases for
45 employees not covered by a collective bargaining
46 agreement shall be used as follows:
47 1. The amount necessary to fund for the fiscal
48 year beginning July 1, 1992, and ending June 30, 1993,
49 an average base salary increase of 10.5 percent for
50 the fiscal year beginning July 1, 1992, of the base

Page 3

1 salaries of professional and scientific staff members,
2 except board office employees as provided for in
3 section 1 of this Act, paid during the preceding
4 fiscal year, to be allocated to professional and
5 scientific staff members at the discretion of the
6 state board of regents.
7 2. For employees under the state board of regents
8 merit system who are not included in the collective
9 bargaining agreement made final under chapter 20,
10 except board office employees, the amount necessary to
11 increase the state board of regents merit system pay
12 plans as they exist for the fiscal year beginning July
13 1, 1992, and ending June 30, 1993, by increasing the
14 salary levels for each grade and step within the plans
15 by 9 percent for the fiscal year beginning July 1,
16 1992. In addition to the increases specified above,
17 employees may receive a merit increase or the
18 equivalent of a merit increase.
19 3. For faculty members who are not included in the
20 collective bargaining agreement made final under
21 chapter 20, for the fiscal year beginning July 1,
22 1992, and ending June 30, 1993, an average base salary
23 increase for the fiscal year beginning July 1, 1992,
24 to be allocated at the discretion of the state board
25 of regents.
26 Sec. 4. REGIONAL LIBRARIES. Of the funds
27 appropriated from the general fund of the state in
28 section 1 of this Act, the department of management
29 shall allocate funds to pay the state's share of

30 authorized salary increases for the fiscal year
31 beginning July 1, 1992, and ending June 30, 1993, for
32 regional libraries.
33 Sec. 5. APPROPRIATIONS FROM ROAD FUNDS.
34 1. There is appropriated from the road use tax
35 fund to the salary adjustment fund for the fiscal year
36 beginning July 1, 1992, and ending June 30, 1993, the
37 following amount, or so much thereof as may be
38 necessary, to be used for the purpose designated:
39 To supplement other funds appropriated by the
40 general assembly:
41 .....$ 5,159,862
42 2. There is appropriated from the primary road
43 fund to the salary adjustment fund, for the fiscal
44 year beginning July 1, 1992, and ending June 30, 1993,
45 the following amount, or so much thereof as may be
46 necessary, to be used for the purpose designated:
47 To supplement other funds appropriated by the
48 general assembly:
49 .....$ 14,030,835
50 3. Except as otherwise provided in this Act, the

Page 4

1 amounts appropriated in subsections 1 and 2 shall be
2 used to fund the annual pay adjustments, expense
3 reimbursements, and related benefits for public
4 employees subject to collective bargaining agreements
5 negotiated pursuant to chapter 20.
6 Sec. 6. BACK PAY. The moneys appropriated in this
7 Act shall also be used to pay annual pay adjustments,
8 interest, and related benefits due employees covered
9 by collective bargaining agreements negotiated
10 pursuant to chapter 20 for the fiscal year beginning
11 July 1, 1991, and ending June 30, 1992.
12 Sec. 7. SPECIAL FUNDS — AUTHORIZATION. To
13 departmental revolving, trust, or special funds,
14 except for the primary road fund or the road use tax
15 fund, for which the general assembly has established
16 an operating budget, a supplemental expenditure
17 authorization is provided, unless otherwise provided,
18 in an amount necessary to fund salary adjustments as
19 otherwise provided in this Act.
20 Sec. 8. GENERAL FUND SALARY MONEYS. Funds
21 appropriated from the general fund of the state in
22 this Act relate only to salaries supported from
23 general fund appropriations of the state.
24 Sec. 9. FEDERAL FUNDS APPROPRIATED. All federal
25 grants to and the federal receipts of the agencies
26 affected by this Act which are received and may be
27 expended for purposes of this Act are appropriated for
28 those purposes and as set forth in the federal grants
29 or receipts."

Spenner of Henry offered the following amendment H—6111, to amendment H—6104, filed by him from the floor and moved its adoption:

H—6111

1 Amend the amendment, H—6104, to House File 2490, as
2 follows:
3 1. Page 2, by inserting after line 39 the
4 following:
5 "_____. Notwithstanding the percentage increases
6 authorized under this section, the total increase for
7 an individual employee shall not exceed five thousand
8 dollars."
9 2. Page 3, by inserting after line 25 the
10 following:
11 "_____. Notwithstanding the percentage increases
12 authorized under this section, the total increase for
13 an individual employee shall not exceed five thousand
14 dollars."
15 3. By renumbering as necessary.

Amendment H—6111 was adopted.

Hansen of Woodbury in the chair at 1:30 a.m.

Chapman of Linn offered the following amendment H—6107, to amendment H—6104, filed by her from the floor:

H—6107

1 Amend amendment, H—6104, to House File 2490 as
2 follows:
3 1. Page 3, by inserting after line 32 the
4 following:
5 "Sec. _____. COMMUNITY COLLEGES. Of the funds
6 appropriated from the general fund of the state in
7 section 1 of this Act, the department of management
8 shall allocate funds to pay salary increases of 10.5
9 percent for the fiscal year beginning July 1, 1992,
10 and ending June 30, 1993, for community colleges
11 established under chapter 280A."

Halvorson of Clayton rose on a point of order that amendment H—6107 was not germane, to amendment H—6104.

The Speaker ruled the point well taken and amendment H—6107 not germane, to amendment H—6104.

Halvorson of Clayton moved the adoption of amendment H—6104, as amended.

Roll call was requested by Sherzan of Polk and Murphy of Dubuque.

On the question "Shall amendment H—6104, as amended, be adopted?" (H.F. 2490)

The ayes were, 41:

Banks	Bartz	Beaman	Bennett
Branstad	Carpenter	Daggett	Diemer
Doderer	Dvorsky	Eddie	Garman
Gipp	Grubbs	Hahn	Halvorson, R. A.
Hammond	Hanson, D. E.	Harbor	Hester
Hurley	Iverson	Johnson	Kistler
Krebsbach	Kremer	Maulsby	McKean
McNeal	Metcalf	Millage	Miller
Petersen, D. F.	Plasier	Rafferty	Renken
Siegrist	Spear	Spenner	Tyrrell
Weidman			

The nays were, 51:

Adams	Arnould, Spkr.	Baker	Beatty
Bernau	Bisignano	Black	Blanshan
Brand	Brown	Burke	Chapman
Cohoon	Corbett	Dickinson	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. N.
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Knapp
Koenigs	Lundby	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Svoboda	Teaford
Wise	Wissing	Hansen, S. D. Presiding	

Absent or not voting, 8:

Brammer	Connors	De Groot	Hanson, D. R.
Lageschulte	Royer	Shoning	Van Maanen

Amendment H—6104, as amended, lost.

Spear of Lee offered the following amendment H—6109 filed by him from the floor and moved its adoption:

H—6109

1 Amend House File 2490 as follows:
2 1. Page 1, line 8, by striking the figure
3 "101,009,928" and inserting the following:
4 "107,500,000".
5 2. Page 2, by striking lines 8 through 28 and
6 inserting the following:
7 "1. The maximum salary levels of all pay plans
8 provided for in section 19A.9, subsection 2, as they
9 existed for the fiscal year ending June 30, 1991,
10 shall be increased for employees who are not included
11 in a collective bargaining agreement made final under
12 chapter 20 and who are not otherwise specified in this
13 Act, by 9 percent for the fiscal year beginning July
14 1, 1992, effective with the pay period beginning July
15 3, 1992. The department of personnel shall revise the
16 pay plans as provided under section 19A.9, subsection
17 2, by increasing the maximum salary levels for the
18 various grades by 9 percent and the minimum salary
19 levels of the various grades in such a way, not to
20 exceed 9 percent, as to achieve comparability with
21 other executive branch pay plans excluding those of
22 the board of regents. In addition to the increases
23 specified above, employees may receive a merit
24 increase in accordance with policies to be adopted by
25 the department of personnel for the reimplementation
26 of merit increases."
27 3. Page 2, by striking lines 34 and 35 and
28 inserting the following: "subsection 1."
29 4. Page 3, lines 10 and 11, by striking the words
30 ", including the bonus of four hundred dollars in
31 December 1992".

Amendment H—6109 lost.

Holveck of Polk asked and received unanimous consent to temporarily defer action on amendment H—6110.

Holveck of Polk offered the following amendment H—6114 filed from the floor by Holveck, Halvorson of Webster, Osterberg and Corbett and moved its adoption:

H—6114

1 Amend House File 2490 as follows:
2 1. Page 1, line 8, by striking the figure
3 "101,009,928" and inserting the following:
4 "81,809,928".
5 2. Page 2, line 10, by striking the figure "1991"
6 and inserting the following: "1992".
7 3. Page 2, line 11, by striking the figure "1991"
8 and inserting the following: "1992".

9 4. Page 2, line 14, by striking the word and
10 figure "July 3," and inserting the following:
11 "December 4".
12 5. Page 2, line 15, by striking the figure "1991"
13 and inserting the following: "1992".
14 6. Page 2, line 16, by striking the figure "4"
15 and inserting the following: "2".
16 7. Page 2, by striking lines 20 and 21 and
17 inserting the following: "provided in this
18 subsection."
19 8. Page 2, by striking lines 25 through 28 and
20 inserting the following: "reimplementation of merit
21 increases."
22 9. Page 2, by striking lines 34 and 35 and
23 inserting the following: "subsection 1."
24 10. Page 3, line 10, by striking the words ",
25 including the".
26 11. Page 3, by striking line 11 and inserting the
27 following: ". As used in".
28 12. Page 4, by striking lines 7 and 8 and
29 inserting the following: "state board of regents.
30 In".

A non-record roll call was requested.

The ayes were 22, nays 50.

Amendment H—6114 lost.

Holveck of Polk offered the following amendment H—6110, previously deferred, filed from the floor by Holveck, Halvorson of Webster and Corbett and moved its adoption:

H—6110

1 Amend House File 2490 as follows:
2 1. Page 1, line 8, by striking the figure
3 "101,009,928" and inserting the following:
4 "100,109,928".
5 2. Page 2, by striking lines 20 and 21 and
6 inserting the following: "provided in this
7 subsection."
8 3. Page 2, by striking lines 34 and 35 and
9 inserting the following: "subsection 1."
10 4. Page 3, by striking lines 10 and 11 and
11 inserting the following: "the same manner as provided
12 in subsection 1. As used in".
13 5. Page 4, by striking lines 7 and 8 and
14 inserting the following: "state board of regents.
15 In".

A non-record roll call was requested.

The ayes were 29, nays 46.

Amendment H—6110 lost.

Sherzan of Polk offered the following amendment H—6105 filed by him from the floor and moved its adoption:

H—6105

1 Amend House File 2490 as follows:
2 1. Page 2, line 35, by inserting after the figure
3 "1992" the following: "and the merit increases".
4 2. Page 3, line 11, by inserting after the figure
5 "1992" the following: "and merit increases".

Amendment H—6105 was adopted.

Neuhauser of Johnson offered the following amendment H—6108 filed from the floor by Neuhauser, Doderer and Hammond:

H—6108

1 Amend House File 2490 as follows:
2 1. Page 4, by inserting after line 17 the follow-
3 ing:
4 "_____. From the money allocated to the state board
5 of regents in this section for salaries, an amount
6 over and above other financial considerations
7 including salaries and salary increases shall be
8 expended to subsidize twenty percent of the cost of
9 tuition for graduate students awarded assistantships
10 or fellowships at the state university of Iowa.
11 _____. From the money allocated to the state board
12 of regents in this section for salaries, an amount
13 over and above other financial considerations
14 including salaries and salary increases shall be
15 expended to subsidize twenty percent of the cost of
16 tuition for graduate students awarded assistantships
17 or fellowships at Iowa state university of science and
18 technology."

Millage of Scott rose on a point of order that amendment H—6108 was not germane.

The Speaker ruled the point well taken and amendment H—6108 not germane.

Doderer of Johnson offered the following amendment H—6113 filed from the floor by Doderer, Carpenter, Hammond and Neuhauser and moved its adoption:

H–6113

1 Amend House File 2490 as follows:
2 1. Page 6, line 5, by inserting after the figure
3 "1993." the following: "A committee shall be
4 appointed to supervise the study and shall have seven
5 members, including six legislators and one member
6 appointed by the governor. The legislative members
7 shall consist of two members of the majority party and
8 one member of the minority party from the house of
9 representatives and the senate. The legislative
10 members shall be selected by the speaker of the house,
11 the majority leader of the senate, and the minority
12 leaders of the house of representatives and the
13 senate.
14 The judicial department shall conduct a separate
15 study of the impact of the salary adjustment
16 provisions of this Act related to the judicial
17 department."

Amendment H–6113 was adopted.

Neuhauser of Johnson offered the following amendment H–6116 filed by her and Jay of Appanoose from the floor:

H–6116

1 Amend House File 2490 as follows:
2 1. Page 4, by inserting after line 17 the
3 following:
4 "Sec. _____. JUDICIAL SALARIES. From the funds
5 appropriated from the general fund of the state in
6 section 1 of this Act, the salary rates specified to
7 be paid to the persons holding judicial positions in
8 1990 Iowa Acts, chapter 1256, section 2, shall be
9 increased by 7 percent for the fiscal year beginning
10 July 1, 1992, and ending June 30, 1993."
11 2. By renumbering as necessary.

Halvorson of Webster rose on a point of order that amendment H–6116 was not germane.

The Speaker ruled the point well taken and amendment H–6116 not germane.

Speaker Arnould in the chair at 2:55 a.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.

On the question "Shall the bill pass?" (H.F. 2490)

The ayes were, 58:

Adams	Baker	Bartz	Beatty
Bernau	Bisignano	Black	Blanshan
Brand	Brown	Burke	Chapman
Cohoon	Diemer	Doderer	Dvorsky
Fogarty	Gill	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. E.
Hatch	Haverland	Holveck	Jay
Jesse	Jochum	Knapp	Koenigs
Kremer	Lundby	McKean	McKinney
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Rafferty	Renaud	Schrader
Shearer	Sherzan	Shoultz	Spear
Spenner	Svoboda	Teaford	Wise
Wissing	Mr. Speaker Arnould		

The nays were, 34:

Banks	Beaman	Bennett	Branstad
Carpenter	Corbett	Daggett	Dickinson
Eddie	Garman	Gipp	Grubbs
Hahn	Halvorson, R. A.	Harbor	Hester
Hibbard	Hurley	Iverson	Johnson
Kistler	Krebsbach	Maulsby	McNeal
Mertz	Metcalf	Millage	Miller
Petersen, D. F.	Plasier	Renken	Siegrist
Tyrrell	Weidman		

Absent or not voting, 8:

Brammer	Connors	De Groot	Hanson, D. R.
Lageschulte	Royer	Shoning	Van Maanen

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2490** be immediately messaged to the Senate.

Ways and Means Calendar

The House resumed consideration of **Senate File 2378**, a bill for an act relating to a limitation on the amount of property tax dollars that a city or county may collect from designated property tax levies and providing an effective date, previously deferred.

The House resumed consideration of the committee amendment H–6101B, found on page 2191 of the House Journal.

On motion by Dvorsky of Johnson, the committee amendment H–6101B was adopted.

Blanshan of Greene in the chair at 3:13 a.m.

Iverson of Wright offered the following amendment H–6115 filed from the floor by Iverson, Mertz, Garman and Hurley:

H–6115

1 Amend Senate File 2378, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, by inserting after line 4 the
4 following:
5 "Sec. _____. NEW SECTION. 444.28
6 If, after the effective date of this Act, a
7 program or service is mandated by law to be provided
8 by a city or county and the state does not fully fund
9 the program or service, the city or county is not
10 required to provide the program or service and no
11 fines or penalties shall be imposed on the city or
12 county for the failure to do so."
13 2. By renumbering as necessary.

Dvorsky of Johnson rose on a point of order that amendment H–6115 was not germane.

The Speaker ruled the point well taken and amendment H–6115 not germane.

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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2378)

The ayes were, 53:

Adams	Arnould, Spkr.	Baker	Bartz
Bisignano	Black	Brand	Burke
Carpenter	Chapman	Cohoon	Corbett
Dvorsky	Fogarty	Gill	Groninga
Grubbs	Halvorson, R. A.	Hansen, S. D.	Hanson, D. E.
Harbor	Hibbard	Holveck	Hurley
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Krebsbach	Kremer
McKean	McKinney	Metcalf	Muhlbauer
Murphy	Nielsen	Ollie	Pavich

Peterson, M. K.	Poncy	Rafferty	Renken
Sherzan	Siegrist	Spear	Spenner
Svoboda	Weidman	Wise	Wissing
Blanshan			
Presiding			

The nays were, 39:

Banks	Beaman	Beatty	Bennett
Bernau	Branstad	Brown	Daggett
Dickinson	Diemer	Doderer	Eddie
Garman	Gipp	Gruhn	Hahn
Halvorson, R. N.	Hammond	Hatch	Haverland
Hester	Iverson	Kistler	Lundby
Maulsby	McNeal	Mertz	Millage
Miller	Neuhauser	Osterberg	Petersen, D. F.
Plasier	Renaud	Schrader	Shearer
Shoultz	Teaford	Tyrrell	

Absent or not voting, 8:

Brammer	Connors	De Groot	Hanson, D. R.
Lageschulte	Royer	Shoning	Van Maanen

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **Senate File 2378** be immediately messaged to the Senate.

Speaker Arnould in the chair at 3:31 a.m.

Blanshan of Greene in the chair at 3:37 a.m.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 4, 1992, adopted the conference committee report and passed House File 2452, a bill for an act relating to juvenile and criminal justice, establishing a juvenile court judges commission, providing for continuing supervision of delinquents upon attaining the age of majority under certain circumstances and providing penalties, providing for detention of some runaways for a limited period, expanding provisions for automatic waiver to adult court, establishing and increasing criminal offenses and penalties, establishing or amending certain juvenile and criminal procedures and financial responsibility provisions, and providing for related matters.

JOHN F. DWYER, Secretary

Speaker Arnould in the chair at 4:27 a.m.

SENATE AMENDMENT CONSIDERED

Wise of Lee called up for consideration **House File 2486**, a bill for an act relating to certain statutory appropriations made from the general fund of the state and the lottery fund for the fiscal year beginning July 1, 1992, amended by the Senate amendment H–6098 as follows:

H–6098

1 Amend House File 2486, as passed by the House, as
2 follows:
3 1. Page 3, by inserting after line 14, the
4 following:
5 "Sec. 6. Section 257.6, subsection 1, Code 1991,
6 is amended by adding the following new paragraphs:
7 NEW PARAGRAPH. e. Resident pupils receiving
8 competent private instruction from a licensed
9 practitioner provided through a public school district
10 pursuant to chapter 299A shall be counted as six-
11 tenths of one pupil.
12 NEW PARAGRAPH. f. Resident pupils receiving
13 competent private instruction under dual enrollment
14 pursuant to chapter 299A shall be counted as one-tenth
15 of one pupil.
16 Sec. 7. Section 299A.2, Code Supplement 1991, is
17 amended to read as follows:
18 299A.2 COMPETENT PRIVATE INSTRUCTION BY LICENSED
19 PRACTITIONER.
20 If a licensed practitioner provides competent
21 instruction to a child of compulsory attendance age,
22 the practitioner shall possess a valid license or
23 certificate which has been issued by the state board
24 of educational examiners under chapter 260 and which
25 is appropriate to the ages and grade levels of the
26 children to be taught. Competent private instruction
27 may include, but is not limited to, instruction or
28 instructional supervision offered through an
29 accredited nonpublic school or public school district
30 by a teacher, who is employed by the accredited
31 nonpublic school or public school district, who
32 assists and supervises a parent, guardian, or legal
33 custodian in providing instruction to a child. If
34 competent private instruction is provided through a
35 public school district, the child shall be enrolled
36 and included in the basic enrollment of the school
37 district as provided in section 257.6. Sections
38 299A.3 through 299A.7 do not apply to competent
39 private instruction provided by a licensed
40 practitioner under this section.
41 Sec. 8. Section 299A.8, Code Supplement 1991, is

42 amended to read as follows:
43 299A.8 DUAL ENROLLMENT.
44 If a parent, guardian, or legal custodian of a
45 child who is receiving competent private instruction
46 under this chapter submits a request, the child shall
47 also be registered in a public school for dual
48 enrollment purposes. If the child is enrolled in a
49 public school district for dual enrollment purposes,
50 the child shall be permitted to participate in any

Page 2

1 academic activities in the district and shall also be
2 permitted to participate on the same basis as public
3 school children in any extracurricular activities
4 available to children in the child's grade or group,
5 and the parent, guardian, or legal custodian shall not
6 be required to pay the costs of any annual testing
7 under this chapter. If the child is enrolled for dual
8 enrollment purposes, the child shall be included in
9 the public school's basic enrollment under ~~sections~~
10 ~~442.4 and~~ section 257.6 ~~and shall be counted as one~~
11 ~~pupil~~.
12 Sec. 9. 1992 Iowa Acts, Senate File 2320, section
13 11, if enacted by the Seventy-fourth General Assembly,
14 1992 Session, is repealed.
15 Sec. _____. Sections 6, 7, 8, and 9 of this Act,
16 being deemed of immediate importance, take effect upon
17 enactment for the purpose of computations required for
18 payment of state aid to and levying of property taxes
19 by school districts for the budget year beginning July
20 1, 1992."
21 2. By renumbering as necessary.

Jochum of Dubuque offered the following amendment H—6117, to the Senate amendment H—6098, filed by him from the floor:

H—6117

1 Amend the Senate amendment, H—6098, to House File
2 2486, as passed by the House, as follows:
3 1. Page 1, by inserting after line 2 the fol-
4 lowing:
5 "_____. Page 1, by inserting before line 1 the
6 following:
7 "DIVISION I
8 Sec. 500. Section 422.13, subsection 1, paragraphs
9 a and b, Code 1991, are amended to read as follows:
10 ~~a. The individual is required to file a federal~~
11 ~~income tax return under the Internal Revenue Code.~~
12 b. The individual has net income of ~~five~~ nine
13 thousand dollars or more for the tax year from sources
14 taxable under this division.

15 Sec. 501. Section 422C.3, subsection 1, as enacted
16 by 1992 Iowa Acts, House File 695, section 4, is
17 amended to read as follows:
18 1. A tax of ~~four~~ five percent is imposed upon the
19 rental price of an automobile if the rental
20 transaction is subject to the sales and services tax
21 under chapter 422, division IV, or the use tax under
22 chapter 423. The tax shall not be imposed on any
23 rental transaction not taxable under the state sales
24 and services tax, as provided in section 422.45, or
25 the state use tax, as provided in section 423.4, on
26 automobile rental receipts.
27 Sec. 502. Section 423.24, subsection 1, Code
28 Supplement 1991, as amended by 1992 Iowa Acts, Senate
29 File 2034, section 27, applies to the revenues derived
30 from the five percent use tax on motor vehicles,
31 trailers, and motor vehicle accessories and equipment
32 as collected after June 1, 1992, pursuant to section
33 423.7.
34 Sec. 503. Section 425.17, subsection 2, Code
35 Supplement 1991, as amended by 1992 Iowa Acts, Senate
36 File 2034, section 28, is amended to read as follows:
37 2. "Claimant" means a person filing a claim for
38 credit or reimbursement under this division who has
39 attained the age of eighteen years on or before
40 December 31 of the base year, and was domiciled in
41 this state during the entire base year, and is
42 domiciled in this state at the time the claim is filed
43 or at the time of the person's death in the case of a
44 claim filed by the executor or administrator of the
45 claimant's estate and, in the case of a person who is
46 not disabled and has not reached the age of sixty-
47 five, was not claimed as a dependent on any other
48 person's tax return for the base year.
49 "Claimant" includes a vendee in possession under a
50 contract for deed and may include one or more joint

Page 2

1 tenants or tenants in common. In the case of a claim
2 for rent constituting property taxes paid, the
3 claimant shall have rented the property during any
4 part of the base year. If a homestead is occupied by
5 two or more persons, and more than one person is able
6 to qualify as a claimant, the persons may determine
7 among them who will be the claimant. If they are
8 unable to agree, the matter shall be referred to the
9 director of revenue and finance not later than October
10 31 of each year and the director's decision is final.
11 Sec. 504. 1992 Iowa Acts, Senate File 2034,
12 section 36, is amended to read as follows:
13 SEC. 36. APPLICABILITY. This section applies in

14 regard to the increase in the state sales, services,
15 and use taxes from four to five percent. The five
16 percent rate applies to all sales of taxable personal
17 property, consisting of goods, wares, or merchandise
18 if delivery occurs on or after June 1, 1992. The use
19 tax rate of five percent applies to motor vehicles
20 subject to registration which are registered on or
21 after June 1, 1992. The five percent use tax rate
22 applies to the use of property when the first taxable
23 use in this state occurs on or after June 1, 1992.
24 The five percent rate applies to the gross receipts
25 from the sale, furnishing, or service of gas,
26 electricity, water, heat, pay television service, and
27 communication service if the date of billing the
28 customer is on or after June 1, 1992. In the case of
29 a service contract entered into prior to June 1, 1992,
30 which contract calls for periodic payments, the five
31 percent rate applies to those payments made or due on
32 or after June 1, 1992. This periodic payment applies,
33 but is not limited to, tickets or admissions, private
34 club membership fees, sources of amusement, equipment
35 rental, dry cleaning, reducing salons, dance schools,
36 and all other services subject to tax, except the
37 aforementioned utility services which are subject to a
38 special transitional rule. Unlike periodic payments
39 under service contracts, installment sales of goods,
40 wares, and merchandise are subject to the full amount
41 of sales or use tax when the sales contract is entered
42 into or the property is first used in Iowa.
43 Sec. _____. Sections 500 through 504 of this
44 division are contingent upon the enactment of Senate
45 File 2034 by the Seventy-fourth General Assembly, 1992
46 Session.
47 If Senate File 2034 is enacted, section 500 of this
48 division is retroactive to January 1, 1992, for tax
49 years beginning on or after that date, section 501 of
50 this division is effective July 1, 1992, sections 502

Page 3

1 and 504 of this division are effective June 1, 1992,
2 and section 503 of this division is effective January
3 1, 1993, for property tax claims filed on or after
4 that date and is applicable to rent reimbursement
5 claims filed on or after January 1, 1994. This
6 section, being deemed of immediate importance, takes
7 effect upon enactment.
8 DIVISION II
9 Sec. _____. 1992 Iowa Acts, Senate File 2355,
10 section 24, if enacted by the Seventy-fourth General
11 Assembly, 1992 Session, is amended by adding the
12 following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. The department may adopt
14 emergency rules relating to eligibility, services, and
15 reimbursement rates in implementing the provisions of
16 this section.
17 Sec. _____. 1992 Iowa Acts, Senate File 2355,
18 section 25, subsection 1, unnumbered paragraph 4, if
19 enacted by the Seventy-fourth General Assembly, 1992
20 Session, is amended to read as follows:
21 The mental health, and mental retardation, ~~and~~
22 ~~developmental disabilities~~ commission shall adopt
23 emergency rules pursuant to chapter 17A describing the
24 services listed in subparagraphs (1) through (5) and
25 other necessary rules relating to services for brain
26 injury for the purposes of this subsection. For the
27 purposes of this subsection, "brain injury" means
28 clinically evident brain damage or spinal cord injury
29 resulting from trauma which permanently impairs an
30 individual's physical or cognitive functions and
31 causes the individual to meet the federal criteria for
32 a person with a developmental disability except for
33 age of onset of the disability.
34 The poverty guideline required to be used under
35 this subsection and subsection 7 shall be based upon
36 the poverty guideline utilized for the social services
37 block grant in fiscal year 1991-1992.
38 The funding provided to a county under this
39 subsection shall be utilized in accordance with the
40 plan for provision of mental health, mental
41 retardation, and developmental disabilities services
42 developed by the county's mental health and mental
43 retardation coordinating board. However, the board of
44 supervisors shall revise the plan for fiscal year
45 1992-1993, if necessary, to provide contemporary
46 services in accordance with the requirements of this
47 subsection and the revisions shall be submitted to the
48 mental health and mental retardation commission by
49 October 15, 1992.
50 Sec. _____. 1992 Iowa Acts, Senate File 2355,

Page 4

1 section 25, subsection 4, paragraph a, if enacted by
2 the Seventy-fourth General Assembly, 1992 Session, is
3 amended to read as follows:
4 a. ~~Provision of funding~~ Funding provided to a
5 county under subsection 1 shall be distributed in
6 quarterly payments and distribution of the second and
7 succeeding quarterly payments is contingent upon
8 ~~counties establishing~~ the county participating as a
9 member of a mental illness, mental retardation,
10 developmental disabilities, and brain injury
11 (MI/MR/DD/BI) planning ~~councils~~ council. The counties

12 shall meet in consultation with service providers,
13 consumers, and advocates, the department, and other
14 interested parties in establishing the planning
15 councils. A planning council's planning area shall,
16 to the extent possible, utilize the borders of the
17 county clusters as established pursuant to section
18 217.42, if enacted in Senate File 2342, and shall
19 include a population of at least 40,000 and include
20 counties with a historical pattern of cooperation in
21 providing MI/MR/DD/BI services. The councils shall be
22 established on or before September 1, 1992.
23 Sec. _____. 1992 Iowa Acts, Senate File 2355,
24 section 25, subsection 7, paragraph b, if enacted by
25 the Seventy-fourth General Assembly, 1992 Session, is
26 amended to read as follows:
27 b. The funds allocated in this subsection shall be
28 expended by counties in accordance with eligibility
29 guidelines established in the department's rules
30 outlining general provisions for service
31 administration. Services eligible for payment with
32 funds allocated in this subsection are limited to any
33 of the following which are provided in accordance with
34 the department's administrative rules for the
35 services: community supervised apartment living
36 arrangements, residential services for adults,
37 sheltered work, supported employment, supported work
38 training, transportation, ~~and~~ work activity,
39 administrative support for volunteers, adult day care,
40 adult support, and family-centered services.
41 Sec. _____. 1992 Iowa Acts, Senate File 2355,
42 section 25, subsection 7, if enacted by the Seventy-
43 fourth General Assembly, 1992 Session, is amended by
44 adding the following new paragraph:
45 NEW PARAGRAPH. k. The county of residence shall
46 pay for services provided under this subsection. That
47 county may seek reimbursement from the county of legal
48 settlement in accordance with applicable law. If a
49 person receiving services under this subsection has no
50 county of legal settlement, the state shall pay for

Page 5

1 the services. The rate of payment for services
2 provided under this subsection shall be in accordance
3 with the department's rules for purchase of services
4 and law relating to reimbursement of social services
5 providers.
6 Sec. _____. 1992 Iowa Acts, Senate File 2355,
7 section 27, subsection 6, if enacted by the Seventy-
8 fourth General Assembly, 1992 Session, is amended to
9 read as follows:
10 6. Notwithstanding section 225C.20, case

11 management services shall be provided by the
12 department except when a county or a consortium of
13 counties contracts with the department to provide the
14 services. A county or consortium of counties may
15 contract to be the provider at any time and the
16 department shall agree to the contract so long as the
17 contract meets the standards for case management
18 adopted by the department. The county or consortium
19 of counties may subcontract for the provision of case
20 management services if the subcontract meets the same
21 standards. A mental health, mental retardation, and
22 developmental disabilities coordinating board or a
23 planning council established pursuant to section 25,
24 subsection 4, of this Act may change the provider of
25 individual case management services at any time.
26 However, once a planning council is established, the
27 authority to change the provider and responsibility
28 for providing notification shall be assumed by the
29 planning council in place of the coordinating board.
30 If the current or proposed contract is with the
31 department, the coordinating board or planning council
32 shall provide written notification of a proposed
33 change to the department on or before August 15 and
34 written notification of an approved change on or
35 before ~~October~~ November 15 in the fiscal year which
36 precedes the fiscal year in which the change will take
37 effect.
38 Sec. _____. 1992 Iowa Acts, Senate File 2355,
39 section 33, if enacted by the Seventy-fourth General
40 Assembly, 1992 Session, is amended by adding the
41 following new subsection:
42 NEW SUBSECTION. 7. The provisions of subsection 5
43 do not revise in any manner the maximum reimbursement
44 rates paid to social services providers in the fiscal
45 year beginning July 1, 1991.
46 Sec. _____. NEW SECTION. 217.41 PRIVATE AGENCY
47 CONTRACTS.
48 Notwithstanding the provisions of section 11.36,
49 the auditor of state shall not require a private
50 agency awarded a grant, contract, or purchase of

Page 6

1 service contract through the department of human
2 services to obtain a certification from the auditor of
3 state pursuant to section 11.36.
4 Sec. _____. Section 225C.27, unnumbered paragraph 1,
5 Code 1991, as amended by 1992 Iowa Acts, Senate File
6 2355, section 65, if enacted by the Seventy-fourth
7 General Assembly, 1992 Session, is amended to read as
8 follows:
9 Sections 225C.25 through 225C.28B shall be

10 liberally construed and applied to promote their
11 purposes and the stated rights and service quality
12 standards. The ~~division~~ commission, in coordination
13 with appropriate agencies, shall adopt rules to
14 implement the purposes of section 225C.28B,
15 subsections 3 and 4, which include, but are not
16 limited to, the following:
17 Sec. _____. Section 225C.27, subsection 3, Code
18 1991, is amended by striking the subsection and
19 inserting in lieu thereof the following:
20 3. Encouraging activities to ensure that
21 recipients of services shall not be deprived of any
22 rights, benefits, or privileges guaranteed by law, the
23 Constitution of the State of Iowa, or the Constitution
24 of the United States solely on account of the receipt
25 of the services.
26 Sec. _____. Section 225C.29, Code 1991, as amended
27 by 1992 Iowa Acts, Senate File 2355, section 68, is
28 amended to read as follows:
29 225C.29 COMPLIANCE.
30 Except for a violation of section 225C.28B,
31 subsection 2, the sole remedy for violation of a rule
32 adopted by the ~~division~~ commission to implement
33 sections 225C.25 through 225C.28B shall be by a
34 proceeding for compliance initiated by request to the
35 division pursuant to chapter 17A. Any decision of the
36 division shall be in accordance with due process of
37 law and is subject to appeal to the Iowa district
38 court pursuant to sections 17A.19 and 17A.20 by any
39 aggrieved party. Either the division or a party in
40 interest may apply to the Iowa district court for an
41 order to enforce the decision of the division. Any
42 rules adopted by the ~~division~~ commission to implement
43 sections 225C.25 through 225C.28B do not create any
44 right, entitlement, property or liberty right or
45 interest, or private cause of action for damages
46 against the state or a political subdivision of the
47 state or for which the state or a political
48 subdivision of the state would be responsible. Any
49 violation of section 225C.28B, subsection 2, shall
50 solely be subject to the enforcement by the

Page 7

1 commissioner of insurance and penalties granted by
2 chapter 507B for a violation of section 507B.4,
3 subsection 7.
4 Sec. _____. RIGHTS AND SERVICE QUALITY STANDARDS —
5 RULES REQUIRED. The mental health and mental
6 retardation commission shall act to ensure that rules
7 relating to sections 225C.27 and 225C.28A shall be
8 filed as a notice of intended action by July 1, 1994.

9 Sec. _____. REPEAL. Sections 225C.18 and 225C.19,
10 Code 1991, are repealed effective July 1, 1993.
11 Sec. _____. NONASSISTANCE CHILD SUPPORT RECOVERY
12 CASES – LIMITATION OF AMOUNT OF ADDITIONAL FEES. The
13 additional fee established by the department of human
14 services pursuant to section 252B.4, subsection 2, if
15 enacted and amended by 1992 Iowa Acts, Senate File
16 2316, section 101, for the fiscal year beginning July
17 1, 1992, and ending June 30, 1993, shall not exceed
18 $10.65.
19 DIVISION III
20 Sec. 1000. There is appropriated from the general
21 fund of the state to the GAAP deficit reduction
22 account within the department of management for the
23 fiscal year beginning July 1, 1992, and ending June
24 30, 1993, the following amount, or so much thereof as
25 is necessary, for the purpose designated:
26 For reducing the state deficit as determined under
27 generally accepted accounting principles, as defined
28 by the governmental accounting standards board:
29 .....$ 28,800,000
30 Sec. 1001. Contingent upon the enactment of Senate
31 File 2034 by the Seventy-fourth General Assembly, 1992
32 Session, there is appropriated from the increase in
33 use tax revenues collected pursuant to section 423.7,
34 as a result of the increase in the sales and use tax
35 rate, prior to deposit in accordance with section
36 423.24 in the fiscal year beginning July 1, 1992, to
37 the GAAP deficit reduction account within the
38 department of management for the fiscal year beginning
39 July 1, 1992, and ending June 30, 1993, the following
40 amount, or so much thereof as is necessary, for the
41 purpose designated:
42 For reducing the state deficit as determined under
43 generally accepted accounting principles, as defined
44 by the governmental accounting standards board:
45 .....$ 31,200,000
46 Sec. _____. The amounts appropriated in sections
47 1000 and 1001 of this division shall be reduced by any
48 amount deposited into the cash reserve account created
49 in section 8.56, as provided in 1992 Iowa Acts, House
50 File 2465, if enacted by the Seventy-fourth General

Page 8

1 Assembly, and any amounts otherwise appropriated for
2 purposes of reducing the state GAAP deficit. The
3 order of reduction shall be the appropriation in
4 section 1000 and then the appropriation in section
5 1001.
6 Sec. _____. MEDICAL ASSISTANCE SUPPLEMENTAL
7 APPROPRIATION. There is appropriated from the general

8 fund of the state to the department of human services
9 for the fiscal year beginning July 1, 1992, and ending
10 June 30, 1993, the following amount, or so much
11 thereof as is necessary, to be used for the purposes
12 designated:
13 For medical assistance, in addition to the funds
14 appropriated for this purpose in Senate File 2355,
15 section 3, if enacted by the Seventy-fourth General
16 Assembly, 1992 Session:
17 .....$ 25,000,000
18 Sec. 147. Section 422.43, subsection 13, paragraph
19 a, unnumbered paragraph 1, as enacted by 1992 Iowa
20 Acts, Senate File 2116, section 404, as amended by
21 1992 Iowa Acts, Senate File 2346, section 4, is
22 amended to read as follows:
23 A tax of ~~four~~ five percent is imposed upon the
24 gross receipts from the sales, furnishing, or service
25 of solid waste collection and disposal service.
26 Sec. _____. RECOMMENDATIONS OF THE GOVERNOR'S
27 COMMITTEE ON GOVERNMENT SPENDING REFORM. The general
28 assembly encourages and authorizes the governor to
29 implement the following recommendations of the
30 governor's committee on government spending reform:
31 1. Consolidate and provide for common management
32 of state data processing centers.
33 2. Provide through the state department of
34 transportation for renewal of drivers' licenses by
35 mail.
36 3. Establish a state lien filing system.
37 4. Expand electronic funds transfer systems.
38 5. Establish state collection standards and
39 policy.
40 6. Identify unrecognized receivables owed the
41 state.
42 7. Review personal computer acquisitions by the
43 state.
44 8. Initiate local government coordination of
45 information systems, subject to approval of the
46 legislative council.
47 9. Consolidate state printing facilities.
48 10. Eliminate the state aircraft pool or
49 consolidate the Iowa state university aircraft pool.
50 11. Develop a uniform financial reporting and

Page 9

1 accounting system.
2 12. Develop a statewide system for delivery of
3 state-offered services.
4 13. Implement a system for management of federal
5 funds.
6 14. Expand the use of voice mail telephone

7 answering systems.
8 15. Establish an enterprise plan for technology.
9 In addition the governor shall submit to the
10 general assembly by February 1, 1993, a status report
11 delineating the implementation status of all of the
12 recommendations of the governor's committee on
13 government spending and reform.
14 Sec. _____. Section 147 of this division is
15 contingent upon the enactment of Senate File 2034 by
16 the Seventy-fourth General Assembly, 1992 Session. If
17 Senate File 2034 is enacted, section 147 of this
18 division takes effect June 1, 1992. This section,
19 being deemed of immediate importance, takes effect
20 upon enactment.
21 DIVISION IV
22 Sec. _____. Section 35A.8, Code 1991, as amended by
23 1992 Iowa Acts, Senate File 2011, section 10, is
24 amended by adding the following new subsection:
25 NEW SUBSECTION. 3. Except for the employment
26 duties and responsibilities assigned to the commandant
27 for the Iowa veterans home, the executive director
28 shall employ such personnel as are necessary for the
29 performance of the duties and responsibilities
30 assigned to the commission. All employees shall be
31 selected on a basis of fitness for the work to be
32 performed with due regard to training and experience
33 and shall be subject to the provisions of chapter 19A.
34 Sec. _____. Section 219.14, as enacted by 1992 Iowa
35 Acts, Senate File 2011, section 31, is amended by
36 adding the following new unnumbered paragraph before
37 unnumbered paragraph 1:
38 NEW UNNUMBERED PARAGRAPH. The commandant or the
39 commandant's designee, shall employ such personnel as
40 are necessary for the performance of the duties and
41 responsibilities assigned to the commandant. All
42 employees shall be selected on a basis of fitness for
43 the work to be performed with due regard to training
44 and experience and shall be subject to the provisions
45 of chapter 19A.
46 DIVISON V
47 Sec. 600. Section 422.7, Code Supplement 1991, is
48 amended by adding the following new subsection:
49 NEW SUBSECTION. 26. Subtract, to the extent
50 included, payments received by an individual providing

Page 10

1 unskilled in-home health-related care services
2 pursuant to section 249.3, subsection 2, paragraph
3 "a", subparagraph (2), to a member of the individual
4 caregiver's family. For purposes of this subsection,
5 a member of the individual caregiver's family includes

6 a spouse, parent, stepparent, child, stepchild,
7 brother, stepbrother, sister, stepsister, lineal
8 ancestor, or lineal descendant, and such persons by
9 marriage or adoption. A health care professional
10 licensed by an examination board designated in section
11 147.13, subsections 1 through 10, is not eligible for
12 the exemption authorized in this subsection.
13 Sec. 601. Notwithstanding section 422.73,
14 subsection 2, a claim for credit or refund of the
15 state individual income tax paid for a tax year
16 beginning in the 1988 calendar year, is considered
17 timely filed if the claim is filed with the department
18 of revenue and finance before April 30, 1993, and the
19 claim is based upon the deduction allowed in section
20 600 of this Act.
21 Sec. 700. There is appropriated from the general
22 fund of the state to the department of revenue and
23 finance for the fiscal year beginning July 1, 1991,
24 and ending June 30, 1992, the following amount, or so
25 much thereof as is necessary, for the purpose
26 designated:
27 AUDIT AND COMPLIANCE
28 To supplement funds already appropriated, for
29 administration of the increase in the rate of the
30 sales and use tax:
31 .....$ 129,000
32 Sec. _____. There is appropriated from the general
33 fund of the state to the department of human services
34 for the fiscal year beginning July 1, 1992, and ending
35 June 30, 1993, the following amount, or so much
36 thereof as is necessary, for the purpose designated:
37 In addition to the funds appropriated for the
38 operation of the Iowa veterans home in 1992 Iowa Acts,
39 Senate File 2355, Section 18, if enacted by the
40 Seventy-fourth General Assembly, 1992 Session:
41 .....$ 10,000
42 Sec. _____. 1992 Iowa Acts, Senate File 2345,
43 section 1, unnumbered paragraph 3, if enacted by the
44 Seventy-fourth General Assembly, 1992 Session, is
45 amended by striking the unnumbered paragraph and
46 inserting in lieu thereof the following:
47 For basic and in-service training relating to
48 public offenses perpetrated due to a victim's
49 protected class status, as provided in section 80B.11,
50 subsection 3, if and as amended by the Seventy-fourth

Page 11

1 General Assembly, 1992 Session:
2 .....$ 10,000
3 Sec. _____. 1992 Iowa Acts, Senate File 2345,
4 section 11, if enacted by the Seventy-fourth General

5 Assembly, 1992 Session, is amended to read as follows:
6 SEC. 11. There is appropriated from moneys, other
7 than federal moneys, deposited in the victim
8 compensation fund established under section 912.14 to
9 the department of justice for the fiscal year be-
10 ginning July 1, 1992, and ending June 30, 1993, the
11 following amount, or so much thereof as is necessary,
12 to be used for the purpose designated:
13 For use by the prosecuting attorneys training
14 coordinator in implementing a course of instruction
15 relating to public offenses perpetrated due to a
16 victim's protected class status, as provided in
17 section ~~80B.11, subsection 3~~ 729A.4, if and as amended
18 by the Seventy-fourth General Assembly, 1992 Session:
19 .....$ 10,000
20 Sec. _____. 1992 Iowa Acts, Senate File 2345,
21 section 12, if enacted by the Seventy-fourth General
22 Assembly, 1992 Session, is amended to read as follows:
23 SEC. 12. The state department of transportation
24 shall place a moratorium on the placement of tourist-
25 oriented directional signs within the territorial
26 limits of the Amana colonies and the Amana colonies
27 land use district shall not initiate any action
28 regarding the removal of any existing tourist-oriented
29 directional sign until such time as a comprehensive
30 signing program has been established within the area.
31 The moratorium shall go into effect as of the
32 effective date of this ~~Act~~ section.
33 Sec. _____. Sections 600 and 601 of this division
34 apply retroactively to January 1, 1988, for tax years
35 beginning on or after that date.
36 Sec. _____. Section 700 of this division, being
37 deemed of immediate importance, takes effect upon
38 enactment.
39 DIVISION VI
40 Sec. _____. The department of economic development
41 may transfer $25,000 during the fiscal year beginning
42 July 1, 1992, and ending June 30, 1993, from the loan
43 repayments under the rural community 2000 program
44 prior to the transfer of the funds to the Iowa finance
45 authority housing improvement fund for purchase of
46 land for a welcome center project based on the
47 department's prioritization report, dated December
48 1991. Moneys used for the welcome center project
49 require a dollar-for-dollar match.
50 'DIVISION VII'."

Page 12

1 2. Page 2, by inserting before line 21 the
2 following:
3 "_____. Title page, line 2, by inserting after the

4 words "lottery fund" the following: ", budgetary
5 revenues and expenditures, and other budgetary
6 matters," ".

Halvorson of Clayton offered the following amendment H—6119, to amendment H—6117, to the Senate amendment H—6098, filed by him from the floor and moved its adoption:

H—6119

1 Amend the amendment, H—6117, to the Senate
2 amendment, H—6098, to House File 2486, as passed by
3 the House, as follows:
4 1. Page 8, by striking lines 36 and 37.

Amendment H—6119 was adopted.

Blanshan of Greene in the chair at 4:38 a.m.

Jochum of Dubuque offered the following amendment H—6120, to amendment H—6117, to the Senate amendment H—6098, filed by him from the floor and moved its adoption:

H—6120

1 Amend the amendment, H—6117, to the Senate
2 amendment, H—6098, to House File 2486 as passed by the
3 House, as follows:
4 1. Page 10, by inserting after line 41 the fol-
5 lowing:
6 "Sec. 998. GENERAL FUND APPROPRIATION FOR COVERED
7 EMPLOYEES FOR FISCAL YEAR 1992.
8 1. There is appropriated from the general fund of
9 the state to the salary adjustment fund for
10 distribution by the department of management to the
11 various state departments, boards, commissions,
12 councils, and agencies for the fiscal year beginning
13 July 1, 1991, and ending June 30, 1992, the following
14 amount, $15,100,000, or so much thereof as may be
15 necessary, to fund the annual pay adjustments, expense
16 reimbursements, and related benefits for state
17 employees covered by a collective bargaining
18 agreement.
19 2. Notwithstanding section 8.33, moneys
20 appropriated in subsection 1 that remain unencumbered
21 or unobligated on June 30, 1992, shall not revert to
22 the general fund but shall remain available for
23 expenditure to fund the annual pay adjustments,
24 expense reimbursements, and related benefits for state
25 employees for the fiscal year beginning July 1, 1992.
26 Sec. 999. 1992 Iowa Acts, House File 2490, section
27 1, unnumbered paragraph 1, if enacted by the Seventy-
28 fourth General assembly, 1992 Session, is amended to

read as follows:

There is appropriated from the general fund of the state to the salary adjustment fund for distribution by the department of management to the various state departments, boards, commissions, councils, and agencies for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, ~~$101,009,928~~ $85,909,928, or so much thereof as may be necessary, to fully fund the following annual pay adjustments, expense reimbursements, and related benefits:"

2. Page 11, line 36, by striking the word and figure "Section 700" and inserting the following: "Sections 700, 998, and 999".

3. Page 11, line 37, by striking the word "takes" and inserting the following: "take".

4. By renumbering as necessary.

Amendment H—6120 was adopted.

On motion by Jochum of Dubuque, amendment H—6117, as amended, to the Senate amendment H—6098, was adopted.

Halvorson of Clayton offered the following amendment H—6118, to the Senate amendment H—6098, filed by him and Hester of Pottawattamie from the floor and moved its adoption:

H—6118

Amend the amendment, H—6098, to House File 2486, as passed by the House, as follows:

1. Page 1, by striking line 5 and inserting the following:

" "Sec. _____. Section 234.38, subsection 1, Code 1991, as amended by 1992 Iowa Acts, House File 2480, section 26, is amended to read as follows:

~~1.~~ The department of human services shall make reimbursement payments directly to foster parents for services provided to children pursuant to section 234.6, subsection 6, paragraph "b", or section 234.35. ~~For each of the following~~ In any fiscal ~~years~~ year, the reimbursement rate shall be based upon ~~the indicated percentage~~ sixty-five percent of the United States department of agriculture estimate of the cost to raise a child in the calendar year immediately preceding the ~~indicated~~ fiscal year: ~~1992-1993, sixty-five percent; 1993-1994, seventy-five percent; and 1994-1995 and subsequent fiscal years, eighty percent~~. The department may pay an additional stipend for a child with special needs.

Sec. _____. Section 257.6, subsection 1, Code 1991,".

2. By renumbering as necessary.

Amendment H—6118 was adopted.

Jochum of Dubuque offered the following amendment H—6121, to the Senate amendment H—6098, filed by him from the floor and moved its adoption:

H—6121

1 Amend the Senate amendment, H—6098, to House File
2 2486, as passed by the House, as follows:
3 1. Page 2, by inserting after line 20 the
4 following:
5 "DIVISION XI
6 Sec. _____. There is appropriated from the general
7 fund of the state to the office of the governor for
8 the fiscal year beginning July 1, 1992, and ending
9 June 30, 1993, the following amounts, or so much
10 thereof as is necessary, to be used for the purposes
11 designated:
12 In addition to funds appropriated in 1992 Iowa
13 Acts, House File 2459, section 7, if enacted by the
14 Seventy-fourth General Assembly, 1992 Session, for
15 salaries, support, maintenance, and miscellaneous
16 purposes for the general office of the governor:
17 .....$ 50,000
18 Sec. _____. There is appropriated from the general
19 fund of the state to the department of management for
20 the fiscal year beginning July 1, 1992, and ending
21 June 30, 1993, the following amount, or so much
22 thereof as is necessary, to be used for the purposes
23 designated:
24 In addition to the funds appropriated in 1992 Iowa
25 Acts, House File 2459, section 9, if enacted by the
26 Seventy-fourth General Assembly, 1992 Session, for
27 salaries, support, maintenance, miscellaneous
28 purposes, and for not more than the following full-
29 time equivalent positions:
30 .....$ 35,000".

Amendment H—6121 was adopted.

On motion by Wise of Lee, the House concurred in the Senate amendment H—6098, as amended.

Wise of Lee 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. 2486)

The ayes were, 52:

Adams	Arnould, Spkr.	Baker	Bartz
Beatty	Bernau	Brand	Brown
Burke	Chapman	Cohoon	Dickinson
Diemer	Doderer	Dvorsky	Fogarty
Gill	Groninga	Gruhn	Halvorson, R. A.
Hanson, D. E.	Harbor	Hatch	Hester
Hibbard	Jay	Jesse	Jochum
Knapp	Koenigs	Kremer	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Schrader
Sherzan	Shoultz	Spenner	Svoboda
Weidman	Wise	Wissing	Blanshan Presiding

The nays were, 38:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Corbett	Daggett
Eddie	Garman	Gipp	Grubbs
Hahn	Halvorson, R. N.	Hammond	Hansen, S. D.
Haverland	Holveck	Hurley	Johnson
Kistler	Krebsbach	Lundby	Maulsby
McKean	McNeal	Metcalf	Millage
Miller	Ollie	Plasier	Rafferty
Renken	Shearer	Siegrist	Spear
Teaford	Tyrrell		

Absent or not voting, 10:

Bisignano	Brammer	Connors	De Groot
Hanson, D. R.	Iverson	Lageschulte	Royer
Shoning	Van Maanen		

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 4, 1992, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

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

JOHN F. DWYER, Secretary

Speaker Arnould in the chair at 4:54 a.m.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2486** be immediately messaged to the Senate.

ADOPTION OF THE REPORT OF THE SECOND CONFERENCE COMMITTEE (House File 2466)

Peterson of Carroll called up for consideration the report of the second conference committee on House File 2466 as follows:

REPORT OF THE SECOND CONFERENCE COMMITTEE ON HOUSE FILE 2466

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the second conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2466, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions, respectfully make the following report:

1. That the Senate recedes from its amendment, H—6022.

2. That House File 2466, as amended, passed, and reprinted by the House, is amended to read as follows:

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

"DIVISION I

Section 1. Section 68B.2, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

68B.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Agency" means a department, division, board, commission, bureau, or office of the executive or legislative branch of state government, the office of attorney general, the state board of regents, community colleges, and the office of the governor, including a regulatory agency, or any political subdivision of the state.

2. "Candidate" means a candidate under chapter 56.

3. "Candidate's committee" means the committee designated by the candidate, as provided under chapter 56, to receive contributions, expend funds, or incur indebtedness on behalf of the candidate in the aggregate as follows:

a. For a state, or county office, in excess of two hundred fifty dollars in any calendar year.

b. For a city or school office, in excess of five hundred dollars in any calendar year.

4. "Compensation" means any money, thing of value, or financial benefit conferred in return for services rendered or to be rendered.

5. "Contribution" means a gift, loan, advance, deposit, rebate, refund, transfer of money, an in-kind transfer, or the payment of compensation for the personal services of another person.

6. a. "Gift" means a rendering of anything of value in return for which legal consideration of equal or greater value is not given and received, if the donor is in any of the following categories:

(1) Is or is seeking to be a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the agency in which the donee holds office or is employed.

(2) Is engaged in activities which are regulated or controlled by a regulatory agency in which the donee holds an office or is employed.

(3) Will be directly and substantially affected financially by the performance or nonperformance of the donee's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region.

(4) Is a lobbyist with respect to matters within the donee's jurisdiction.

b. However, "gift" does not mean any of the following:

(1) Contributions to a candidate or a candidate's committee.

(2) Informational material relevant to a public servant's official functions, such as books, pamphlets, reports, documents, or periodicals.

(3) Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.

(4) An inheritance.

(5) Anything available or distributed to the public generally without regard to the official status of the recipient.

(6) Actual expenses of a donee for food, beverages, travel, and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the donee has participation or presentation responsibilities.

(7) Plaques or items of negligible resale value given as recognition for public services.

(8) Items of food and drink with a value of less than three dollars that are received from any one donor during one calendar day.

(9) Items or services solicited or given to a state, national, or regional organization in which the state of Iowa or a political subdivision of the state of Iowa is a member.

(10) Items or services received as part of a regularly scheduled event that is part of a conference, seminar, or other meeting that is sponsored and directed by any state, national, or regional organization in which the state of Iowa or a political subdivision of the state of Iowa is a member.

c. For purposes of determining the value of an item given or received, an individual who gives an item on behalf of more than one person shall not divide the value of the item by the number of persons on whose behalf the item is given and the value of an item received shall be the value actually received by the donee.

7. a. "Honorarium" means anything of value that is accepted by, or on behalf of, a public official or public employee as consideration for an appearance, speech, or article if the person giving the thing of value is in any of the following categories:

(1) Is or is seeking to be a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the agency in which the public official or public employee serves or is employed.

(2) Is engaged in activities which are regulated or controlled by a regulatory agency in which the public official holds an office or the public employee is employed.

(3) Will be directly and substantially affected financially by the performance or nonperformance of the donee's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region.

(4) Is a lobbyist with respect to matters within the public official's or public employee's jurisdiction.

b. "Honorarium" does not include any of the following:

(1) Actual expenses of a donee for food, beverages, travel, and lodging paid as provided under subsection 6, paragraph "b", subparagraph (6).

(2) A nonmonetary gift or series of nonmonetary gifts donated within thirty days to a public body, a bona fide educational or charitable organization, or the department of general services as provided in section 68B.7B, subsection 3.

(3) A payment made to a public official or public employee for services rendered as part of a bona fide private business, trade, or profession in which the public official or public employee is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as a public official or public employee, but, rather, because of some special expertise or other qualification.

8. "Immediate family members" means the spouse and minor children of a public official or public employee.

9. "Legislative employee" means a permanent full-time official or employee of the general assembly but does not include members of the general assembly.

10. a. "Lobbyist" means a person who does any of the following:

(1) Is paid compensation for encouraging the passage, defeat, or modification of legislation or regulation, or for influencing the decision of the members of the general assembly, a state agency, or any statewide elected official.

(2) Represents on a regular basis an organization which has as one of its purposes the encouragement of the passage, defeat, or modification of legislation or regulation, or the influencing of a decision of the members of the general assembly, a state agency, or any statewide elected official.

(3) Is a federal, state, or local government official or employee who represents the official position of the official or employee's agency and who encourages the passage, defeat, or modification of legislation or regulation, or the influencing of a decision of the members of the general assembly, a state agency, or the office of the governor.

b. "Lobbyist" does not mean:

(1) Officials and employees of a political party organized in the state of Iowa representing more than two percent of the total votes cast for governor in the last preceding general election, but only when representing the political party in an official capacity.

(2) Representatives of the news media only when engaged in the reporting and dissemination of news and editorials.

(3) The governor and lieutenant governor of the state of Iowa, all other statewide elected officials, and elected federal officials.

(4) Persons whose activities are limited to formal appearances to give testimony at public sessions of committees of the general assembly or public hearings of state agencies and whose appearances as a result of testifying, are recorded in the records of the committee or agency.

(5) A person who appears or communicates as a lawyer licensed to practice law in this state representing a client before any agency or in a contested case proceeding under chapter 17A.

(6) Members of legislative staff.

(7) Agency officials and employees who influence the decisions of the agency in which they serve or are employed.

11. "Local employee" means a person employed by a political subdivision of this state.

12. "Local official" means an officeholder of a political subdivision of this state.

13. "Member of the general assembly" means an individual duly elected to the senate or the house of representatives of the state of Iowa.

14. "Official" means an officer of the state of Iowa receiving a salary or per diem whether elected or appointed or whether serving full-time or part-time but does not include officers or employees of political subdivisions of the state. "Official" includes but is not limited to supervisory personnel, members and employees of the governor's office, members of other statewide elected offices, and members of state agencies and does not include members of the general assembly, legislative employees, or officers or employees of the judicial branch of government who are not members or employees of the office of attorney general.

15. "Person" means, without limitation, any individual, corporation, business trust, estate, trust, partnership or association, labor union, or any other legal entity.

16. "Public disclosure" means a written report filed by a person as required by this chapter or required by rules adopted and issued pursuant to this chapter.

17. "Public employee" means state employees, legislative employees, and local employees.

18. "Public office" means any state, county, city, or school office or any other office of a political subdivision of the state that is filled by election.

19. "Public official" means officials, local officials, and members of the general assembly.

20. "Regulatory agency" means the department of agriculture and land stewardship, department of employment services, department of commerce, Iowa department of public health, department of public safety, department of education, state board of regents, department of human services, department of revenue and finance, department of inspections and appeals, department of personnel, public employment relations board, state department of transportation, civil rights commission, department of public defense, and department of natural resources.

21. "State employee" means a paid employee of the state of Iowa and does not include an independent contractor, an employee of the judicial department, a legislative employee, or an employee of a political subdivision of the state. "State employee" includes but is not limited to all clerical personnel.

Sec. 2. Section 68B.3, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

68B.3 WHEN PUBLIC BIDS REQUIRED — DISCLOSURE OF INCOME FROM OTHER SALES.

1. An official, state employee, member of the general assembly, or legislative employee shall not sell, in any one occurrence, any goods or services having a value in excess of five hundred dollars to any state agency unless the sale is made pursuant to an award or contract let after public notice and competitive bidding. This subsection shall not apply to the publication of resolutions, advertisements, or other legal propositions or notices in newspapers designated pursuant to law for the publication of legal propositions or notices and for which rates are fixed pursuant to law.

For purposes of this section, "services" does not include instruction at an accredited education institution if the person providing the instruction meets the minimum education and licensing requirements established for teachers at the education institution.

2. An official or member of the general assembly who sells goods or services to a political subdivision of the state shall disclose whether income has been received from commissions from the sales in the manner provided under section 68B.10D.

Sec. 3. NEW SECTION. 68B.4A SALES BY LEGISLATIVE EMPLOYEES.

A permanent legislative employee shall not sell, either directly or indirectly, any goods or services to individuals, associations, or corporations which employ persons who are registered lobbyists before the general assembly, except when the legislative employee has met all of the following conditions:

1. The consent of the person or persons responsible for hiring or approving the hiring of the legislative employee is obtained.

2. The duties and functions performed by the legislative employee for the general assembly are not related to the legislative authority of the general assembly over the

individual, association, or corporation, or the selling of goods or services by the legislative employee to the individuals, associations, or corporations does not affect the employee's duties or functions at the general assembly.

3. The selling of any goods or services by the legislative employee to an individual, association, or corporation does not include lobbying of the general assembly.

4. The selling of any goods or services by the legislative employee does not cause the official or employee to sell goods or services to the general assembly on behalf of the individual, association, or corporation.

Sec. 4. NEW SECTION. 68B.4B SALES BY MEMBERS OF THE OFFICE OF THE GOVERNOR.

A permanent full-time member of the office of the governor shall not sell, either directly or indirectly, any goods or services to individuals, associations, or corporations which employ persons who are registered lobbyists before the general assembly, except when the member of the office of the governor has met all of the following conditions:

1. The consent of the person or persons responsible for hiring or approving the hiring of the member of the office of the governor is obtained.

2. The duties and functions performed by the member for the office of the governor are not related to the authority of the office of the governor over the individual, association, or corporation, or the selling of goods or services by the member of the office of the governor to the individuals, associations, or corporations does not affect the member's duties or functions at the office of the governor.

3. The selling of any goods or services by the member of the office of the governor to an individual, association, or corporation does not include lobbying of the office of the governor.

4. The selling of any goods or services by the member of the office of the governor does not cause the member to sell goods or services to the office of the governor on behalf of the individual, association, or corporation.

Sec. 5. Section 68B.5, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

68B.5 TWO-YEAR BAN ON LOBBYING ACTIVITIES AFTER SERVICE.

1. A person who has served as an official, state employee, member of the general assembly, or legislative employee shall not within two years after the termination of service or employment become a lobbyist.

2. This section shall not apply to a person who is a former official, state employee, member of the general assembly, or legislative employee who, within two years of leaving service or employment with the state, is elected to another office of the state or to an office of a political subdivision of the state and appears or communicates on behalf of that office.

Sec. 6. Section 68B.6, Code 1991, is amended to read as follows:

68B.6 SERVICES AGAINST STATE PROHIBITED.

No official, state employee, or legislative employee shall receive, directly or indirectly, or enter into any agreement, express or implied, for any compensation, in whatever form, for the appearance or rendition of services by that person or another against the interest of the state in relation to any case, proceeding, application, or other matter before any state agency, any court of the state of Iowa, any federal court, or any federal bureau, agency, commission or department.

Sec. 7. Section 68B.7, unnumbered paragraph 1, Code 1991, is amended to read as follows:

~~No~~ A person who has served as an official, ~~or~~ state employee of a state agency, member of the general assembly, or legislative employee shall not within a period of two years after the termination of such service or employment appear before ~~such state~~ the agency or receive compensation for any services rendered on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application with respect to which ~~such~~ the person was directly concerned and personally participated during the period of service or employment.

DIVISION II

Sec. 8. NEW SECTION. 68B.7A LEGISLATIVE INTENT.

It is the goal of the general assembly that public officials and public employees of the state be extremely cautious and circumspect about accepting a gratuity or favor, especially from persons that have a substantial interest in the legislative, administrative, or political actions of the official or employee. Even where there is a genuine personal friendship, the acceptance of personal benefits from those who could gain advantage by influencing official actions raises suspicions that tend to undermine the public trust. It is therefore the intent of the general assembly that the provisions of this division be construed to discourage all gratuities, but to prohibit only those that create unacceptable conflicts of interest or appearances of impropriety.

Sec. 9. NEW SECTION. 68B.7B GIFTS ACCEPTED OR RECEIVED.

1. Except as otherwise provided in this section, a public official, public employee, or candidate, or that person's immediate family member shall not, directly or indirectly, accept or receive any gift or series of gifts.

2. Except as otherwise provided in this section, a person shall not, directly or indirectly, offer or make a gift or a series of gifts to a public official, public employee, or candidate. Except as otherwise provided in this section, a person shall not, directly or indirectly, join with one or more other persons to offer or make a gift or a series of gifts to a public official, public employee, or candidate.

3. A person may give, and a public official, public employee, or candidate, or the person's immediate family member, may accept a nonmonetary gift or a series of nonmonetary gifts and not be in violation of this section if the nonmonetary gift or series of nonmonetary gifts is donated within thirty days to a public body, the department of general services, or a bona fide educational or charitable organization, if no part of the net earnings of the educational or charitable organization inures to the benefit of any private stockholder or other individual. All such items donated to the department of general services shall be disposed of by assignment to state agencies for official use or by public sale.

4. Gifts of food, beverages, travel, and lodging which would otherwise be prohibited may be received by a public official or public employee if all of the following apply:

a. The public official or public employee is officially representing an agency in a delegation whose sole purpose is to attract a specific new business to locate in the state or encourage expansion or retention of an existing business already established in the state.

b. The donor of the gifts is not the business being contacted.

c. The public official or public employee makes a planned presentation to the business on behalf of the public official's or public employee's agency.

5. A public official, public employee, candidate, or the person's immediate family member shall not solicit any gift or series of gifts at any time.

6. A person shall not request, and a member of the general assembly shall not agree, that a member of the general assembly sell tickets for a community related social event that is to be held for members of the general assembly in Polk county during the legislative session. This section shall not apply to Polk county or city of Des Moines events that are open to the public generally or are held only for Polk county or city of Des Moines legislators.

Sec. 10. NEW SECTION. 68B.7C HONORARIA — BANNED.

A public official or public employee shall not seek or accept an honorarium as defined in section 68B.2, subsection 7.

Sec. 11. NEW SECTION. 68B.7D LOANS — RECEIPT FROM LOBBYISTS PROHIBITED.

An official, member of the general assembly, state employee, or candidate for state office shall not, directly or indirectly, seek or accept a loan or series of loans from a person who is a lobbyist.

A lobbyist shall not, directly or indirectly, offer or make a loan or series of loans to an official, member of the general assembly, state employee, or candidate for state office. A lobbyist shall also not, directly or indirectly, join with one or more persons to offer or make a loan or series of loans to an official, member of the general assembly, state employee, or candidate for state office.

Sec. 12. Section 68B.8, Code 1991, is amended to read as follows:

68B.8 ADDITIONAL PENALTY.

In addition to any penalty contained in any other provision of law, a person who knowingly and intentionally violates a provision of ~~section 68B.3 to 68B.6~~ sections 68B.3 through 68B.7D is guilty of a serious misdemeanor and may be reprimanded, suspended, or dismissed from the person's position or otherwise sanctioned.

DIVISION III

Sec. 13. Section 68B.10, Code 1991, is amended to read as follows:

68B.10 LEGISLATIVE ETHICS COMMITTEE.

1. There shall be an ethics committee in the senate and an ethics committee in the house, each to consist of ~~seven~~ six members; three members to be appointed by the majority leader in each house, ~~two~~ and three members by the minority leader in each house ~~and two individuals who shall not be employees of the general assembly by the chief justice of the Iowa supreme court~~. A member of the ethics committee may disqualify himself or herself from participating in any proceeding upon submission of a written statement that the member cannot render an impartial and unbiased decision in a case. A member is ineligible to participate in committee meetings, as a member of the committee, in any proceeding relating to the member's own conduct. A member may be disqualified by a unanimous vote of the remaining eligible members of the committee. If a member of the ethics committee is disqualified from or is ineligible to participate in any committee proceedings, the authority responsible for the original appointment of the disqualified or ineligible member shall appoint a replacement member who shall serve during the period of the original member's disqualification or ineligibility.

~~The two individuals appointed by the chief justice of the supreme court shall receive a per diem as specified in section 7E.6 and travel expenses at the same rate as paid members of interim committees for attending meetings of the ethics committee.~~

2. Members ~~of the general assembly~~ shall receive a per diem ~~as specified in section 7E.6~~ and travel expenses at the same rate as paid members of interim committees for attending meetings held when the general assembly is not in session. The per diem and expenses shall be paid from funds appropriated by section 2.12.

~~The president pro tempore of the senate is designated as chairperson of the senate committee.~~

3. The ~~house committee~~ majority leader of each house shall ~~elect a~~ designate the chairperson and vice-chairperson, and the minority leader of each house shall designate the ranking member, of each committee. The chairperson of each committee shall have the following powers, duties and functions:

a. Preside over meetings of the committee.

b. Call meetings of the committee upon receipt of findings from the independent special counsel that there is probable cause to believe that a member of the general assembly or a lobbyist has committed a violation of a provision of this chapter or of the rules relating to ethical conduct that are adopted pursuant to this chapter.

4. The ethics committee of each house shall have the following powers, duties, and functions:

~~1~~ a. Prepare a code of ethics within thirty days after the commencement of ~~the session~~ each general assembly.

~~2~~ b. Prepare rules relating to lobbyists and lobbying activities in the general assembly.

~~3~~ c. Issue advisory opinions interpreting the intent of constitutional and statutory provisions relating to legislators and lobbyists as well as interpreting the code of ethics and rules issued pursuant to this section. Opinions shall be issued when approved by a majority of the ~~seven~~ six members and may be issued upon the written request of a member of the general assembly or upon the committee's initiation. Opinions are not binding on the legislator or lobbyist.

~~4.~~ d. Receive and ~~investigate~~ hear complaints and charges against members of its house alleging a violation of the code of ethics, rules governing lobbyists, this chapter, or other matters referred to it by its house or the independent special counsel. The committee shall recommend rules for the receipt and processing of ~~complaints made~~ findings of probable cause relating to ethical violations of members of the general assembly or lobbyists during the legislative session and those ~~made~~ received after the general assembly adjourns.

~~5~~ e. Recommend legislation relating to legislative ethics and lobbying activities. ~~The ethics committees may employ independent legal counsel to assist them in carrying out their duties under this chapter with the approval of a committee's house when the general assembly is in session and with the approval of the rules and administration committee of that house when the general assembly is not in session.~~

5. Any person may file a complaint with the ethics committee of either house alleging that a member of the general assembly or a lobbyist before the general assembly has committed a violation of this chapter. The ethics committee shall prescribe and provide forms for this purpose. The complaint shall include the name and address of the complainant and a statement of the facts believed to be true that form the basis of the complaint, including the sources of information and approximate dates of the acts alleged and a certification by the complainant under penalty of perjury that the facts stated to be true are true to the best of the complainant's knowledge.

6. The ethics committee shall review a complaint to determine if the complaint meets the requirements for formal sufficiency. If the complaint is deficient as to form, the complaint shall be returned to the complainant with a statement of the nature of the deficiency. If the complaint is sufficient as to form, the ethics committee shall review the complaint to determine whether the complaint states a valid charge which may be investigated. A valid complaint must allege all of the following:

a. Facts, that if true, establish a violation of a provision of this chapter or the code of ethics for which penalties or other remedies are provided.

b. That the conduct providing the basis for the complaint occurred within three years of the filing of the complaint.

c. That the party charged with a violation is a party subject to the jurisdiction of the ethics committee.

7. If the ethics committee determines that a complaint is not valid, the complaint shall be dismissed and returned to the complainant with a notice of dismissal stating the reason or reasons for the dismissal. If the ethics committee determines that a complaint is valid, the ethics committee shall request that the chief justice of the supreme court appoint an independent special counsel to investigate the allegations contained in the complaint to determine whether there is probable cause to believe that a violation of this chapter has occurred and whether an evidentiary hearing on the complaint should be held. Payment of costs for the independent ~~legal~~ special counsel shall be made from section 2.12.

8. If a hearing on the complaint is ordered the ethics committee shall receive all admissible evidence, determine any factual or legal issues presented during the hearing, and make findings of fact based upon evidence received. Hearings shall be conducted in the manner prescribed in section 17A.12. The rules of evidence applicable under section 17A.14 shall also apply in hearings before the ethics committee. A preponderance of clear and convincing evidence shall be required to support a finding that

the member of the general assembly or lobbyist before the general assembly has committed a violation of this chapter. Parties to a complaint may, subject to the approval of the ethics committee, negotiate for settlement of disputes that are before the ethics committee. Terms of any negotiated settlements shall be publicly recorded. If a complaint is filed or initiated less than ninety days before the election for a state office, for which the person named in the complaint is the incumbent officeholder, the ethics committee shall, if possible, set the hearing at the earliest available date so as to allow the issue to be resolved before the election. An extension of time for a hearing may be granted when both parties mutually agree on an alternate date for the hearing. The ethics committee shall make every effort to hear all ethics complaints within three months of the date that the complaints are filed. However, after three months from the date of the filing of the complaint, extensions of time for purposes of preparing for hearing may only be granted by the ethics committee when the party charged in the complaint with the ethics violation consents to an extension. If the party charged does not consent to an extension, the ethics committee shall not grant any extensions of time for preparation prior to hearing. All complaints alleging a violation of this chapter or the code of ethics shall be heard within nine months of the filing of the complaint. Final dispositions of violations, which the ethics committee have found to have been established by a preponderance of clear and convincing evidence, shall be made within thirty days of the conclusion of the hearing on the complaint.

9. The ethics committee shall maintain the confidentiality of a complaint unless either the complainant or the alleged violator publicly discloses the existence of a complaint or a preliminary investigation. The ethics committee, upon such a disclosure by the complainant or the alleged violator, may publicly confirm the existence of the preliminary inquiry and, in the ethics committee's discretion, make public the complaint and any documents which were issued to either party to the complaint.

10. The code of ethics and rules relating to lobbyists and lobbying activities shall not become effective until approved by the members of the house to which the proposed code and rules apply. The code or rules may be amended either upon the recommendation of the ethics committee or by members of the general assembly.

11. Violation of ~~the code of ethics~~ a provision of this chapter or rules adopted relating to ethical conduct may result in censure, reprimand, or other sanctions as determined by a majority of the member's house. However, a member may be suspended or expelled and the member's salary forfeited only if directed by a two-thirds vote of the member's house. A suspension, expulsion, or forfeiture of salary shall be for the duration specified in the directing resolution. However, it shall not extend beyond the end of the general assembly during which the violation occurred. Violation of a rule relating to lobbyists and lobbying activities may result in censure, reprimand, or other sanctions as determined by a majority of the members of the house in which the violation occurred. However, a lobbyist may be suspended from lobbying activities for the duration provided in the directing resolution only if directed by a two-thirds vote of the house in which the violation occurred.

Sec. 14. NEW SECTION. 68B.10A COMPLAINTS AGAINST STATE OFFICIALS AND EMPLOYEES — PROCEDURE.

1. Any person may file a complaint with the executive council established in chapter 19 alleging that an official, state employee, or a lobbyist before the executive branch has committed a violation of this chapter. The executive council shall prescribe and provide forms for this purpose. The complaint shall include the name and address of

the complainant and a statement of the facts believed to be true that form the basis of the complaint, including the sources of information and approximate dates of the acts alleged and a certification by the complainant under penalty of perjury that the facts stated to be true are true to the best of the complainant's knowledge.

2. The executive council shall review the complaint to determine if the complaint meets the requirements for formal sufficiency. If the complaint is deficient as to form, the complaint shall be returned to the complainant with a statement of the nature of the deficiency. If the complaint is sufficient as to form, the executive council shall review the complaint to determine whether the complaint states a valid charge which may be investigated. A valid complaint must allege all of the following:

a. Facts, that if true, establish a violation of a provision of this chapter for which penalties or other remedies are provided.

b. That the conduct providing the basis for the complaint occurred within three years of the filing of the complaint.

c. That the party charged with a violation is a party subject to the jurisdiction of the executive council.

3. If the executive council determines that the complaint is not valid, the complaint shall be dismissed and returned to the complainant with a notice of dismissal stating the reason or reasons for the dismissal. If the executive council determines that a complaint is valid, the executive council shall request that the chief justice of the supreme court appoint an independent special counsel to investigate the allegations contained in the complaint to determine whether there is probable cause to believe that a violation of this chapter has occurred and whether an evidentiary hearing on the complaint should be held.

4. If a hearing on the complaint is ordered the executive council shall receive all admissible evidence, determine any factual or legal issues presented during the hearing, and make findings of fact based upon evidence received. Hearings shall be conducted in the manner prescribed in section 17A.12. The rules of evidence applicable under section 17A.14 shall also apply in hearings before the executive council. A preponderance of clear and convincing evidence shall be required to support a finding that the official, state employee, or lobbyist before the executive branch has committed a violation of this chapter. Parties to a complaint may, subject to the approval of the executive council, negotiate for settlement of disputes that are before the executive council. Terms of any negotiated settlements shall be publicly recorded. If a complaint is filed or initiated less than ninety days before the election for a state office, for which the person named in the complaint is the incumbent officeholder, the executive council shall, if possible, set the hearing at the earliest available date so as to allow the issue to be resolved before the election. An extension of time for a hearing may be granted when both parties mutually agree on an alternate date for the hearing. The executive council shall make every effort to hear all ethics complaints within three months of the date that the complaints are filed. However, after three months from the date of the filing of the complaint, extensions of time for purposes of preparing for hearing may only be granted by the executive council when the party charged in the complaint with the ethics violation consents to an extension. If the party charged does not consent to an extension, the executive council shall not grant any extensions of time for preparation prior to hearing. All complaints alleging a violation of this chapter, or rules adopted pursuant to this chapter shall be heard within nine months of the filing of the complaint. Final dispositions of violations, which the executive council has found to have been established by a preponderance of clear and convincing evidence, shall be made within thirty days of the conclusion of the hearing on the complaint.

5. The executive council shall maintain the confidentiality of a complaint unless either the complainant or the alleged violator publicly discloses the existence of a complaint or a preliminary investigation. The executive council, upon such a disclosure by the complainant or the alleged violator, may publicly confirm the existence of the preliminary inquiry and, in the executive council's discretion, make public the complaint and any documents which were issued to either party to the complaint.

6. A complaint which is supported by probable cause may be prosecuted at an executive council hearing by the independent special counsel.

7. Upon a finding by the executive council that the party charged has engaged in an act or practice that violates this chapter, the executive council may impose or request that the agency impose any penalty that is appropriate given the terms and conditions of the official's or employee's office or employment or the activity of the lobbyist. Upon a finding that the party charged has not engaged in an act or practice which violates this chapter or the rules adopted by the executive council, the complaint shall be dismissed and the party charged and the complainant shall be notified.

8. The right of an appropriate county attorney or the attorney general to commence and maintain a district court prosecution for criminal violations of the law is unaffected by any proceedings under this section.

9. The executive council shall by rule pursuant to chapter 17A establish procedures to implement this section.

Sec. 15. NEW SECTION. 68B.10B JUDICIAL REVIEW —ENFORCEMENT.

Judicial review of the actions of the executive council may be sought in accordance with chapter 17A. Judicial enforcement of orders of the executive council may be sought in accordance with chapter 17A.

Sec. 16. NEW SECTION. 68B.10C INVESTIGATION BY INDEPENDENT SPECIAL COUNSEL — PROBABLE CAUSE.

The purpose of an investigation by the independent special counsel is to determine whether there is probable cause to proceed with an adjudicatory hearing on the matter. In conducting investigations and holding hearings, the independent special counsel may require by subpoena the attendance and testimony of witnesses and may subpoena books, papers, records, and any other real evidence relating to the matter before the independent special counsel. The independent special counsel shall have the additional authority provided in section 17A.13. If the independent special counsel determines at any stage in the proceedings that take place prior to hearing that the complaint is without merit, the independent special counsel shall report that determination to the appropriate ethics committee or the executive council and the complaint shall be dismissed and the complainant and the party charged shall be notified. If, after investigation, the independent special counsel determines evidence exists which, if proven, would support a finding of a violation of this chapter, a finding of probable cause shall be made and reported to the ethics committee or executive council, and a hearing shall be ordered by the ethics committee as provided in section 68B.10 or by the executive council as provided in section 68B.10A.

Sec. 17. NEW SECTION. 68B.10D PERSONAL FINANCIAL DISCLOSURE — PUBLIC OFFICIALS.

1. Except as otherwise provided in this section, each official, member of the general assembly, and candidate for state office shall file a statement of personal financial disclosure in the manner provided in this section that discloses the sources of the person's income and any significant financial interests of the official, member, or candidate in the manner required in this section.

2. For purposes of this section, "disclosure of sources of income" includes disclosure of the nature of each business in which the official, member, or candidate is engaged and the nature of the business of each company in which the official, member, or candidate has an income-producing interest. For purposes of this section, "significant financial interests" includes investments in stocks, bonds, bills, notes, mortgages, or other securities offered for sale through recognized financial brokers if greater than five percent of the total outstanding issue of any stocks, bonds, bills, notes, mortgages, or other securities of the offering entity; any in-state or out-of-state business, trade, labor, farm, professional, religious, educational, or charitable association, foundation, or organization which is involved in supporting or opposing any measures brought before the body in which the official, member, or candidate holds office and by which the official, member, or candidate is employed or retained or has rendered services for compensation within the previous twelve months; any office or directorship held during the previous twelve months by the official, member, or candidate in any corporation, firm, enterprise, labor union, farm organization, cooperative, religious, education, or charitable association or organization or trade or professional association.

3. A candidate for state office shall file the statement of personal financial disclosure with the campaign finance disclosure commission concerning the year preceding the year in which the election is to be held. The statement shall be filed no later than thirty days after the date on which the person formally becomes a candidate. Officials shall file the statements at times designated by the executive council. Members of the house of representatives shall file the statements with the chief clerk of the house, and members of the senate shall file the statements with the secretary of the senate, at times designated by the chief clerk and the secretary.

Sec. 18. NEW SECTION. 68B.10E APPLICABILITY — LOBBYIST REGISTRATION REQUIRED.

1. All lobbyists shall, on or before the day their lobbying activity begins, register by filing a lobbyist's registration statement in the manner provided in this section. Lobbyists engaged in lobbying activities before the general assembly shall file the statement with the chief clerk of the house of representatives or the secretary of the senate. Lobbyists engaged in lobbying activities before the office of the governor or any state agency shall file the statement with the executive council or with the agency before which the lobbyist is engaged in lobbying activities. The chief clerk of the house and the secretary of the senate shall provide appropriate registration forms to lobbyists before the general assembly. The executive council shall prescribe appropriate registration forms for lobbyists before the office of the governor and state agencies. Persons receiving registration statement filings from lobbyists in the office of the governor and state agencies shall forward a copy of the statements to the executive council.

2. Registration shall be valid from the date of registration until the expiration of the registration period for the type of lobbying in which the person will be engaging. Any change in or addition to the information shall be registered within ten days

after the change or addition is known to the lobbyist. Changes or additions for executive branch lobbyists may be filed either with the executive council or with the agency or office where the original registration was filed. Changes or additions for registrations of lobbyists of the general assembly shall be filed with either the chief clerk of the house or the secretary of the senate.

3. For persons registered to lobby before the general assembly, registration expires upon the commencement of the next regular session of the general assembly, except that the chief clerk of the house and the secretary of the senate may adopt and implement a reasonable preregistration procedure in advance of each regular session during which persons may register for that session and the following legislative interim. For persons registered to lobby before the office of the governor or a state agency, registration expires upon the commencement of a new calendar year. The executive council may adopt and implement a reasonable preregistration procedure in advance of each new calendar year during which persons may register for that year.

4. If a lobbyist's service on behalf of a particular employer, client, or cause is concluded prior to the end of the calendar year, the lobbyist may cancel the registration on appropriate forms supplied by the executive council, the chief clerk of the house, or the secretary of the senate. The cancellation forms shall be filed by the lobbyist in the place where the lobbyist filed the original registration. Persons within the executive branch receiving forms canceling a lobbyist's registration shall forward the forms to the executive council. Upon cancellation of registration, a lobbyist is prohibited from engaging in any lobbying activity on behalf of that particular employer, client, or cause until reregistering and complying with the rules of the executive council or the general assembly.

5. All federal, state, and local officials or employees representing the official positions of their departments, commissions, boards, or agencies shall, when lobbying the general assembly, present to the chief clerk of the house or the secretary of the senate a letter of authorization from their department or agency heads prior to the commencement of their lobbying. When lobbying a state agency or the office of the governor, the letter shall be presented to the agency or office. The lobbyist registration statement of these officials and employees shall not be deemed complete until the letter of authorization is attached. Federal, state, and local officials who wish to lobby in opposition to the official position of their departments, commissions, boards, or agencies must indicate this on their lobbyist registration statements.

Sec. 19. NEW SECTION. 68B.10F LOBBYIST REPORTING.

1. A lobbyist before the general assembly shall file with the campaign finance disclosure commission, on forms prescribed by the commission, a separate report disclosing the following: the lobbyist's clients; all campaign contributions made by the lobbyist during the prior calendar month; and the recipient of the campaign contributions.

2. A lobbyist before a state agency or the office of the governor shall file with the campaign finance disclosure commission, on forms prescribed by the commission, a report disclosing the same items described in subsection 1.

3. The report of contributions, expenditures, and gifts must be filed on a monthly basis on dates to be determined by the campaign finance disclosure commission.

Sec. 20. NEW SECTION. 68B.10G LOBBYIST'S CLIENT REPORTING.

1. No later than January 31 and July 31 of each year, a lobbyist's client shall file with the general assembly or the executive council a report that contains information on all salaries, fees, and retainers paid by the lobbyist's client to the lobbyist for lobbying purposes during the preceding six calendar months. Reports by lobbyists' clients shall be filed with the same entity with which the lobbyist filed the lobbyist's report and registration.

2. The report due January 31 shall include a cumulative total of all lobbying expenditures for the preceding calendar year.

Sec. 21. Section 68B.11, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

68B.11 SUPREME COURT RULES.

The supreme court of this state shall prescribe rules by January 1, 1993, establishing a code of ethics for officials and employees of the judicial department of this state, and the immediate family members of the officials and employees. Rules prescribed shall include provisions relating to the receipt or acceptance of gifts and honoraria, interests in public contracts, services against the state, and financial disclosure which are substantially similar to the requirements of this chapter.

Sec. 22. Section 56.2, subsection 3, Code Supplement 1991, is amended to read as follows:

3. "Candidate" means any individual who has taken affirmative action to seek nomination or election to a public office ~~but~~ and shall ~~exclude~~ also include any judge standing for retention in a judicial election.

Sec. 23. Section 56.2, subsection 11, Code Supplement 1991, is amended to read as follows:

11. "Disclosure report" means a statement of contributions received, expenditures made, and indebtedness incurred on forms prescribed by rules ~~promulgated~~ adopted by the commission in accordance with chapter 17A.

Sec. 24. Section 56.2, subsection 16, Code Supplement 1991, is amended to read as follows:

16. "Public office" means any ~~federal,~~ state, county, city, or school office filled by election.

Sec. 25. Section 56.6, subsection 1, paragraph c, Code Supplement 1991, is amended by striking the paragraph.

Sec. 26. NEW SECTION. 56.15A PROHIBITING CONTRIBUTIONS DURING THE LEGISLATIVE SESSION.

A lobbyist or political committee, other than a state statutory political committee, county statutory political committee, or a national political party, shall not contribute to, act as an agent or intermediary for contributions to, or arrange for the making of contributions to the campaign funds of an elected state official, member of the general assembly, or candidate for public office on the state level on any day during the regular legislative session and, in the case of the governor or a gubernatorial candidate, during the thirty days following the adjournment of a regular legislative session allowed for the signing of bills. This section shall not apply to the receipt of contributions by an elected state official, member of the general assembly, or other state official who has taken affirmative action to seek nomination or election to a federal elective office.

Sec. 27. Section 56.41, subsection 1, Code Supplement 1991, is amended to read as follows:

1. A candidate and the candidate's committee shall use campaign funds only for campaign purposes or constituency services, and shall not use campaign funds for personal expenses.

Sec. 28. Section 56.41, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The commission shall adopt rules which list items that represent proper campaign expenses.

Sec. 29. Section 56.42, subsections 1, 2, and 5, Code Supplement 1991, are amended to read as follows:

1. In addition to the uses permitted under section 56.41, a candidate's committee may only transfer campaign funds in one or more of the following ways:

a. Contributions to charitable organizations.

b. Contributions to national, state, or local political party central committees~~, or other candidate's committees~~.

c. Transfers to the treasurer of state for deposit in the general fund of the state.

d. Return of contributions to contributors on a pro rata basis, except that any contributor who contributed five dollars or less may be excluded from the distribution.

2. If an unexpended balance of campaign funds remains when a ~~candidate ceases to be a candidate or the~~ candidate's committee dissolves, the unexpended balance shall be transferred pursuant to subsection 1.

5. A candidate, ~~or~~ candidate's committee, or any other person shall not directly or indirectly receive or transfer campaign funds with the intent of circumventing the requirements of this section. A candidate for statewide or legislative office shall not establish, direct, or maintain a political committee.

Sec. 30. Section 602.1609, Code 1991, is amended to read as follows:

602.1609 COMPLIANCE WITH ~~GIFT~~ ETHICS LAW.

Judicial officers and court employees shall comply with rules ~~adopted~~ prescribed by the supreme court ~~under section 68B.11~~ with respect to ethical conduct including the ~~reporting~~ acceptance and receipt of gifts ~~received~~ and honoraria, interests in public contracts, services against the state, and financial disclosure. In prescribing rules, the supreme court shall include any appropriate provisions and limitations contained in chapter 68B. Violations are subject to the ~~criminal~~ imposition of criminal and civil penalties in the manner provided ~~in that section~~ by law.

Sec. 31. Section 602.2101, Code 1991, is amended to read as follows:

602.2101 AUTHORITY.

The supreme court may retire, discipline, or remove a judicial officer from office or may discipline or remove an employee of the judicial department for cause as provided in this part.

Sec. 32. Section 602.2103, Code 1991, is amended to read as follows:

602.2103 OPERATION OF COMMISSION.

A quorum of the commission is four members. Only those commission members that are present at commission meetings or hearings may vote. An application by the commission to the supreme court to retire, discipline, or remove a judicial officer, or discipline or remove an employee of the judicial department, or an action by the commission which affects the final disposition of a complaint, requires the affirmative vote of at least four commission members. Notwithstanding chapter 21 and chapter 22, all records, papers, proceedings, meetings, and hearings of the commission are confidential, but if the commission applies to the supreme court to retire, discipline, or remove a judicial officer, or to discipline or remove an employee of the judicial department, the application and all of the records and papers in that proceeding are public documents.

Sec. 33. Section 602.2104, Code 1991, is amended to read as follows:

602.2104 PROCEDURE BEFORE COMMISSION.

1. Charges before the commission shall be in writing but may be simple and informal. The commission shall investigate each charge as indicated by its gravity. If the charge is groundless, it shall be dismissed by the commission. If the charge appears to be substantiated but does not warrant application to the supreme court, the commission may dispose of it informally by conference with or communication to the judicial officer or employee of the judicial department involved. If the charge appears to be substantiated and if proved would warrant application to the supreme court, notice shall be given to the judicial officer and a hearing shall be held before the commission. The commission may employ investigative personnel, in addition to the executive secretary, as it deems necessary. The commission may also employ or contract for the employment of legal counsel.

2. In case of a hearing before the commission, written notice of the charge and of the time and place of hearing shall be mailed to ~~the~~ a judicial officer or an employee of the judicial department at the ~~officer's~~ person's residence at least twenty days prior to the time set for hearing. Hearing shall be held in the county where the judicial officer or employee of the judicial department resides unless the commission and the judicial officer or employee of the judicial department agree to a different location. The judicial officer shall continue to perform judicial duties during the pendency of the charge and the employee shall continue to perform the employee's assigned duties, unless otherwise ordered by the commission. The commission has subpoena power on behalf of the state and the judicial officer~~, and disobedience~~ or employee of the judicial department. Disobedience of the commission's subpoena is punishable as contempt in the district court for the county in which the ~~hearing~~ proceeding is held. The attorney general shall prosecute the charge before the commission on behalf of the state. ~~The~~ A judicial officer or employee of the judicial department may defend and has the right to participate in person and by counsel, to cross-examine, to be confronted by the witnesses, and to present evidence in accordance with the rules of civil procedure. A complete record shall be made of the evidence by a court reporter. In accordance with its findings on the evidence, the commission shall dismiss the charge or make application to the supreme court to retire, discipline, or remove the judicial officer or to discipline or remove an employee of the judicial department.

Sec. 34. Section 602.2106, Code 1991, is amended to read as follows:

602.2106 PROCEDURE BEFORE SUPREME COURT.

1. If the commission submits an application to the supreme court to retire, discipline, or remove a judicial officer or to discipline or remove an employee of the judicial department, the commission shall promptly file in the supreme court a transcript of the hearing before the commission. The statutes and rules relative to proceedings in appeals of equity suits apply.

2. The attorney general shall prosecute the proceedings in the supreme court on behalf of the state, and the judicial officer or employee of the judicial department may defend in person and by counsel.

3. Upon application by the commission, the supreme court may do ~~either~~ any of the following:

a. Retire the judicial officer for permanent physical or mental disability which substantially interferes with the performance of judicial duties.

b. Discipline or remove the judicial officer for persistent failure to perform duties, habitual intemperance, willful misconduct in office, conduct which brings judicial office into disrepute, or substantial violation of the canons of judicial ethics. Discipline may include suspension without pay for a definite period of time not to exceed twelve months.

c. Discipline or remove an employee of the judicial department for conduct which violates the code of ethics prescribed by the supreme court for court employees.

4. If the supreme court finds that the application should be granted in whole or in part, it shall render the decree that it deems appropriate.

Sec. 35. Section 602.2107, Code 1991, is amended to read as follows:

602.2107 CIVIL IMMUNITY.

The making of charges before the commission, the giving of evidence or information before the commission or to an investigator or legal counsel employed by the commission, and the presentation of transcripts, extensions of evidence, briefs, and arguments in the supreme court are privileged in actions for defamation.

Sec. 36. STUDIES.

1. a. The legislative council and the governor shall initiate and organize a joint study relating to ethics and embracing subject matter examined by the reform committee on government ethics and procedures and included in that committee's final report to the general assembly, and other related matters considered during the 1992 regular session of the general assembly, as they apply to officials as defined in chapter 68B and members of the general assembly.

b. In addition to other subject matter, the committee shall examine the issue of whether gifts of food, beverages, travel, and lodging which would otherwise be prohibited may be received by an official or member of the general assembly if such person is officially representing an agency in a delegation whose purpose is to attract new business to locate in the state or to encourage expansion or retention of an existing business in this state. If the committee determines that the receipt of such gifts should be permissible, the committee shall make recommendations concerning whether the person should file reports concerning such gifts, where any such reports should be filed, and whether or not such reports should be confidential.

The committee shall also examine the issue of personal financial disclosure by an official or member of the general assembly, and whether such disclosure should include candidates for the office of an official or member of the general assembly.

c. The membership of the committee shall be appointed as follows:

(1) Four members shall be appointed from the general assembly with two members to be appointed from the senate, one member appointed by the president and one member appointed by the minority leader, and with two members to be appointed from the house of representatives, one member appointed by the speaker and one member appointed by the minority leader.

(2) Two members shall be appointed by the executive council.

(3) Two members shall be appointed by the governor.

d. Each appointing authority shall make the appointments under paragraph "c" pursuant to sections 69.16 and 69.16A.

e. The members of the committee shall receive a per diem as specified in section 7E.6 while conducting business of the committee, and payment of actual and necessary expenses incurred in the performance of their duties.

f. The committee shall make a written report to the general assembly and the governor no later than January 1, 1993, which shall include recommendations for legislation and other matters deemed appropriate by the committee. The general assembly shall take action on the recommendations of the committee no later than May 1, 1993.

2. a. The league of Iowa municipalities, the Iowa state association of counties, and the Iowa association of school boards shall create a joint study related to ethics and embracing all of the following:

(1) Personal financial disclosure of local public officials. The study shall examine and make recommendations concerning the personal finances to be disclosed and the local public officials who should make such disclosures. The committee shall examine whether the disclosure requirement should be applied to candidates for local public office and, if so, where such reports should be filed. The study shall examine whether it is appropriate to exempt certain local public officials from such disclosure requirements and shall identify the reasons for such exemption, which may include, but is not limited to, the population base which the local public official serves.

(2) The establishment of a code of ethics applicable to local public officials, including conflict of interest guidelines.

(3) The procedures and enforcement provisions related to complaints made against local public officials.

(4) Mechanisms to educate local public officials concerning recommendations made which are enacted or adopted, and become applicable to local public officials.

(5) Whether gifts of food, beverages, travel, and lodging which would otherwise be prohibited may be received by a local public official if such person is officially representing a local government agency in a delegation whose purpose is to attract new business to locate in the state or to encourage expansion or retention of an existing business in this state. If it is determined that the receipt of such gifts would be permissible, the study shall include recommendations concerning whether the person should file reports concerning such gifts, where any such reports should be filed, and whether or not such reports should be confidential.

b. The study shall not include an examination of, or recommendations related to, campaign finance.

c. The study shall develop and recommend model ordinances and statutes for consideration by local governments and the general assembly which would be applicable to local public officials and local public employees. The results and recommendations of the study shall be reported in writing to the general assembly and governor no later than January 1, 1993, and made available to local governments for their consideration. The general assembly shall consider whether legislative action should be taken on any model statutes recommended by the study.

3. The supreme court shall prescribe rules regarding a code of ethics to be applied to judicial officers and court employees. Such rules shall be prescribed and implemented no later than January 1, 1993.

Sec. 37. Notwithstanding section 68B.10, subsection 4, paragraph "a", rules adopted pursuant to that section for the Seventy-fourth General Assembly shall remain in effect until amended or rescinded as a result of action taken as provided in section 36, subsection 1, paragraph "f", of this Act.

Sec. 38. Sections 5 and 7 of this Act shall apply to officials, employees, members of the general assembly, or legislative employees who are employed, hold office, or terminate service or employment on or after July 1, 1992.

Sec. 39. Section 56.10A, Code 1991, is repealed.

Sec. 40. Sections 1 through 4, 6, 8 through 26, and 30 through 35 of this Act take effect January 1, 1993.

Sec. 41. Sections 27, 29, and 36 of this Act, being deemed of immediate importance, take effect upon enactment.

Sec. 42. CODIFICATION. The Code editor shall renumber the sections in chapter 68B, reserving section numbers if appropriate, as the Code editor sees fit."

2. Title page, line 4, by inserting after the word "dates" the following: ", an applicability provision,".

ON THE PART OF THE HOUSE:	ON THE PART OF THE SENATE:
MICHAEL PETERSON, Chair	GEORGE KINLEY, Chair
JOEL BROWN	JEAN LLOYD-JONES
MARY NEUHAUSER	MICHAEL GRONSTAL
PHIL TYRRELL	JIM LIND
	JACK RIFE

Wise of Lee in the chair at 5:08 a.m.

Speaker Arnould in the chair at 5:17 a.m.

Peterson of Carroll moved the adoption of the conference committee report and the amendments contained therein, which motion prevailed.

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. 2466)

The ayes were, 84:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Black	Brand	Branstad
Brown	Burke	Chapman	Cohoon
Corbett	Daggett	Dickinson	Diemer
Doderer	Dvorsky	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. E.	Harbor	Hatch
Haverland	Hester	Hurley	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Krebsbach
Kremer	Lundby	Maulsby	McKean
McKinney	McNeal	Millage	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Rafferty
Renaud	Renken	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Spenner	Svoboda	Teaford	Tyrrell
Weidman	Wise	Wissing	Mr. Speaker Arnould

The nays were, 7:

Carpenter	Eddie	Halvorson, R. N.	Hibbard
Holveck	Mertz	Metcalf	

Absent or not voting, 9:

Blanshan	Brammer	Connors	De Groot
Hanson, D. R.	Lageschulte	Royer	Shoning
Van Maanen			

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

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House File 2466** be immediately messaged to the Senate.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON EDUCATION

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

Fiscal Note is not required.

Recommended **Do Pass** May 2, 1992.

RULES SUSPENDED

McKinney of Dallas asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2371.

Regular Calendar

Senate File 2371, a bill for an act relating to the time of payment of state foundation aid to school corporations and providing effective and retroactive applicability date provisions, with report of committee recommending passage was taken up for 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?" (S.F. 2371)

The ayes were, 89:

Adams	Baker	Banks	Bartz
Beaman	Beatty	Bennett	Bernau
Bisignano	Brand	Branstad	Brown
Burke	Carpenter	Chapman	Cohoon
Daggett	Dickinson	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gill	Gipp	Groninga	Grubbs
Gruhn	Hahn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. E.	Harbor
Hatch	Haverland	Hester	Hibbard
Holveck	Hurley	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Krebsbach	Kremer
Lundby	Maulsby	McKean	McKinney
McNeal	Mertz	Metcalf	Millage
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Rafferty	Renaud	Renken	Schrader
Shearer	Sherzan	Shoultz	Siegrist
Spear	Spenner	Svoboda	Teaford
Tyrrell	Weidman	Wise	Wissing
Mr. Speaker Arnould			

The nays were, 1:

Black

Absent or not voting, 10:

Blanshan	Brammer	Connors	Corbett
De Groot	Hanson, D. R.	Lageschulte	Royer
Shoning	Van Maanen		

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

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

JOHN F. DWYER, Secretary

IMMEDIATE MESSAGE

Schrader of Marion asked and received unanimous consent that **Senate File 2371** be immediately messaged to the Senate.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 123

McKinney of Dallas asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 123 as follows and moved its adoption:

House Concurrent Resolution 123
by McKinney and Van Maanen

A House Concurrent Resolution to provide for adjournment sine die.

Be It Resolved by the House of Representatives, the Senate Concurring, That when adjournment is had on Monday, May 4, 1992, it shall be the final adjournment of the 1992 Regular Session of the Seventy-fourth General Assembly.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

McKinney of Dallas asked and received unanimous consent that **House Concurrent Resolution 123** be immediately messaged to the Senate.

The House stood at ease at 5:36 a.m., until the fall of the gavel.

The House resumed session at 6:09 a.m., Speaker Arnould in the chair.

REMARKS BY MAJORITY LEADER McKINNEY

McKinney of Dallas offered the following remarks:

Mr. Speaker, Friends, and Colleagues:

We reach this point having gone through a long and difficult session. And I certainly don't want to prolong it with a long speech. But, I would like to express a few thoughts on what I consider a successful session.

The problems confronting us at the beginning and throughout this session appeared at times to be insurmountable. But we did not back away — we were not paralyzed by fear.

We knew that we had to resolve the current budget crisis, and we did. We searched and found real solutions — solutions that were not temporary, but lasting.

We have passed important budget reform legislation. We appropriated a significant amount of money to eliminate the G.A.A.P. deficit. And we made difficult cuts to trim state funding. All of this we've done without sacrificing those programs so important to the lives of our constituents.

We prioritized our spending to fund pilot projects addressing the problem of child abuse and infant mortality. We identified those high-risk areas and coordinated our efforts to provide preventive measures to families in need of assistance.

We increased the penalties for drug-related crimes, and passed legislation that makes stalking a crime. And we strengthened our hate-crimes laws.

I could mention many other things, but most of you know what we have been able to accomplish and I don't need to remind any of you.

As many of our members who are retiring or moving on to other things have said, government is here to serve the people, and all of us have done that. We should all be proud of the work we've been able to accomplish here.

Many of you are moving on and I want to extend my sincere good wishes to each and everyone of you. All of you have contributed your lives and your experience to this process. And this process has benefited from the sacrifices you have made to serve here. All of us will miss you and your unique qualities. However, I think I speak for all of us when I say your friendship, most of all, will be missed.

I would like to extend my gratitude to the people who really make this process work. Our caucus staff members have all done a wonderful job keeping us informed of the different pieces of legislation before us. Their efforts often go by without a lot of gratitude. However, all of you should know that your work and dedication are greatly appreciated.

I would like to thank Aimee and Rita for all of their help and support. Without you two, this job would be impossible.

And Bob, I have enjoyed working with you.

I look forward to seeing all of you next year. Have a good summer.

REMARKS BY MINORITY LEADER VAN MAANEN

Van Maanen of Mahaska offered the following remarks:

Mr. Speaker, Ladies and Gentlemen of the House:

In many ways this legislature and this House have come a long way since January, in our willingness to address our budget and spending problems. However, we still have a long way to go, and I suspect we will be gathering again in this chamber all too soon.

At this late hour, I don't have to remind anyone that this has been an extremely difficult session, one of the toughest in my tenure here. Naturally, as members of the minority party, we are disappointed some of our proposals, such as welfare reform and stronger budget reforms, were never seriously considered. I do want to thank the members of my caucus for the support they have given me in this difficult session. I also appreciate the efforts made by the majority party leadership as we tried to better understand the role of each caucus in this process.

I wish to especially thank: Representatives Ray Lageschulte, Ken De Groot, Don Shoning, Marv Diemer, and Dan Petersen, as well as Dan Jay, Gene Blanshan, Tom Jochum, Josephine Gruhn and Dave Hibbard, for their many years of service to the state; my assistant leaders for their efforts and support; the Republican Research Staff for their hard work; and all the nonpartisan staff and Pages for everything else.

May God Bless You.

REMARKS BY SPEAKER ARNOULD

Speaker Arnould offered the following remarks:

Every year at this time the Speaker tells you what a tough session it has been. The truth is all sessions are tough. Making public policy; balancing legitimate, competing interests; allocating taxpayers' dollars — none of that is ever easy. Even in the late 70s and early 80s, when we had big budget surpluses, we still had tough sessions. I think Roger Halvorson can attest to that.

But this session has stood out for a different reason. People always like their own representative and dislike the legislature. There's nothing new about that. But I've felt our actions this year would determine whether or not public confidence in government would be restored.

I think the ethics bill we have approved will help reshape the public perception of government, maybe not immediately but hopefully over time. We have ended the wining and dining that people complain about, that people think influences our decisions. The truth is no one will be happier about ending the receptions than we are. We have stopped the contributions to our campaigns from lobbyists and PACs while we are in session. We have prohibited candidate PACs and campaign transfers and, for the first time, provided a forum for complaints against the state's executive branch.

No question about it, these things will help improve the public's perception of government at all levels. But just the exercise of reviewing our ethics and gift laws has made a significant change in our attitudes here. I think now we are much more aware of potential conflicts and this in itself will make us a better government.

I would feel better about our ethics work if the governor had signed the campaign finance reform bill we sent him, which I believe was a fair and reasonable compromise which addressed all his concerns with last year's bill. But we have no control over the governor.

This year the budget was the single overriding area of public concern. All the talk of paper deficits and layoffs and court decisions has made the budget a real test of state government's character and courage. I think we have met the test.

We made the cuts necessary to put this year's and next year's budget in balance. Most state agencies will get less next year than they did this year. Public schools will get far less than they expected. I don't say these things with any particular pride. Cuts are always difficult, particularly when they affect services that all of us agree are important. But the bottom line is that we will spend less than we take in in 1993 and our budget is balanced.

Our budget work wasn't limited to the immediate fiscal year. We succeeded in unanimously passing unprecedented spending reforms that were never seriously attempted by any previous Democratic or Republican legislature. That alone makes this an historic session. In the future the Iowa legislature will be held to a new budgeting standard, written into law, requiring the legislature to spend less than we take in and to save the rest.

We made enormous changes in school funding, changes that would have been considered impossible just a short time ago. We took the cushion out of declining enrollment and brought allowable growth decisions into the political arena. By doing so we have avoided the problem of showing up on the first day of a legislative session with all our new revenue already committed.

This legislature also had the courage to face up to our need for new revenue to meet our responsibilities to fund the court-ordered salaries for state employees and to retire the state's bookkeeping deficit. We didn't have a great deal of choice. Either this tax passed or we would face the prospect of massive budget cuts — cuts that take medical services away from the elderly, cuts that force schools to close, cuts that cripple economic development.

Passing a tax increase at any time is tough — in an election year it is almost unheard of. But we didn't have much control over the timing. The decisions needed to be made this year. You can disagree about whether the sales tax was good public policy, but you cannot dispute the courage of those who voted for it.

Taken in total — the balancing of the 1992 and 1993 budgets, the spending limits on future budgets, and the new revenue to meet our commitments and retire the debt — I believe our budget work was outstanding. It sets a new direction for the state that hopefully means we will avoid budget problems in the future, and I commend those who played roles in accomplishing it.

Hard as it may be to believe, this session hasn't been all budgets and ethics. Thanks to the persistence of Louis Muhlbauer, we passed a bill that will be a major boost to the ethanol industry and to Iowa corn growers. We've codified our disdain for hate crimes and enacted strong penalties for persons who stalk innocent people.

We initiated an attack on the dangerous problem of infant mortality. We helped take criminals off our streets and out of our neighborhoods by opening more prison space. And we began a new focus on the needs of high school students who enter the job market after graduation.

This has been quite a term as Speaker. I've described it as like being strapped to a bronco. But I've enjoyed being Speaker and I'm proud of what we've done. Thank you all for the help and support you've given me and the many kindnesses you've extended to me.

I want to particularly thank Harold Van Maanen, who is as decent and honorable a legislator as you could ever hope to serve with. I want to thank Wayne McKinney, who started this General Assembly with me as an unlikely leadership couple but who I came to greatly respect for his sense of fair play and his insistence that everyone be heard. And I want to thank the retiring members who have made the personal sacrifices over the years to serve here. In particular, I want to thank Tom Jochum for his friendship through the years and his support through these past two years. You represent the best that this legislature can be, Tom, and I will miss you.

I also want to thank my own staff, Carolyn, Bill and Mark; the majority and minority leaders staffs, Aimee and Rita and Bruce; Warren Fye and his Republican staff; Paulee Lipsman and her Democratic staff: Chief Clerk Joe O'Hern, Assistant Liz Isaacson and all the House staff in the chamber and in the back rooms; and all the clerks and pages.

I hope you all have a happy, healthy and productive summer, and I wish about half of you the best of luck in the upcoming campaign. Thanks.

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 ADMINISTRATION

Committee Resolution honoring members of the House of Representatives for twenty or more years of legislative service.

Fiscal Note is not required.

Committee Action: **Failed to Pass** May 2, 1992.

COMMITTEE ON APPROPRIATIONS

Committee Bill, relating to compensation and benefits for public employees by providing adjustments for salaries, by providing for other properly related matters, by making appropriations, and providing retroactive applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass** May 3, 1992.

Committee Resolution, honoring Representatives Minnette Doderer and William Harbor for twenty-five or more years of legislative service.

Fiscal Note is not required.

Recommended **Amend and Do Pass** May 3, 1992.

AMENDMENT FILED

H—6106 S.F. 2302 Senate Amendment

The House stood at ease at 6:10 a.m., until the fall of the gavel.

The House resumed session, Speaker Arnould in the chair.

FINAL DISPOSITIONS OF MOTIONS TO RECONSIDER

Pursuant to House Rule 73.g, the following motions to reconsider which remained on the House Calendar upon adjournment of the 1992 Regular Session of the Seventy-fourth General Assembly, will be considered to have failed.

By Hanson of Delaware, Hansen of Woodbury and Mertz of Kossuth to House File 2058, a bill for an act relating to unfair or discriminatory employment practices, filed March 17, 1992, placing out of order amendment H—5393 filed by Beatty of Warren on March 19, 1992 and amendments H—5404 and H—5425, to amendment H—5393, filed by Spear of Lee and Corbett of Linn on March 19 and March 20, 1992, respectively. Bill failed.

By Wissing of Scott to House File 2206, a bill for an act relating to public employee payroll deductions for political committees, filed February 27, 1992. Bill failed.

By Poncy of Wapello and Bernau of Story to House File 2406, a bill for an act relating to the foreclosure and sale of real property, filed March 26, 1992.

By Bartz of Worth to House File 2437, a bill for an act relating to the imposition of administrative civil monetary penalties and providing an effective date, filed March 24, 1992. Bill failed.

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 28, 1992, receded from the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2334, a bill for an act relating to the regulation of aquaculture by the department of natural resources, and by providing penalties for violations.

Also: That the Senate has, on May 4, 1992, adopted the conference committee report and passed House File 2466, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions.

Also: That the Senate has on May 4, 1992, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

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

Also: That the Senate has on May 4, 1992, adopted the following resolution in which the concurrence of the Senate was asked:

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

JOHN F. DWYER, Secretary

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 4th day of May, 1992: House Files 547, 681, 2205, 2334, 2400, 2401, 2417, 2452, 2454, 2455, 2457, 2459, 2462, 2465, 2466, 2467, 2471, 2475, 2477, 2480, 2481, 2483, 2484, 2486, 2487, 2488, 2489 and 2490.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

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 on this 4th day of May, 1992: House Joint Resolution 2015.

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 May 4, 1992, he approved and transmitted to the Secretary of State the following bills:

House File 242, an act relating to adoption and permanent termination of parental rights records, and providing penalties.

House File 2061, an act relating to the transfer of assets of terminated city fire or police retirement systems with unfunded accrued liabilities to the statewide system, providing for the use of excess funds of terminated city systems, providing for certain benefits for employees of the statewide system, and providing effective and retroactive applicability dates.

House File 2287, an act to establish a community-based workplace learning program, and providing an effective date.

House File 2476, an act relating to sexual abuse or sexual exploitation by a counselor or therapist and making penalites applicable.

House File 2478, an act relating to the repeal of the seed capital tax credit and providing an effective date.

Senate File 2035, an act relating to parental rights and obligations including the discharge of an adoptive parent's obligation for support of an adopted child, and providing for the act's applicability.

Senate File 2117, an act relating to implementation of a statewide system utilizing a governmental services card.

Senate File 2218, an act relating to the regulation of swimming pools, spas, and swimming pool or spa water heaters regulated by the Iowa department of public health and providing an effective date.

Senate File 2316, an act relating to child support recovery.

Senate File 2366, an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date.

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

1992-218 Renee Ahrens, Osage High School — For being named to the Des Moines Register's 1992 Academic All-State Regional Honor Roll.

1992-219 John Lozier, Roosevelt High School — For being named to the Des Moines Register's 1992 Academic All-State Honor Roll.

1992-220 Matt Hansen, Albert City — For receiving the FFA's Iowa Farmer Degree, Mike Madson Leadership Award, and Darrell Fondroy Livestock Judging Award.

1992-221 Heidi Bradfield, Wilton High School — For being named to the Des Moines Register's 1992 Academic All-State Honor Roll.

1992-222 Adrienne Kruse, Lone Tree High School — For being named to the Des Moines Register's 1992 Academic All-State Honor Roll.

1992-223 Matthew Murphy, Washington High School — For being named to the Des Moines Register's 1992 Academic All-State Honor Roll.

1992-224 Stacie Dunn, Winfield-Mt. Union High School — For being named to the Des Moines Register's 1992 Academic All-State Honor Roll.

1992-225 Joshua Gerst, Wapello High School — For being named to the Des Moines Register's 1992 Academic All-State Honor Roll.

1992-226 William Schwab, Columbus Junction High School — For being named to the Des Moines Register's 1992 Academic All-State Honor Roll.

1992-227 Kimberly Gage, Louisa-Muscatine High School — For being named to the Des Moines Register's 1992 Academic All-State Honor Roll.

1992-228 Brenna Conway, Mid-Prairie High School — For being named to the Des Moines Register's 1992 Academic All-State Honor Roll.

COMMITTEE TO NOTIFY THE GOVERNOR

McKinney of Dallas moved that a committee of two be appointed to notify the Governor that the House was ready to adjourn in accordance with House Concurrent Resolution 123, duly adopted.

The motion prevailed and the Speaker appointed as such committee Schrader of Marion and Harbor of Mills.

COMMITTEE TO NOTIFY THE SENATE

McKinney of Dallas moved that a committee of two be appointed to notify the Senate that the House was ready to adjourn in accordance with House Concurrent Resolution 123.

The motion prevailed and the Speaker appointed as such committee Shearer of Louisa and Branstad of Winnebago.

COMMITTEE FROM THE SENATE

The committee from the Senate appeared and notified the House that the Senate was ready to adjourn.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

The committee appointed to notify the Senate that the House was ready to adjourn returned and reported it had performed its duty.

The report was received and the committee discharged.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

The committee appointed to notify the Governor that the House was ready to adjourn returned and reported it had performed its duty and that the Governor had sent the following message.

COMMUNICATION FROM THE GOVERNOR

OFFICE OF THE GOVERNOR
State Capitol
Des Moines, Iowa 50319

May 19, 1992

The Honorable Robert Arnould
Speaker of the House
State Capitol Building
L O C A L

Dear Mr. Speaker:

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

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

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

Sincerely,
Terry E. Branstad
Governor of Iowa

The communication was received and the committee discharged.

FINAL ADJOURNMENT

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

AMENDMENTS FILED

Amendments filed during the Seventy-fourth General Assembly, 1992 Session, not otherwise printed in the House Journal:

H–5001

1 Amend House File 2046 to read as follows:
2 1. Page 1, by striking lines 1 through 5.
3 2. Title page, by striking line 4 and inserting
4 the following: "delinquent."
5 3. By renumbering as necessary.

TYRRELL of Iowa

H–5002

1 Amend House File 2063 as follows:
2 1. Page 1, line 4, by inserting after the word
3 "state" the following: "unless the antlers are
4 attached to the deer head".

TYRRELL of Iowa
PETERSEN of Muscatine

H–5003

1 Amend House File 2086 as follows:
2 1. Page 1, by striking lines 1 through 3 and
3 inserting the following:
4 "Section 1. NEW SECTION. 76.16A DEBTOR STATUS
5 PERMITTED."
6 2. Page 1, line 4, by inserting before the word
7 "A" the following: "1.".
8 3. Page 1, by inserting after line 8 the
9 following:
10 "2. This section shall not act to retroactively
11 deprive any creditor of any defense or substantive
12 right held by the creditor prior to the enactment of
13 this Act.
14 3. This section shall not be interpreted to
15 retroactively deprive any creditor of any property
16 right or substantive right without due process of law.
17 4. The provisions of this Act are not dependent
18 upon each other and a finding that one provision of
19 this Act is unconstitutional shall not affect the
20 other provisions.".

BURKE of Marshall

H–5007

1 Amend House File 2089 as follows:
2 1. Page 2, line 14, by striking the words "and
3 secondary".
4 2. Page 2, by inserting after line 15 the fol-

5 lowing:
6 "_____. Fifty miles per hour on all secondary
7 roads."
8 3. By renumbering as necessary.

HURLEY of Fayette
COHOON of Des Moines
CARPENTER of Polk
BRANSTAD of Winnebago

H—5008

1 Amend House File 2089, as follows:
2 1. Page 1, line 32, by striking the words "and
3 secondary".
4 2. Page 1, by striking line 34 and inserting the
5 following:
6 "3. Fifty miles per hour on all secondary roads.".
7 3. Page 2, line 14, by striking the words "and
8 secondary".
9 4. Page 2, by inserting after line 15 the
10 following:
11 "3. Fifty miles per hour on all secondary roads.".
12 5. By renumbering as necessary.

HURLEY of Fayette
COHOON of Des Moines
CARPENTER of Polk
BRANSTAD of Winnebago

H—5010

1 Amend House File 2088 as follows:
2 1. Page 4, lines 18 and 19, by striking the words
3 ", or within one thousand feet of".
4 2. Page 4, by striking lines 29 and 30 and
5 inserting the following:
6 "a. A peace officer, as defined in section 801.4."
7 3. Page 4, by striking lines 32 and 33 and
8 inserting the following: "section 804.7A."
9 4. By striking page 4, line 35, through page 5,
10 line 1, and inserting the following: "the national
11 guard."
12 5. Page 5, by inserting after line 1 the follow-
13 ing:
14 "d. A dangerous weapon located on private property
15 which is not property comprising a private elementary
16 or secondary school.
17 e. A dangerous weapon which is a firearm that is
18 not loaded and is encased.
19 f. A dangerous weapon which is a firearm that is
20 not loaded, but which is contained in a locked
21 firearms rack that is on a motor vehicle.
22 g. A person with a valid permit in accordance with

23 the provisions of this chapter.
24 h. A person using firearms in a state park or
25 preserve in accordance with the provisions of section
26 111.42."
27 6. By renumbering, relettering, and correcting
28 internal references as necessary.

BARTZ of Worth

H–5013

1 Amend House File 2132 as follows:
2 1. Page 1, by striking lines 9 through 13.
3 2. By renumbering as necessary.

BISIGNANO of Polk

H–5017

1 Amend House File 2088 as follows:
2 1. Page 4, by striking lines 29 and 30 and
3 inserting the following:
4 "a. A peace officer, as defined in section 801.4."
5 2. Page 4, by striking lines 32 and 33 and
6 inserting the following: "Section 804.7A."
7 3. By striking page 4, line 35, through page 5,
8 line 1, and inserting the following: "the national
9 guard."
10 4. Page 5, by inserting after line 1 the follow-
11 ing:
12 "d. A dangerous weapon located on private property
13 which is not property comprising a private elementary
14 or secondary school.
15 e. A dangerous weapon which is a firearm that is
16 not loaded and is encased.
17 f. A dangerous weapon which is a firearm that is
18 not loaded, but which is contained in a locked
19 firearms rack that is on a motor vehicle.
20 g. A person with a valid permit in accordance with
21 the provisions of this chapter.
22 h. A person using firearms in a state park or
23 preserve in accordance with the provisions of section
24 111.42."
25 5. By renumbering, relettering, and correcting
26 internal references as necessary.

RAFFERTY of Scott
SIEGRIST of Pottawattamie

H–5018

1 Amend House File 2148 as follows:
2 1. Page 4, line 18, by striking the word
3 "Following" and inserting the following:
4 "Except as provided in subsection 4, following".

5 2. Page 5, by inserting after line 6 the
6 following:
7 "4. The department shall not apply the
8 requirements of this section to the grant of a
9 recipient living in a pilot project county who states
10 all of the following beliefs:
11 a. Sexual intercourse is a God-given gift that is
12 a private, personal right of married persons.
13 b. It is a sin to take an action in order to
14 prevent conception of a child that may result from
15 exercise of this right.
16 c. Government should make no attempt to interfere
17 with a married person's right to engage in sexual
18 intercourse for procreation."

SPEAR of Lee

H—5021

1 Amend Senate File 260, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 3, line 9, by inserting after the word
4 "persons." the following: "The question to be placed
5 on the ballot shall be stated affirmatively in
6 substantially the following manner: Shall the county
7 of _____ enter into a lease or lease-purchase
8 contract in excess of the principal limit of $_____?"
9 2. Page 6, line 4, by inserting after the word
10 "persons." the following: "The question to be placed
11 on the ballot shall be stated affirmatively in
12 substantially the following manner: Shall the county
13 of _____ enter into a loan agreement in excess of
14 the principal limit of $_____?"
15 3. Page 9, line 13, by inserting after the word
16 "persons." the following: "The question to be placed
17 on the ballot shall be stated affirmatively in
18 substantially the following manner: Shall the city of
19 _____ enter into a lease or lease purchase contract
20 in excess of the principal limit of $_____?"
21 4. Page 12, line 5, by inserting after the word
22 "persons." the following: "The question to be placed
23 on the ballot shall be stated affirmatively in
24 substantially the following manner: Shall the city of
25 _____ enter into a loan agreement in excess of the
26 principal limit of $_____?"

IVERSON of Wright
CONNORS of Polk
MERTZ of Kossuth

H—5024

1 Amend House File 2148 as follows:
2 1. Page 5, line 1, by striking the words "a

3 dependent child" and inserting the following: "any
4 dependent children".
5 2. Page 5, by inserting after line 6 the
6 following:
7 "4. If a recipient's grant amount is based on a
8 family size of no more than one dependent child and
9 the recipient has a birth producing more than one
10 dependent child, the maximum grant amount available to
11 that recipient shall be increased to accommodate all
12 of the children produced at that birth. However, the
13 grant amount established for the recipient as a result
14 of that birth shall not be further increased due to
15 the birth of additional dependent children during the
16 remainder of the waiver period."

SPEAR of Lee

H–5025

1 Amend House File 2148 as follows:
2 1. Page 2, by striking lines 11 through 14.
3 2. By striking page 4, line 17, through page 5,
4 line 6.
5 3. By renumbering as necessary.

SPEAR of Lee

H–5026

1 Amend House File 2105 as follows:
2 1. Page 1, by inserting after line 5 the
3 following:
4 "Sec. 2. EFFECTIVE DATE.
5 1. The fee specified in section 1 of this Act is
6 effective for the 1993 license year and each
7 subsequent license year until otherwise provided by
8 the general assembly.
9 2. This Act takes effect December 15, 1992."
10 2. Amend the title, line 2, by inserting after
11 the word "license" the following: ", and providing an
12 effective date and date of applicability".

DICKINSON of Jackson

H–5029

1 Amend House File 2071 as follows:
2 1. Page 1, line 17, by inserting after the word
3 "using" the following: "pull-tab tickets or using".
4 2. Page 1, line 23, by striking the words "other
5 than pull-tab tickets" and inserting the following:
6 "~~other than pull-tab tickets~~".
7 3. Page 1, by inserting after line 31 the
8 following:
9 "Sec. _____. Section 99E.9, subsection 3, paragraph

10 o, Code 1991, is amended to read as follows:
11 o. Requirement that a licensee either print or
12 stamp the licensee's name and address on the back of
13 each instant ticket~~, except pull-tab tickets~~."
14 4. Title page, line 2, by inserting after the
15 word "games" the following: "and pull-tab tickets".
16 5. By numbering and renumbering sections as
17 required.

HANSEN of Woodbury
GILL of Woodbury
JAY of Appanoose

H–5031

1 Amend House File 2071 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 99E.22 REPEALER.
5 Sections 99E.1 through 99E.21 are repealed
6 effective July 1, 1992.
7 Sec. 2. OFFICES ABOLISHED. The terms of office of
8 the members of the lottery board serving unexpired
9 terms of office on June 30, 1992, shall expire on July
10 1, 1992, and the lottery board is abolished as of July
11 1, 1992.
12 Sec. 3. EMPLOYEES TRANSFERRED OR TERMINATED. An
13 employee of the department of revenue and finance
14 whose duty assignment is terminated because of this
15 Act may be reassigned to other duties or terminated.
16 The personnel commission shall adopt rules to carry
17 out the transfer of employees, to implement subsequent
18 reclassifications, reassignments, or terminations made
19 necessary by this Act. The public employment
20 relations board shall arbitrate and decide a written
21 appeal made by an employee concerning a transfer,
22 reassignment, reclassification, or termination made
23 necessary by this Act. An employee shall not lose
24 benefits accrued, including but not limited to salary,
25 retirement, vacation, or sick leave because of
26 transfer or reassignment.
27 Sec. 4. NEGOTIATION OF CONTRACTS. The attorney
28 general shall negotiate the termination of contracts
29 to which the lottery board is a party and which do not
30 expire on or before July 1, 1992."
31 2. Amend the title page, by striking lines 1 and
32 2 and inserting the following: "An Act to repeal the
33 authorization for lottery games, to provide for other
34 properly related matters, and to provide applicability
35 dates."

HANSEN of Woodbury
GILL of Woodbury

H–5032

1 Amend House File 2071 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 99D.29 REPEALER.
5 This chapter is repealed effective July 1, 1992.
6 Sec. 2. EMPLOYEES TRANSFERRED OR TERMINATED. An
7 employee of the department of inspections and appeals
8 whose duty assignment is terminated because of this
9 Act may be reassigned to other duties or terminated.
10 The personnel commission shall adopt rules to carry
11 out the transfer of employees, to implement subsequent
12 reclassifications, reassignments, or terminations made
13 necessary by this Act. The public employment
14 relations board shall arbitrate and decide a written
15 appeal made by an employee concerning a transfer,
16 reassignment, reclassification, or termination made
17 necessary by this Act. An employee shall not lose
18 benefits accrued, including but not limited to salary,
19 retirement, vacation, or sick leave because of
20 transfer or reassignment.
21 Sec. 3. NEGOTIATION OF CONTRACTS. The attorney
22 general shall negotiate the termination of contracts
23 to which the racing and gaming commission is a party
24 relating to pari-mutuel racing and wagering and which
25 do not expire on or before July 1, 1992."
26 2. Amend the title page, by striking lines 1 and
27 2 and inserting the following: "An Act to repeal the
28 authorization for pari-mutuel racing and wagering, to
29 provide for other properly related matters, and to
30 provide applicability dates."

HANSEN of Woodbury
GILL of Woodbury

H–5034

1 Amend House File 2026 as follows:
2 1. Page 1, line 27, by inserting after the word
3 "contractor." the following: "An employer does not
4 include a person, as defined in chapter 4, who employs
5 fewer than fifty-one employees or who earns five
6 million dollars or less in gross sales annually."

MILLAGE of Scott
RAFFERTY of Scott
GRUBBS of Scott
SPENNER of Henry
ROYER of Page
McKEAN of Jones
HURLEY of Fayette
MAULSBY of Calhoun
CORBETT of Linn
HANSON of Black Hawk
KREBSBACH of Mitchell
JOHNSON of Clinton
GARMAN of Story
HALVORSON of Clayton
KISTLER of Jefferson
DAGGETT of Adams

BEAMAN of Clarke
TYRRELL of Iowa
McNEAL of Hardin
IVERSON of Wright
MILLER of Cherokee
DIEMER of Black Hawk
RENKEN of Grundy
KREMER of Buchanan
HARBOR of Mills
LAGESCHULTE of Bremer
GIPP of Winneshiek
HAHN of Muscatine
HESTER of Pottawattamie
EDDIE of Buena Vista
WEIDMAN of Cass
BRANSTAD of Winnebago
BANKS of Plymouth
METCALF of Polk
PETERSEN of Muscatine

H—5035

1 Amend House File 2190 as follows:
2 1. Page 15, by inserting after line 5 the
3 following:
4 "Sec. 100. Section 425A.2, subsection 4, paragraph
5 a, Code Supplement 1991, is amended to read as
6 follows:
7 a. If the owner is an individual, the designated
8 person includes the owner of the tract or a person
9 related to the owner as spouse, parent, grandparent,
10 child, grandchild, stepchild, and a relative within
11 the third degree of consanquinity and their spouses."
12 2. Page 16, line 4, by striking the words and
13 figures "Section 31 of this Act is" and inserting the
14 following: "Sections 31 and 100 of this Act are".

BARTZ of Worth

H—5036

1 Amend House File 2080 as follows:
2 1. Page 1, line 4, by inserting before the word
3 "birds" the following: "wild".

SPEAR of Lee

H—5037

1 Amend House File 2080 as follows:
2 1. Page 1, line 4, by striking the words "wild
3 fish," and inserting the following: "~~wild fish,~~".

SPEAR of Lee

H—5038

1 Amend House File 2080 as follows:
2 1. Page 1, line 14, by inserting after the word
3 "beings" the following: ", other than buildings
4 occupied by the Joker, Catwoman, and Riddler, or the
5 Penguin,".

BLANSHAN of Greene

H—5039

1 Amend House File 2077 as follows:
2 1. Page 1, line 2, by inserting after the word
3 "OFFICER" the following: "OR FIREFIGHTER".
4 2. Page 1, line 4, by inserting after the word
5 "officer" the following: "or firefighter".
6 3. Page 1, line 5, by inserting after the word
7 "officer's" the following: "or firefighter's".
8 4. Title page, line 1, by inserting after the
9 word "officer" the following: "or firefighter".

SIEGRIST of Pottawattamie

H—5040

1 Amend the amendment, H—5031, to House File 2071 as
2 follows:
3 1. Page 1, by striking line 4 and inserting the
4 following:
5 "Section 1. NEW SECTION. 99D.29 REPEALER.
6 This chapter is repealed effective July 1, 1992.
7 Sec. 2. NEW SECTION. 99E.22 REPEALER."
8 2. Page 1, by inserting after line 6 the
9 following:
10 "Sec. 3. NEW SECTION. 99F.18 REPEALER.
11 This chapter is repealed effective July 1, 1992."
12 3. Page 1, line 8, by inserting after the word
13 "board" the following: "and the state racing and
14 gaming commission".
15 4. Page 1, line 10, by striking the word "is" and
16 inserting the following: "and the state racing and
17 gaming commission are".
18 5. Page 1, line 13, by inserting after the word
19 "finance" the following: "or the department of
20 inspections and appeals".
21 6. Page 1, line 29, by inserting after the word
22 "party" the following: "and the contracts relating to
23 chapters 99D and 99F to which the department of
24 inspections and appeals is a party".
25 7. Page 1, line 33, by inserting after the word
26 "games," the following: "parimutuel wagering, and
27 excursion boat gaming,".

HALVORSON of Webster

H—5042

1 Amend House File 2092 as follows:
2 1. Page 3, line 1, by inserting after the word
3 "surgery," the following: "osteopathic medicine and
4 surgery, osteopathy,".
5 2. Page 3, line 3, by inserting after the word
6 "nurses," the following: "occupational therapists,".

3. Page 3, line 6, by inserting after the word "surgery" the following: "or osteopathic medicine and surgery".

MERTZ of Kossuth

H—5044

Amend House File 2071 as follows:

1. Page 1, line 11, by striking the words "instant lottery and" and inserting the following: "~~instant lottery and~~".

2. Page 1, line 17, by inserting after the word "authorize" the following: "instant lottery or".

3. Page 1, line 22, by striking the words "In a game utilizing instant" and inserting the following: "~~In a game utilizing instant~~".

4. Page 1, by striking lines 23 through 28 and inserting the following: "~~tickets other than pull-tab tickets, each ticket in the game shall bear a unique consecutive serial number distinguishing it from every other ticket in the game, and each lottery number or symbol shall be accompanied by a confirming caption consisting of a repetition of a symbol or a description of the symbol in words.~~ In the game other than an instant game which".

5. Page 1, by inserting after line 31 the following:

"Sec. _____. Section 99E.9, subsection 3, paragraph o, Code 1991, is amended by striking the paragraph."

6. Title page, line 2, by inserting after the word "games" the following: "and instant lottery".

BISIGNANO of Polk

H—5045

Amend House File 2071 as follows:

1. Page 1, line 11, by striking the words "instant lottery and" and inserting the following: "~~instant lottery and~~".

2. Page 1, line 17, by inserting after the word "authorize" the following: "instant lottery or".

3. Page 1, line 22, by striking the words "In a game utilizing instant" and inserting the following: "~~In a game utilizing instant~~".

4. Page 1, by striking lines 23 through 28 and inserting the following: "~~tickets other than pull-tab tickets, each ticket in the game shall bear a unique consecutive serial number distinguishing it from every other ticket in the game, and each lottery number or symbol shall be accompanied by a confirming caption consisting of a repetition of a symbol or a description of the symbol in words.~~ In the game other

18 than an instant game which".
19 5. Page 1, by inserting after line 31 the
20 following:
21 "Sec. _____. Section 99E.9, subsection 3, paragraph
22 o, Code 1991, is amended by striking the paragraph."

BISIGNANO of Polk

H–5046

1 Amend House File 2071 as follows:
2 1. Page 1, line 17, by inserting after the word
3 "authorize" the following: "pull-tab tickets or".
4 2. Page 1, line 23, by striking the words "other
5 than pull-tab tickets" and inserting the following:
6 "~~other than pull-tab tickets~~".
7 3. Page 1, by inserting after line 31 the
8 following:
9 "Sec. _____. Section 99E.9, subsection 3, paragraph
10 o, Code 1991, is amended to read as follows:
11 o. Requirement that a licensee either print or
12 stamp the licensee's name and address on the back of
13 each instant ticket~~, except pull-tab tickets~~."

BISIGNANO of Polk

H–5047

1 Amend House File 2071 as follows:
2 1. Page 1, line 17, by inserting after the word
3 "authorize" the following: "pull-tab tickets or".
4 2. Page 1, line 23, by striking the words "other
5 than pull-tab tickets" and inserting the following:
6 "~~other than pull-tab tickets~~".
7 3. Page 1, by inserting after line 31 the fol-
8 lowing:
9 "Sec. _____. Section 99E.9, subsection 3, paragraph
10 o, Code 1991, is amended to read as follows:
11 o. Requirement that a licensee either print or
12 stamp the licensee's name and address on the back of
13 each instant ticket~~, except pull-tab tickets~~."
14 4. Title page, line 2, by inserting after the
15 word "games" the following: "and pull-tab tickets".

BISIGNANO of Polk

H–5048

1 Amend the amendment, H–5032, to House File 2071 as
2 follows:
3 1. Page 1, by inserting after line 5 the
4 following:
5 "Sec. _____. NEW SECTION. 99F.18 REPEALER.
6 This chapter is repealed effective July 1, 1992.
7 Sec. _____. OFFICE ABOLISHED. The terms of office

8 of the members of the state racing and gaming
9 commission serving unexpired terms of office on June
10 30, 1992, shall expire on July 1, 1992, and the state
11 racing and gaming commission is abolished as of July
12 1, 1992."
13 2. Page 1, by striking line 24 and inserting the
14 following: "and which".
15 3. Page 1, line 28, by inserting after the word
16 "wagering" the following: "and excursion boat
17 gambling".
18 4. By renumbering sections as required.

HALVORSON of Webster

H–5049

1 Amend House File 2219 as follows:
2 1. Page 1, by striking lines 24 through 34.

CORBETT of Linn

H–5051

1 Amend House File 2071 as follows:
2 1. Page 1, line 21, by inserting after the word
3 "is" the following: "immediately".

HALVORSON of Webster
SCHRADER of Marion

H–5053

1 Amend House File 2071 as follows:
2 1. Page 1, lines 11 and 12, by striking the words
3 "and on-line lotto games" and inserting the following:
4 "~~and on-line lotto games~~".
5 2. Page 1, line 17, by inserting after the word
6 "authorize" the following: "an on-line lotto game
7 or".
8 3. Page 2, by striking lines 2 and 3, and
9 inserting the following: "lottery game ~~including, but~~
10 ~~not limited to, a video lottery machine or machine~~
11 ~~used in lotto~~, the lottery division shall".
12 4. Page 2, by striking lines 10 through 12 and
13 inserting the following: "be used in the conducting
14 of a lottery game ~~including, but not limited to, a~~
15 ~~video lottery machine or a machine used in lotto~~, the
16 lottery division shall give preference to a".

BISIGNANO of Polk

H–5054

1 Amend House File 2219 as follows:
2 1. Page 1, line 7, by striking the numerals
3 "10:00" and inserting the numerals "11:00".

LAGESCHULTE of Bremer

H–5058

1 Amend House File 2219 as follows:
2 1. Page 1, by inserting after line 34 the
3 following:
4 "g. The person maintains a grade point average
5 that is equivalent to or greater than a 2.0 on a 4.0
6 scale."

BARTZ of Worth

H–5060

1 Amend the Committee amendment, H–5059 to House File
2 2028 as follows:
3 1. Page 1, line 9, by striking the word
4 "criminal" and inserting the following: "law
5 enforcement".
6 2. Page 1, line 36, by striking the word
7 "criminal" and inserting the following: "law
8 enforcement".

SPEAR of Lee
NIELSEN of Linn
HALVORSON of Webster

H–5061

1 Amend House File 2142 as follows:
2 1. Page 3, by inserting after line 19, the
3 following: "The department shall adopt rules
4 specifying the records and other information required
5 for an audit under section 326.19."

KOENIGS of Mitchell

H–5062

1 Amend House File 2093 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 206.34 PRIVATE
5 APPLICATION OF PESTICIDES IN URBAN AREAS.
6 1. For the purposes of this section, unless the
7 context otherwise requires:
8 a. "Pesticide dealer" means any person who
9 distributes restricted use pesticides, pesticides for
10 use by commercial or public applicators, or general
11 use pesticides labeled for agricultural or lawn and
12 garden use.
13 b. "Urban" means any area within or belonging to a
14 city or any developed residential area in the state.
15 2. A pesticide dealer who sells pesticides to
16 homeowners or tenants for application to the person's
17 own property or tenancy shall make notification signs

18 available to the purchaser to be posted by the
19 purchaser prior to pesticide application.
20 3. A purchaser of pesticides pursuant to this
21 section shall post the signs made available by the
22 pesticide dealer prior to the application of the
23 pesticide.
24 4. The department shall adopt rules in accordance
25 with chapter 17A to establish the specifications for
26 the notification signs required to be made available
27 and posted under this section. The specifications for
28 the notification signs shall include, but are not
29 limited to, the requirement that the signs be white
30 with green lettering and figures, six inches by six
31 inches in size, reusable, that the lettering be easily
32 readable from a distance, that the signs include the
33 wording "Keep Off" in large print, and in smaller
34 print "Please Remove After Twenty-four Hours," that
35 the signs feature a universal symbol warning against
36 entry into the area, and that the signs be posted in
37 locations on the property designated by the
38 department.
39 5. An owner, manager, or agency which owns or
40 manages a park, playground, or athletic field, in an
41 urban area to which pesticides will be applied, shall
42 post notification signs at the site of application at
43 the start of each instance of application.
44 Notification signs posted shall be in accordance with
45 the specifications established by rule of the
46 department. The department shall adopt rules pursuant
47 to chapter 17A to implement this subsection.
48 6. This section does not apply to the application
49 of pesticides by a homeowner or tenant for application
50 to the purchaser's own land which is agricultural land

Page 2

1 as defined pursuant to section 175.2, and which is
2 located in an urban area.
3 7. A pesticide dealer is not liable for the
4 failure of a purchaser to comply with this section."
5 2. Title page, line 2, by striking the words "and
6 providing penalties".

SHEARER of Louisa

H—5063

1 Amend House File 2250 as follows:
2 1. Page 1, line 6, by inserting after the word
3 "care" the following: "<u>if the employee has reimbursed</u>
4 <u>the employer in the amount of the premium paid by the</u>
5 <u>employer for workers' compensation insurance for that</u>
6 <u>employee</u>".

TYRRELL of Iowa

H–5064

1 Amend House File 2203 as follows:
2 1. Page 1, line 6, by striking the words "A
3 person shall not leave a useable".
4 2. Page 1, by striking line 7.
5 3. Page 1, by striking lines 10 through 15.
6 4. Renumbering sections as required.

SPEAR of Lee

H–5065

1 Amend House File 2203 as follows:
2 1. Page 1, line 4, by striking the word "an".
3 2. Page 1, line 4, by inserting after the word
4 "or" the following: "a".
5 3. Page 1, line 6, by inserting before the word
6 "animal" the following: "bird or".

SPEAR of Lee

H–5066

1 Amend House File 2071 as follows:
2 1. Page 1, line 20, by inserting after the word
3 "device" the following: "immediately".

HALVORSON of Webster
SCHRADER of Marion

H–5067

1 Amend the amendment, H–5012, to House File 2093 as
2 follows:
3 1. Page 1, by inserting before line 31, the
4 following:
5 "_____. This section does not apply to the
6 application of pesticides by a homeowner or tenant to
7 the purchaser's own land which is agricultural land as
8 defined pursuant to section 175.2, and which is
9 located in an urban area."

BANKS of Plymouth

H–5068

1 Amend House File 2026 as follows:
2 1. Page 2, line 3, by inserting after the word
3 "spouse," the following: "legal ward,".

BARTZ of Worth

H–5069

1 Amend the amendment, H–5046, to House File 2071 as
2 follows:
3 1. Page 1, by striking lines 2 and 3 and in-

4 serting the following:
5 "_____. Page 1, by striking lines 11 through 22 and
6 inserting the following: "commissioner. The board
7 shall authorize not more than three instant lottery
8 ticket games, one interstate on-line lotto game, and
9 one intrastate on-line lotto ~~games and may authorize~~
10 ~~the use of any type of lottery~~ game ~~that on May 3,~~
11 ~~1985 has been conducted by a state lottery of another~~
12 ~~state in the United States, or any game that the board~~
13 ~~determines will achieve the revenue objectives of the~~
14 ~~lottery and is consistent with subsection 1~~. However,
15 the board shall not authorize ~~a~~ an instant lottery
16 ticket game using ~~electronic computer terminals or~~
17 ~~other devices if the terminals or devices dispense~~
18 ~~coins or currency upon the winning of a prize~~ pull-tab
19 tickets. In a game utilizing instant"."
20 2. Page 1, by inserting after line 13 the
21 following:
22 "_____. Page 2, by inserting after line 15 the
23 following:
24 "Sec. _____. Section 99E.9, Code 1991, is amended by
25 adding the following new subsection:
26 NEW SUBSECTION. 8. An intrastate on-line lotto
27 game shall have a maximum prize of two million
28 dollars. The board shall establish, by rule, a method
29 to determine two or more winners for a game that
30 reaches the maximum prize.
31 Sec. _____. SUBSTITUTE INSTANT LOTTERY GAMES. A
32 person licensed by the lottery board to sell an
33 instant lottery game using pull-tab tickets
34 immediately before the effective date of this Act may
35 substitute another instant lottery ticket game
36 authorized by the lottery board in lieu of the pull-
37 tab ticket game on the effective date of this Act.
38 _____. Title page, by striking lines 1 and 2 and
39 inserting the following: "An Act authorizing certain
40 types of lottery games, providing for other properly
41 related matters, and specifying dates of
42 applicability." "

RENAUD of Polk

H—5070

1 Amend the amendment, H—5062, to House File 2093 as
2 follows:
3 1. Page 1, line 36, by inserting after the word
4 "area," the following: "that the sign be accompanied
5 by a removable sticker to indicate the date of
6 pesticide application,".

NEUHAUSER of Johnson

H–5071

1 Amend House File 2111 as follows:
2 1. Page 7, line 31, by inserting after the word
3 "assistance," the following: "food stamps,".

SPEAR of Lee

H–5077

1 Amend House File 2071 as follows:
2 1. Page 1, by striking lines 11 through 23 and
3 inserting the following: "commissioner. The board
4 shall authorize not more than three instant lottery
5 ticket games, one interstate on-line lotto game, and
6 one intrastate on-line lotto ~~games and may authorize~~
7 ~~the use of any type of lottery~~ game ~~that on May 3,~~
8 ~~1985 has been conducted by a state lottery of another~~
9 ~~state in the United States, or any game that the board~~
10 ~~determines will achieve the revenue objectives of the~~
11 ~~lottery and is consistent with subsection 1.~~ However,
12 the board shall not authorize ~~a~~ an instant lottery
13 ticket game using ~~electronic computer terminals or~~
14 ~~other devices if the terminals or devices dispense~~
15 ~~coins or currency upon the winning of a prize~~ pull-tab
16 tickets. In a game utilizing instant tickets ~~other~~
17 ~~than pull-tab tickets~~, each ticket in the game".
18 2. Page 1, by inserting after line 31 the
19 following:
20 "Sec. _____. Section 99E.9, subsection 3, paragraph
21 o, Code 1991, is amended to read as follows:
22 o. Requirement that a licensee either print or
23 stamp the licensee's name and address on the back of
24 each instant ticket~~, except pull-tab tickets~~."
25 3. Page 2, by inserting after line 15 the
26 following:
27 "Sec. _____. Section 99E.9, Code 1991, is amended by
28 adding the following new subsection:
29 NEW SUBSECTION. 8. An intrastate on-line lotto
30 game shall have a maximum prize of two million
31 dollars. The board shall establish, by rule, a method
32 to determine two or more winners for a game that
33 reaches the maximum prize.
34 Sec. _____. SUBSTITUTE INSTANT LOTTERY GAMES. A
35 person licensed by the lottery board to sell an
36 instant lottery game using pull-tab tickets
37 immediately before the effective date of this Act may
38 substitute another instant lottery ticket game
39 authorized by the lottery board in lieu of the pull-
40 tab ticket game on the effective date of this Act.
41 Sec. _____. Section 99D.11, subsection 6, paragraph
42 b, Code Supplement 1991, is amended to read as
43 follows:

44 b. The commission may authorize the licensee to
45 simultaneously telecast within the racetrack enclosure
46 for purpose of pari-mutuel wagering a horse or dog
47 race licensed by the racing authority of another
48 state. It is the responsibility of each licensee to
49 obtain the consent of appropriate racing officials in
50 other states as required by the federal Interstate

Page 2

1 Horseracing Act of 1978, 15 U.S.C. § 3001-3007, to
2 televise races for the purpose of conducting pari-
3 mutuel wagering. A licensee may also obtain the
4 permission of a person licensed by the commission to
5 conduct horse or dog races in this state to televise
6 races conducted by that person for the purpose of
7 conducting pari-mutuel racing. However, arrangements
8 made by a licensee to televise any race for the
9 purpose of conducting pari-mutuel wagering are subject
10 to the approval of the commission, and the commission
11 shall select the races to be televised. The races
12 selected by the commission shall be the same for all
13 licensees approved by the commission to televise races
14 for the purpose of conducting pari-mutuel wagering.
15 The commission shall not authorize the simultaneous
16 telecast or televising of and a licensee shall not
17 simultaneously telecast or televise any horse or dog
18 race for the purpose of conducting pari-mutuel
19 wagering unless the simultaneous telecast or
20 televising is done at the racetrack of a licensee that
21 schedules no less than ~~one hundred five~~ seventy-five
22 performances of eight live races each day of the
23 season. For purposes of the taxes imposed under this
24 chapter, races televised by a licensee for purposes of
25 pari-mutuel wagering shall be treated as if the races
26 were held at the racetrack of the licensee.
27 Sec. _____. Section 99F.1, Code 1991, is amended by
28 adding the following new subsection:
29 NEW SUBSECTION. 2A. "Casino facility" means a
30 structure or building other than an excursion gambling
31 boat, which is licensed for the operation of gambling
32 games.
33 Sec. _____. NEW SECTION. 99F.4A CASINO STYLE
34 GAMBLING GAMES.
35 1. The commission may issue a license to a
36 qualified sponsoring organization to conduct gambling
37 games at a casino facility in a county subject to the
38 requirements of this chapter except as otherwise
39 provided in this section.
40 a. The authority of the commission to license
41 gambling games operations with a county is subject to
42 approval of the county electorate as provided in

43 section 99F.7, subsection 10.
44 b. A qualified sponsoring organization or person
45 licensed pursuant to chapter 99D is exempt from
46 further investigation and examination for licensing
47 purposes under this chapter.
48 c. The annual license fee based on passenger or
49 guest capacity as provided in section 99F.5 does not
50 apply to a licensed casino facility which is licensed

Page 3

1 to conduct gambling games.
2 d. The restrictions under section 99F.7,
3 subsection 5, related to the amount of space used for
4 gambling activity and the requirements of gift,
5 novelty, or souvenir sales do not apply to the
6 licensing of gambling games at casino facilities.
7 e. The admission fees required under section
8 99F.10 do not apply to casino facilities which are
9 licensed for gambling games.
10 f. The wagering restrictions pursuant to sections
11 99F.4 and 99F.9 which limit the wager per play or hand
12 and the maximum loss per individual do not apply to
13 casino facilities which are licensed for gambling
14 games.
15 g. The requirements for a cashless wagering system
16 under sections 99F.4 and 99F.9 do not apply to casino
17 facilities which are licensed for gambling games.
18 h. Gambling games authorized by the commission for
19 casino gambling operations shall include poker.
20 2. The commission shall adopt rules, pursuant to
21 chapter 17A, as necessary to administer this section.
22 Sec. _____. Section 99F.11, Code Supplement 1991, is
23 amended by adding the following new subsection:
24 NEW SUBSECTION. 2A. If the tax revenue is
25 received from casino facilities, two percent of the
26 adjusted gross receipts for the first five years
27 beginning January 1, 1993, shall be distributed
28 equally among the pari-mutuel racetracks which are
29 operating in this state and used solely to increase
30 purses for live races. Thereafter, one percent of the
31 adjusted gross receipts from casino facilities
32 annually shall be distributed equally among the pari-
33 mutuel racetracks operating in this state and used
34 solely to increase the purses of live races.
35 Sec. _____. EFFECTIVE DATE. This Act takes effect
36 July 1, 1992, however, a license issued by the state
37 racing and gaming commission for the operation of
38 gambling games at a casino facility shall not take
39 effect before December 31, 1992."
40 4. Title page, by striking lines 1 and 2 and in-
41 serting the following: "An Act authorizing certain

42 types of lottery games and casino gambling by
43 referendum, prohibiting instant pull-tab tickets,
44 allocating tax revenue, providing for other properly
45 related matters, and specifying the date of
46 applicability."

RENAUD of Polk
PAVICH of Pottawattamie

H—5079

1 Amend Senate File 506 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 17 the
4 following:
5 "_____. The consumer advocate and the utilities
6 division shall conduct a study of the incentive
7 regulation program established pursuant to this
8 section. The study shall include a description of the
9 program, the number of local exchange telephone
10 utilities participating, and an analysis of the
11 effects of the program. The analysis of the effects
12 shall include a comparison of what the rates would
13 have been, and how those rates would have changed,
14 without incentive regulation, and the actual rates
15 resulting under the incentive regulation program. The
16 study shall provide a comparison of such rates for
17 each calendar year during the study period beginning
18 January 1, 1993, and continuing through calendar year
19 1996. The consumer advocate and the utilities
20 division shall submit a report of the study's findings
21 to the general assembly no later than February 1,
22 1997.
23 _____. This section is repealed July 1, 1997."
24 2. Renumber as necessary.

GRONINGA of Cerro Gordo

H—5080

1 Amend Senate File 2116, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 9, by inserting after line 3 the fol-
4 lowing:
5 "Sec. _____. Section 18.3, subsection 5, Code 1991,
6 is amended by striking the subsection."
7 2. Page 9, by inserting after line 22 the fol-
8 lowing:
9 "Sec. _____. Section 303.79, subsection 11, Code
10 Supplement 1991, is amended by striking the
11 subsection."
12 3. Page 11, by inserting after line 7 the fol-
13 lowing:
14 "Sec. _____. REPEAL.

15 1. Sections 18.132 through 18.136, Code 1991, are
16 repealed.
17 2. Section 18.137, Code Supplement 1991, is
18 repealed.
19 3. 1990 Iowa Acts, chapter 1272, section 21, is
20 repealed.
21 Sec. _____. DISPOSITION OF MONEYS. Moneys remaining
22 in the state communications network fund on the
23 effective date of this Act shall be transferred to the
24 general fund of the state."
25 4. Title page, line 4, by inserting after the
26 word "corporations," the following: "abolishing the
27 state communications network,".

MILLAGE of Scott

H–5082

1 Amend Senate File 2116, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by striking line 15.
4 2. By renumbering as necessary.

SVOBODA of Tama

H–5083

1 Amend Senate File 2116 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 8, by inserting after line 31 the
4 following:
5 "Sec. _____. Section 8.22A, unnumbered paragraph 3,
6 Code 1991, is amended to read as follows:
7 By December 15, ~~1986~~ 1992 and each succeeding year
8 the conference shall agree to a revenue estimate for
9 the existing fiscal year and for the fiscal year
10 beginning the following July 1. ~~That~~ The estimate for
11 the existing fiscal year shall be used by the governor
12 in the preparation of the budget message under section
13 8.22 and by the legislature in the budget process."
14 2. Page 11, by inserting after line 7 the
15 following:
16 "Sec. _____. APPROPRIATIONS.
17 1. There is appropriated from the general fund of
18 the state to each department and establishment, as
19 defined in section 8.2, of the executive branch, to
20 each unit within the judicial branch, to each unit
21 within the legislative branch, and for standing
22 limited and unlimited appropriations, from the general
23 fund of the state for the fiscal year beginning July
24 1, 1992, and ending June 30, 1993, the amount
25 appropriated to that department, establishment, or
26 unit, or for that standing limited or unlimited
27 appropriation from the general fund of the state for

28 the fiscal year beginning July 1, 1991, as reduced by
29 any item vetoes of the governor and by the execution
30 of the governor's executive order number 42, to be
31 used for the purposes for which the moneys were
32 appropriated for the fiscal year beginning July 1,
33 1991.
34 2. Notwithstanding subsection 1, a state
35 department or establishment of the executive branch,
36 unit within the judicial branch, or unit within the
37 legislative branch may apply to the state appeal board
38 for an increase in its appropriation for the fiscal
39 year beginning July 1, 1992, if there is an
40 outstanding need for such increase because of any of
41 the following reasons:
42 a. Risk of losing federal funds.
43 b. Natural disaster or other emergency.
44 c. Inability to fully fund entitlement programs or
45 health and retirement benefits.
46 d. Settling contracts already negotiated.
47 The appeal board may approve or modify and approve
48 the request for an increase in appropriations. There
49 is appropriated from the general fund of the state for
50 the fiscal year beginning July 1, 1992, an amount

Page 2

1 sufficient to fund any approved or modified and
2 approved request for an increase in appropriation
3 under this subsection.
4 3. Notwithstanding subsection 1, there is
5 appropriated from the appropriate state fund, as
6 designated in 1991 Iowa Acts, chapter 266, to the
7 salary adjustment fund for the fiscal year beginning
8 July 1, 1992, amounts sufficient to fund any salary
9 increases, pay adjustments, expense reimbursements and
10 related benefits resulting from any favorable decree
11 for the plaintiffs in the case of AFSCME/Iowa Council
12 61 et al. v. State of Iowa et al. if a final decree is
13 issued during the fiscal year beginning July 1, 1992.
14 Sec. _____. PROPERTY TAX LIMITATION. If a program
15 or service is required by law to be provided by a
16 city, county, or school corporation, and the state
17 provides any financial assistance to the city, county,
18 or school corporation for that program or service, the
19 amount of property tax revenues the city, county, or
20 school corporation may spend for that program or
21 service for the fiscal year beginning July 1, 1992,
22 shall not exceed the amount of property tax revenues
23 spent by the city, county, or school corporation
24 during the fiscal year beginning July 1, 1991.
25 If as a result of the property tax limitation in
26 this section, a city, county, or school corporation is

27 unable to fully fund the mandated program or service,
28 no fines, penalties, reductions in financial
29 assistance, or other sanctions shall be imposed on the
30 city, county, or school corporation.
31 Sec. _____. For the fiscal year beginning July 1,
32 1992, the mental health, mental retardation, and
33 developmental disabilities services expenditures of
34 each county is frozen at the amount that county
35 expended for those services in the fiscal year
36 beginning July 1, 1991.
37 Sec. _____. Upon the effective date of this Act,
38 contract negotiations between teachers,
39 administrators, and other employees and a school
40 corporation shall cease for the budget year beginning
41 July 1, 1992. If such contracts have been entered
42 into, those contracts shall be honored. Any such
43 contract negotiations for budget years beginning on or
44 after July 1, 1993, shall not take into consideration
45 the halting of contract negotiations required under
46 this section."
47 3. Title page, line 4, by inserting after the
48 word "corporations," the following: "limiting the
49 appropriation of state general fund moneys for the
50 fiscal year beginning July 1, 1992, and limiting the

Page 3

1 amount that may be spent by local governments for
2 mandated programs and services receiving state
3 financial assistance for the fiscal year beginning
4 July 1, 1992, and halting contract negotiations by
5 school corporations, and providing that future state
6 general fund budgets be based upon previous year's
7 revenues."

SVOBODA of Tama
MERTZ of Kossuth
BRANSTAD of Winnebago

H–5084

1 Amend Senate File 2116, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 8, by inserting after line 31 the fol-
4 lowing:
5 "Sec. _____. NEW SECTION. 8.58 STATE GENERAL FUND
6 EXPENDITURE LIMITATION.
7 1. For purposes of this section:
8 a. "Base year" means the fiscal year in which
9 budgets for state departments and agencies for the
10 following fiscal year are submitted to the department
11 of management.
12 b. "Budget year" means the fiscal year for which

13 budgets are submitted to the department of management
14 in the base year.
15 c. "Growth factor for the budget year" means the
16 lesser of the following:
17 (1) The estimated percentage of growth in general
18 fund receipts from the base year to the budget year as
19 made in December of the base year by the revenue
20 estimating conference.
21 (2) The annual percentage change in the implicit
22 price deflater, increased to the next highest
23 percentage point, for the fiscal year preceding the
24 base year.
25 If the percentage is less than zero under
26 subparagraph (1) or (2) the growth factor equals zero.
27 d. "Implicit price deflator" means the implicit
28 price deflator for the gross national product computed
29 by the bureau of economic analysis of the United
30 States department of commerce.
31 2. A state general fund expenditure limitation is
32 created for each budget year beginning on or after
33 July 1, 1993, calculated as provided in this section.
34 3. The state general fund expenditure limitation
35 for a budget year equals the product of the following
36 two paragraphs:
37 a. The sum of state general fund appropriations
38 made during the base year for the budget year,
39 adjusted for any governor's across-the-board
40 reductions, plus estimated standing limited and
41 unlimited state general fund appropriations for the
42 budget year.
43 b. The sum of one hundred percent plus the growth
44 factor for the budget year.
45 4. The state general fund expenditure limitation
46 provided for in this section shall be used by the
47 governor in the preparation of the budget under
48 section 8.22 and by the general assembly in the budget
49 process.
50 5. The governor shall submit to the general

Page 2

1 assembly and the general assembly shall pass a budget
2 which does not exceed the state general fund
3 expenditure limitation.
4 6. The governor may propose and the general
5 assembly may make supplemental appropriations for a
6 budget year beginning on or after July 1, 1993, in an
7 amount, after adjustment for reductions in
8 appropriations to be made for that budget year, equal
9 to no more than the monetary excess, if any, of
10 estimated state general fund receipts for that budget
11 year as made in March of that budget year by the

12 revenue estimating conference over the growth factor
13 for that budget year."
14 2. Page 9, by inserting after line 22 the fol-
15 lowing:
16 "Sec. 50. Section 422.43, subsections 1, 2, 4, 5,
17 6, 7, and 10, Code Supplement 1991, are amended to
18 read as follows:
19 1. There is imposed a tax of five percent for the
20 period beginning April 1, 1992, and ending December
21 31, 1992, and four percent beginning January 1, 1993,
22 upon the gross receipts from all sales of tangible
23 personal property, consisting of goods, wares, or
24 merchandise, except as otherwise provided in this
25 division, sold at retail in the state to consumers or
26 users; a like rate of tax upon the gross receipts from
27 the sales, furnishing, or service of gas, electricity,
28 water, heat, pay television service, and communication
29 service, including the gross receipts from such sales
30 by any municipal corporation or joint water utility
31 furnishing gas, electricity, water, heat, pay
32 television service, and communication service to the
33 public in its proprietary capacity, except as
34 otherwise provided in this division, when sold at
35 retail in the state to consumers or users; a like rate
36 of tax upon the gross receipts from all sales of
37 tickets or admissions to places of amusement, fairs,
38 and athletic events except those of elementary and
39 secondary educational institutions; and a like rate of
40 tax upon that part of private club membership fees or
41 charges paid for the privilege of participating in any
42 athletic sports provided club members.
43 2. There is imposed a tax of five percent for the
44 period beginning April 1, 1992, and ending December
45 31, 1992, and four percent beginning January 1, 1993,
46 upon the gross receipts derived from the operation of
47 all forms of amusement devices and games of skill,
48 games of chance, raffles, and bingo games as defined
49 in chapter 99B, operated or conducted within ~~the~~ this
50 state ~~of Iowa~~, the tax to be collected from the

Page 3

1 operator in the same manner as ~~is provided~~ for the
2 collection of taxes upon the gross receipts of tickets
3 or admission as provided in this section. The tax
4 shall also be imposed upon the gross receipts derived
5 from the sale of lottery tickets or shares pursuant to
6 chapter 99E. The tax on the lottery tickets or shares
7 shall be included in the sales price and distributed
8 to the general fund as provided in section 99E.10.
9 4. There is imposed a ~~like rate of~~ tax of five
10 percent for the period beginning April 1, 1992, and

11 ending December 31, 1992, and four percent beginning
12 January 1, 1993, upon the gross receipts from the
13 sales of engraving, photography, retouching, printing,
14 and binding services. For the purpose of this
15 division, the sales of engraving, photography,
16 retouching, printing, and binding services are sales
17 of tangible property.
18 5. There is imposed a ~~like rate of~~ tax of five
19 percent for the period beginning April 1, 1992, and
20 ending December 31, 1992, and four percent beginning
21 January 1, 1993, upon the gross receipts from the
22 sales of vulcanizing, recapping, and retreading
23 services. For the purpose of this division, the sales
24 of vulcanizing, recapping, and retreading services are
25 sales of tangible property.
26 6. There is imposed a tax of five percent for the
27 period beginning April 1, 1992, and ending December
28 31, 1992, and four percent beginning January 1, 1993,
29 upon the gross receipts from the sales of optional
30 service or warranty contracts which provide for the
31 furnishing of labor and materials and require the
32 furnishing of any taxable service enumerated under
33 this section. The gross receipts are subject to tax
34 even if some of the services furnished are not
35 enumerated under this section. For the purpose of
36 this division, the sale of an optional service or
37 warranty contract is a sale of tangible personal
38 property. Additional sales, services, or use ~~tax~~
39 taxes shall not be levied on services, parts, or labor
40 provided under optional service or warranty contracts
41 which are subject to tax under this section.
42 7. ~~A like rate of tax~~ There is imposed a tax of
43 five percent for the period beginning April 1, 1992,
44 and ending December 31, 1992, and four percent
45 beginning January 1, 1993, upon the gross receipts
46 from the renting of rooms, apartments, or sleeping
47 quarters in a hotel, motel, inn, public lodging house,
48 rooming house, mobile home which is tangible personal
49 property, or tourist court, or in any place where
50 sleeping accommodations are furnished to transient

Page 4

1 guests for rent, whether with or without meals.
2 "Renting" and "rent" include any kind of direct or
3 indirect charge for such rooms, apartments, or
4 sleeping quarters, or their use. For the purposes of
5 this division, such renting is regarded as a sale of
6 tangible personal property at retail. However, this
7 tax does not apply to the gross receipts from the
8 renting of a room, apartment, or sleeping quarters
9 while rented by the same person for a period of more

10 than thirty-one consecutive days.
11 10. There is imposed a tax of five percent for the
12 period beginning April 1, 1992, and ending December
13 31, 1992, and four percent beginning January 1, 1993,
14 upon the gross receipts from the rendering,
15 furnishing, or performing of services as defined in
16 section 422.42.
17 Sec. 51. Section 422.43, subsection 12, unnumbered
18 paragraph 1, Code Supplement 1991, is amended to read
19 as follows:
20 A tax of five percent for the period beginning
21 April 1, 1992, and ending December 31, 1992, and four
22 percent beginning January 1, 1993, is imposed upon the
23 gross receipts from all sales of tangible personal
24 property, consisting of goods, wares, or merchandise,
25 except as otherwise provided in this division, sold at
26 retail in the state to consumers or users within the
27 state by retailers that meet any of the following
28 criteria:
29 Sec. 52. Section 422.47, subsection 2, Code 1991,
30 is amended to read as follows:
31 2. Construction contractors may make application
32 to the department for a refund of the additional one
33 percent tax paid under this division or the additional
34 one percent tax paid under chapter 423 by reason of
35 the increase in the tax from ~~three to~~ four to five
36 percent for taxes paid on goods, wares, or merchandise
37 under the following conditions:
38 a. The goods, wares, or merchandise are
39 incorporated into an improvement to real estate in
40 fulfillment of a written contract fully executed prior
41 to ~~March 1, 1983~~ April 1, 1992. The refund shall not
42 apply to equipment transferred in fulfillment of a
43 mixed construction contract.
44 b. The contractor has paid to the department or to
45 a retailer the full ~~four~~ five percent tax.
46 c. The claim is filed on forms provided by the
47 department and is filed within one year of the date
48 the tax is paid.
49 A contractor who makes an erroneous application for
50 refund shall be liable for payment of the excess

Page 5

1 refund paid plus interest at the rate in effect under
2 section 421.7. In addition, a contractor who
3 willfully makes a false application for refund is
4 guilty of a simple misdemeanor and is liable for a
5 penalty equal to fifty percent of the excess refund
6 claimed. Excess refunds, penalties, and interest due
7 under this subsection may be enforced and collected in
8 the same manner as the tax imposed by this division.

9 Sec. 53. Section 423.2, Code 1991, is amended to
10 read as follows:
11 423.2 IMPOSITION OF TAX.
12 An excise tax is imposed on the use in this state
13 of tangible personal property purchased for use in
14 this state, at the rate of five percent for the period
15 beginning April 1, 1992, and ending December 31, 1992,
16 and four percent beginning January 1, 1993, of the
17 purchase price of the property. The excise tax is
18 imposed upon every person using the property within
19 this state until the tax has been paid directly to the
20 county treasurer or the state department of
21 transportation, to a retailer, or to the department.
22 An excise tax is imposed on the use in this state of
23 services enumerated in section 422.43 at the rate of
24 five percent for the period beginning April 1, 1992,
25 and ending December 31, 1992, and four percent
26 beginning January 1, 1993. This tax is applicable
27 where services are rendered, furnished, or performed
28 in this state or where the product or result of the
29 service is used in this state. This tax is imposed on
30 every person using the services or the product of the
31 services in this state until the user has paid the tax
32 either to an Iowa use tax permit holder or to the
33 department.
34 Sec. 54. APPLICABILITY. This section applies in
35 regard to the temporary increase in the state sales,
36 services, and use taxes from four to five percent.
37 The use tax rate of five percent applies to motor
38 vehicles subject to registration which are registered
39 on or after April 1, 1992, and before January 1, 1993.
40 The five percent use tax rate applies to the use of
41 property when the first taxable use in this state
42 occurs on or after April 1, 1992, and before January
43 1, 1993. The five percent rate applies to the gross
44 receipts from the sale, furnishing, or service of gas,
45 electricity, water, heat, pay television service, and
46 communication service if the date of billing the
47 customer is on or after April 1, 1992, and before
48 January 1, 1993. In the case of a service contract
49 entered into prior to April 1, 1992, which contract
50 calls for periodic payments, the five percent rate

Page 6

1 applies to those payments made or due on or after
2 April 1, 1992, and before January 1, 1993. This
3 periodic payment applies, but is not limited to,
4 tickets or admissions, private club membership fees,
5 sources of amusement, equipment rental, dry cleaning,
6 reducing salons, dance schools, and all other services
7 subject to tax, except the aforementioned utility

8 services which are subject to a special transitional
9 rule. Unlike periodic payments under service
10 contracts, installment sales of goods, wares, and
11 merchandise are subject to the full amount of sales or
12 use tax when the sales contract is entered into or the
13 property is first used in Iowa."
14 3. Page 11, line 12, by striking the words "DATE.
15 This" and inserting the following: "DATES. Except
16 for sections 50 through 54, this".
17 4. Page 11, line 13, by inserting after the word
18 "enactment." the following: "Sections 50 through 54
19 of this Act take effect April 1, 1992."
20 5. Title page, line 4, by inserting after the
21 word "corporations," the following: "establishing a
22 state general fund expenditure limitation, and
23 temporarily increasing the state sales, services, and
24 use taxes,".

BRAMMER of Linn

H—5085

1 Amend Senate File 2116 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "DIVISION I
6 SUPPLEMENTALS
7 Department of Human Services
8 Section 101. SUPPLEMENTAL APPROPRIATIONS. There
9 is appropriated from the general fund of the state to
10 the department of human services for the fiscal year
11 beginning July 1, 1991, and ending June 30, 1992, to
12 supplement the appropriations made in 1991 Iowa Acts,
13 chapter 267, division I, the following amounts, or so
14 much thereof as is necessary, to be used for the
15 purposes designated:
16 1. Aid to families with dependent children, in
17 section 101:
18 .....$ 4,306,161
19 2. Emergency assistance to families with dependent
20 children to match federal funding for homeless
21 prevention programs in section 102:
22 .....$ 375,000
23 3. Medical assistance, in section 103:
24 .....$ 19,605,610
25 4. Medical contracts, in section 104:
26 .....$ 295,104
27 5. State supplementary assistance, in section 107:
28 .....$ 1,002,613
29 6. Child day care assistance, in section 109:
30 .....$ 230,883
31 7. Transitional child care assistance, in section

32 110:
33 .....$ 10,508
34 8. Foster care, in section 114:
35 .....$ 11,525,652
36 9. Home-based services, in section 116:
37 .....$ 287,332
38 10. Community-based programs, in section 117:
39 .....$ 767,036
40 11. a. State mental health institute at Cherokee,
41 in section 121, subsection 1:
42 .....$ 158,485
43 b. State mental health institute at Independence,
44 in section 121, subsection 3:
45 .....$ 758,139
46 Sec. 102. CAPITAL IMPROVEMENTS. There is
47 appropriated from the general fund of the state to the
48 department of human services for the fiscal year
49 beginning July 1, 1991, and ending June 30, 1992, the
50 following amount, or so much thereof as is necessary,

Page 2

1 to be used for the purposes designated:
2 For capital improvements, including items for code
3 compliance and critical major maintenance:
4 .....$ 996,224
5 Sec. 103. RESIDENTIAL CARE FACILITY REIMBURSEMENT
6 RATES — EMERGENCY RULES. The department of human
7 services may adopt administrative rules under section
8 17A.4, subsection 2, and section 17A.5, subsection 2,
9 paragraph "b", to implement changes in the maximum
10 reimbursement rate set for residential care facilities
11 that will allow the department to spend funds
12 sufficient to meet federal maintenance of effort
13 requirements and not exceed the amount of funds
14 appropriated for this purpose in the fiscal year
15 beginning July 1, 1991.
16 Department of Corrections
17 Sec. 104. There is appropriated from the general
18 fund of the state to the department of corrections for
19 the fiscal year beginning July 1, 1991, and ending
20 June 30, 1992, to supplement the appropriations made
21 in 1991 Iowa Acts, chapter 267, section 405, the
22 following amounts, or so much thereof as is necessary,
23 to be used for the purposes designated:
24 1. For annual payment relating to prison
25 expansion, in subsection 5:
26 .....$ 20,340
27 2. For annual payment relating to prison
28 expansion, in subsection 6:
29 .....$ 102,156
30 Department of Inspections and Appeals

31 Sec. 105. There is appropriated from the road use
32 tax fund to the department of inspections and appeals
33 for the fiscal year beginning July 1, 1991, and ending
34 June 30, 1992, to supplement the appropriation made in
35 1991 Iowa Acts, chapter 268, section 414, the
36 following amount, or so much thereof as is necessary,
37 to be used for the purposes designated:
38 For salaries, support, maintenance, and
39 miscellaneous purposes:
40 .....$ 100,000
41 Sec. 106. There is appropriated from the general
42 fund of the state to the racing and gaming commission
43 of the department of inspections and appeals for the
44 fiscal year beginning July 1, 1991, and ending June
45 30, 1992, to supplement the appropriation made in 1991
46 Iowa Acts, chapter 268, section 425, the following
47 amount, or so much thereof as is necessary, to be used
48 for the purposes designated:
49 For salaries, support, maintenance, miscellaneous
50 purposes, and for an increase of 2 full-time

Page 3

1 equivalent positions:
2 .....$ 50,000
3 Department of General Services
4 Sec. 107. There is appropriated from the general
5 fund of the state to the department of general
6 services for the fiscal year beginning July 1, 1991,
7 and ending June 30, 1992, the following amounts, or so
8 much thereof as is necessary, for the purposes
9 designated:
10 1. For deferred maintenance projects at the
11 capitol complex:
12 .....$ 223,440
13 2. For the removal of the court avenue bridge:
14 .....$ 375,000
15 3. For continued restoration work on the capitol:
16 .....$ 500,000
17 Department of Commerce
18 Sec. 108. There is appropriated from the general
19 fund of the state to the alcoholic beverages division
20 of the department of commerce for the fiscal year
21 beginning July 1, 1991, and ending June 30, 1992, the
22 following amount, or so much thereof as is necessary,
23 for the purpose designated:
24 For the repair of the roof at the Ankeny liquor
25 warehouse facility:
26 .....$ 350,000
27 Sec. 109. Notwithstanding section 8.33,
28 unobligated and unencumbered moneys remaining on June
29 30, 1992, from the appropriations made for the fiscal

30 year beginning July 1, 1991, in sections 102, 107, and
31 108 shall not revert but shall be available for
32 expenditure for which appropriated during the fiscal
33 year beginning July 1, 1992, and any unobligated and
34 unencumbered moneys remaining on June 30, 1993, from
35 such appropriations shall revert on August 31, 1993.
36 Sec. 110. EFFECT OF APPROPRIATION REDUCTIONS. The
37 moneys appropriated to supplement the appropriations
38 for the fiscal year beginning July 1, 1991, and ending
39 June 30, 1992, made in this division are not subject
40 to the allotment reduction pursuant to executive order
41 number 42.
42 DIVISION II
43 REDUCTIONS
44 Department of Agriculture and Land Stewardship
45 Sec. 201. The appropriation from the general fund
46 of the state to the department of agriculture and land
47 stewardship for the fiscal year beginning July 1,
48 1991, and ending June 30, 1992, in 1991 Iowa Acts,
49 chapter 268, section 201, is reduced, as a result of
50 the governor's item veto in section 201, by the

Page 4

1 following amount for the purpose designated:
2 Soil conservation division, in subsection 6:
3 .....$ 250,000
4 Iowa Communications Network
5 Sec. 202. Notwithstanding the nonreversion
6 provision in section 18.137, up to $2,000,000 of the
7 unobligated and unencumbered moneys remaining in the
8 Iowa communications network fund of the amount
9 appropriated, as a result of the governor's item veto
10 of 1991 Iowa Acts, chapter 267, section 507,
11 subsection 17, under section 18.137 to the fund for
12 the fiscal year beginning July 1, 1991, and ending
13 June 30, 1992, shall revert to the general fund of the
14 state.
15 Sec. 203. EFFECT OF APPROPRIATION REDUCTIONS. The
16 reductions in appropriations for the fiscal year
17 beginning July 1, 1991, and ending June 30, 1992, made
18 in this division are in addition to the allotment
19 reduction pursuant to executive order number 42.
20 DIVISION III
21 STATE AID TO EDUCATION
22 Sec. 301. Section 11.6, subsection 1, unnumbered
23 paragraph 1, Code Supplement 1991, is amended to read
24 as follows:
25 The financial condition and transactions of all
26 cities and city offices, counties, county hospitals
27 organized under chapters 347 and 347A, memorial
28 hospitals organized under chapter 37, entities

29 organized under chapter 28E having gross receipts in
30 excess of one hundred thousand dollars in a fiscal
31 year, merged areas, area education agencies, and all
32 school offices in school districts, shall be examined
33 at least once each year, except that cities having a
34 population of seven hundred or more but less than two
35 thousand shall be examined at least once every four
36 years, and cities having a population of less than
37 seven hundred may be examined as otherwise provided in
38 this section. The examination shall cover the fiscal
39 year next preceding the year in which the audit is
40 conducted. The examination of school offices shall
41 include an audit of all school funds, the certified
42 annual financial report, and the certified enrollment
43 as provided in section ~~257.11~~ 257.6. Examinations of
44 community colleges shall include an audit of eligible
45 and noneligible contact hours as defined in section
46 286A.2. Eligible and noneligible contact hours and
47 the certified enrollment shall be certified to the
48 department of management.
49 Sec. 302. Section 257.6, subsection 4, unnumbered
50 paragraph 2, Code 1991, is amended to read as follows:

Page 5

1 However, if a district's actual enrollment for a
2 budget year is greater than one hundred three percent
3 of its budget enrollment, the district is eligible for
4 an advance for increasing enrollment as provided in
5 section 257.13.
6 Sec. 303. Section 257.13, unnumbered paragraph 1,
7 Code 1991, is amended to read as follows:
8 If a district's actual enrollment for the budget
9 year, determined under section 257.6, is greater than
10 one hundred three percent of its budget enrollment for
11 the budget year, the district is granted an advance
12 from the state of an amount equal to its regular
13 program district cost per pupil for the budget year
14 multiplied by the difference between the actual
15 enrollment for the budget year and one hundred three
16 percent of the budget enrollment for the budget year.
17 The advance is miscellaneous income.
18 Sec. 304. Section 257.16, unnumbered paragraph 2,
19 Code Supplement 1991, is amended to read as follows:
20 All state aids paid under this chapter, unless
21 otherwise stated, shall be paid in monthly
22 installments beginning on September 15 of a budget
23 year and ending on or about June 15 of the budget year
24 ~~and the installments shall be as nearly equal as~~
25 ~~possible as determined by the department of~~
26 ~~management~~, taking into consideration the relative
27 budget and cash position of the state resources.

28 However, an amount of state school foundation aid
29 equal to the general allocation of the school district
30 as determined under section 405A.2 and the amount of
31 the tax credit for livestock pursuant to section
32 442.2, subsection 2, as it appeared in the 1987 Code,
33 shall be paid to the school district on July 15 of the
34 subsequent fiscal year, and the appropriation for this
35 amount shall be made for the fiscal year during which
36 the payment is made. However, the state aid paid to
37 school districts under section 257.13 shall be paid in
38 monthly installments beginning on December 15 and
39 ending on June 15 of a budget year.
40 Sec. 305. Notwithstanding the repeal of chapter
41 442 as of July 1, 1991, the provision of section
42 442.26 that requires an amount of school aid equal to
43 the general allocation to a school district under
44 section 405A.2 and the amount of tax credit for
45 livestock to be paid to school districts on July 15 of
46 the subsequent fiscal year remains effective for the
47 school budget year beginning July 1, 1990, and such
48 amounts shall be paid to the school districts on July
49 15, 1991.
50 Sec. 306. APPLICABILITY. Sections 301 and 304 of

Page 6

1 this division apply to school budget years beginning
2 on or after July 1, 1992. Sections 302 and 303 of
3 this division apply retroactively to the school budget
4 year beginning July 1, 1991, only and are repealed
5 July 1, 1992. Section 305 of this division applies
6 retroactively to the school budget year beginning July
7 1, 1990.
8 DIVISION IV
9 TAX AND OTHER CODE CHANGES
10 Sec. 401. Section 93.11, subsection 3, unnumbered
11 paragraph 1, Code Supplement 1991, is amended to read
12 as follows:
13 An energy fund disbursement council is established.
14 The council shall be composed of the governor or the
15 governor's designee, the director of the department of
16 management or the director's designee, who shall serve
17 as the council's chairperson, the administrator of the
18 division of community action agencies of the
19 department of human rights, the administrator of the
20 energy and geological resources division of the
21 department of natural resources, and a designee of the
22 director of the department of transportation, who is
23 knowledgeable in the field of energy conservation.
24 The council shall include as nonvoting members two
25 members of the senate appointed by the president of
26 the senate, after consultation with the majority

27 leader and the minority leader of the senate, and two
28 members of the house of representatives appointed by
29 the speaker of the house. The legislative members
30 shall be appointed upon the convening and for the
31 period of each general assembly. Not more than one
32 member from each house shall be of the same political
33 party. The council shall be staffed by the energy and
34 geological resources division of the department of
35 natural resources. The attorney general shall provide
36 legal assistance to the council.
37 Sec. 402. Section 98.6, subsection 1, Code
38 Supplement 1991, is amended to read as follows:
39 1. There is imposed, and shall be collected and
40 paid to the department, ~~the following taxes~~ a tax on
41 all cigarettes used or otherwise disposed of in this
42 state for any purpose whatsoever:
43 ~~Class A. On cigarettes weighing not more than~~
44 ~~three pounds per thousand, eighteen mills~~ equal to two
45 and three-tenths cents on each such cigarette.
46 ~~Class B. On cigarettes weighing more than three~~
47 ~~pounds per thousand, eighteen mills on each such~~
48 ~~cigarette.~~
49 Sec. 403. Section 98.43, subsection 1, unnumbered
50 paragraph 1, Code Supplement 1991, is amended to read

Page 7

1 as follows:
2 A tax is imposed upon all tobacco products in this
3 state and upon any person engaged in business as a
4 distributor of tobacco products, at the rate of
5 ~~twenty-two~~ twenty-eight percent of the wholesale sales
6 price of the tobacco products, except little cigars as
7 defined in section 98.42. Little cigars shall be
8 subject to the same rate of tax imposed upon
9 cigarettes in section 98.6, payable at the time and in
10 the manner provided in section 98.6; and stamps shall
11 be affixed as provided in division I of this chapter.
12 The tax on tobacco products, excluding little cigars,
13 shall be imposed at the time the distributor does any
14 of the following:
15 Sec. 404. Section 98.43, subsection 2, unnumbered
16 paragraph 1, Code Supplement 1991, is amended to read
17 as follows:
18 A tax is imposed upon the use or storage by
19 consumers of tobacco products in this state, and upon
20 the consumers, at the rate of ~~twenty-two~~ twenty-eight
21 percent of the cost of the tobacco products.
22 Sec. 405. NEW SECTION. 226.48 YOUTH FACILITY
23 FUND.
24 The department may establish a fund in the state
25 treasury to provide appropriate support services to a

26 youth facility at the Clarinda mental health
27 institute. The department may deposit receipts into
28 this fund, negotiate contracts, and expend receipts to
29 provide the necessary support services.
30 Sec. 406. Section 422.43, Code Supplement 1991, is
31 amended by adding the following new subsection:
32 NEW SUBSECTION. 13. a. A tax of four percent is
33 imposed upon the gross receipts from the sales,
34 furnishing, or service of solid waste collection and
35 disposal service.
36 For purposes of this subsection, "solid waste"
37 means garbage, refuse, sludge from a water supply
38 treatment plant or air contaminant treatment facility,
39 and other discarded waste materials and sludges, in
40 solid, semisolid, liquid, or contained gaseous form,
41 resulting from industrial, commercial, mining, and
42 agricultural operations, and from community
43 activities, but does not include hazardous waste;
44 animal waste used as fertilizer; earthen fill,
45 boulders, rock; sewage sludge; solid or dissolved
46 material in domestic sewage or other common pollutants
47 in water resources, such as silt, dissolved or
48 suspended solids in industrial waste water effluents
49 or discharges which are point sources subject to
50 permits under section 402 of the federal Water

Page 8

1 Pollution Control Act, dissolved materials in
2 irrigation return flows; or source, special nuclear,
3 or by-product material defined by the federal Atomic
4 Energy Act of 1954.
5 A recycling facility that separates or processes
6 recyclable materials and that reduces the volume of
7 the waste by at least eighty-five percent is exempt
8 from the tax imposed by this subsection if the waste
9 exempted is collected and disposed of separately from
10 other solid waste.
11 b. A person who transports mixed municipal solid
12 waste generated by that person or another person
13 without compensation shall pay the tax imposed by this
14 subsection at the collection or disposal facility
15 based on the disposal charge or tipping fee. However,
16 the costs of a service or the portion of a service to
17 collect and manage recyclable materials separated from
18 mixed municipal solid waste by the waste generator is
19 exempt from the tax imposed by this subsection. For
20 purposes of this paragraph, "mixed municipal solid
21 waste" means garbage, refuse, and other solid waste
22 from residential, commercial, industrial, and
23 community activities which is generated and collected
24 in aggregate, but does not include auto hulks, street

25 sweepings, ash, construction debris, mining waste,
26 sludges, tree and agricultural wastes, tires, lead
27 acid batteries, used oil, and other materials
28 collected, processed, and disposed of as separate
29 waste streams.
30 Sec. 407. Section 422.43, subsection 11,
31 unnumbered paragraph 1, Code Supplement 1991, is
32 amended to read as follows:
33 The following enumerated services are subject to
34 the tax imposed on gross taxable services: Alteration
35 and garment repair; armored car; automobile repair;
36 battery, tire and allied; investment counseling;
37 service charges of all financial institutions; barber
38 and beauty; boat repair; car wash and wax; carpentry;
39 roof, shingle, and glass repair; consultant services;
40 dance schools and dance studios; dry cleaning,
41 pressing, dyeing, and laundering; electrical and
42 electronic repair and installation; rental of tangible
43 personal property, except mobile homes which are
44 tangible personal property; excavating and grading;
45 farm implement repair of all kinds; flying service;
46 furniture, rug, upholstery repair and cleaning; fur
47 storage and repair; golf and country clubs and all
48 commercial recreation; house and building moving;
49 household appliance, television, and radio repair;
50 jewelry and watch repair; machine operator; machine

Page 9

1 repair of all kinds; motor repair; motorcycle,
2 scooter, and bicycle repair; oilers and lubricators;
3 office and business machine repair; painting,
4 papering, and interior decorating; parking facilities;
5 pipe fitting and plumbing; wood preparation; licensed
6 executive search agencies; private employment
7 agencies, excluding services for placing a person in
8 employment where the principal place of employment of
9 that person is to be located outside of the state;
10 sewing and stitching; shoe repair and shoeshine;
11 storage warehousing of raw agricultural products;
12 telephone answering service; test laboratories, except
13 tests on humans or animals; termite, bug, roach, and
14 pest eradicators; tin and sheet metal repair; turkish
15 baths, massage, and reducing salons; weighing;
16 welding; well drilling; wrapping, packing, and
17 packaging of merchandise other than processed meat,
18 fish, fowl and vegetables; wrecking service; wrecker
19 and towing; pay television; campgrounds; carpet and
20 upholstery cleaning; gun and camera repair; janitorial
21 and building maintenance or cleaning; lawn care,
22 landscaping and tree trimming and removal; pet
23 grooming; reflexology; security and detective

24 services; tanning beds or salons; and water
25 conditioning and softening.
26 Sec. 408. Section 422.43, subsection 11, Code
27 Supplement 1991, is amended by adding the following
28 new unnumbered paragraph:
29 NEW UNNUMBERED PARAGRAPH. For purposes of this
30 subsection, "consultant services" means services
31 provided, except as otherwise stated in this
32 paragraph, by a person who purports to give expert or
33 professional advice on any subject including, but not
34 limited to, advice on audiovisual, business, computer
35 and data processing, insurance, management, marketing,
36 security, and weather and meteorology. "Consultant
37 services" does not mean services provided by a person
38 licensed, registered, or certified by boards listed in
39 section 258A.1, or licensed under chapter 80A, 152A,
40 154C, 522, or 602, article 10, if the services
41 provided come within the purview of such person's
42 license, registration, or certification.
43 Sec. 409. Section 422.45, subsection 5, unnumbered
44 paragraph 1, Code Supplement 1991, is amended to read
45 as follows:
46 The gross receipts from services rendered,
47 furnished, or performed and of all sales of goods,
48 wares, or merchandise used for public purposes to a
49 tax-certifying or tax-levying body of the state or a
50 governmental subdivision of the state, including

Page 10

1 regional transit systems, as defined in section
2 601J.1, the state board of regents, department of
3 human services, state department of transportation,
4 any municipally owned solid waste facility which sells
5 all or part of its processed waste as fuel to a
6 municipally owned public utility, and all divisions,
7 boards, commissions, agencies, or instrumentalities of
8 state, federal, county, or municipal government which
9 have no earnings going to the benefit of an equity
10 investor or stockholder, except sales of goods, wares,
11 or merchandise or from services rendered, furnished,
12 or performed and used by or in connection with the
13 operation of any municipally owned public utility
14 engaged in selling gas, electricity, heat, or pay
15 television service to the general public and except
16 the sales, furnishing, or service of solid waste
17 collection and disposal service to a county or
18 municipality on behalf of its residents.
19 Sec. 410. Section 422.45, subsection 20, Code
20 Supplement 1991, is amended to read as follows:
21 20. The gross receipts from sales or services
22 rendered, furnished, or performed by a county or city.

23 This exemption does not apply to the tax specifically
24 imposed under section 422.43 on the gross receipts
25 from the sales, furnishing, or service of gas,
26 electricity, water, heat, pay television service, and
27 communication service to the public by a municipal
28 corporation in its proprietary capacity, does not
29 apply to the sales, furnishing, or service of solid
30 waste collection and disposal service, and does not
31 apply to fees paid to cities and counties for the
32 privilege of participating in any athletic sports.
33 Sec. 411. 1991 Iowa Acts, chapter 260, section
34 1103, unnumbered paragraph 2, is amended to read as
35 follows:
36 The transfers under this section shall be made
37 during the period beginning April 16, 1991, and ending
38 June 30, 1991. However, state general fund cash
39 balances shall be available from the general fund of
40 the state for cash flow purposes to enable the timely
41 payment of obligations incurred for purposes for which
42 moneys in the funds designated in subsections 1
43 through 4 are to be used for the fiscal years ending
44 June 30, 1992, and June 30, 1993.
45 Sec. 412. 1991 Iowa Acts, chapter 266, section 19,
46 is amended to read as follows:
47 SEC. 19. There is appropriated from the health
48 insurance reserve fund to the general fund of the
49 state, on or before June 30, 1991, the following
50 amount:

Page 11

1 .....$ 6,000,000
2 However, state general fund cash balances shall be
3 available from the general fund of the state for cash
4 flow purposes to enable the timely payment of
5 obligations incurred for purposes of the health
6 insurance reserve fund for the fiscal years ending
7 June 30, 1992, and June 30, 1993.
8 Sec. 413. EFFECTIVE DATE. Sections 402 through
9 404 and 406 through 410 of this division take effect
10 April 1, 1992.
11 DIVISION V
12 EFFECTIVE DATE
13 Sec. 501. Except for sections 402 through 404, and
14 406 through 410, this Act, being deemed of immediate
15 importance, takes effect upon enactment."
16 2. Title page, by striking lines 4 and 5 and
17 inserting the following: "school corporations,
18 increasing the cigarette and tobacco products tax, and
19 imposing the sales, services, and use tax on solid
20 waste collection and disposal services and consulting
21 services, and providing effective and applicability
22 dates."

Committee on Appropriations

H—5087

1 Amend amendment H—5086, to House File 2028, as
2 follows:
3 1. Page 3, line 28, by striking the numeral "5" and
4 inserting the numeral "3".

McNEAL of Hardin

H—5088

1 Amend House File 2010 as follows:
2 1. Page 1, line 8, by striking the words
3 "However, the" and inserting the following: "The
4 registration certification may be kept separate from a
5 sailboard, but the operator shall exhibit the
6 certificate as required pursuant to section 106.5,
7 subsection 1."
8 2. Page 1, by striking lines 9 and 10.

Committee on Natural Resources and Outdoor Recreation

H—5091

1 Amend the Committee amendment, H—5085, to Senate
2 File 2116, as amended, passed, and reprinted by the
3 Senate, as follows:
4 1. Page 6, by inserting after line 9 the fol-
5 lowing:
6 "Sec. _____. NEW SECTION. 8.58 STATE GENERAL FUND
7 EXPENDITURE LIMITATION.
8 1. For purposes of this section:
9 a. "Base year" means the fiscal year in which
10 budgets for state departments and agencies for the
11 following fiscal year are submitted to the department
12 of management.
13 b. "Budget year" means the fiscal year for which
14 budgets are submitted to the department of management
15 in the base year.
16 c. "Growth factor for the budget year" means the
17 lesser of the following:
18 (1) The estimated percentage of growth in general
19 fund receipts from the base year to the budget year as
20 made in December of the base year by the revenue
21 estimating conference.
22 (2) The annual percentage change in the implicit
23 price deflater, increased to the next highest
24 percentage point, for the fiscal year preceding the
25 base year.
26 If the percentage is less than zero under
27 subparagraph (1) or (2) the growth factor equals zero.
28 d. "Implicit price deflator" means the implicit
29 price deflator for the gross national product computed
30 by the bureau of economic analysis of the United

31 States department of commerce.
32 2. A state general fund expenditure limitation is
33 created for each budget year beginning on or after
34 July 1, 1993, calculated as provided in this section.
35 3. The state general fund expenditure limitation
36 for a budget year equals the product of the following
37 two paragraphs:
38 a. The sum of state general fund appropriations
39 made during the base year for the budget year,
40 adjusted for any governor's across-the-board
41 reductions, plus estimated standing limited and
42 unlimited state general fund appropriations for the
43 budget year.
44 b. The sum of one hundred percent plus the growth
45 factor for the budget year.
46 4. The state general fund expenditure limitation
47 provided for in this section shall be used by the
48 governor in the preparation of the budget under
49 section 8.22 and by the general assembly in the budget
50 process.

Page 2

1 5. The governor shall submit to the general
2 assembly and the general assembly shall pass a budget
3 which does not exceed the state general fund
4 expenditure limitation.
5 6. The governor may propose and the general
6 assembly may make supplemental appropriations for a
7 budget year beginning on or after July 1, 1993, in an
8 amount, after adjustment for reductions in
9 appropriations to be made for that budget year, equal
10 to no more than the monetary excess, if any, of
11 estimated state general fund receipts for that budget
12 year as made in March of that budget year by the
13 revenue estimating conference over the growth factor
14 for that budget year."
15 2. Page 7, by inserting after line 29 the fol-
16 lowing:
17 "Sec. 50. Section 422.43, subsections 1, 2, 4, 5,
18 6, 7, and 10, Code Supplement 1991, are amended to
19 read as follows:
20 1. There is imposed a tax of <u>five percent for the</u>
21 <u>period beginning April 1, 1992, and ending December</u>
22 <u>31, 1992, and</u> four percent <u>beginning January 1, 1993,</u>
23 upon the gross receipts from all sales of tangible
24 personal property, consisting of goods, wares, or
25 merchandise, except as otherwise provided in this
26 division, sold at retail in the state to consumers or
27 users; a like rate of tax upon the gross receipts from
28 the sales, furnishing, or service of gas, electricity,
29 water, heat, pay television service, and communication

30 service, including the gross receipts from such sales
31 by any municipal corporation or joint water utility
32 furnishing gas, electricity, water, heat, pay
33 television service, and communication service to the
34 public in its proprietary capacity, except as
35 otherwise provided in this division, when sold at
36 retail in the state to consumers or users; a like rate
37 of tax upon the gross receipts from all sales of
38 tickets or admissions to places of amusement, fairs,
39 and athletic events except those of elementary and
40 secondary educational institutions; and a like rate of
41 tax upon that part of private club membership fees or
42 charges paid for the privilege of participating in any
43 athletic sports provided club members.
44 2. There is imposed a tax of five percent for the
45 period beginning April 1, 1992, and ending December
46 31, 1992, and four percent beginning January 1, 1993,
47 upon the gross receipts derived from the operation of
48 all forms of amusement devices and games of skill,
49 games of chance, raffles, and bingo games as defined
50 in chapter 99B, operated or conducted within ~~the~~ this

Page 3

1 state ~~of Iowa~~, the tax to be collected from the
2 operator in the same manner as ~~is provided~~ for the
3 collection of taxes upon the gross receipts of tickets
4 or admission as provided in this section. The tax
5 shall also be imposed upon the gross receipts derived
6 from the sale of lottery tickets or shares pursuant to
7 chapter 99E. The tax on the lottery tickets or shares
8 shall be included in the sales price and distributed
9 to the general fund as provided in section 99E.10.
10 4. There is imposed a ~~like rate of~~ tax of five
11 percent for the period beginning April 1, 1992, and
12 ending December 31, 1992, and four percent beginning
13 January 1, 1993, upon the gross receipts from the
14 sales of engraving, photography, retouching, printing,
15 and binding services. For the purpose of this
16 division, the sales of engraving, photography,
17 retouching, printing, and binding services are sales
18 of tangible property.
19 5. There is imposed a ~~like rate of~~ tax of five
20 percent for the period beginning April 1, 1992, and
21 ending December 31, 1992, and four percent beginning
22 January 1, 1993, upon the gross receipts from the
23 sales of vulcanizing, recapping, and retreading
24 services. For the purpose of this division, the sales
25 of vulcanizing, recapping, and retreading services are
26 sales of tangible property.
27 6. There is imposed a tax of five percent for the
28 period beginning April 1, 1992, and ending December

29 31, 1992, and four percent beginning January 1, 1993,
30 upon the gross receipts from the sales of optional
31 service or warranty contracts which provide for the
32 furnishing of labor and materials and require the
33 furnishing of any taxable service enumerated under
34 this section. The gross receipts are subject to tax
35 even if some of the services furnished are not
36 enumerated under this section. For the purpose of
37 this division, the sale of an optional service or
38 warranty contract is a sale of tangible personal
39 property. Additional sales, services, or use ~~tax~~
40 taxes shall not be levied on services, parts, or labor
41 provided under optional service or warranty contracts
42 which are subject to tax under this section.
43 7. ~~A like rate of tax~~ There is imposed a tax of
44 five percent for the period beginning April 1, 1992,
45 and ending December 31, 1992, and four percent
46 beginning January 1, 1993, upon the gross receipts
47 from the renting of rooms, apartments, or sleeping
48 quarters in a hotel, motel, inn, public lodging house,
49 rooming house, mobile home which is tangible personal
50 property, or tourist court, or in any place where

Page 4

1 sleeping accommodations are furnished to transient
2 guests for rent, whether with or without meals.
3 "Renting" and "rent" include any kind of direct or
4 indirect charge for such rooms, apartments, or
5 sleeping quarters, or their use. For the purposes of
6 this division, such renting is regarded as a sale of
7 tangible personal property at retail. However, this
8 tax does not apply to the gross receipts from the
9 renting of a room, apartment, or sleeping quarters
10 while rented by the same person for a period of more
11 than thirty-one consecutive days.
12 10. There is imposed a tax of five percent for the
13 period beginning April 1, 1992, and ending December
14 31, 1992, and four percent beginning January 1, 1993,
15 upon the gross receipts from the rendering,
16 furnishing, or performing of services as defined in
17 section 422.42.
18 Sec. 51. Section 422.43, subsection 12, unnumbered
19 paragraph 1, Code Supplement 1991, is amended to read
20 as follows:
21 A tax of five percent for the period beginning
22 April 1, 1992, and ending December 31, 1992, and four
23 percent beginning January 1, 1993, is imposed upon the
24 gross receipts from all sales of tangible personal
25 property, consisting of goods, wares, or merchandise,
26 except as otherwise provided in this division, sold at
27 retail in the state to consumers or users within the

28 state by retailers that meet any of the following
29 criteria:"
30 3. Page 7, line 32, by striking the words "four
31 percent" and inserting the following: "five percent
32 for the period beginning April 1, 1992, and ending
33 December 31, 1992, and four percent beginning January
34 1, 1993,".
35 4. Page 10, by inserting after line 32 the
36 following:
37 "Sec. 52. Section 422.47, subsection 2, Code 1991,
38 is amended to read as follows:
39 2. Construction contractors may make application
40 to the department for a refund of the additional one
41 percent tax paid under this division or the additional
42 one percent tax paid under chapter 423 by reason of
43 the increase in the tax from ~~three to~~ four to five
44 percent for taxes paid on goods, wares, or merchandise
45 under the following conditions:
46 a. The goods, wares, or merchandise are
47 incorporated into an improvement to real estate in
48 fulfillment of a written contract fully executed prior
49 to ~~March 1, 1983~~ April 1, 1992. The refund shall not
50 apply to equipment transferred in fulfillment of a

Page 5

1 mixed construction contract.
2 b. The contractor has paid to the department or to
3 a retailer the full ~~four~~ five percent tax.
4 c. The claim is filed on forms provided by the
5 department and is filed within one year of the date
6 the tax is paid.
7 A contractor who makes an erroneous application for
8 refund shall be liable for payment of the excess
9 refund paid plus interest at the rate in effect under
10 section 421.7. In addition, a contractor who
11 willfully makes a false application for refund is
12 guilty of a simple misdemeanor and is liable for a
13 penalty equal to fifty percent of the excess refund
14 claimed. Excess refunds, penalties, and interest due
15 under this subsection may be enforced and collected in
16 the same manner as the tax imposed by this division.
17 Sec. 53. Section 423.2, Code 1991, is amended to
18 read as follows:
19 423.2 IMPOSITION OF TAX.
20 An excise tax is imposed on the use in this state
21 of tangible personal property purchased for use in
22 this state, at the rate of five percent for the period
23 beginning April 1, 1992, and ending December 31, 1992,
24 and four percent beginning January 1, 1993, of the
25 purchase price of the property. The excise tax is
26 imposed upon every person using the property within

27 this state until the tax has been paid directly to the
28 county treasurer or the state department of
29 transportation, to a retailer, or to the department.
30 An excise tax is imposed on the use in this state of
31 services enumerated in section 422.43 at the rate of
32 five percent for the period beginning April 1, 1992,
33 and ending December 31, 1992, and four percent
34 beginning January 1, 1993. This tax is applicable
35 where services are rendered, furnished, or performed
36 in this state or where the product or result of the
37 service is used in this state. This tax is imposed on
38 every person using the services or the product of the
39 services in this state until the user has paid the tax
40 either to an Iowa use tax permit holder or to the
41 department.
42 Sec. 54. APPLICABILITY. This section applies in
43 regard to the temporary increase in the state sales,
44 services, and use taxes from four to five percent.
45 The use tax rate of five percent applies to motor
46 vehicles subject to registration which are registered
47 on or after April 1, 1992, and before January 1, 1993.
48 The five percent use tax rate applies to the use of
49 property when the first taxable use in this state
50 occurs on or after April 1, 1992, and before January

Page 6

1 1, 1993. The five percent rate applies to the gross
2 receipts from the sale, furnishing, or service of gas,
3 electricity, water, heat, pay television service, and
4 communication service if the date of billing the
5 customer is on or after April 1, 1992, and before
6 January 1, 1993. In the case of a service contract
7 entered into prior to April 1, 1992, which contract
8 calls for periodic payments, the five percent rate
9 applies to those payments made or due on or after
10 April 1, 1992, and before January 1, 1993. This
11 periodic payment applies, but is not limited to,
12 tickets or admissions, private club membership fees,
13 sources of amusement, equipment rental, dry cleaning,
14 reducing salons, dance schools, and all other services
15 subject to tax, except the aforementioned utility
16 services which are subject to a special transitional
17 rule. Unlike periodic payments under service
18 contracts, installment sales of goods, wares, and
19 merchandise are subject to the full amount of sales or
20 use tax when the sales contract is entered into or the
21 property is first used in Iowa."
22 5. Page 11, line 9, by inserting after the figure
23 "410" the following: "and sections 50 through 54".
24 6. Page 11, line 14, by inserting after the
25 figure "410" the following: "and sections 50 through

26 54".
27 7. Page 11, line 17, by inserting after the word
28 "corporations," the following: "establishing a state
29 general fund expenditure limitation, and temporarily
30 increasing the state sales, services, and use taxes,".

BRAMMER of Linn

H–5092

1 Amend House File 2256 as follows:
2 1. Page 2, line 5, by inserting after the word
3 "newspaper" the following: ", as selected by the
4 county board of supervisors pursuant to section
5 349.1,".

SPEAR of Lee

H–5097

1 Amend House File 2256 as follows:
2 1. Page 1, lines 10 and 11, by striking the words
3 "which is located within the city limits".

SPEAR of Lee

H–5106

1 Amend the Committee amendment, H–5098, to Senate
2 File 2116, as amended, passed, and reprinted by the
3 Senate, as follows:
4 1. Page 10, by inserting after line 41 the
5 following:
6 "Sec. _____. INITIATIVES FOR EFFICIENCY AND USE OF
7 STATE FUNDS IN STATE GOVERNMENT – SPAN OF CONTROL AND
8 LAYERS OF MANAGEMENT, JOB CLASSIFICATION SYSTEM, AND
9 TOTAL QUALITY MANAGEMENT. It is the intent of the
10 general assembly to restore the confidence of citizens
11 of Iowa in the value of their investment in state
12 government, to improve efficiency, productivity, and
13 use of state funds in state government, and to instill
14 in all state employees pride for their work. The
15 general assembly supports the concept of total quality
16 management achieved through an incremental long-term
17 process involving employee teams examining and
18 improving work procedures, improving systems rather
19 than placing blame for poor results, using specific
20 problem-solving tools to analyze work systems, and
21 making improvements which enhance service to the
22 citizens of Iowa. In order to accomplish these goals,
23 the following initiatives shall be performed:
24 1. SPAN OF CONTROL AND LAYERS OF MANAGEMENT. The
25 department of personnel shall assist each executive
26 branch agency to reduce the layers of management in
27 each executive branch agency by at least 50 percent by

28 July 1, 1993, and to increase the supervisor-to-
29 employee ratio of each agency by up to 50 percent by
30 July 1, 1993. The department shall present an interim
31 report to the general assembly by January 15, 1993,
32 and a final report by April 1, 1993, regarding the
33 progress of the department in completing this task and
34 its outcome. An executive branch agency which cannot
35 implement the requirements of this subsection shall
36 present a report to the general assembly by January
37 15, 1993, indicating the reasons for its inability to
38 comply.
39 2. JOB CLASSIFICATION SYSTEM. The department of
40 personnel shall simplify the state's system of job
41 classification for state employees by reducing the
42 number of job classifications, providing for a
43 technical skill-based career path in state employment
44 which does not depend on an employee gaining
45 supervisory responsibility to gain advancement, and
46 providing incentives for state employees to broaden
47 their knowledge and skill base. The department shall
48 present an interim report to the general assembly by
49 January 15, 1993, and a final report by January 15,
50 1994, regarding the progress of the department in

Page 2

1 completing this task and its outcome."
2 2. By renumbering as necessary.

WISE of Lee
PETERSON of Carroll
SHOULTZ of Black Hawk
MILLAGE of Scott
RENAUD of Polk

H—5111

1 Amend the amendment, H—5098, to Senate File 2116,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 5, line 23, by striking the words "or
5 about".

JESSE of Jasper
BROWN of Lucas
GRUHN of Dickinson
BRAMMER of Linn
BEATTY of Warren

H—5115

1 Amend House File 2132 as follows:
2 1. Page 1, by striking lines 6 through 13 and
3 inserting the following: "cartridge containing
4 exothermic pyrophoric misch metal as a projectile

5 which is designed to throw or project a flame or
6 fireball to simulate a flamethrower.
7 Notwithstanding section 724.2, no person is
8 authorized to possess in this state a shotshell or
9 cartridge intended to project a flame or fireball of
10 the type described in this section."

BISIGNANO of Polk

H—5127

1 Amend Senate File 2011, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 11, line 20, by inserting after the word
4 "~~director~~" the following: "commission shall submit
5 three names to the governor, from which the".

BURKE of Marshall

H—5135

1 Amend House File 2272 as follows:
2 1. Page 7, line 19, by striking the figure "3.1"
3 and inserting the following: "3".

ADAMS of Hamilton

H—5141

1 Amend House File 2026 as follows:
2 1. Page 1, line 23, by striking the words "a
3 natural person" and inserting the following: "thirty
4 or more natural persons".

ADAMS of Hamilton
CHAPMAN of Linn
NIELSEN of Linn
OLLIE of Clinton
MERTZ of Kossuth

H—5142

1 Amend the amendment, H—5062, to House File 2093 as
2 follows:
3 1. Page 1, by inserting after line 14, the
4 following:
5 "_____. The department shall develop a
6 classification for residential pesticide applicators
7 and shall develop and implement a residential
8 pesticide applicator program which includes training,
9 examination, and licensing. The secretary shall adopt
10 rules to implement this subsection including the
11 establishment of a licensing fee.
12 _____. A home owner or tenant who purchases
13 pesticides for application to the person's own
14 property or tenancy and which land is located in a

15 city with a population of over ten thousand, shall not
16 apply the pesticides without first being licensed as a
17 residential pesticide applicator under this section."
18 2. By renumbering as necessary.

HIBBARD of Madison

H–5143

1 Amend House File 2184 as follows:
2 1. Page 1, by inserting after line 21 the
3 following:
4 "Sec. _____. Section 282.30, subsection 1, paragraph
5 a, Code 1991, is amended by adding the following new
6 subparagraph:
7 NEW SUBPARAGRAPH. (3) A psychiatric unit of a
8 hospital licensed under chapter 135B or a psychiatric
9 medical institution for children licensed under
10 chapter 135H, which is not operated by the state."
11 2. Title page, line 1, by inserting after the
12 words "relating to" the following: "educational
13 services provided to juveniles receiving care outside
14 the juveniles' homes, including".
15 3. By renumbering as necessary.

ADAMS of Hamilton

H–5144

1 Amend House File 2184 as follows:
2 1. Page 1, line 2, by striking the word
3 "subsection" and inserting the following:
4 "subsections".
5 2. Page 1, by striking line 21 and inserting the
6 following: "the standards will be met.
7 NEW SUBSECTION. 7. If a child living in a
8 juvenile detention home is adjudicated as a
9 delinquent, beginning on the date of the adjudication
10 the state shall pay a per diem reimbursement to the
11 home for the costs of the child's care for each day
12 the child remains in the home."

BISIGNANO of Polk
SHERZAN of Polk

H–5146

1 Amend House File 2184 as follows:
2 1. Page 1, line 2, by striking the word
3 "subsection" and inserting the following:
4 "subsections".
5 2. Page 1, by inserting before line 22 the
6 following:
7 "NEW SUBSECTION. _____. In adopting rules and
8 standards for a juvenile detention home, the

9 department shall prohibit a home from holding a child
10 for more than seven days without an education
11 program."
12 2. By renumbering as necessary.

DODERER of Johnson

H–5147

1 Amend House File 2184 as follows:
2 1. Page 1, by striking line 8 and inserting the
3 following: "more than six months if all".

DODERER of Johnson

H–5148

1 Amend House File 2184 as follows:
2 1. Page 1, line 23, by inserting after the word
3 "enactment" the following: "and section 1 of this Act
4 is repealed six months from the effective date of this
5 Act".
6 2. By renumbering as necessary.

DODERER of Johnson

H–5150

1 Amend House File 2292 as follows:
2 1. Page 2, line 15, by striking the word "Any"
3 and inserting the following: "~~Any~~ A".

SPEAR of Lee

H–5151

1 Amend House File 2288 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 261.52 IOWA RESIDENTS'
5 GUARANTEED STUDENT LOAN REPAYMENT PROGRAM.
6 1. A guaranteed student loan repayment program is
7 established, to be administered by the commission, for
8 Iowa resident students who meet all of the following
9 conditions:
10 a. The student was an Iowa resident at least six
11 months before and during the period of time of
12 enrollment in an accredited higher education
13 institution for which repayment of student loans is
14 sought.
15 b. The student files, or has already filed, a
16 state income tax return for the year in which
17 repayment is sought.
18 c. The student attended an Iowa community college,
19 a university under the control of the state board of
20 regents, or an accredited private institution, as

21 defined in section 261.9, subsection 5.
22 d. The student graduated from one of the
23 institutions specified in paragraph "c" of this
24 section on or after April 1, 1991.
25 e. The student is not receiving reimbursement or
26 forgiveness of any student loans under any other state
27 student loan repayment or forgiveness program.
28 f. The student has never defaulted on a loan
29 guaranteed by the commission or by the federal
30 government.
31 g. The student has a final cumulative grade point
32 average of at least 2.5 on a 4.0 scale or better, or
33 the equivalent of that grade point average.
34 2. The maximum annual reimbursement to an eligible
35 student shall equal an amount equal to ten percent of
36 the student's guaranteed student loan debt, provided,
37 however, that the total reimbursement to the student
38 shall not exceed the maximum total reimbursement
39 amount to which the student is entitled.
40 3. The maximum total reimbursement amount per
41 student is as follows:
42 a. For a student who has attended a two-year
43 institution, up to five thousand dollars.
44 b. For a student who has attended a four-year
45 institution, up to ten thousand dollars.
46 c. For a student who has attended a four-year
47 institution, and completed a post-graduate degree, up
48 to twenty-five thousand dollars.
49 4. The commission may adopt rules as necessary for
50 the administration and implementation of this

Page 2

1 program."
2 2. Title page, by striking lines 1 through 3 and
3 inserting the following: "An Act to establish a
4 guaranteed student loan repayment program for Iowa
5 resident students, who graduate from accredited higher
6 education institutions in this state, and who remain
7 residents and file tax returns in the state of Iowa."

BARTZ of Worth

H—5154

1 Amend the amendment, H—5062, to House File 2093 as
2 follows:
3 1. By striking page 1, line 48, through page 2,
4 line 2.
5 2. By renumbering as necessary.

SHERZAN of Polk
DVORSKY of Johnson
BISIGNANO of Polk
JOCHUM of Dubuque

H–5155

1 Amend the amendment, H–5062, to House File 2093 as
2 follows:
3 1. Page 1, by inserting after line 19, the
4 following:
5 "_____. A pesticide dealer shall make available to
6 purchasers a fact sheet provided by the department
7 which provides information regarding the application
8 of pesticides and which also enumerates the duties of
9 the purchaser or applicator under this section
10 regarding posting of notification signs."
11 2. Page 1, by inserting after line 47, the
12 following:
13 "_____. The department shall develop and provide to
14 pesticide dealers fact sheets regarding the
15 application of pesticides by a purchaser or
16 applicator."
17 3. By renumbering as necessary.

GRONINGA of Cerro Gordo

H–5159

1 Amend House File 2286 as follows:
2 1. Page 2, by striking lines 34 and 35 and
3 inserting the following: "account. Moneys
4 appropriated for a state fiscal year to the ethanol
5 production incentive account which remain unobligated
6 and unencumbered on July 31 of the following state
7 fiscal year".
8 2. Page 3, by striking lines 11 through 15, and
9 inserting the following:
10 "_____. The office shall certify that a production
11 facility is eligible to participate in the program.
12 In order to receive a certificate, the producer must
13 submit an application and provide a test claim for two
14 computation periods immediately preceding a claim for
15 payment. A test claim shall provide the same
16 information required for a claim for payment under
17 subsection 3. A person applying to be certified under
18 this section must satisfy the following
19 requirements:".
20 3. Page 3, line 25, by inserting after the figure
21 "3." the following: "A certified producer may
22 participate in the program by submitting a claim to
23 the office for approval in a manner and according to
24 procedures established by the office."
25 4. Page 3, line 25, by striking the word
26 "qualified" and inserting the following: "certified".
27 5. Page 4, by striking line 21, and inserting the
28 following: "equal three consecutive months in
29 duration. Moneys".

30 6. Page 6, by striking lines 27 and 28 and
31 inserting the following: "Moneys deposited during a
32 state fiscal year to the ethanol production incentive
33 account which remain unobligated and unencumbered on
34 July 31 of the following state fiscal year shall be
35 credited to the road use tax".
36 7. Page 8, line 2, by inserting after the figure
37 "1993." the following: "The office shall accept
38 applications and test claims relating to computation
39 periods beginning on July 1, 1993, for purposes of
40 certifying production facilities pursuant to section
41 159A.8 on and after January 1, 1994."

Committee on Agriculture

H–5161

1 Amend Senate Concurrent Resolution 101 as follows:
2 1. Page 1, line 3, by inserting after the word
3 "designate" the following: "Council Bluffs and".
4 2. Page 1, line 4, by striking the word "Capital"
5 and inserting the following: "Co-capitals".
6 3. Page 1, line 5, by inserting after the words
7 "residents of" the following: "Council Bluffs and".
8 4. Page 1, line 9, by striking the words "City of
9 Shelby has" and inserting the following: "Cities of
10 Council Bluffs and Shelby have".
11 5. Page 1, line 20, by inserting after the word
12 "*Whereas,*" the following: "Council Bluffs and".
13 6. Page 1, line 24, by striking the words "City
14 of Shelby and its" and inserting the following:
15 "Cities of Council Bluffs and Shelby and their".
16 7. Page 1, line 30, by striking the word "state"
17 and inserting the following: "states".
18 8. Page 2, by striking line 1, and inserting the
19 following: "adopt towns as official purple martin
20 capitals, as".
21 9. Page 2, line 10, by striking the words "City
22 of" and inserting the following: "Cities of Council
23 Bluffs and".
24 10. Page 2, line 11, by striking the word "its"
25 and inserting the following: "their".
26 11. Page 2, line 16, by inserting after the word
27 "designate" the following: "Council Bluffs and".
28 12. Page 2, line 17, by striking the word
29 "Capital" and inserting the following: "Co-capitals".
30 13. Page 2, line 20, by striking the words "Mayor
31 of the City of" and inserting the following: "Mayors
32 of the Cities of Council Bluffs and".

SIEGRIST of Pottawattamie
PAVICH of Pottawattamie

H—5162

1 Amend the amendment, H—5153, to House File 2247 as
2 follows:
3 1. Page 1, by striking lines 5 through 15 and
4 inserting the following: "by striking the section and
5 inserting in lieu thereof the following:
6 261C.9 PUPIL ENROLLMENT.
7 Payments shall not be made under section 261C.6 if
8 the eligible pupil is enrolled full-time in a public
9 or accredited nonpublic school and is also enrolled in
10 a course or program in an eligible postsecondary
11 institution unless the eligible pupil has been
12 identified as a gifted and talented child by the board
13 of directors of the school district or the authorities
14 in charge of the accredited nonpublic school according
15 to the school district's or school's gifted and
16 talented criteria and procedures." "

SPEAR of Lee

H—5165

1 Amend House File 2247 as follows:
2 1. Page 1, by striking lines 17 and 18 and
3 inserting the following: "or school's gifted and
4 talented criteria and procedures as a gifted and
5 talented child, or an eleventh".

SPEAR of Lee

H—5168

1 Amend the amendment, H—5158, to Senate File 2011,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 9, by inserting after the word
5 "director" the following: ", subject to senate
6 confirmation,".
7 2. By renumbering as necessary.

BURKE of Marshall

H—5169

1 Amend House File 2329 as follows:
2 1. By striking page 1, line 34 through page 2,
3 line 1.
4 2. Title page, by striking lines 2 and 3 and
5 inserting the following: "nonworking hours and
6 providing civil enforcement procedures."

MILLAGE of Scott

H–5171

1 Amend House File 2335 as follows:
2 1. Page 1, line 9, by striking the word
3 "salesperson,".

SPEAR of Lee

H–5172

1 Amend House File 2329 as follows:
2 1. Page 1, line 35, by inserting after the word
3 "damages" the following: "to be paid to the aggrieved
4 employee or applicant for employment".

BEATTY of Warren

H–5173

1 Amend House File 2329 as follows:
2 1. Page 1, lines 5 and 6, by striking the words
3 "the person uses lawful products" and inserting the
4 following: "of the lawful use of lawful products by
5 the person".

McNEAL of Hardin
MILLAGE of Scott

H–5175

1 Amend the amendment, H–5161, to Senate Concurrent
2 Resolution 101, as passed by the Senate, as follows:
3 1. Page 1, line 1, by inserting after the figure
4 "101" the following: ", as passed by the Senate,".
5 2. Page 1, line 16, by striking the word "state"
6 and inserting the following: "a state".

SIEGRIST of Pottawattamie

H–5177

1 Amend House File 2303 as follows:
2 1. Page 1, line 32, by striking the words "sub-
3 soiler or".
4 2. Page 1, line 33, by striking the words
5 "digging for post holes,".

BENNETT of Ida
JOHNSON of Clinton
PETERSEN of Muscatine
HAHN of Muscatine
MERTZ of Kossuth
BRANSTAD of Winnebago
MUHLBAUER of Crawford
DE GROOT of Lyon

H–5178

1 Amend House File 2303 as follows:
2 1. Page 6, by inserting after line 22 the fol-
3 lowing:
4 "Sec. _____. NEW SECTION. 480.5A NOTIFICATION OF

5 CERTAIN INDIVIDUALS REGARDING CERTAIN UNDERGROUND
6 FACILITIES.
7 A public, private, or municipal utility shall
8 notify all individuals who own property on which
9 normal farming operations occur in the area served by
10 the utility of the presence of any underground
11 facility which is buried or placed below ground at a
12 depth of eighteen inches or less."
13 2. Renumber as necessary.

BENNETT of Ida
JOHNSON of Clinton
PETERSEN of Muscatine
HAHN of Muscatine
MERTZ of Kossuth
BRANSTAD of Winnebago
MUHLBAUER of Crawford
DE GROOT of Lyon

H–5185

1 Amend House File 2322 as follows:
2 1. Page 1, line 28, by inserting after the word
3 "duties." the following: "The membership of the
4 council shall include the following:
5 a. A registered family day care home provider from
6 a county with a population of less than twenty-two
7 thousand.
8 b. An unregistered family day care home provider."

HANSON of Delaware

H–5186

1 Amend the amendment, H–5179, to House File 2322 as
2 follows:
3 1. By striking lines 2 through 27 and inserting
4 the following:
5 "1. Page 1, line 28, by inserting after the word
6 "duties." the following: "The membership of the
7 council shall include the following:
8 a. A registered family day care home provider from
9 a county with a population of less than twenty-two
10 thousand.
11 b. An unregistered family day care home
12 provider." "

HANSON of Delaware

H–5187

1 Amend House File 2205 as follows:
2 1. Page 1, line 6, by inserting after the date
3 "1995." the following: "The rules shall provide that
4 the sanitary landfill may retain a portion of the
5 tonnage fee to defray the cost of installation of a
6 scale."

GIPP of Winneshiek

H–5188

1 Amend House File 2255 as follows:
2 1. Page 1, by striking lines 1 through 8.
3 2. Page 3, by striking lines 9 through 12 and
4 inserting the following: "proposed change to the
5 department on or before ~~August~~ October 15 and written
6 notification of an approved change on or before
7 ~~October~~ December 15 in the fiscal year which precedes
8 the fiscal year in which the change will take effect."
9 3. By renumbering as necessary.

Committee on Human Resources

H–5195

1 Amend House File 2026 as follows:
2 1. Page 1, line 23, by striking the words "a
3 natural person" and inserting the following: "twenty
4 or more natural persons".

WISE of Lee
DVORSKY of Johnson
HALVORSON of Webster
NIELSEN of Linn
ADAMS of Hamilton
TEAFORD of Black Hawk

H–5196

1 Amend House File 2175 as follows:
2 1. Page 1, line 24, by inserting after the word
3 "service." the following: "Nothing in this section
4 shall prohibit a physician assistant from supplying
5 prescription drug samples at no charge to the
6 physician."

Committee on State Government

H–5197

1 Amend House File 2050 as follows:
2 1. Page 1, line 20, by striking the word "ten"
3 and inserting the following: "five".
4 2. Page 2, line 2, by inserting after the word
5 "relations." the following: " "Personnel file" does
6 not include an employee's medical records maintained
7 by an employer."
8 3. Page 2, line 10, by inserting after the word
9 "~~relations~~." the following: "An employer shall
10 maintain an employee's personnel file for five years
11 from the date of dismissal, discharge, voluntary
12 termination, or other termination of an employee's
13 employment."
14 4. Page 2, by inserting after line 10 the

15 following:
16 "Sec. _____. Section 91B.1, subsection 1, Code 1991,
17 is amended by adding the following new unnumbered
18 paragraph:
19 NEW UNNUMBERED PARAGRAPH. If the employer and
20 employee cannot agree on the time for the employee's
21 access to the file, the commissioner may set the time
22 for access."
23 5. Page 2, line 13, by striking the word "one"
24 and inserting the following: "five".
25 6. Page 2, line 15, by striking the words and
26 figures "subsections 2 through 5" and inserting the
27 following: "this section".
28 7. Page 2, by striking lines 19 and 20 and
29 inserting the following: "of such proposal by
30 certified mail. Upon service of".
31 8. Page 2, by striking lines 28 through 32, and
32 inserting the following: "accordance with subsection
33 1."
34 9. Page 3, by striking lines 13 through 17.
35 10. Page 3, by inserting after line 23 the
36 following:
37 "Sec. 5. NEW SECTION. 91B.5 LEGAL ACTION.
38 If an employer does not allow an employee to have
39 access to and copy the employee's personnel file after
40 assessment of a civil penalty pursuant to section
41 91B.3, the commissioner may bring an action against
42 the employer in district court. In any such action,
43 the district court may issue an injunction to restrain
44 violations of this chapter and may order appropriate
45 relief. An employer who willfully violates this
46 chapter is liable to the commissioner for court costs
47 and reasonable attorney's fees incurred in enforcing
48 this chapter."

Committee on Labor and Industrial Relations

H—5201

1 Amend House File 2055 as follows:
2 1. Page 1, line 9, by inserting after the word
3 "wash" the following: ", if the car wash offers
4 additional time increments of operation".

Committee on Judiciary and Law Enforcement

H—5203

1 Amend House File 2210 as follows:
2 1. Page 3, line 31, by striking the word "~~sixty~~"
3 and inserting the following: "sixty".
4 2. Page 3, line 32, by striking the words
5 "~~percent~~ a majority" and inserting the following:
6 "percent".

3. By striking page 3, line 34, through page 4, line 14, and inserting the following:

"2. Notwithstanding subsection 1, if the governing body of a county, city, or school corporation authorized to issue bonds elects to wholly or partially fund the issuance of bonds with revenues from a local income surtax, or from a local income surtax in addition to property tax revenues, the ballot proposition to authorize the issuance of the bonds shall state that a local income surtax will be imposed to wholly fund the issuance of the bonds or to partially fund the issuance of the bonds, in addition to property tax revenues, and the proposition shall state the rate at which the surtax will be imposed, the duration of the surtax, and the percentage to be funded by the income surtax. A ballot proposition which states that the issuance of bonds shall be wholly funded or funded at least one-half by a local income surtax shall be deemed adopted if the vote in favor of the proposition is equal to at least a majority of the total vote cast at the election. A ballot proposition that states that the issuance of bonds shall be partially funded by less than one-half by a local income surtax, in addition to property tax revenues, shall be deemed adopted if the vote in favor of the proposition is equal to at least sixty percent of the total vote cast at the election. If the proposition is adopted, the governing body shall impose the local income surtax in the manner provided in chapter 422C."

4. Page 8, line 4, by striking the words "~~sixty percent~~" and inserting the following: "sixty percent".

5. Page 8, line 6, by inserting before the word "partially" the following: "wholly or".

6. Page 8, line 26, by striking the words "~~sixty percent~~ a majority" and inserting the following: "sixty percent".

7. Page 8, line 30, by inserting after the word "to" the following: "wholly or".

8. Page 9, line 14, by striking the words "~~sixty percent~~ a majority" and inserting the following: "sixty percent".

9. Page 9, line 17, by inserting after the word

Page 2

"to" the following: "wholly or".

10. Page 9, line 31, by striking the words "~~sixty~~ fifty" and inserting the following: "sixty".

11. Page 9, line 33, by inserting after the word "to" the following: "wholly or".

6 12. Page 10, line 24, by striking the words
7 "~~sixty percent~~ a majority" and inserting the
8 following: "sixty percent".
9 13. Page 10, line 26, by inserting after the word
10 "to" the following: "wholly or".
11 14. Title page, by striking lines 1 through 5 and
12 inserting the following: "An Act authorizing a
13 political subdivision to impose a local income surtax
14 to wholly or partially fund the issuance of certain
15 bonds and reducing the minimum percentage of votes
16 needed to authorize that type of bond issuance."

Committee on Local Government

H–5205

1 Amend Senate File 2133 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 6, by inserting after line 21 the fol-
4 lowing:
5 "Sec. _____. NEW SECTION. 480.5A NOTIFICATION OF
6 CERTAIN INDIVIDUALS REGARDING CERTAIN UNDERGROUND
7 FACILITIES.
8 A public, private, or municipal utility shall
9 notify all individuals who own property on which
10 normal farming operations occur in the area served by
11 the utility of the presence of any underground
12 facility which is buried or placed below ground at a
13 depth of eighteen inches or less."
14 2. Renumber as necessary.

BENNETT of Ida
JOHNSON of Clinton
PETERSEN of Muscatine
HAHN of Muscatine
MERTZ of Kossuth
BRANSTAD of Winnebago
MUHLBAUER of Crawford
DE GROOT of Lyon

H–5209

1 Amend House File 2324 as follows:
2 1. Page 1, by striking lines 5 through 8 and
3 inserting the following: "section 403.19, subsection
4 2, for undertakings and activities to be provided for
5 the benefit of the residents of another urban renewal
6 area which is a slum or blighted area, the
7 municipality shall first pass a resolution which
8 identifies the benefited urban renewal".
9 2. Page 1, by striking lines 23 and 24 and
10 inserting the following: "businesses within another
11 urban renewal area which is a slum or blighted area,
12 the plan".
13 3. Page 2, by striking lines 6 through 10.
14 4. Page 2, by striking line 14 and inserting the
15 following: "any other urban renewal area".
16 5. Page 2, line 15, by striking the word "any,".

17 6. Page 2, by striking lines 33 and 34 and
18 inserting the following: "or businesses within
19 another urban renewal area which is a slum or blighted
20 area,".
21 7. Page 3, by striking lines 18 through 25.
22 8. By renumbering as necessary.

Committee on Local Government

H–5210

1 Amend House File 2120 as follows:
2 1. Page 1, by inserting after line 6 the
3 following:
4 "_____. "Certified pyrotechnician" means a person
5 certified by the pyrotechnics guild international, a
6 person who has passed a course of instruction in the
7 use of class "B" fireworks, if the course has been
8 developed or approved by the state fire marshal, or a
9 person certified by the state fire marshal who has
10 demonstrated equivalent training through other courses
11 of instruction or experience."
12 2. Page 1, by striking lines 17 through 31 and
13 inserting the following:
14 "_____. a. "Fireworks" also means compositions or
15 devices for the purpose of producing a visible or an
16 audible effect by combustion, deflagration, or
17 detonation, and which meet the definition of common
18 fireworks or special fireworks.
19 b. "Common fireworks" includes but is not limited
20 to the following:
21 (1) DIPPED STICK. Stick or wire coated with
22 pyrotechnic composition that produces a shower of
23 sparks upon ignition. Total pyrotechnic composition
24 shall not exceed one hundred grams per item. Devices
25 containing any perchlorate or chlorate salts shall not
26 exceed five grams of pyrotechnic composition per item.
27 (2) CYLINDRICAL FOUNTAIN. Cylindrical tube not
28 more than three-fourths of an inch or nineteen
29 millimeters inside diameter, containing up to seventy-
30 five grams of pyrotechnic composition.
31 (3) CONE FOUNTAIN. Cardboard or heavy paper cone
32 containing up to fifty grams of pyrotechnic
33 composition.
34 (4) ILLUMINATING TORCH. Cylindrical tube
35 containing up to one hundred grams of pyrotechnic
36 composition.
37 (5) WHEEL – GROUND SPINNER. Each wheel or
38 spinner may contain up to six driver units; tubes not
39 exceeding one-half inch or twelve and five-tenths
40 millimeters inside diameter and containing up to sixty
41 grams of pyrotechnic composition.
42 (6) FLITTER SPARKLER. Narrow paper tube filled

43 with pyrotechnic composition that produces color and
44 sparks upon ignition. This device does not have a
45 fuse for ignition. The paper at one end of the tube
46 is ignited to make the device function.
47 (7) SKY ROCKET — MISSILE-TYPE ROCKET. Tube not
48 exceeding one-half inch or twelve and five-tenths
49 millimeters inside diameter that may contain up to
50 twenty grams of pyrotechnic composition. These

Page 2

1 rockets contain a wooden stick or fins for guidance
2 and stability and rise into the air upon ignition.
3 (8) HELICOPTER — AERIAL SPINNER. A tube not more
4 than one-half inch or twelve and five-tenths
5 millimeters inside diameter and containing up to
6 twenty grams of pyrotechnic composition. A propeller
7 or blade is attached, which upon ignition lifts the
8 rapidly spinning device into the air.
9 (9) ROMAN CANDLE. Heavy paper or cardboard tube
10 not exceeding three-eighths of an inch or nine and
11 five-tenths millimeters inside diameter and containing
12 up to twenty grams of pyrotechnic composition. Upon
13 ignition, up to ten stars, pellets of pressed
14 pyrotechnic composition that burn with bright color,
15 are individually expelled at several-second intervals.
16 (10) MINE — SHELL. Heavy cardboard or paper tube
17 up to two and one-half inches or sixty-three and five-
18 tenths millimeters inside diameter attached to a wood
19 or plastic base and containing up to forty grams of
20 pyrotechnic composition.
21 (11) FIRECRACKER — SALUTE. Small paper-wrapped
22 or cardboard tube containing not more than fifty
23 milligrams of pyrotechnic composition.
24 (12) CHASER. Small paper or cardboard tube that
25 travels along the ground upon ignition. The explosive
26 composition used to create the noise shall not exceed
27 fifty milligrams.
28 (13) COMBINATION ITEMS. Fireworks devices
29 containing combinations of two or more of the effects
30 produced by any of the fireworks described in
31 subparagraphs (1) through (12).
32 c. "Special fireworks" means large fireworks
33 designed primarily to produce visible or audible
34 effects by combustion, deflagration, or detonation.
35 This term includes, but is not limited to,
36 firecrackers containing more than two grams or one
37 hundred thirty milligrams of explosive composition,
38 aerial shells containing more than forty grams of
39 pyrotechnic composition, and other display pieces
40 which exceed the limits for classification as common
41 fireworks.

42 d. The following are not common fireworks or
43 special fireworks:
44 (1) SNAKE – GLOW WORM. Pressed pellet of
45 pyrotechnic composition that produces a large, snake-
46 like ash upon burning. The ash expands in length as
47 the pellet burns. These devices shall not contain
48 mercuric thiocyanate.
49 (2) SMOKE DEVICE. Tube or sphere containing
50 pyrotechnic composition that, upon ignition, produces

Page 3

1 white or colored smoke as the primary effect.
2 (3) TRICK NOISEMAKER. Item that produces a small
3 report intended to surprise the user. These devices
4 include:
5 (a) PARTY POPPER. Small plastic or paper item
6 containing not more than sixteen milligrams of
7 explosive composition that is friction sensitive. A
8 string protruding from the device is pulled to ignite
9 it, expelling paper streamers and producing a small
10 report.
11 (b) BOOBY TRAP. Small tube with string protruding
12 from both ends, similar to a party popper in design.
13 The ends of the string are pulled to ignite the
14 friction-sensitive composition, producing a small
15 report.
16 (c) SNAPPER. Small, paper-wrapped item containing
17 a minute quantity of explosive composition coated on
18 small bits of sand. When dropped, the device
19 explodes, producing a small report.
20 (d) AUTO BURGLAR ALARM. Tube which contains pyro-
21 technic composition that produces a loud whistle or
22 smoke when ignited. A small quantity of explosive,
23 not exceeding fifty milligrams, may also be used to
24 produce a small report. A squib is used to ignite the
25 device."
26 3. Page 2, by striking lines 8 through 11.
27 4. Page 2, by striking lines 15 through 19.
28 5. Page 3, by striking lines 18 and 19 and
29 inserting the following: "certified pyrotechnicians
30 and establishing a fee for certified pyrotechnicians."
31 6. Page 4, by striking lines 22 and 23.
32 7. Page 4, by striking lines 28 and 29, and
33 inserting the following: "The".
34 8. Page 5, by striking lines 18 and 19, and
35 inserting the following: "this chapter."
36 9. Page 7, by striking lines 23 through 25 and
37 inserting the following: "sell, give, or otherwise
38 supply fireworks to a person who is unable to provide
39 positive identification and proof that the person is
40 sixteen years of age or older."

41 10. Page 8, by inserting after line 20 the
42 following:
43 "8. Notwithstanding any other provision of this
44 chapter, it is unlawful for a person to manufacture or
45 possess the following items, unless the person has
46 obtained a valid license pursuant to this chapter:
47 a. FLITTER SPARKLER. Narrow paper tube filled
48 with pyrotechnic composition that produces color and
49 sparks upon ignition. This device does not have a
50 fuse for ignition. The paper at one end of the tube

Page 4

1 is ignited to make the device function.
2 b. ROCKET, BOTTLE ROCKET, OR MISSILE. Any flying
3 item which the entire device takes flight after
4 ignition, and includes any rocket, bottle rocket, or
5 missile with sticks or fins attached. These items
6 also include devices with wings or fins attached,
7 causing flight by rotation, and commonly referred to
8 as buzz bombs, helicopters, satellites, sunflowers,
9 and butterflies.
10 c. RELOADABLE CLASS C MORTARS. Devices commonly
11 known as festival ball kits, artillery ball kits, or
12 holiday shell kits, where mortar is reloaded for
13 multiple individual shots.
14 d. WIRE SPARKLER. Wire coated with pyrotechnic
15 composition that, upon ignition, produces white or
16 colored smoke as the primary effect.
17 e. CERTAIN TRICK OR JOKE DEVICES. Trick or joke
18 devices commonly known as cigarette loads, auto
19 foolers, and trick matches.
20 f. CERTAIN OTHER FIRECRACKERS. Any firecrackers
21 that are not of rolled paper, end fused design, and
22 which exceed an average unit length of one inch and
23 containing more than fifty milligrams of powder."
24 11. Page 8, by striking lines 21 and 22 and in-
25 serting the following:
26 "Sec. _____. NEW SECTION. 101B.8 PERMITS."
27 12. By striking page 8, line 28, through page 10,
28 line 2, and inserting the following:
29 "2. The council of a city or the county board of
30 supervisors may, upon application in writing, grant a
31 permit for the display of fireworks by municipalities,
32 fair associations, amusement parks, and other
33 organizations or groups of individuals approved by the
34 city or county board of supervisors, if the fireworks
35 display will be handled by a certified pyrotechnician,
36 but a permit is not required for display of fireworks
37 at the Iowa state fairgrounds by the Iowa state fair
38 board or at incorporated county fairs or district
39 fairs receiving state aid.

40 3. Special fireworks shall not be transported
41 into, manufactured, possessed, sold, or used within
42 this state,".
43 13. Renumber as necessary.

Committee on Judiciary and Law Enforcement

H–5211

1 Amend the amendment, H–5196, to House File 2175, as
2 follows:
3 1. Page 1, line 5, by inserting after the word
4 "samples" the following: "obtained".

KREMER of Buchanan

H–5212

1 Amend House File 2258 as follows:
2 1. By striking page 1, line 1 through page 9,
3 line 17.
4 2. Page 11, by striking lines 24 through 26 and
5 inserting the following: "member of a board of
6 trustees of a benefited recreational".
7 3. Title page, line 1, by inserting after the
8 word "benefited" the following: "recreational lake".

Committee on Local Government

H–5214

1 Amend House File 2247 as follows:
2 1. Page 1, by inserting after line 24 the
3 following:
4 "Sec. _____. Section 261C.6, unnumbered paragraph 1,
5 Code 1991, is amended to read as follows:
6 Not later than June 30 of each year, a school
7 district shall pay a tuition reimbursement amount to
8 an eligible postsecondary institution that has
9 enrolled its resident eligible pupils under this
10 chapter. Responsibility for the payment of tuition
11 under this chapter for students using open enrollment
12 remains with the student's resident district. The
13 amount of tuition reimbursement for each separate
14 course shall equal the lesser of:".
15 2. By renumbering as necessary.

SPEAR of Lee

H–5216

1 Amend House File 2071 as follows:
2 1. Page 1, line 22, by inserting after the word
3 "prize" the following: ", unless the games are
4 authorized as provided in paragraph "p" ".
5 2. By striking page 1, line 32, through page 2,

6 line 15, and inserting the following:
7 "Sec. _____. Section 99E.9, subsection 3, Code 1991,
8 is amended by adding the following new paragraph:
9 NEW PARAGRAPH. p. (1) A license to conduct video
10 lottery games in a county shall be issued only if the
11 county electorate approves the conduct of the video
12 lottery games as provided in this paragraph. The
13 board of supervisors, upon receipt of a valid petition
14 meeting the requirements of section 331.306, shall
15 direct the commissioner of elections to submit to the
16 qualified voters of the county a proposition to
17 approve or disapprove the conduct of video lottery
18 games in the county. The proposition shall be
19 submitted at a general election or at a special
20 election called for that purpose. To be submitted at
21 a general election, the petition must be received by
22 the board of supervisors at least sixty days before
23 the election. If a majority of the county voters
24 voting on the proposition favor the conduct of video
25 lottery games, the board may issue one or more
26 licenses as provided in this chapter. If a majority
27 of the county voters voting on the proposition do not
28 favor the conduct of video lottery games, a license to
29 conduct video lottery games in the county shall not be
30 issued. After a referendum has been held, another
31 referendum requested by petition shall not be held for
32 at least two years.
33 (2) If licenses to conduct video lottery games are
34 in effect pursuant to a referendum as set forth in
35 this paragraph, and are subsequently disapproved by a
36 referendum of the county electorate, the licenses
37 issued by the board after a referendum approving video
38 lottery games shall remain valid and are subject to
39 renewal for a total of five years from the date of
40 original issue unless the board revokes a license at
41 an earlier date as provided in this chapter.
42 (3) If a county has authorized the conduct of
43 gambling games as provided in section 99F.7,
44 subsection 10, the board may issue licenses for video
45 lottery games without a referendum under this
46 paragraph."
47 2. Title page, line 2, by inserting after the
48 word "games." the following: "in a county without
49 approval of the county electorate".

PAVICH of Pottawattamie
RENAUD of Polk
BISIGNANO of Polk

H—5222

1 Amend House File 2385 as follows:
2 1. By striking page 3, line 12 through page 7,

3 line 2.
4 2. Title page, lines 1 and 2, by striking the
5 words ", and providing penalties".
6 3. By renumbering as necessary.

BANKS of Plymouth

H–5223

1 Amend the Committee amendment, H–5210, to House
2 File 2120 as follows:
3 1. Page 4, line 30, by inserting after the word
4 "upon" the following: "receipt of an".

KREMER of Buchanan

H–5226

1 Amend House File 2012 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 598.21, subsection 8,
5 unnumbered paragraph 3, Code 1991, is amended to read
6 as follows:
7 Judgments for child support or child support awards
8 entered pursuant to this chapter, chapter 234, 252A,
9 252C, 675, or any other chapter of the Code which are
10 subject to a modification proceeding may be
11 retroactively modified only from the date the notice
12 of the pending petition for modification is served on
13 the opposing party. However, upon proof that the
14 child's residence has been changed for a period of at
15 least six months prior to the date of notice of the
16 pending petition for modification, the court may
17 retroactively modify the judgment or award for a
18 period of up to six months prior to the date of
19 notice."
20 2. Title page, line 2, by striking the words
21 "dissolution cases" and inserting the following:
22 "dissolution and other cases, including
23 modifications".
24 3. By renumbering and correcting internal
25 references as necessary.

LUNDBY of Linn

H–5228

1 Amend House File 2411 as follows:
2 1. Page 8, line 14, by striking the words
3 "transfer may retain the endorsement" and inserting
4 the following: "issuance who was previously issued a
5 commercial driver's license from another state may
6 retain the hazardous material endorsement from the
7 previously issued license".

8 2. Page 8, line 22, by striking the words
9 "combined vehicle weight rating" and inserting the
10 following: "vehicle weight rating or gross
11 combination weight rating".
12 3. Page 8, lines 32 and 33, by striking the words
13 "combined vehicle weight rating" and inserting the
14 following: "vehicle weight rating or gross
15 combination weight rating".

KOENIGS of Mitchell

H–5233

1 Amend House File 2329 as follows:
2 1. Page 1, line 11, by striking the word
3 "previously".

HAMMOND of Story

H–5234

1 Amend House File 2414 as follows:
2 1. By striking page 1, line 7 through page 2,
3 line 10 and inserting the following:
4 "Sec. _____. Section 368.7, unnumbered paragraph 4,
5 Code Supplement 1991, is amended to read as follows:"

SPEAR of Lee

H–5235

1 Amend House File 2026 as follows:
2 1. By striking page 1, line 28 through page 2,
3 line 4, and inserting the following:
4 "Sec. _____. NEW SECTION. 91F.2 AVAILABILITY OF
5 DISCRETIONARY LEAVE REQUIRED.
6 An employer shall develop and maintain on file a
7 discretionary leave policy. The policy shall be
8 available to employees employed on or before July 1,
9 1992, within ninety days of July 1, 1992, and shall be
10 presented to applicants for employment prior to
11 hiring."
12 2. Page 2, line 8, by striking the words
13 "maternity or family" and inserting the following:
14 "discretionary".
15 3. Page 2, line 11, by striking the words
16 "maternity or family" and inserting the following:
17 "discretionary".
18 4. Page 2, line 17, by striking the words
19 "maternity or family" and inserting the following:
20 "discretionary".
21 5. Page 2, line 26, by striking the words
22 "maternity or family" and inserting the following:
23 "discretionary".
24 6. Page 3, line 1, by striking the words

25 "maternity or family" and inserting the following:
26 "discretionary".
27 7. Page 3, line 18, by striking the words
28 "maternity or family" and inserting the following:
29 "discretionary".
30 8. Page 3, line 20, by striking the words
31 "maternity or family" and inserting the following:
32 "discretionary".
33 9. Title page, line 1, by striking the words
34 "maternity leave and family" and inserting the
35 following: "discretionary".
36 10. By numbering and renumbering internal
37 references as necessary.

LUNDBY of Linn

H–5241

1 Amend House File 2422 as follows:
2 1. Page 1, lines 14 and 15 by striking the words
3 "apartments, condominiums," and inserting the
4 following: "~~apartments, condominiums,~~".
5 2. Page 1, line 30, by striking the word "may"
6 and inserting the following: "~~may~~ shall".

NEUHAUSER of Johnson

H–5248

1 Amend House File 2422 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 25A.14, subsection 13, Code
5 Supplement 1991, is amended by striking the
6 subsection.
7 Sec. 2. Section 613A.4, subsection 12, Code 1991,
8 is amended by striking the subsection.
9 Sec. 3. Sections 135I.2 through 135I.6, Code 1991,
10 are repealed.
11 Sec. 4. Section 135I.1, Code Supplement 1991, is
12 repealed."
13 2. Title page, lines 1 and 2, by striking the
14 words ", spas, and swimming pool or spa water heaters"
15 and inserting the following: "and spas".

CORBETT of Linn

H–5250

1 Amend House File 2447 as follows:
2 1. Page 1, line 9, by inserting after the word
3 "more" the following: "contiguous".
4 2. Page 1, by inserting after line 12 the
5 following:
6 "For the purposes of this subsection, two counties

7 are contiguous if they share a common boundary,
8 including a corner."
9 3. Page 2, line 11, by inserting after the word
10 "more" the following: "contiguous".
11 4. Page 2, by inserting after line 34 the
12 following:
13 "For the purposes of this subsection, two counties
14 are contiguous if they share a common boundary,
15 including a corner."

SPEAR of Lee

H-5252

1 Amend House File 2382 as follows:
2 1. Page 1, lines 8 and 9, by striking the words
3 ", the ownership and title to which is claimed by this
4 state".

MILLAGE of Scott
BANKS of Plymouth

H-5253

1 Amend House File 2383 as follows:
2 1. Page 2, by inserting after line 6 the
3 following:
4 "Sec. _____. Section 256.11A, subsection 4,
5 unnumbered paragraph 1, Code 1991, is amended to read
6 as follows:
7 Schools and school districts are not required to
8 meet the standard adopted by the state board of
9 education under section 256.17, Code Supplement 1987,
10 and contained in section 256.11, subsection 9,
11 paragraph "b", effective July 1, 1990, that requires
12 the board to establish and operate a media services
13 program to support the total curriculum until July 1,
14 1990, except as otherwise provided in this subsection.
15 Not later than ~~January~~ August 1, ~~1990~~ 1992, for the
16 school year beginning July 1, ~~1990~~ 1992, the board of
17 directors of a school district, or authorities in
18 charge of a nonpublic school, may file a written
19 request with the department of education that the
20 department waive the requirement for that district or
21 school. The procedures specified in subsection 5
22 apply to the request. Not later than January 1, ~~1991~~
23 1993, for the school year beginning July 1, ~~1991~~ 1993,
24 the board of directors of a school district, or
25 authorities in charge of a nonpublic school, may file
26 a request for a one-year extension of the waiver."
27 2. Title page, line 1, by inserting after the
28 word "transformation" the following: "and media
29 services programs".
30 3. By renumbering as necessary.

IVERSON of Wright

H–5256

1 Amend House File 2393 as follows:
2 1. Page 1, by inserting after line 32 the
3 following:
4 "5. For purposes of determining a violation of
5 this section, failure to securely cover a load shall
6 include failure to prevent the emission of strong or
7 offensive odors emanating from the contents of the
8 load."

VAN MAANEN of Mahaska

H–5257

1 Amend House File 2343 as follows:
2 1. Page 5, line 18, by striking the word
3 "seventy-five" and inserting the following: "sixty".
4 2. Page 5, line 20, by striking the word
5 "seventy-five" and inserting the following: "sixty".
6 3. Page 8, line 24, by inserting after the figure
7 "467A.64" the following: "and section 467A.66".

SHOULTZ of Black Hawk

H–5258

1 Amend House File 2393 as follows:
2 1. Page 1, line 16, by inserting after the word
3 "unless" the following: "the vehicle is so
4 constructed or".
5 2. Page 1, by striking lines 23 through 27 and
6 inserting the following:
7 "3. The load of a vehicle shall not be accepted by
8 the person to whom the load is being delivered if the
9 vehicle is not so constructed or the vehicle is not
10 securely covered so as to prevent its load from
11 dropping, sifting, leaking, or otherwise escaping and
12 to prevent its covering from dropping from the
13 vehicle. A person who accepts a load from such a".

SPEAR of Lee

H–5260

1 Amend House File 2383 as follows:
2 1. Page 2, by inserting after line 6, the
3 following:
4 "Sec. _____. Section 256.11A, subsection 2, Code
5 1991, is amended to read as follows:
6 2. Schools and school districts are not required
7 to meet the requirement stated in the standards
8 adopted by the state board under section 256.17, Code
9 Supplement 1987, that prohibits an individual who is
10 employed or contracted as superintendent from also

11 serving as a principal in that school or school
12 district ~~until July 1, 1990, except as otherwise~~
13 ~~provided in this subsection,~~ if the individual serves
14 as a principal of an elementary school that contains
15 only one section of each grade level that is taught in
16 the elementary school. ~~Not later than January 1,~~
17 ~~1990, for the school year beginning July 1, 1990, the~~
18 ~~board of directors of a school district or authorities~~
19 ~~in charge of a nonpublic school, may file a written~~
20 ~~request with the department of education that the~~
21 ~~department waive the requirement for that district or~~
22 ~~school. The procedures specified in subsection 5~~
23 ~~apply to the request.~~"
24 2. By numbering and renumbering as necessary.

IVERSON of Wright

H-5261

1 Amend House File 2383 as follows:
2 1. Page 1, by inserting before line 1 the follow-
3 ing:
4 "Section 1. Section 256.7, Code Supplement 1991,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 22. By July 1, 1994, adopt rules
7 relating to student matriculation that prohibit a
8 student from receiving a high school diploma unless
9 the student successfully meets the minimum standards
10 established by the deaprtment for student achievement
11 for the third, seventh, and tenth grades.
12 Sec. _____. Section 256.9, Code Supplement 1991, is
13 amended by adding the following new subsections:
14 NEW SUBSECTION. 46. By July 1, 1993, in
15 consultation with school districts, area education
16 agencies, and members of the general public, establish
17 a set of minimum competencies or standards that a
18 student enrolled in the third, seventh, and tenth
19 grades must meet in order to receive a high school
20 diploma. Standards adopted shall include, but are not
21 limited to, alternative standards for students
22 requiring special education under chapter 281.
23 NEW SUBSECTION. 47. By July 1, 1994, develop in
24 conjunction with local schools and school districts a
25 method or methods for assessing or measuring the
26 educational attainments of students in the third,
27 seventh, and tenth grades to determine whether the
28 students have met or have failed to meet the minimum
29 competencies or standards for student achievement."
30 2. Page 2, by inserting after line 32 the follow-
31 ing:
32 "Sec. _____. NEW SECTION. 280.12A STUDENT
33 ACHIEVEMENT STANDARDS — EVALUATIONS — REPORTING.
34 The board of directors of a public school district

35 and the authorities in charge of a nonpublic school,
36 in addition to the goals and plans determined and
37 implemented under section 280.12, shall implement by
38 July 1, 1995, student achievement standards
39 established by the department of education for
40 students in the third, seventh, and tenth grades. In
41 implementing the standards, schools and school
42 districts shall require all of the following:
43 1. That a student is not to receive a high school
44 diploma without having met the standards of this
45 section required of students at the third, seventh,
46 and tenth grade levels.
47 2. That a student who has not met the standards of
48 this section required of students at the third,
49 seventh, and tenth grade levels shall receive a
50 certificate of attendance in lieu of a high school

Page 2

1 diploma.
2 3. A remedial instructional program for students
3 who fail to meet the requirements in the third,
4 seventh, or tenth grade standards. The remedial
5 instructional program shall include, but is not
6 limited to, one or more conferences between the
7 parent, guardian, or custodian, the student's teacher,
8 and the principal of the school that the student is
9 attending; notification of a student's parent,
10 guardian, or custodian, if a student fails to meet the
11 school or school district achievement standards; and
12 development of an individualized education program
13 designed to assist the student in meeting the
14 standards. Students who initially fail to meet the
15 standards for the third, seventh, or tenth grade shall
16 have unlimited opportunities to meet the requirements
17 during the next succeeding year. Examination times
18 shall be scheduled at regular designated intervals
19 during a school year. Conferences between a student's
20 parent, guardian, or custodian, and school officials
21 may also include the student.
22 4. An annual report describing the results of the
23 administration of the assessment or measurement
24 methods for student achievement which shall be
25 forwarded to the department of education.
26 Sec. _____. The department of education shall by
27 January 15, 1993, report to the general assembly on
28 the status of the development of minimum student
29 standards or competencies for third, seventh, and
30 tenth grade students and the methods for assessing or
31 measuring whether students completing those grades
32 have met the standards or competencies."
33 3. Title page, line 1, by striking the words

34 "transformation and" and inserting the following:
35 "transformation,".
36 4. Title page, line 3, by inserting after the
37 word "standards" the following: ", and providing for
38 the establishment of student performance standards".
39 5. By numbering and renumbering as necessary.

IVERSON of Wright
HANSON of Delaware
SIEGRIST of Pottawattamie

H–5263

1 Amend House File 2423 as follows:
2 1. Page 2, line 11, by striking the word "movant"
3 and inserting the following: "person making the
4 motion".
5 2. Page 2, line 21, by striking the word "movant"
6 and inserting the following: "person making the
7 motion".
8 3. Page 2, line 22, by striking the word "movant"
9 and inserting the following: "person making the
10 motion".
11 4. Page 3, line 1, by striking the word "movant"
12 and inserting the following: "person making the
13 motion".
14 5. Page 3, line 4, by striking the word "movant"
15 and inserting the following: "person making the
16 motion".

SPEAR of Lee

H–5264

1 Amend House File 2423 as follows:
2 1. Page 4, line 16, by striking the figure "1991"
3 and inserting the following: "1992".
4 2. Page 4, line 17, by striking the figure "1991"
5 and inserting the following: "1992".
6 3. Page 4, line 18, by striking the figure "1991"
7 and inserting the following: "1992".
8 4. Page 4, line 19, by striking the figure "1991"
9 and inserting the following: "1992".
10 5. Page 4, line 20, by striking the figure "1991"
11 and inserting the following: "1992".

HANSEN of Woodbury

H–5265

1 Amend House File 2422 as follows:
2 1. Page 1, line 27, by inserting after the word
3 "heaters." the following: "An inspector of a swimming
4 pool or spa water heater or boiler shall be certified

5 by the national board of boiler and pressure vessel
6 inspectors."

NEUHAUSER of Johnson

H-5266

1 Amend House File 2362 as follows:
2 1. Page 10, line 24, by inserting after the word
3 "activities." the following: "However, franchisees
4 shall not join together for the purpose of entering
5 into any arrangement or negotiating with the
6 franchisor on any issue including the prices charged
7 by the franchisor for goods or services or the
8 allocation of exclusive territories among competitors,
9 when such arrangement or negotiation would be in
10 violation of state or federal antitrust or other
11 laws."
12 2. Page 10, line 31, by inserting before the word
13 "A" the following: "1."
14 3. Page 10, line 33, by striking the word "half"
15 and inserting the following: "two-thirds".
16 4. Page 10, line 34, by striking the word "half"
17 and inserting the following: "two-thirds".
18 5. Page 11, line 2, by striking the figure "1."
19 and inserting the following: "a."
20 6. Page 11, line 4, by striking the figure "2."
21 and inserting the following: "b."
22 7. Page 11, by inserting after line 6, the
23 following:
24 "2. An organization of franchisees purporting to
25 represent more than two-thirds of a franchisor's
26 franchisees in this state or in the United States,
27 prior to entering into any negotiations with a
28 franchisor, must be certified by the administrator as
29 the sole franchisee representative. The
30 qualifications for certification must be filed with
31 and verified by the administrator and shall include
32 all of the following:
33 a. A written statement of over two-thirds of the
34 franchisees in this state or in the United States
35 appointing the organization of franchisees as its
36 franchisee representative.
37 b. The written agreement of all franchisees of the
38 franchisor to be irrevocably bound by the results of
39 any negotiations.
40 c. The written and irrevocable waiver by each
41 franchisee of the franchisor of all rights to bring a
42 civil action, either individually or as a class, under
43 state or federal law for any matter based in whole or
44 in part on, or arising out of, the franchise agreement
45 or the franchise relationship between the parties.
46 3. Upon being certified as a franchisee

47 representative, the organization shall notify all
48 franchisees of the franchisor of its certification and
49 periodically notify franchisees of any issues about
50 which it will enter into negotiations with the

Page 2

1 franchisor. Any certified franchisee representative
2 shall be decertified upon receipt by the administrator
3 of the written statements of more than two-thirds of
4 the franchisees in the state or in the United States,
5 appointing a new franchisee representative or revoking
6 approval of the currently certified franchisee
7 representative."

SHERZAN of Polk

H—5268

1 Amend House File 2447 as follows:
2 1. Page 2, by inserting after line 34 the
3 following:
4 "_____. Notwithstanding the procedure for combining
5 county offices prescribed in subsection 2, in a county
6 with a population of less than fifteen thousand,
7 according to the 1990 federal decennial census, the
8 offices of county treasurer and county recorder shall
9 be combined as the office of county treasurer-recorder
10 unless the board of supervisors adopts a resolution
11 prior to May 1, 1994, which states that the two
12 offices shall continue as two separate offices. If
13 the offices are combined, the incumbent treasurer and
14 recorder shall hold office until completion of the
15 term for which elected."
16 2. By renumbering and redesignating as necessary.

SPEAR of Lee

H—5271

1 Amend House File 2393 as follows:
2 1. Page 1, by inserting after line 32 the
3 following:
4 "5. A city or county, by resolution or ordinance,
5 may exempt vehicles traveling in the city or county
6 from the application of this section."

KOENIGS of Mitchell

H—5275

1 Amend amendment H—5261, to House File 2383, as
2 follows:
3 1. Page 1, line 10, by striking the word
4 "deaprtment" and inserting the word "department".

IVERSON of Wright

H–5277

1 Amend House File 2271 as follows:
2 1. Page 1, by inserting after line 7, the
3 following:
4 "Sec. _____. NEW SECTION. 455B.307A DISCARDING OF
5 SOLID WASTE – PROHIBITIONS – PENALTY.
6 1. For the purposes of this section, "discard"
7 means to place, cause to be placed, throw, deposit, or
8 drop.
9 2. A person shall not discard solid waste onto or
10 in any water or land of the state, or into areas or
11 receptacles provided for such purposes which are under
12 the control of or used by a person who has not
13 authorized the use of the receptacle by the person
14 discarding the solid waste.
15 3. A person who violates this section is subject
16 to a civil penalty not to exceed five hundred dollars
17 for each violation."
18 2. Title page, line 1, by inserting after the
19 words "relating to" the following: "solid waste
20 including".
21 3. Title page, line 2, by inserting after the
22 word "waste" the following: ", and providing a
23 penalty".
24 4. By renumbering as necessary.

OLLIE of Clinton
SHOULTZ of Black Hawk

H–5278

1 Amend House File 2416 as follows:
2 1. Page 1, by striking lines 8 and 9 and
3 inserting the following: "account shall ~~not exceed~~
4 ~~one and one-half percent per month of the past due~~
5 ~~amount~~ be calculated in accordance with the method
6 established under section 445.39 for computing and
7 calculating interest on overdue property tax
8 payments."

GRONINGA of Cerro Gordo

H–5279

1 Amend House File 2303 as follows:
2 1. Page 5, by striking lines 19 through 21, and
3 inserting the following: "excavation need not notify
4 the excavator concerning this determination."

MERTZ of Kossuth

H–5282

1 Amend House File 2448 as follows:
2 1. Page 1, line 11, by striking the words "two

3 years" and inserting the following: "six months".
4 2. Page 1, line 12, by striking the words "two
5 years" and inserting the following: "six months".

SPEAR of Lee

H-5283

1 Amend House File 2435 as follows:
2 1. Page 1, by inserting after line 34, the
3 following:
4 "Sec. _____. Section 28.154, subsection 2, Code
5 1991, is amended to read as follows:
6 2. The membership of the board of directors
7 consisting of the governor's designee and the public
8 members shall be bipartisan and gender balanced in
9 accordance with sections 69.16 and 69.16A."
10 2. By renumbering as necessary.

SPEAR of Lee

H-5287

1 Amend House File 2383 as follows:
2 1. Page 2, by inserting after line 6 the
3 following:
4 "Sec. _____. Section 256.11A, subsection 3,
5 unnumbered paragraph 1, and subsection 4, unnumbered
6 paragraph 1, Code 1991, are amended to read as
7 follows:
8 Schools and school districts unable to meet the
9 standard adopted by the state board under section
10 256.17, Code Supplement 1987, and contained in section
11 256.11, subsection 9A, effective July 1, 1989,
12 requiring that on July 1, 1989, each board operating a
13 kindergarten through grade twelve program provide an
14 articulated sequential elementary-secondary guidance
15 program may, not later than January 1, 1989, for the
16 school year beginning July 1, 1989, file a written
17 request to the department of education that the
18 department waive the requirement for that school or
19 school district. The procedures specified in
20 subsection 5 apply to the request. Not later than
21 January 1, 1990, for the school year beginning July 1,
22 1990, the board or authorities may request a one-year
23 extension of the waiver. Not later than January ~~1,~~
24 ~~1991~~ of the preceeding school year, for the school
25 ~~year~~ years beginning July 1, 1991, July 1, 1992, and
26 July 1, 1993, the board or authorities may request an
27 additional one-year extension of the waiver.
28 Schools and school districts are not required to
29 meet the standard adopted by the state board of
30 education under section 256.17, Code Supplement 1987,
31 and contained in section 256.11, subsection 9,

32 paragraph "b", effective July 1, 1990, that requires
33 the board to establish and operate a media services
34 program to support the total curriculum until July 1,
35 1990, except as otherwise provided in this subsection.
36 Not later than ~~January~~ August 1, ~~1990~~ 1992, for the
37 school year beginning July 1, ~~1990~~ 1992, the board of
38 directors of a school district, or authorities in
39 charge of a nonpublic school, may file a written
40 request with the department of education that the
41 department waive the requirement for that district or
42 school. The procedures specified in subsection 5
43 apply to the request. Not later than January 1, ~~1991~~
44 1993, for the school year beginning July 1, ~~1991~~ 1993,
45 the board of directors of a school district, or
46 authorities in charge of a nonpublic school, may file
47 a request for a one-year extension of the waiver."
48 2. Title page, line 1, by inserting after the
49 word "transformation" the following: "and media
50 services and guidance programs".

Page 2

1 3. By renumbering as necessary.

IVERSON of Wright
WISSING of Scott

H–5290

1 Amend House File 2425 as follows:
2 1. Page 2, line 16, by striking the letter " "i" "
3 and inserting the following: " "j" ".

BRAND of Benton

H–5291

1 Amend House File 2395 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 85.64A SECOND INJURY.
5 In addition to any permanent partial disability
6 benefits payable pursuant to section 85.34, subsection
7 2, paragraphs "l" through "q", or paragraph "s", an
8 injured employee shall receive such additional weekly
9 compensation as may be provided by one or both of the
10 following subsections:
11 1. Up to twenty-six weeks of compensation provided
12 all of the following applies:
13 a. The employee has not returned to work or is not
14 capable of returning to substantially similar
15 employment.
16 b. The employee has not refused employment at the
17 same rate of pay by the same employer.
18 c. The impairment suffered as a result of the

19 injury is greater than fifteen percent of the affected
20 member or organ as measured by the American medical
21 association guide to the evaluation of permanent
22 impairment.
23 d. The employee is participating in a qualified
24 vocational rehabilitation program as provided in
25 section 85.70A.
26 2. An employee, who has previously lost more than
27 fifteen percent use of one hand, one arm, one foot,
28 one leg, or one eye, and who suffers permanent partial
29 impairment as a result of a compensable injury or
30 occupational disease which is payable as provided in
31 section 85.34, subsection 2, paragraphs "l" through
32 "q", shall be paid additional compensation calculated
33 in the manner provided by section 85.34, subsection 2,
34 paragraph "s", pursuant to the following formula:

35 Combined value of		Prior		Impairment		Additional
36 two hands, arms,	-	Impairment	+	second	-	Compensation
37 feet, legs, or eyes				injury		payable
38 pursuant to the						
39 American medical						
40 association guide						

41 Impairment shall be determined by the American
42 medical association's guide to the evaluation of
43 permanent impairment.
44 Sec. 2. NEW SECTION. 85.70A VOCATIONAL
45 REHABILITATION EXPENSE.
46 An employee who has sustained a compensable or
47 occupational disease resulting in permanent partial or
48 permanent total disability and who has not returned to
49 work or is not capable of returning to substantially
50 similar employment shall be entitled to payment from

Page 2

1 the employer as follows:
2 1. Twenty dollars per week during each full week
3 the employee is actively participating in a qualified
4 vocational rehabilitation program for a period not to
5 exceed twenty-six weeks.
6 2. Tuition, books and supplies in an amount not to
7 exceed four thousand dollars.
8 "Qualified vocational rehabilitation program" means
9 a rehabilitation program recognized by the division of
10 vocational rehabilitation of the department of
11 education.
12 Sec. 3. Section 85.64, Code 1991, is repealed.
13 Sec. 4. Section 85.70, Code 1991, is repealed."
14 2. Title page, by striking lines 1 through 4 and
15 inserting the following: "An Act relating to workers'
16 compensation regarding second injury fund benefits and
17 vocational rehabilitation expenses."

RAFFERTY of Scott

H–5295

1 Amend House File 2346 as follows:
2 1. Page 1, by inserting after line 12 the fol-
3 lowing:
4 "_____. The secretary of agriculture or the
5 secretary's designee."
6 2. Renumbering as necessary.

SPEAR of Lee

H–5299

1 Amend House File 2383 as follows:
2 1. Page 2, by inserting after line 6, the
3 following:
4 "Sec. _____. NEW SECTION. 256.11B ALTERNATIVE
5 ACCREDITATION PROCESS.
6 1. As an alternative to the standards and
7 accreditation procedures contained in sections 256.11
8 and 256.11A, and the rules adopted by the state board
9 of education to implement the standards and
10 accreditation procedures, the department of education
11 shall recommend rules for adoption by the state board
12 under chaper 17A which provide for the establishment
13 of an alternative performance-based system for
14 accrediting public and nonpublic schools by the school
15 year which begins July 1, 1993. In developing
16 recommendations, the director of the department of
17 education shall appoint an advisory committee to
18 assist the department. The committee shall include,
19 but is not limited to, representatives from schools
20 and school districts of different sizes around the
21 state.
22 2. The performance-based accreditation system
23 shall be based on performance and outcome measures.
24 The measures adopted in the state board's rules shall
25 include, but are not limited to, the plans for pupil
26 performance required under section 280.12, subsection
27 1, paragraphs "c" and "d", the student achievement
28 goals developed under the guidelines established in
29 section 280.18, and a requirement that schools and
30 school districts identify the means that will be used
31 to determine and to report on the achievement of all
32 segments of the student population.
33 3. The recommendations for rules relating to the
34 alternative accreditation procedures shall include all
35 of the following:
36 a. A requirement that, by January 15 of each year,
37 the board of directors of each school district and the
38 authorities in charge of each nonpublic school, shall
39 notify the department of education of its intent to
40 seek accreditation under the alternative performance-

41 based accreditation procedures for the following
42 school year. A school district or nonpublic school
43 which notifies the department that it has chosen to be
44 accredited under this section is not subject to the
45 standards specified in sections 256.11 and 256.11A.
46 b. A procedure for determining whether a school
47 district or nonpublic school is to be accredited under
48 this section, which shall be identical to the
49 accreditation procedures contained in section 256.11,
50 subsections 10 through 12.

Page 2

1 c. A provision that, if the state board determines
2 in its review of the accreditation committee's report
3 under the alternative performance-based accreditation
4 procedures that a school or school district does not
5 meet the alternative performance-based standards, the
6 state board, in cooperation with the school or school
7 district may choose to use the accreditation standards
8 contained in sections 256.11 and 256.11A, as well as
9 the standards under this section, as part of the plan
10 prescribing the procedures to be taken by the district
11 to correct any deficiencies in meeting the alternative
12 performance-based accreditation standards.
13 d. A provision for an annual review and approval
14 process for the accreditation standards and procedures
15 established under this section, to be performed by the
16 state board of education. The process shall include,
17 but is not limited to, consideration of additional or
18 revised methods of measuring performance and outcomes
19 for the purpose of accrediting schools and school
20 districts.
21 e. A requirement that schools and school districts
22 which seek accreditation under the alternative
23 performance-based accreditation standards shall comply
24 with the practitioner licensing requirements contained
25 in chapter 260."
26 2. Title page, line 1, by inserting after the
27 word "transformation" the following: ", an
28 alternative method of accreditation,".
29 3. By renumbering as necessary.

DAGGETT of Adams

H—5300

1 Amend the amendment, H—5197, to House File 2050 as
2 follows:
3 1. Page 1, by striking lines 8 through 13 and
4 inserting the following:
5 "_____. Page 2, line 10, by inserting after the
6 word "relations." the following: "If the employer has

7 created an employee personnel file for the employee,
8 the employer shall preserve such records for a period
9 of five years from the date of dismissal, discharge,
10 voluntary termination, or other termination of an
11 employee's employment. This section shall not be
12 construed to require the employer to create personnel
13 files for employees." "

McNEAL of Hardin

H–5301

1 Amend House File 2055 as follows:
2 1. Page 1, line 2, by striking the word
3 "paragraph" and inserting the following:
4 "paragraphs".
5 2. Page 1, by inserting after line 9, the
6 following:
7 "NEW PARAGRAPH. o. It is an unlawful practice for
8 a person to charge a consumer an amount for postage,
9 or other delivery charge, and handling of such
10 tangible personal property which exceeds the actual
11 costs incurred for the handling and delivery of such
12 property by the person to a consumer. For purposes of
13 this paragraph, handling costs shall only include
14 those costs directly associated with the processing of
15 an order of a consumer and shall not include any costs
16 of manufacturing or producing the tangible personal
17 property.
18 In addition to other remedies provided by this
19 section, a consumer aggrieved as the result of a
20 violation of this section may bring a civil action in
21 district court to seek and obtain a temporary
22 restraining order, preliminary injunction, or
23 permanent injunction prohibiting the person from
24 continuing the practice or engaging in the practice or
25 doing an act in furtherance of the practice. A
26 consumer who brings the action and proves that the
27 person has violated this section is entitled to actual
28 damages, if any, and reasonable attorney fees. This
29 paragraph does not limit any existing right of a
30 consumer to bring a civil action for other appropriate
31 relief pursuant to any other provision of this
32 section."
33 3. Title page, line 1, by inserting after the
34 word "to" the following: "consumer fraud by providing
35 for".
36 4. Title page, line 2, by inserting after the
37 word "vehicles" the following: ", limiting
38 permissible charges for postage and handling,".
39 5. By renumbering as necessary.

HIBBARD of Madison

H—5302

1 Amend the amendment, H—5287, to House File 2383, as
2 follows:
3 1. Page 1, line 21, by striking the word and
4 figures "January 1, 1990" and inserting the following:
5 "~~January 1, 1990~~ August 1, 1992".
6 2. Page 1, line 22, by striking the figure "1990"
7 and inserting the following: "~~1990~~ 1992".
8 3. Page 1, by striking lines 23 through 26, and
9 inserting the following: "extension of the waiver.
10 Not later than January 1, ~~1991~~ 1993, for the school
11 year beginning July 1, ~~1991~~ 1993, the board or
12 authorities may request an".

IVERSON of Wright
WISSING of Scott

H—5304

1 Amend House File 2441 as follows:
2 1. Page 3, line 7, by striking the word
3 "therapist"," and inserting the following:
4 "therapist" or".
5 2. Page 3, line 8, by striking the words
6 " "masseur", or "masseuse",".
7 3. Page 3, by striking line 22 and inserting the
8 following: "therapist" or "massage therapist", or".

OSTERBERG of Linn

H—5307

1 Amend Senate File 43, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, line 18, by inserting after the word
4 "founded" the following: "child or".

MURPHY of Dubuque

H—5309

1 Amend House File 2300 as follows:
2 1. Page 7, line 16, by inserting after the word
3 "requirement" the following: "with respect to bronze
4 merchandise".

HOLVECK of Polk

H—5310

1 Amend the amendment, H—5012, to House File 2093 as
2 follows:
3 1. Page 1, by inserting after line 14, the
4 following:
5 "_____. The department shall develop a
6 classification for residential pesticide applicators

7 and shall develop and implement a residential
8 pesticide applicator program which includes training,
9 examination, and licensing. The secretary shall adopt
10 rules to implement this subsection including the
11 establishment of a licensing fee.
12 _____. A home owner or tenant who purchases
13 pesticides for application to the person's own
14 property or tenancy and which land is located in a
15 city with a population of over ten thousand, shall not
16 purchase the pesticides without first being licensed
17 as a residential pesticide applicator under this
18 section. A pesticide dealer shall not sell pesticides
19 to a person for application to the person's own
20 property or tenancy which property or tenancy is
21 located in a city with a population of over ten
22 thousand, unless the person provides proof of
23 licensure as a residential pesticide applicator."
24 2. By renumbering as necessary.

HIBBARD of Madison

H-5311

1 Amend House File 2120 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 727.2, Code 1991, is amended
5 by striking the section and inserting in lieu thereof
6 the following:
7 727.2 FIREWORKS.
8 1. "Fireworks" means compositions or devices for
9 the purpose of producing a visible or an audible
10 effect by combustion, deflagration, or detonation, and
11 which meet the definition of common fireworks or
12 special fireworks.
13 2. "Common fireworks" includes but is not limited
14 to the following:
15 a. DIPPED STICK. Stick or wire coated with
16 pyrotechnic composition that produces a shower of
17 sparks upon ignition. Total pyrotechnic composition
18 shall not exceed one hundred grams per item. Devices
19 containing any perchlorate or chlorate salts shall not
20 exceed five grams of pyrotechnic composition per item.
21 b. CYLINDRICAL FOUNTAIN. Cylindrical tube not
22 more than three-fourths of an inch or nineteen
23 millimeters inside diameter, containing up to seventy-
24 five grams of pyrotechnic composition.
25 c. CONE FOUNTAIN. Cardboard or heavy paper cone
26 containing up to fifty grams of pyrotechnic
27 composition.
28 d. ILLUMINATING TORCH. Cylindrical tube
29 containing up to one hundred grams of pyrotechnic
30 composition.

31 e. WHEEL — GROUND SPINNER. Each wheel or spinner
32 may contain up to six driver units; tubes not
33 exceeding one-half inch or twelve and five-tenths
34 millimeters inside diameter and containing up to sixty
35 grams of pyrotechnic composition.
36 f. FLITTER SPARKLER. Narrow paper tube filled
37 with pyrotechnic composition that produces color and
38 sparks upon ignition. This device does not have a
39 fuse for ignition. The paper at one end of the tube
40 is ignited to make the device function.
41 g. SKY ROCKET — MISSILE-TYPE ROCKET. Tube not
42 exceeding one-half inch or twelve and five-tenths
43 millimeters inside diameter that may contain up to
44 twenty grams of pyrotechnic composition. These
45 rockets contain a wooden stick or fins for guidance
46 and stability and rise into the air upon ignition.
47 h. HELICOPTER — AERIAL SPINNER. A tube not more
48 than one-half inch or twelve and five-tenths
49 millimeters inside diameter and containing up to
50 twenty grams of pyrotechnic composition. A propeller

Page 2

1 or blade is attached, which upon ignition lifts the
2 rapidly spinning device into the air.
3 i. ROMAN CANDLE. Heavy paper or cardboard tube
4 not exceeding three-eighths of an inch or nine and
5 five-tenths millimeters inside diameter and containing
6 up to twenty grams of pyrotechnic composition. Upon
7 ignition, up to ten stars, pellets of pressed
8 pyrotechnic composition that burn with bright color,
9 are individually expelled at several-second intervals.
10 j. MINE — SHELL. Heavy cardboard or paper tube
11 up to two and one-half inches or sixty-three and five-
12 tenths millimeters inside diameter attached to a wood
13 or plastic base and containing up to forty grams of
14 pyrotechnic composition.
15 k. FIRECRACKER — SALUTE. Small paper-wrapped or
16 cardboard tube containing not more than fifty
17 milligrams of pyrotechnic composition.
18 l. CHASER. Small paper or cardboard tube that
19 travels along the ground upon ignition. The explosive
20 composition used to create the noise shall not exceed
21 fifty milligrams.
22 m. COMBINATION ITEMS. Fireworks devices
23 containing combinations of two or more of the effects
24 produced by any of the fireworks described in
25 paragraphs "a" through "l".
26 3. "Special fireworks" means large fireworks
27 designed primarily to produce visible or audible
28 effects by combustion, deflagration, or detonation.
29 This term includes, but is not limited to,

30 firecrackers containing more than two grams or one
31 hundred thirty milligrams of explosive composition,
32 aerial shells containing more than forty grams of
33 pyrotechnic composition, and other display pieces
34 which exceed the limits for classification as common
35 fireworks.
36 4. The following are not common fireworks or
37 special fireworks:
38 a. SNAKE — GLOW WORM. Pressed pellet of
39 pyrotechnic composition that produces a large, snake-
40 like ash upon burning. The ash expands in length as
41 the pellet burns. These devices shall not contain
42 mercuric thiocyanate.
43 b. SMOKE DEVICE. Tube or sphere containing
44 pyrotechnic composition that, upon ignition, produces
45 white or colored smoke as the primary effect.
46 c. WIRE SPARKLER. Wire coated with pyrotechnic
47 composition that produces a shower of sparks upon
48 ignition. These items must not contain magnesium and
49 must not exceed one hundred grams of composition per
50 item. Devices containing any chlorate or perchlorate

Page 3

1 salts shall not exceed five grams of composition per
2 item.
3 d. TRICK NOISEMAKER. Item that produces a small
4 report intended to surprise the user. These devices
5 include:
6 (1) PARTY POPPER. Small plastic or paper item
7 containing not more than sixteen milligrams of
8 explosive composition that is friction sensitive. A
9 string protruding from the device is pulled to ignite
10 it, expelling paper streamers and producing a small
11 report.
12 (2) BOOBY TRAP. Small tube with string protruding
13 from both ends, similar to a party popper in design.
14 The ends of the string are pulled to ignite the
15 friction-sensitive composition, producing a small
16 report.
17 (3) SNAPPER. Small, paper-wrapped item containing
18 a minute quantity of explosive composition coated on
19 small bits of sand. When dropped, the device
20 explodes, producing a small report.
21 (4) TRICK MATCH. Kitchen or book match that has
22 been coated with a small quantity of explosive or
23 pyrotechnic composition. Upon ignition of the match,
24 a small report or a shower of sparks is produced.
25 (5) CIGARETTE LOAD. Small wooden peg that has
26 been coated with a small quantity of explosive
27 composition. Upon ignition of a cigarette containing
28 one of the pegs, a small report is produced.

29 (6) AUTO BURGLAR ALARM. Tube which contains pyro-
30 technic composition that produces a loud whistle or
31 smoke when ignited. A small quantity of explosive,
32 not exceeding fifty milligrams, may also be used to
33 produce a small report. A squib is used to ignite the
34 device.
35 5. a. Except as otherwise provided in this
36 section, a person which offers for sale, exposes for
37 sale, sells at retail, or uses or possesses any common
38 fireworks or special fireworks, commits a serious
39 misdemeanor. However, the council of a city or the
40 county board of supervisors may, upon application in
41 writing, grant a permit for the display of fireworks
42 by municipalities, fair associations, amusement parks,
43 and other organizations or groups of individuals
44 approved by the city or county board of supervisors,
45 if the fireworks display will be handled by a
46 competent operator, but a permit is not required for
47 display of fireworks at the Iowa state fairgrounds by
48 the Iowa state fair board or at incorporated county
49 fairs or district fairs receiving state aid. Sales of
50 fireworks may be made for permitted purposes only.

Page 4

1 b. This section does not prohibit any of the
2 following:
3 (1) A resident, dealer, manufacturer, or jobber
4 from selling fireworks which are not prohibited in
5 this section.
6 (2) The sale of any kind of fireworks to be
7 shipped out of the state.
8 (3) The sale or use of blank cartridges for a show
9 or the theater, or for signal purposes in athletic
10 sports or by railroads or trucks, for signal purposes,
11 or by a recognized military organization.
12 c. This section does not apply to any substance or
13 composition prepared and sold for medicinal or
14 fumigation purposes."

McKEAN of Jones
NEUHAUSER of Johnson
HALVORSON of Webster
HANSON of Delaware
McNEAL of Hardin
NIELSEN of Linn
IVERSON of Wright
PETERSEN of Muscatine
CORBETT of Linn
GRUHN of Dickinson
TYRRELL of Iowa
HAMMOND of Story
HURLEY of Fayette
OSTERBERG of Linn

H—5313

1 Amend the amendment, H—5278, to House File 2416 as
2 follows:
3 1. Page 1, line 3, by striking the words "~~not~~

4 ~~exceed~~" and inserting the following: "not exceed".
5 2. Page 1, line 5, by striking the words "~~amount~~
6 be" and inserting the following: "the amount as".

BARTZ of Worth

H–5318

1 Amend the amendment, H–5283, to House File 2435, as
2 follows:
3 1. Page 1, line 6, by striking the word "The" and
4 inserting the following: "~~The~~ Only the".

SPEAR of Lee

H–5320

1 Amend House File 2383 as follows:
2 1. Page 1, by inserting before line 1 the follow-
3 ing:
4 "Section 1. Section 256.11, subsection 3, Code
5 Supplement 1991, is amended to read as follows:
6 3. The following areas shall be taught in grades
7 one through six: English-language arts, social
8 studies, mathematics, science, health, human growth
9 and development, physical education, traffic safety,
10 music, and visual art. The health curriculum shall
11 include the characteristics of communicable diseases
12 including acquired immune deficiency syndrome. The
13 health curriculum may include information relating to
14 suppression of gang violence and substance abuse. The
15 state board as part of accreditation standards shall
16 adopt curriculum definitions for implementing the
17 elementary program."
18 2. Page 2, by inserting after line 32 the follow-
19 ing:
20 "Sec. _____. MODEL GANG VIOLENCE SUPPRESSION AND
21 SUBSTANCE ABUSE PREVENTION CURRICULUM. The criminal
22 and juvenile justice planning advisory council, in
23 collaboration with the department of education, shall
24 develop a model gang violence suppression curriculum
25 which may be offered as part of the health curriculum
26 in grades four and six. The department of education
27 shall make the model curriculum available to schools
28 and school districts on or before July 1, 1993. The
29 model curriculum shall, at a minimum, provide
30 instructional resources that address issues associated
31 with ethnic diversity, and emphasize the development
32 of positive values, self-esteem, and the acquisition
33 of the knowledge and skills necessary to assist
34 children in leading productive, gang-free, and drug-
35 free lives. The model curriculum shall also include
36 information relating to the following: the causes of
37 gang violence and substance abuse; the properties and

38 effects of the use of tobacco, alcohol, narcotics, and
39 other dangerous drugs; and instruction leading to the
40 development of social and resistance skills in
41 children, instruction in methods for the free expres-
42 sion of ideas and opinions in a responsible manner,
43 and instruction which assists children in
44 understanding the nature and consequence of decisions
45 those children make, as those decisions relate to gang
46 involvement and drug and alcohol abuse."
47 3. By numbering and renumbering as necessary.

HANSON of Black Hawk

H—5322

1 Amend House File 2357 as follows:
2 1. Page 13, by inserting after line 14 the
3 following:
4 "(3) Appoint a revolving loan fund review
5 committee to make decisions regarding awards from the
6 fund. Membership of the review committee shall
7 represent a cross section of the council of
8 governments region and shall consist of at least a
9 majority of elected municipal or county officials from
10 within the council of governments region and may
11 include, but is not limited to, business persons,
12 economic development professionals, community college
13 representatives, and labor organization
14 representatives. The review committee shall be
15 gender-balanced and all members shall be residents of
16 this state.
17 (4) Establish reasonable fees which may be
18 assessed to cover the reasonable costs of
19 administering the fund."
20 2. Page 15, by inserting after line 18 the
21 following:
22 "Sec. _____. Section 28H.3, Code 1991, is amended by
23 adding the following new subsection:
24 NEW SUBSECTION. 6. a. Establish and administer a
25 regional economic development revolving loan fund
26 under subsection 5, or in lieu of the council of
27 governments establishing and administering the loan
28 fund itself, authorize a community college in the same
29 area of the state to establish the loan fund in
30 accordance with subsection 5 and this subsection.
31 b. The board of trustees of a community college
32 authorized to establish and administer a regional
33 economic development revolving loan fund shall
34 establish a regional loan fund coordinating council
35 which shall administer the loan fund in accordance
36 with subsection 5.
37 c. Membership, appointments, and terms of office
38 shall be governed by bylaws adopted by the regional

39 loan fund coordinating council. Members of the
40 regional loan fund coordinating council shall
41 represent a cross section of the council of
42 governments region and shall include but not be
43 limited to the following:
44 (1) Elected municipal or county officials who
45 shall make up a majority of the regional loan fund
46 coordinating council.
47 (2) Business persons.
48 (3) Economic development professionals.
49 (4) Representatives of labor organizations.
50 The regional loan fund coordinating council shall

Page 2

1 be gender-balanced."
2 3. By striking page 15, line 19, through page 16,
3 line 1 and inserting the following:
4 "Sec. _____. Section 28H.3, Code 1991, is amended by
5 adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. In any region of the
7 state that has not organized a council of governments,
8 a community college serving the majority of that
9 region may establish a regional economic development
10 revolving loan fund in accordance with subsections 5
11 and 6."
12 4. Page 16, by striking lines 21 through 25 and
13 inserting the following: "fund created in section
14 15.313 up to $200,000 to the councils of governments
15 or community colleges which are administering a
16 regional economic development revolving loan fund for
17 use in accordance with section 28H.3, subsection 5, to
18 the extent that the funds are matched, on a cash
19 basis, dollar-for-dollar by local contributions raised
20 between January 1, 1992, and October 31, 1992, and
21 from November 1 to October 31 for succeeding years."
22 5. By renumbering as necessary.

WISE of Lee
DVORSKY of Johnson
GILL of Woodbury
BRAND of Benton
BURKE of Marshall
JESSE of Jasper

H—5324

1 Amend House File 2411 as follows:
2 1. Page 10, by striking lines 23 through 27 and
3 inserting the following:
4 "Sec. _____. Section 314.24, Code 1991, is amended
5 to read as follows:
6 314.24 NATURAL AND HISTORIC PRESERVATION.

7 Cities, counties, and the department shall to the
8 extent practicable preserve and protect the natural
9 and historic heritage of the state in the design,
10 construction, reconstruction, relocation, repair, or
11 maintenance of roads, streets, or highways.
12 Destruction or damage to natural areas, including but
13 not limited to prime agricultural land, parks,
14 preserves, woodlands, wetlands, recreation areas,
15 greenbelts, historical sites, or archaeological sites
16 shall be avoided, if reasonable alternatives are
17 available for the location of roads, streets, or
18 highways at no significantly greater cost or with no
19 significant increase in safety concerns. In
20 implementing this section, cities, counties, and the
21 department shall make a diligent effort to identify
22 and examine the comparative cost of utilizing
23 alternative locations for roads, streets, or
24 highways."
25 2. By renumbering as necessary.

BLANSHAN of Greene

H—5325

1 Amend House File 2445 as follows:
2 1. Page 2, line 33, by striking the word
3 "additional".

NEUHAUSER of Johnson

H—5327

1 Amend House File 2131 as follows:
2 1. Page 1, lines 5 and 6, by striking the words
3 "any of the provisions of this chapter" and inserting
4 the following: "section 123.47".
5 2. Page 1, line 13, by striking the figure "5"
6 and inserting the following: "4".
7 3. Page 1, lines 25 and 26, by striking the words
8 "any of the provisions of chapter 123 or section
9 204.401" and inserting the following: "section
10 123.47, 204.401,".
11 4. Title page, lines 2 and 3, by striking the
12 words "found guilty of violations of the provisions of
13 the alcoholic beverage control Act" and inserting the
14 following: "age eighteen or under found guilty of
15 possessing alcoholic beverages".

SIEGRIST of Pottawattamie

H—5329

1 Amend House File 2055 as follows:
2 1. Page 1, line 4, by inserting after the words
3 "operates a" the following: "manually operated".

HIBBARD of Madison

H–5331

1 Amend House File 2075 as follows:
2 1. Page 1, by striking lines 16 and 17.
3 2. Page 1, line 23, by striking the word "board"
4 and inserting the following: "department".
5 3. Page 1, line 25, by striking the word "board"
6 and inserting the following: "department".
7 4. Page 1, line 30, by striking the word "board"
8 and inserting the following: "department".
9 5. Page 1, line 33, by striking the word "board"
10 and inserting the following: "department".
11 6. Page 2, line 5, by striking the word "board"
12 and inserting the following: "department".
13 7. Page 2, line 28, by striking the words "or the
14 board".
15 8. Page 3, line 27, by striking the word "board"
16 and inserting the following: "department".
17 9. Page 3, line 28, by striking the word "board"
18 and inserting the following: "department".
19 10. Page 3, line 33, by striking the word "board"
20 and inserting the following: "department".
21 11. Page 4, line 1, by striking the word "board"
22 and inserting the following: "department".
23 12. Page 5, by striking lines 2 through 6.
24 13. Page 5, line 18, by inserting after the word
25 "acupuncture." the following: "For purposes of this
26 subsection, the department shall act as the examining
27 board pursuant to chapter 148E."
28 14. By renumbering as necessary.

BLANSHAN of Greene
RENAUD of Polk

H–5335

1 Amend the amendment, H–5291, to House File 2395 as
2 follows:
3 1. Page 1, by striking lines 34 through 40 and
4 inserting the following: "paragraph "s", pursuant to
5 the following formula: the combined value of two
6 hands, arms, feet, legs, or eyes pursuant to the
7 American medical association guide minus the sum of
8 prior impairment and impairment second injury equal
9 the additional compensation payable."

RAFFERTY of Scott

H–5339

1 Amend House File 2450 as follows:
2 1. Page 44, by inserting after line 13 the
3 following:
4 "Sec. _____. Section 595.10, subsection 1, Code

5 1991, is amended to read as follows:
6 1. A judge of the supreme court, court of appeals,
7 or district court, including a district associate
8 judge, or a judicial magistrate~~, and including a~~
9 ~~senior judge as defined in section 602.9202,~~
10 ~~subsection 1~~.
11 Sec. _____. Section 602.1101, subsection 8, Code
12 1991, is amended to read as follows:
13 8. "Judicial officer" means a supreme court
14 justice, a judge of the court of appeals, a district
15 judge, a district associate judge, or a magistrate.
16 The term also includes a person who is temporarily
17 serving as a justice, judge, or magistrate as
18 permitted by section 602.1612 ~~or 602.9206~~.
19 Sec. _____. Section 602.1101, subsection 10, Code
20 1991, is amended by striking the subsection.
21 Sec. _____. Section 602.1612, subsection 1, Code
22 1991, is amended to read as follows:
23 1. Justices of the supreme court, judges of the
24 court of appeals, district judges, and district
25 associate judges who are retired by reason of age or
26 who are drawing benefits under section 602.9106, ~~and~~
27 ~~senior judges who have retired under section 602.9207~~
28 ~~or who have relinquished senior judgeship under~~
29 ~~section 602.9208, subsection 1,~~ may with their consent
30 be assigned by the supreme court to temporary judicial
31 duties on a court in this state if the assignment is
32 deemed necessary by the supreme court to expedite the
33 administration of justice.
34 Sec. _____. Section 602.9110, unnumbered paragraph
35 2, Code 1991, is amended by striking the unnumbered
36 paragraph.
37 Sec. _____. Section 602.9115A, unnumbered paragraph
38 1, Code 1991, is amended to read as follows:
39 In lieu of the annuities and refunds provided for
40 judges and judges' survivors under sections 602.9107,
41 602.9108, and 602.9115, ~~602.9204, 602.9208, and~~
42 ~~602.9209,~~ judges may elect to receive an optional
43 retirement annuity during the judge's lifetime and
44 have the optional retirement annuity, or a designated
45 fraction of the optional retirement annuity, continued
46 and paid to the judge's survivor after the judge's
47 death and during the lifetime of the survivor.
48 Sec. _____. Section 602.9115A, unnumbered paragraph
49 3, Code 1991, is amended to read as follows:
50 The optional retirement annuity shall be the

Page 2

1 actuarial equivalent of the amounts of the annuities
2 payable to judges and survivors under sections
3 602.9107~~,~~ and 602.9115~~, 602.9204, 602.9208, and~~

4 602.9209. The actuarial equivalent shall be based on
5 the mortality and interest assumptions set out in
6 section 602.9107, subsection 3."
7 2. By striking page 44, line 14 through page 47,
8 line 17.
9 3. Page 48, by inserting after line 21 the
10 following:
11 "Sec. _____. SENIOR JUDGES – IMPLEMENTATION.
12 1. Effective July 1, 1992, additional judges shall
13 be prohibited from becoming senior judges pursuant to
14 chapter 602, article 9, part 2, 1991 Code of Iowa.
15 However, all judges whose names are entered on the
16 roster of senior judges pursuant to section 602.9203,
17 subsection 3, 1991 Code of Iowa, as of June 30, 1992,
18 may continue to participate and receive benefits as
19 senior judges and shall be governed by the provisions
20 of chapter 602, article 9, part 2, 1991 Code of Iowa.
21 2. Notwithstanding the amendments to sections
22 595.10, 602.1101, 602.1612, 602.9110, and 602.9115A
23 contained in this Act, those sections shall apply to
24 senior judges who continue to participate as senior
25 judges as permitted in subsection 1 as those Code
26 sections appear in the 1991 Code of Iowa.
27 3. This Act shall not be construed in a manner
28 which reduces benefits to persons who participated as
29 senior judges pursuant to the Iowa senior judge Act
30 prior to July 1, 1992.
31 4. The supreme court shall amend the applicable
32 rules referring to senior judges as necessary to
33 effectuate this Act."
34 4. Page 48, line 22, by striking the word and
35 figure "and 97B.71," and inserting the following:
36 "97B.71, and 602.9201 through 602.9209,".
37 5. By renumbering, relettering, redesignating,
38 and correcting internal references as necessary.

BLANSHAN of Greene

H–5341

1 Amend Senate File 2175 as passed, amended, and
2 reprinted by the Senate, as follows:
3 1. By striking page 8, line 28 through page 9,
4 line 8.
5 2. By renumbering as necessary.

BURKE of Marshall

H–5342

1 Amend House File 2357 as follows:
2 1. By striking page 11, line 10, through page 16,
3 line 1, and inserting the following:
4 "Sec. _____. NEW SECTION. 28.1 ECONOMIC

5 DEVELOPMENT PLAN — FUND.
6 1. A county shall establish a plan or join with
7 other units of government to establish a plan for the
8 use of funds available in section 15.313 for delivery
9 of services and activities to communities and
10 businesses in the county for economic development.
11 The plan must be approved by the department of
12 economic development before the county is eligible to
13 receive state funds from the strategic investment fund
14 created in section 15.313.
15 2. The county or a county in conjunction with
16 other units of government shall establish an economic
17 development fund. Moneys deposited in the fund may be
18 used for any economic development purpose in
19 accordance with the plan approved by the department.
20 If the county or county in conjunction with other
21 units of government use the moneys for loan purposes,
22 the county or county in conjunction with other units
23 of government shall establish a revolving loan fund
24 and shall have the following duties regarding the
25 fund:
26 a. Supervise the operation of the revolving fund
27 as follows:
28 (1) Ensure that revolving fund moneys are
29 deposited in an insured depository institution located
30 within the area covered by the plan in accordance with
31 section 453.16.
32 (2) Provide written criteria for accepting moneys
33 into the revolving fund, for the making of loans from
34 the revolving fund to be used within the state, for
35 receiving repayment of principal and interest to the
36 revolving fund, for forgiving interest if the job
37 creation promised by the borrower actually occurs, and
38 for providing loans at below market rates of interest.
39 However, no moneys received from the strategic
40 investment fund shall be used for the costs of
41 administering the fund.
42 b. Develop award criteria including but not
43 limited to the following:
44 (1) Jobs created must meet the following criteria:
45 (a) The impact to the area covered by the plan of
46 the proposed project. In measuring the economic
47 impact area covered by the plan more points shall be
48 awarded for projects which have greater consistency
49 with the multiyear programs of the area covered by the
50 plan than other projects. Greater consistency may

Page 2

1 include any or all of the following:
2 (i) A business with a greater percentage of sales
3 out of the area covered by the plan.

4 (ii) A business with a higher proportion of
5 suppliers in the area covered by the plan.
6 (iii) A project which would provide greater
7 diversification of the economy of the area covered by
8 the plan.
9 (iv) A business with fewer competitors in the area
10 covered by the plan.
11 (v) A potential for future job growth.
12 (vi) A project which is not a retail operation.
13 (b) An average hourly wage of at least eighty-five
14 percent of the average wage, as determined by the
15 department of employment services, of the council
16 region in Iowa.
17 (c) The proportion of private contributions to be
18 provided, including the involvement of financial
19 institutions.
20 (d) The size of the business receiving assistance.
21 More points shall be awarded to small businesses as
22 defined by the United States small business
23 administration than to other businesses.
24 (e) The potential for future growth in the
25 industry represented by the business being considered
26 for assistance.
27 (f) The need of the business for financial
28 assistance from governmental sources. More points
29 shall be awarded to a business for which governmental
30 assistance is most necessary to the success of a
31 project, than to other businesses.
32 (g) The quality of the jobs to be created. In
33 rating the quality of the jobs more points shall be
34 awarded to those jobs that have a higher wage scale,
35 have a lower turnover rate, are full-time or career-
36 type positions, or have other related factors which
37 could be considered to be higher in quality, than to
38 other jobs. Businesses that have wage scales
39 substantially below that of existing Iowa businesses
40 in that area should be rated as providing the lowest
41 quality of jobs and should therefore be given the
42 lowest ranking for providing such assistance.
43 (h) If a business has a record of violations of
44 the law over a period of time that tends to show a
45 consistent pattern, the business shall be given the
46 lowest ranking for providing assistance. A good faith
47 effort shall be made to compile this information.
48 (i) If a business has, within three years of
49 application for assistance, acquired or merged with an
50 Iowa corporation or company, whether the business has

Page 3

1 made a good faith effort to hire the workers of the
2 acquired or merged company.

3 (j) Whether a business provides for a preference
4 for hiring residents of the state or of the area,
5 except for out-of-state employees offered a transfer
6 to Iowa or to the area.
7 (k) Whether all known required environmental
8 permits have been issued and regulations met before
9 moneys are released.
10 (l) However, the provisions of subparagraph
11 subdivision (b) shall not apply to any small business
12 or a targeted small business under section 15.102,
13 subsection 4 or 5.
14 (2) Businesses seeking to relocate within Iowa are
15 ineligible to receive awards."
16 2. Page 16, by striking lines 21 through 23 and
17 inserting the following: "fund created in section
18 15.313 $3,000,000 for allocation to the counties for
19 use as directed in section 28.1 as enacted in this
20 Act. The moneys shall be allocated by providing
21 $10,000 to each county with the remainder allocated to
22 each county based upon the population residing in that
23 county to the total population in the state. Moneys
24 allocated shall be available only to the extent
25 matched, on a".

BENNETT of Ida

H—5348

1 Amend Senate File 2133, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 23, by inserting after the word
4 "cemetery," the following: "normal activities
5 involved in land surveying pursuant to chapter 114,".
6 2. Page 1, line 25, by inserting after the word
7 "road" the following: "or highway".
8 3. Page 1, by striking lines 26 and 27, and
9 inserting the following: "grade of the roadway or the
10 ditch."
11 4. Page 2, line 14, by inserting after the word
12 "energy," the following: "hazardous liquids,".
13 5. Page 4, line 17, by inserting after the word
14 "received." the following: "The notification center
15 shall not assess an operator who requests in writing
16 not to receive a notification of its own excavations
17 for any portion of the costs associated with such
18 excavations."
19 6. Page 5, by striking lines 3 through 14 and
20 inserting the following: "continue for any period
21 longer than such periods, the operator shall remark
22 the location of the underground facility upon the
23 request of the excavator. The request shall be made
24 through the notification center."
25 7. Page 7, line 7, by inserting after the word

26 "chapter" the following: ", unless the governing body
27 is the excavator and the governing body and the
28 operator have agreed in writing to waive notification
29 under this chapter. However, such an agreement shall
30 not be considered in the issuance of any required
31 permit".

GILL of Woodbury

H–5352

1 Amend House File 2417 as follows:
2 1. Page 1, line 16, by striking the word "or".
3 2. Page 1, by striking lines 17 through 20 and
4 inserting the following: "stipulation, or settlement,
5 and for the costs ~~of any other~~ and activities
6 associated with community remediation or contracts
7 entered into with a state agency or university as the
8 board may determine are necessary and convenient to
9 facilitate compliance with and to implement the intent
10 of federal laws and regulations and this chapter."

OSTERBERG of Linn

H–5354

1 Amend House File 2445 as follows:
2 1. Page 10, by inserting after line 23 the
3 following:
4 "Sec. _____. Section 455B.340, Code 1991, is amended
5 to read as follows:
6 455B.340 PENALTY.
7 Any person who violates any provisions of this part
8 2 of division IV or rules adopted under ~~said~~ this part
9 2 of division IV, or any order of the department or
10 director issued pursuant to ~~said~~ this part 2 of
11 division IV, shall be guilty of a serious misdemeanor
12 and, in addition, the person may be enjoined from
13 continuing such violation. Each day of continued
14 violation after notice that a violation is being
15 committed shall constitute a separate violation. All
16 moneys collected under this section shall be deposited
17 in the hazardous substance remedial fund created
18 pursuant to section 455B.423."
19 2. By renumbering as necessary.

NEUHAUSER of Johnson

H–5357

1 Amend House File 2357 as follows:
2 1. Page 14, line 8, by striking the words "of the

3 council region in Iowa" and inserting the following:
4 "of the county in which the jobs will be located".

DICKINSON of Jackson
GILL of Woodbury
WISE of Lee
DVORSKY of Johnson

H—5358

1 Amend House File 2455 as follows:
2 1. Page 12, by inserting after line 14 the fol-
3 lowing:
4 "Sec. _____. Upon a determination that there is an
5 insufficient balance in the special employment
6 security contingency fund established in section
7 96.13, subsection 3, to satisfy all amounts
8 appropriated from that fund, all appropriated amounts
9 shall be reduced proportionately by the department to
10 a total amount equal to the available funds."
11 2. Renumber as necessary.

BEATTY of Warren

H—5365

1 Amend House File 2440 as follows:
2 1. Page 3, by inserting after line 13 the
3 following:
4 "Sec. _____. Section 321J.4, subsection 8, Code
5 1991, is amended to read as follows:
6 8. A person whose motor vehicle license has either
7 been revoked under this chapter, or revoked or
8 suspended under chapter 321 solely for violations of
9 this chapter, or who has been determined to be a
10 habitual offender under chapter 321 based solely on
11 violations of this chapter, and who is not eligible
12 for a temporary restricted license under this chapter
13 may petition the court for an order to the department
14 to require the department to issue a temporary
15 restricted license to the person following the
16 expiration of any minimum revocation period provided
17 for under section 321J.20, notwithstanding section
18 321.560. The court shall determine if the temporary
19 restricted license is necessary for the person to
20 maintain the person's present employment. If the
21 court determines that any minimum revocation period
22 provided for under section 321J.20 has expired and the
23 temporary restricted license is necessary for the
24 person to maintain the person's ~~present~~ employment,
25 the court ~~shall~~ may order the department to issue to
26 the person a temporary restricted license conditioned
27 upon the person's certification to the court of the
28 installation of approved ignition interlock devices in

29 all motor vehicles that it is necessary for the person
30 to operate to maintain the person's present
31 employment. Section 321.561 does not apply to a
32 person operating a motor vehicle in the manner
33 permitted under this subsection. If the person
34 operates a motor vehicle which does not have an
35 approved ignition interlock device or if the person
36 tampers with or circumvents an ignition interlock
37 device, in addition to other penalties provided, the
38 person's temporary restricted license shall be
39 revoked. A person holding a temporary restricted
40 license issued under this subsection shall not operate
41 a commercial motor vehicle, as defined in section
42 321.1, on a highway if a commercial driver's license
43 is required for the person to operate the commercial
44 motor vehicle.
45 Sec. _____. Section 321J.8, subsections 1 and 2,
46 Code 1991, are amended to read as follows:
47 1. If the person refuses to submit to the test,
48 the person's motor vehicle license or operating
49 privilege will be revoked by the department for the
50 applicable period under section 321J.9 and the person

Page 2

1 will not be eligible for a temporary restricted
2 license until at least the first thirty days of the
3 revocation period have expired.
4 2. If the person submits to the test and the
5 results indicate an alcohol concentration as defined
6 in section 321J.1 of .10 or more, the person's motor
7 vehicle license or operating privilege will be revoked
8 by the department for the applicable period under
9 section 321J.12 and the person will not be eligible
10 for a temporary restricted license until at least the
11 first thirty days of the revocation period have
12 expired.
13 Sec. _____. Section 321J.13, subsection 5, Code
14 1991, is amended to read as follows:
15 5. ~~The~~ Notwithstanding the Iowa administrative
16 procedure Act, chapter 17A, the department shall not
17 stay the revocation of a person's motor vehicle
18 license or operating privilege for the period that the
19 person is contesting the revocation under this section
20 or section 321J.14 ~~if it is shown to the satisfaction~~
21 ~~of the department that the new evidence is material~~
22 ~~and that there were valid reasons for failure to~~
23 ~~present it in the contested case proceeding before the~~
24 ~~department~~ unless the first thirty days of the
25 revocation period under section 321J.9 or the first
26 thirty days of a revocation period under 321J.12 have
27 expired.

28 Sec. _____. Section 321J.20, subsection 1,
29 paragraphs a, b, and c, Code 1991, are amended to read
30 as follows:
31 a. The person's motor vehicle license is revoked
32 under section 321J.4, subsection 1, 2, 4, or 6 and the
33 first thirty days of the revocation period have
34 expired.
35 b. The person's motor vehicle license is revoked
36 under section 321J.9, ~~and~~ the person has entered a
37 plea of guilty on a charge of a violation of section
38 321J.2 which arose from the same set of circumstances
39 which resulted in the person's motor vehicle license
40 revocation under section 321J.9, ~~and~~ the guilty plea
41 is not withdrawn at the time of or after application
42 for the temporary restricted license, and the first
43 thirty days of the revocation period have expired.
44 c. The person's motor vehicle license is revoked
45 under section 321J.12 and the first thirty days of the
46 revocation period have expired."
47 2. Title page, line 1, by inserting after the
48 word "substance" the following: "and alcohol".
49 3. By renumbering and correcting internal
50 references as necessary.

McKEAN of Jones

H–5367

1 Amend House File 2175 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 147.107, Code Supplement 1991,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 11. This section does not
7 prohibit a physician assistant from supplying drug
8 samples at no charge to the patient. As used in this
9 section, "not reasonably available" means that a
10 patient does not have access to a pharmacy due to
11 inclement weather, excessive traveling distance to the
12 pharmacy, lack of transportation available to the
13 patient, or the pharmacy is not open for service at
14 the time that the patient requires service. As used
15 in this section, "best interest of the patient" means
16 that medical judgment indicates that a medical
17 emergency exists which requires immediate initiation
18 of drug therapy, or that the patient cannot afford to
19 pay the costs of the prescription drug or medical
20 device."

SCHRADER of Marion
CARPENTER of Polk
BLANSHAN of Greene
HANSON of Delaware

H–5368

1 Amend House File 2440 as follows:
2 1. Page 1, by inserting before line 1 the follow-
3 ing:
4 "Section 1. Section 123.90, Code 1991, is amended
5 by adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. In addition to any other
7 penalties provided in this chapter, a person age
8 eighteen or under who is convicted of violating
9 section 123.47 shall surrender all motor vehicle
10 licenses or permits, which the court shall forward to
11 the state department of transportation. The license
12 shall be suspended by the department for thirty days
13 and the person shall not be eligible for a special
14 minor's license under section 321.194."
15 2. Page 2, by inserting after line 16 the fol-
16 lowing:
17 "Sec. _____. Section 204.401, Code 1991, is amended
18 by adding the following new subsection:
19 NEW SUBSECTION. 6. In addition to any other
20 penalties provided in this section, a person age
21 eighteen or under who is convicted of violating any of
22 the provisions of this section shall surrender all
23 motor vehicle licenses or permits, which the court
24 shall forward to the state department of
25 transportation. The license shall be suspended by the
26 department for thirty days and the person shall not be
27 eligible for a special minor's license under section
28 321.194."
29 3. Page 3, by inserting after line 13 the follow-
30 ing:
31 "Sec. _____. NEW SECTION. 321.210B SUSPENSION OF
32 PERSON'S LICENSE FOR ALCOHOL OR CONTROLLED SUBSTANCE
33 OFFENSES.
34 The department shall suspend for thirty days the
35 motor vehicle license of a person age eighteen or
36 under who is convicted of a violation of section
37 123.47, 204.401, or 321J.2."
38 4. Title page, line 1, by inserting after the
39 word "substance" the following: "and alcohol".
40 5. By renumbering, relettering, redesignating,
41 and correcting internal references as necessary.

SIEGRIST of Pottawattamie

H–5378

1 Amend House File 2455 as follows:
2 1. Page 12, by inserting after line 14 the
3 following:
4 "Sec. _____. Use of moneys for line item
5 appropriations from the road use tax fund in this Act

6 shall be limited only to expenditures which are
7 directly attributed to the costs of administration,
8 construction, maintenance, and supervision of public
9 highways or for the payment of bonds issued for the
10 construction of public highways and the payment of
11 interest on the bonds."
12 2. Renumber as necessary.

HALVORSON of Clayton

H—5380

1 Amend House File 2357 as follows:
2 1. By striking page 1, line 31, through page 2,
3 line 32.
4 2. Page 3, lines 27 and 28, by striking the words
5 "the targeted small business financial assistance
6 program,".
7 3. Page 4, by striking lines 15 and 16.
8 4. page 4, line 24, by striking the word
9 "program" and inserting the following: "program."
10 5. Page 4, by striking line 25.
11 6. Page 4, lines 33 and 34, by striking the words
12 "and the targeted small business financial assistance
13 program".
14 7. Page 16, by striking lines 12 through 14 and
15 inserting the following: "fiscal year beginning July
16 1, 1992, a minimum of $220,000 shall be".
17 8. Page 16, lines 16 and 17 by striking the words
18 "amounts of those two minimum allocations that have"
19 and inserting the following: "amount of that minimum
20 allocation which has".
21 9. Title page, by striking lines 5 and 6 and
22 inserting the following: "corporation, and self-
23 employment loan program, creating the regional".
24 10. By renumbering and relettering as necessary.

BRAMMER of Linn
BAKER of Polk

H—5382

1 Amend House File 2257 as follows:
2 1. Page 1, by inserting after line 17 the
3 following:
4 "Sec. 50. NEW SECTION. 25B.7 APPROPRIATIONS.
5 There is appropriated from the general fund of the
6 state to each political subdivision, upon which an act
7 of the general assembly enacted after April 1, 1992,
8 imposes a state mandate, an amount equal to the amount
9 of additional expenditures necessitated by the state
10 mandate. The political subdivision receiving moneys
11 as a result of a state mandate under this section
12 shall continue to receive the amount of the

13 expenditures necessitated by the state mandate for
14 subsequent fiscal years until the state mandate has
15 been repealed."
16 2. Page 1, by inserting after line 24 the
17 following:
18 "Sec. _____. Section 50 of this Act, being deemed of
19 immediate importance, takes effect upon enactment."
20 3. Title page, line 2, by inserting after the
21 word "state" the following: "and providing an
22 effective date".

McNEAL of Hardin

H—5383

1 Amend House File 2450 as follows:
2 1. Page 5, by inserting after line 19 the
3 following:
4 "Sec. _____. Section 97B.1, subsection 2, paragraph
5 a, Code 1991, is amended by striking the paragraph."
6 2. Page 5, line 22, by striking the word
7 "administrator" and inserting the following:
8 "~~administrator~~ chief investment officer and chief
9 benefits officer".
10 3. Page 6, by striking lines 3 and 4 and
11 inserting the following:
12 "1. The director shall appoint a chief investment
13 officer and employ a chief benefits officer. The
14 director shall submit a list of eligible applicants
15 for the position of a chief investment officer to the
16 investment board, in accordance with rules adopted by
17 the department. The investment board shall recommend
18 candidates from this list and the director shall
19 appoint the chief investment officer from the
20 recommended candidates. The chief investment officer
21 and the chief benefits officer shall serve at the
22 pleasure of the director.
23 2. Subject to other provisions of this chapter,
24 the department may employ additional personnel as
25 necessary for the administration of".
26 4. Page 12, line 34, by striking the word
27 "administrator" and inserting the following:
28 "~~administrator~~ chief benefits officer".
29 5. Page 13, line 5, by striking the word "deputy"
30 and inserting the following: "~~deputy~~ retirement
31 benefits specialist".
32 6. Page 48, line 22, by inserting after the word
33 "Sections" the following: "97B.3,".
34 7. By renumbering as necessary.

BLANSHAN of Greene
GRUHN of Dickinson

H—5385

1 Amend Senate File 2276, as passed by the Senate, as
2 follows:
3 1. Page 2, by striking lines 1 through 3 and
4 inserting the following: "moneys or property to the
5 general fund of the state. Except in an action for
6 the concealment,".

VAN MAANEN of Mahaska

H—5389

1 Amend House File 2433 as follows:
2 1. Page 1, by inserting after line 19 the
3 following:
4 "c. A general description of the medical services
5 authorized and other appropriate provisions relating
6 to the provision of services under this section."

Committee on Human Resources

H—5390

1 Amend House File 2393 as follows:
2 1. Page 1, by striking line 15 and inserting the
3 following: "subsections 5 and 6, or to vehicles
4 loaded with single piece loads, including but not
5 limited to utility poles and concrete beams."
6 2. Title page, line 1, by inserting after the
7 words "relating to" the following: "spilling loads on
8 highways and to".

McNEAL of Hardin

H—5393

1 Amend House File 2058 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 91F.1 ENGAGING IN A
5 LAWFUL ACTIVITY OUTSIDE OF WORK.
6 1. An employer, as defined in section 91A.2, shall
7 not terminate the employment of an employee, as
8 defined in section 91A.2, due to that employee's
9 participation in a lawful activity off the premises of
10 the employer during nonworking hours unless the
11 restriction on the lawful activity meets one of the
12 following conditions:
13 a. The restriction relates to a bona fide
14 occupational requirement or is reasonably related to
15 the employment activities and responsibilities of a
16 particular employee or a particular group of
17 employees, rather than to all employees of the
18 employer.

19 b. The restriction is necessary to avoid an
20 employee's conflict of interest or the appearance of a
21 conflict of interest with any employee
22 responsibilities owed to the employer.
23 c. The employer has notified the employee in
24 writing of the restriction at the time of hire or at a
25 time sufficiently in advance of the employee's
26 participation in the lawful activity so that the
27 employee can modify the employee's participation if
28 the employee so wishes.
29 2. An employee alleging a violation of this
30 section by the employee's employer may file a
31 complaint with the labor commissioner. The
32 commissioner shall investigate the allegation and if
33 the commissioner determines that the employer has
34 violated this section shall enter an administrative
35 order enjoining the continued violation of this
36 section and may order the employer to reinstate the
37 employee to the employee's previous position of
38 employment with or without back pay as the
39 commissioner deems appropriate. The administrative
40 order if not obeyed has no precedential weight and the
41 commissioner, with the assistance of the office of the
42 attorney general if the commissioner requests such
43 assistance, shall commence a civil action in any court
44 of competent jurisdiction to enjoin any violation of
45 this section and to seek reinstatement of the employee
46 to the employee's previous position of employment with
47 or without back pay. The court may enjoin a violation
48 of this section and reinstate the employee to the
49 employee's previous position of employment with or
50 without back pay as the court deems appropriate.

Page 2

1 Sec. 2. Section 601A.6, subsection 1, paragraphs a
2 and b, Code 1991, are amended to read as follows:
3 a. Person to refuse to hire, accept, register,
4 classify, or refer for employment, to discharge any
5 employee, or to otherwise discriminate in employment
6 against any applicant for employment or any employee
7 because of the age, race, creed, color, sex, national
8 origin, religion or disability of such applicant or
9 employee, or because of the age, race, creed, color,
10 sex, national origin, religion, or disability of any
11 person with whom the applicant is lawfully associated,
12 unless based upon the nature of the occupation. If a
13 disabled person is qualified to perform a particular
14 occupation, by reason of training or experience, the
15 nature of that occupation shall not be the basis for
16 exception to the unfair or discriminating practices
17 prohibited by this subsection.

18 b. Labor organization or the employees, agents or
19 members thereof to refuse to admit to membership any
20 applicant, to expel any member, or to otherwise
21 discriminate against any applicant for membership or
22 any member in the privileges, rights, or benefits of
23 such membership because of the age, race, creed,
24 color, sex, national origin, religion or disability of
25 such applicant or member or because of the age, race,
26 creed, color, sex, national origin, religion, or
27 disability of any person with whom the applicant is
28 lawfully associated.
29 Sec. 3. EFFECTIVE DATE. Section 1 of this Act
30 takes effect January 1, 1993.
31 Sec. 4. APPLICABILITY. This Act shall not be
32 construed to affect the provisions of any collective
33 bargaining contract in effect on the effective date of
34 this Act."
35 2. By renumbering as necessary.

BEATTY of Warren

H—5399

1 Amend House File 2446 as follows:
2 1. By striking page 1, line 1 through page 9,
3 line 21.
4 2. Page 9, line 24, by striking the words
5 "documents of the" and inserting the following:
6 "necessary to establish an Iowa universal health care
7 plan."
8 3. Page 9, by striking lines 25 through 29 and
9 inserting the following: "The".
10 4. By striking page 9, line 31 through page 10,
11 line 1.
12 5. Title page, line 2, by striking the words "and
13 providing an effective date".

HALVORSON of Clayton
HESTER of Pottawattamie
BARTZ of Worth
GIPP of Winneshiek

H—5400

1 Amend House File 2440 as follows:
2 1. Page 3, by inserting after line 13, the
3 following:
4 "Section 400. Section 321J.2, subsection 2,
5 unnumbered paragraph 2, Code 1991, is amended to read
6 as follows:
7 A minimum term of imprisonment in a county jail or
8 community-based correctional facility imposed on a
9 person convicted of a second or subsequent offense
10 under paragraph "b" or "c" shall be served on

consecutive days. However, if the sentencing court finds that service of the full minimum term on consecutive days would work an undue hardship on the person, or finds that sufficient jail space is not available and is not reasonably expected to become available within four months after sentencing to incarcerate the person serving the minimum sentence on consecutive days, the court may order the person to serve not less than forty-eight consecutive hours of the minimum term and to perform ~~a specified number of~~ not less than two hundred forty hours of unpaid community service ~~as deemed appropriate by the sentencing court~~.

Sec. 401. Section 321J.4, subsection 8, Code 1991, is amended to read as folllows:

8. A person whose motor vehicle license has either been revoked under this chapter, or revoked or suspended under chapter 321 solely for violations of this chapter, or who has been determined to be a habitual offender under chapter 321 based solely on violations of this chapter, and who is not eligible for a temporary restricted license under this chapter may petition the court for an order to the department to require the department to issue a temporary restricted license to the person following the expiration of any minimum revocation period provided for under section 321J.20, notwithstanding section 321.560. ~~The court shall determine if the temporary restricted license is necessary for the person to maintain the person's present employment.~~ Notice of and an opportunity to request a hearing on the petition shall be provided to the department and to the prosecuting attorney by the clerk of the district court in the county where the violation resulting in the revocation was committed. If the court determines that any minimum revocation period provided for under section 321J.20 has expired and the temporary restricted license is necessary for the person to maintain the person's ~~present~~ employment, the court ~~shall~~ may order the department to issue to the person

Page 2

a temporary restricted license conditioned upon the person's certification to the court of the installation of approved ignition interlock devices in all motor vehicles that it is necessary for the person to operate to maintain the person's present employment. Section 321.561 does not apply to a person operating a motor vehicle in the manner permitted under this subsection. If the person operates a motor vehicle which does not have an

10 approved ignition interlock device or if the person
11 tampers with or circumvents an ignition interlock
12 device, in addition to other penalties provided, the
13 person's temporary restricted license shall be
14 revoked. A person holding a temporary restricted
15 license issued under this subsection shall not operate
16 a commercial motor vehicle, as defined in section
17 321.1, on a highway if a commercial driver's license
18 is required for the person to operate the commercial
19 motor vehicle.
20 Sec. 402. Section 321J.8, subsections 1 and 2,
21 Code 1991, are amended to read as follows:
22 1. If the person refuses to submit to the test,
23 the person's motor vehicle license or operating
24 privilege will be revoked by the department for the
25 applicable period under section 321J.9 and the person
26 will not be eligible for a temporary restricted
27 license until at least the first ninety days of the
28 revocation period have expired.
29 2. If the person submits to the test and the
30 results indicate an alcohol concentration as defined
31 in section 321J.1 of ~~.10~~ .08 or more, the person's
32 motor vehicle license or operating privilege will be
33 revoked by the department for the applicable period
34 under section 321J.12 and the person will not be
35 eligible for a temporary restricted license until at
36 least the first thirty days of the revocation period
37 have expired.
38 Sec. 403. Section 321J.9, Code 1991, is amended to
39 read as follows:
40 321J.9 REFUSAL TO SUBMIT — REVOCATION.
41 If a person refuses to submit to the chemical
42 testing, a test shall not be given, but the
43 department, upon the receipt of the peace officer's
44 certification, subject to penalty for perjury, that
45 the officer had reasonable grounds to believe the
46 person to have been operating a motor vehicle in
47 violation of section 321J.2, that specified conditions
48 existed for chemical testing pursuant to section
49 321J.6, and that the person refused to submit to the
50 chemical testing, shall revoke the person's motor

Page 3

1 vehicle license and any nonresident operating
2 privilege for a period of two hundred forty days if
3 the person has no previous revocation within the
4 previous six years under this chapter; and five
5 hundred forty days if the person has one or more
6 previous revocations within the previous six years
7 under this chapter; or if the person is a resident
8 without a license or permit to operate a motor vehicle

9 in this state, the department shall deny to the person
10 the issuance of a license or permit for the same
11 period a license or permit would be revoked, subject
12 to review as provided in this chapter. The effective
13 date of revocation shall be ~~twenty~~ fifteen days after
14 the department has mailed notice of revocation to the
15 person by certified mail or, on behalf of the
16 department, a peace officer offering or directing the
17 administration of a chemical test may serve immediate
18 notice of intention to revoke and of revocation on a
19 person who refuses to permit chemical testing. If the
20 peace officer serves that immediate notice, the peace
21 officer shall take the Iowa license or permit of the
22 driver, if any, and issue a temporary license
23 effective for only ~~twenty~~ fifteen days. The peace
24 officer shall immediately send the person's license to
25 the department along with the officer's certificate
26 indicating the person's refusal to submit to chemical
27 testing.
28 Sec. 404. Section 321J.12, unnumbered paragraphs 2
29 and 3, Code 1991, are amended to read as follows:
30 The effective date of the revocation shall be
31 ~~twenty~~ fifteen days after the department has mailed
32 notice of revocation to the person by certified mail.
33 The peace officer who requested or directed the
34 administration of the chemical test may, on behalf of
35 the department, serve immediate notice of revocation
36 on a person whose test results indicated an alcohol
37 concentration of ~~.10~~ .08 or more.
38 If the peace officer serves that immediate notice,
39 the peace officer shall take the person's Iowa license
40 or permit, if any, and issue a temporary license valid
41 only for ~~twenty~~ fifteen days. The peace officer shall
42 immediately send the person's driver's license to the
43 department along with the officer's certificate
44 indicating that the test results indicated an alcohol
45 concentration of ~~.10~~ .08 or more.
46 Sec. 405. Section 321J.13, subsection 5, Code
47 1991, is amended to read as follows:
48 5. ~~The~~ Notwithstanding the Iowa administrative
49 procedure Act, chapter 17A, the department shall not
50 stay the revocation of a person's motor vehicle

Page 4

1 license or operating privilege for the period that the
2 person is contesting the revocation under this section
3 or section 321J.14 ~~if it is shown to the satisfaction~~
4 ~~of the department that the new evidence is material~~
5 ~~and that there were valid reasons for failure to~~
6 ~~present it in the contested case proceeding before the~~
7 ~~department~~ unless the first ninety days of the

8 revocation period under section 321J.9 or the first
9 thirty days of a revocation period under 321J.12 have
10 expired. If a person has had a previous license
11 revocation under this chapter within the six years
12 prior to the violation resulting in this revocation,
13 the department shall not stay the revocation of the
14 person's motor vehicle license or operating privilege
15 until the first three hundred and sixty-five days of
16 the revocation period under section 321J.9 or 321J.12
17 have expired.
18 Sec. 406. Section 321J.20, subsection 1, Code
19 1991, is amended to read as follows:
20 1. The department may, on application, issue a
21 temporary restricted license to a person whose motor
22 vehicle license is revoked under this chapter allowing
23 the person to drive to and from the person's home and
24 specified places at specified times which can be
25 verified by the department and which are required by
26 the person's full-time or part-time employment,
27 continuing health care or the continuing health care
28 of another who is dependent upon the person,
29 continuing education while enrolled in an educational
30 institution on a part-time or full-time basis and
31 while pursuing a course of study leading to a diploma,
32 degree, or other certification of successful
33 educational completion, substance abuse treatment, and
34 court-ordered community service responsibilities if
35 the person's motor vehicle license has not been
36 revoked under section 321J.4, 321J.9, or 321J.12
37 within the previous six years and if any of the
38 following apply:
39 a. The person's motor vehicle license is revoked
40 under section 321J.4, subsection 1, 2, 4, or 6.
41 b. The person's motor vehicle license is revoked
42 under section 321J.9, ~~and~~ the person has entered a
43 plea of guilty on a charge of a violation of section
44 321J.2 which arose from the same set of circumstances
45 which resulted in the person's motor vehicle license
46 revocation under section 321J.9, ~~and~~ the guilty plea
47 is not withdrawn at the time of or after application
48 for the temporary restricted license, and the first
49 ninety days of the revocation period have expired.
50 c. The person's motor vehicle license is revoked

Page 5

1 under section 321J.12 and the first thirty days of the
2 revocation period have expired.
3 However, a temporary restricted license may be
4 issued if the person's motor vehicle license is
5 revoked under section 321J.9, and the revocation is a
6 second revocation under this chapter, and the first

7 three hundred and ~~sixty~~ sixty-five days of the
8 revocation have expired."
9 2. Page 4, by inserting after line 16, the
10 following:
11 "Sec. _____. Sections 402 and 404 of this Act, as
12 they amend the alcohol concentration from .10 to .08,
13 are null and void and have no effect unless by other
14 legislative action, section 321J.2, subsection 1,
15 paragraph "b", Code 1991, is amended in the identical
16 manner."
17 3. Title page, line 1, by inserting after the
18 word "substance" the following: "and alcohol".
19 4. By renumbering, relettering, resdesignating,
20 and correcting internal references as necessary.

McKEAN of Jones

H—5401

1 Amend House File 2422 as follows:
2 1. Page 1, line 23, by striking the word and
3 figure "subsection 6" and inserting the following:
4 "subsections 3, 4, and 6".
5 2. Page 1, by inserting after line 30, the
6 following:
7 "3. Establish minimum qualifications for swimming
8 pool, spa, and waterslide operators and lifeguards.
9 Swimming pools operated by apartments, condominiums,
10 or mobile home parks are exempt from requirements
11 regarding lifeguards.
12 4. Establish and collect fees to defray the cost
13 of administering this chapter. It is the intent of
14 the general assembly that fees collected under this
15 chapter be used to defray the cost of administering
16 this chapter. However, the portion of fees needed to
17 defray the costs of a local board of health in
18 implementing this chapter shall be established by the
19 local board of health."
20 3. Page 2, by inserting after line 26, the
21 following:
22 "Sec. _____. EFFECTIVE DATE. This Act, being deemed
23 of immediate importance, takes effect upon enactment."
24 4. Title page, line 2, by inserting after the
25 word "heaters" the following: "regulated by the Iowa
26 department of public health and providing an effective
27 date".

NEUHAUSER of Johnson

H—5403

1 Amend House File 2121 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 331.232, Code Supplement 1991,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 4. Notwithstanding subsection 1,
7 by December 31, 2001, and within every twenty-five
8 years thereafter, each county shall establish a
9 charter commission to study alternatives to the
10 existing form of county government. Upon the
11 conclusion of its study, the commission shall either
12 prepare a proposed charter or recommend no change to
13 the existing form of government. The duties of a
14 commission established pursuant to this subsection
15 must be completed within the applicable time period.
16 Members of the commission shall be appointed
17 pursuant to section 331.233. The commission shall
18 conduct its study in the manner provided for in
19 sections 331.234 through 331.263. If a commission
20 prepares a proposed charter, the proposed charter
21 shall be submitted to the county electorate by the
22 commission in the form of a charter or charter
23 amendment."
24 2. Title page, by striking line 1 and inserting
25 the following: "An Act requiring counties to
26 participate periodically in a charter commission
27 review of county government."

DVORSKY of Johnson
BERNAU of Story

H—5404

1 Amend amendment, H—5393, to House File 2058 as
2 follows:
3 1. Page 2, line 10, by striking the word "sex,".
4 2. Page 2, line 26, by striking the word "sex,".

SPEAR of Lee

H—5412

1 Amend the amendment, H—5367, to House File 2175 as
2 follows:
3 1. By striking lines 6 through 20 and inserting
4 the following:
5 "NEW SUBSECTION. 11. Sample prescription drugs
6 may be supplied by the physician assistant, at no
7 additional charge to the patient. As used in
8 subsection 4, "pharmacist services are not reasonably
9 available" means that a patient does not have access
10 to a pharmacist due to inclement weather, excessive
11 traveling distance, lack of transportation, or the
12 pharmacist is not available at the time that the
13 patient requires a prescription drug or medical
14 device. As used in subsection 4, "best interests of
15 the patient" means that a course of therapy should be

16 initiated promptly, that the cost of available
17 pharmacist services is judged by the patient or
18 patient's representative to be excessive, or that the
19 request for the physician assistant to supply the
20 prescription drug or medical device is appropriate
21 based on the clinical evaluation of the patient's
22 needs." "

BRAND of Benton
MERTZ of Kossuth
PETERSON of Carroll
McKEAN of Jones
HIBBARD of Madison
PETERSEN of Muscatine
BISIGNANO of Polk
OSTERBERG of Linn

H—5413

1 Amend House File 2272 as follows:
2 1. By striking page 1, line 1, through page 2,
3 line 16.
4 2. By striking page 8, line 20 through page 11,
5 line 14.
6 3. By striking page 12, line 35 through page 13,
7 line 5.
8 4. Title page, line 2, by striking the words "and
9 providing effective dates".
10 5. By renumbering as necessary.

GRUBBS of Scott

H—5414

1 Amend House File 2175 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 147.107, Code Supplement 1991,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 11. Sample prescription drugs may
7 be supplied by the physician assistant, at no
8 additional charge to the patient. As used in
9 subsection 4, "pharmacist services are not reasonably
10 available" means that a patient does not have access
11 to a pharmacist due to inclement weather, excessive
12 traveling distance, lack of transportation, or the
13 pharmacist is not available at the time that the
14 patient requires a prescription drug or medical
15 device. As used in subsection 4, "best interests of
16 the patient" means that a course of therapy should be
17 initiated promptly, that the cost of available
18 pharmacist services is judged by the patient or
19 patient's representative to be excessive, or that the
20 request for the physician assistant to supply the
21 prescription drug or medical device is appropriate

22 based on the clinical evaluation of the patient's
23 needs."

BRAND of Benton
MERTZ of Kossuth
PETERSON of Carroll
McKEAN of Jones
HIBBARD of Madison
PETERSEN of Muscatine
BISIGNANO of Polk
OSTERBERG of Linn

H—5415

1 Amend House File 2446 as follows:
2 1. By striking page 9, line 31 through page 10,
3 line 1 and inserting the following:
4 "Sec. _____. EFFECTIVE DATE. This Act shall take
5 effect when appropriations have been made so that the
6 following provisions of the Code of Iowa have been
7 fully implemented: section 18.3, subsection 4;
8 section 19.15; section 159.5, subsection 15; section
9 455B.311; chapter 93; section 15.246; sections 15.261
10 through 15.268; sections 28.25 through 28.29; sections
11 28.106 through 28.108; sections 28.111 and 28.112;
12 section 261.5; section 261.81A; section 261.88;
13 section 261.91; section 286A.14A; section 280A.49;
14 section 280A.45; section 280A.46; chapter 303C;
15 section 601L.3, subsection 14; section 249D.54;
16 section 249D.59; section 155A.17; section 155A.13A;
17 section 514F.1; section 144.13A; section 147.25;
18 section 145.3, subsection 3, paragraph "h"; 1989 Iowa
19 Acts, chapter 304, section 1002; section 135B.33;
20 section 135.11, subsection 5; section 135.11,
21 subsection 6; section 135.30; chapter 679; section
22 356.43; section 602.6110; section 602.6201, subsection
23 10; section 602.9204; 1990 Iowa Acts, chapter 1268,
24 section 7; chapter 94; chapter 91E; chapter 92;
25 chapter 89B; section 103A.41; section 100.19; sections
26 101.22 and 101.23; section 101A.7; section 327C.4;
27 section 321.210A; 1990 Iowa Acts, chapter 1252,
28 section 50; section 425.23, subsection 1, paragraph
29 "b"; and section 225C.28."
30 2. By renumbering as necessary.

HANSON of Delaware
HALVORSON of Clayton

H—5416

1 Amend House File 2453 as follows:
2 1. Page 1, line 20, by striking the figure and
3 words "1991. However, the" and inserting the
4 following: "1992. ~~However, the~~ The".
5 2. Page 1, line 21, by striking the words "to the
6 extent of the adjustment" and inserting the following:
7 "~~to the extent of the adjustment,~~ however, in any year
8 the per diem costs shall not increase at a rate which

9 exceeds the increase for that year".
10 3. By striking page 2, line 34 through page 3,
11 line 1 and inserting the following:
12 "NEW SUBSECTION. 9. "Brain injury" means a brain
13 injury as defined in section 135.22."
14 4. Page 4, line 10, by inserting after the word
15 "centers" the following: ", other licensed or
16 accredited community-based mental health providers,".
17 5. Page 7, by striking lines 5 through 23 and
18 inserting the following:
19 "c. One member ~~of the commission shall either be~~
20 who is an active ~~board~~ member of a community mental
21 health ~~center or an active member of the Iowa mental~~
22 ~~health association at the time of appointment to the~~
23 ~~commission~~ provider agency.
24 d. One member ~~of the commission shall be~~ who is an
25 active member of ~~either~~ a community mental retardation
26 provider agency ~~or the Iowa association for retarded~~
27 ~~citizens at the time of appointment to the commission~~.
28 e. One member who is an active member of an agency
29 serving persons with a developmental disability other
30 than mental retardation.
31 f. One member who is a person with a developmental
32 disability other than mental retardation or a family
33 member of a person with a developmental disability
34 other than mental retardation.
35 g. One member who is a person with mental
36 retardation or a family member of a person with mental
37 retardation.
38 h. One member who is a person with mental illness
39 or a family member of a person with mental illness.
40 i. One member who is a person with a brain injury
41 or a family member of a person with a brain injury."
42 6. Page 8, line 9, by inserting after the word
43 "requirements" the following: "in accordance with the
44 provisions of section 225C.10".
45 7. Page 13, by inserting after line 28 the
46 following:
47 "e. Assures that the county cluster counties
48 expend their allocation so that five percent of the
49 allocation is used for services to persons with a
50 developmental disability or brain injury. The

Page 2

1 remaining amount of the allocation shall be expended
2 for services to persons with mental retardation or
3 mental illness. However, no more than sixty percent
4 of the remaining amount shall be used for services to
5 persons with either mental retardation or mental
6 illness."
7 8. Page 13, line 33, by striking the word

8 "comprehensive" and inserting the following:
9 "~~comprehensive~~ targeted, least restrictive, and cost-
10 effective".
11 9. Page 14, line 5, by striking the word
12 "comprehensive" and inserting the following:
13 "~~comprehensive~~ targeted, least restrictive, and cost-
14 effective".
15 10. Page 14, line 12, by striking the word
16 "comprehensive" and inserting the following:
17 "~~comprehensive~~ targeted, least restrictive, and cost-
18 effective".
19 11. Page 16, line 6, by inserting after the word
20 "served." the following: "The appointments to the
21 steering committee shall be made in a manner so that
22 providers and persons being served in the areas of
23 mental illness and mental retardation, brain injuries,
24 and other developmental disabilities are adequately
25 represented."
26 12. Page 17, by inserting after line 12 the
27 following:
28 "Sec. _____. Section 225C.25, Code 1991, is amended
29 to read as follows:
30 225C.25 SHORT TITLE.
31 Sections 225C.25 through ~~225C.28~~ 225C.28A shall be
32 known as "the bill of rights and service
33 implementation goals of persons with mental
34 retardation, developmental disabilities, or chronic
35 mental illness".
36 Sec. _____. Section 225C.26, Code 1991, is amended
37 to read as follows:
38 225C.26 SCOPE.
39 These rights and service implementation goals apply
40 to any person with mental retardation, a developmental
41 disability, or chronic mental illness who receives
42 services which are funded in whole or in part by
43 public funds or services which are permitted under
44 Iowa law.
45 Sec. _____. Section 225C.27, unnumbered paragraph 1,
46 Code 1991, is amended to read as follows:
47 Sections 225C.25 through ~~225C.28~~ 225C.28A shall be
48 liberally construed and applied to promote their
49 purposes and the stated rights and service
50 implementation goals. The division, in coordination

Page 3

1 with appropriate agencies, shall adopt rules to
2 implement the purposes of ~~sections 225C.25 through~~
3 ~~225C.28~~ section 225C.28A, subsection 2, paragraphs "c"
4 and "d", which include, but are not limited to the
5 following:".
6 13. Page 17, line 14, by striking the word

7 "REQUIREMENTS" and inserting the following: "RIGHTS".
8 14. Page 17, by striking lines 29 and 30.
9 15. Page 18, by inserting after line 14 the
10 following:
11 "d. Participation in planning activities. If an
12 individual treatment, habilitation, and program plan
13 is developed for a person with mental retardation, a
14 developmental disability, or chronic mental illness,
15 the person has the right to participate in the
16 formulation of the plan."
17 16. Page 18, line 21, by striking the words and
18 figures "sections 225C.25 through 225C.28A" and
19 inserting the following: "section 225C.28A,
20 subsection 2,".
21 17. Page 18, by striking lines 29 and 30 and
22 inserting the following: "~~Neither this Act* nor any~~
23 Any rules adopted by the division to implement section
24 225C.28A, subsection 2, paragraphs "a", "c", and "d"
25 do".
26 18. Page 18, lines 32 and 33, by striking the
27 words "a municipality as defined in chapter 613A" and
28 inserting the following: "~~a municipality as defined~~
29 ~~in chapter 613A~~ the state or a political subdivision
30 of the state".
31 19. Page 18, lines 33 and 34, by striking the
32 words "a municipality" and inserting the following:
33 "~~municipality~~ the state or a political subdivision of
34 the state".
35 20. Page 19, line 1, by inserting after the word
36 "shall" the following: "solely".
37 21. Page 19, line 23, by striking the figure and
38 words "1991. However, the" and inserting the
39 following: "1992. ~~However, the~~ The".
40 22. Page 19, lines 24 and 25, by striking the
41 words "to the extent of the adjustment" and inserting
42 the following: "~~to the extent of the adjustment,~~
43 however, in any year the per diem costs shall not
44 increase at a rate which exceeds the increase for that
45 year".
46 23. By renumbering as necessary.

PLASIER of Sioux

H—5417

1 Amend House File 2175 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 147.107, Code Supplement 1991,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 11. This section does not
7 prohibit a physician assistant from supplying drug
8 samples at no charge to the patient. As used in this

9 section, "not reasonably available" means that a
10 patient does not have access to a pharmacy due to
11 inclement weather, excessive traveling distance to the
12 pharmacy, lack of transportation available to the
13 patient, or the pharmacy is not open for service at
14 the time that the patient requires service. As used
15 in this section, "best interests of the patient" means
16 that a course of therapy should be initiated promptly,
17 that the cost of available pharmacist services is
18 judged by the patient or patient's representative to
19 be excessive, or that the request for the physician
20 assistant to supply the prescription drug or medical
21 device is appropriate based on the clinical evaluation
22 of the patient's needs."

HIBBARD of Madison

H—5418

1 Amend the amendment, H—5367, to House File 2175 as
2 follows:
3 1. Page 1, by striking lines 15 through 20 and
4 inserting the following: "in this section, "best
5 interests of the patient" means that a course of
6 therapy should be initiated promptly, that the cost of
7 available pharmacist services is judged by the patient
8 or patient's representative to be excessive, or that
9 the request for the physician assistant to supply the
10 prescription drug or medical device is appropriate
11 based on the clinical evaluation of the patient's
12 needs." "

HIBBARD of Madison

H—5420

1 Amend Senate File 506, 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. 476.2A INCENTIVE
6 REGULATION.
7 Notwithstanding section 476.3 or 476.6, the board
8 may adopt rules authorizing and establishing incentive
9 regulation for rate-regulated local exchange telephone
10 utilities. The purpose of incentive regulation is to
11 provide an incentive to such utilities to take
12 advantage of technological opportunities and
13 efficiencies to improve the operating efficiency of
14 the utilities while maintaining or improving the
15 quality of the services provided by the utilities. A
16 utility shall not be allowed to participate in a plan
17 for incentive regulation unless the board makes a
18 finding within twelve months of the time participation

19 in incentive regulation is allowed that the rates of
20 the utility are just and reasonable. If a utility
21 increases its earnings above the utility's authorized
22 rate of return pursuant to incentive regulation, the
23 utility shall share the increased earnings with its
24 customers to the extent and in a manner consistent
25 with this section and any rules adopted by the board.
26 Any rules adopted by the board for incentive
27 regulation, may provide for rate flexibility, except
28 that basic monthly service rates for residence and
29 business customers shall not be increased without
30 express approval of the board in a contested case
31 proceeding. The rules shall include the following
32 requirements:
33 1. A local exchange telephone utility shall share
34 any increased earnings which are over the authorized
35 rate of return during the term of the local exchange
36 telephone utility's participation in incentive
37 regulation with all of its customers on an equitable
38 basis. At least fifty percent of the increased
39 earnings subject to division between the utility and
40 its customers shall be refunded to the customers, and
41 the board may require that all of the increased
42 earnings above an amount as determined by the board
43 must be refunded to the utility's customers. The
44 division of increased earnings which are subject to
45 division between the utility and its customers shall
46 reflect the degree to which the utility has assumed a
47 risk of earning less than its authorized rate of
48 return. All increased earnings which are not subject
49 to division shall be refunded to the utility's
50 customers.

Page 2

1 2. A local exchange telephone utility which elects
2 to participate in incentive regulation shall
3 participate for a minimum of two years in the absence
4 of exceptional and unforeseeable circumstances. In
5 the case of exceptional and unforeseeable
6 circumstances, the utility or the consumer advocate
7 may request that the board terminate participation in
8 incentive regulation for the utility. However, a
9 local exchange telephone utility is not required to
10 participate in incentive regulation.
11 3. A participating local exchange telephone
12 utility must make periodic reports to the board to
13 document that the sharing requirements between the
14 utility and its customers are being properly
15 implemented. The utility's earnings and rates are not
16 subject to section 476.3, subsection 2, during the
17 utility's participation in incentive regulation.

18 However, the consumer advocate shall have the power to
19 investigate compliance with incentive regulation
20 requirements and may request a hearing concerning any
21 part of the utility's report. If the board determines
22 that there are reasonable grounds for proceeding with
23 the hearing, the board shall promptly initiate a
24 formal proceeding.
25 4. The consumer advocate or any other interested
26 person may file a complaint with the board concerning
27 a participating utility's adjustment of its rates
28 pursuant to rate flexibility under incentive
29 regulation. In reviewing a complaint, the board shall
30 apply the standards as provided in section 476.5 and
31 the procedures for complaints found in section 476.3,
32 subsection 1.
33 5. For purposes of this section, "basic monthly
34 service for residence and business customers" means
35 local exchange service, existing extended area
36 service, enhanced 911 service, and all other local
37 services necessary for any customer to use local
38 exchange facilities.
39 6. The consumer advocate and the utilities
40 division shall conduct a study of the incentive
41 regulation program established pursuant to this
42 section. The study shall include a description of the
43 program, the number of local exchange telephone
44 utilities participating, and an analysis of the
45 effects of the program. The analysis of the effects
46 shall include a comparison of what the rates would
47 have been, and how those rates would have changed,
48 without incentive regulation, and the actual rates
49 resulting under the incentive regulation program. The
50 study shall provide a comparison of such rates for

Page 3

1 each calendar year during the study period beginning
2 January 1, 1993, and continuing through calendar year
3 1996. The consumer advocate and the utilities
4 division shall submit a report of the study's findings
5 to the general assembly no later than February 1,
6 1997."

Committee on Commerce

H—5423

1 Amend House File 2357 as follows:
2 1. Page 16, by striking lines 16 through 19.

WISE of Lee
BRAMMER of Linn
BAKER of Polk

H–5424

1 Amend the amendment, H–5416, to House File 2453, as
2 follows:
3 1. Page 1, by inserting after line 41 the
4 following:
5 "The appointments of members of county boards of
6 supervisors to the commission are subject to the
7 requirements of section 69.16. However, all other
8 appointments to the commission are not subject to the
9 requirements of section 69.16."

SPEAR of Lee

H–5425

1 Amend the amendment, H–5393, to House File 2058 as
2 follows:
3 1. Page 2, by striking lines 1 through 17 and in-
4 serting the following:
5 "Sec. 2. Section 601A.6, subsection 1, paragraph
6 b, Code 1991, is amended to read as follows:"

CORBETT of Linn

H–5426

1 Amend the amendment, H–5401, to House File 2422 as
2 follows:
3 1. Page 1, by striking lines 2 through 27, and
4 inserting the following:
5 "_____. By striking everything after the enacting
6 clause and inserting the following:
7 "Section 1. Section 25A.14, subsection 13, Code
8 Supplement 1991, is amended by striking the
9 subsection.
10 Sec. 2. Section 613A.4, subsection 12, Code 1991,
11 is amended by striking the subsection.
12 Sec. 3. Sections 135I.2 through 135I.6, Code 1991,
13 are repealed.
14 Sec. 4. Section 135I.1, Code Supplement 1991, is
15 repealed."
16 _____. Title page, lines 1 and 2, by striking the
17 words ", spas, and swimming pool or spa water heaters"
18 and inserting the following: "and spas"."
19 2. By renumbering as necessary.

CORBETT of Linn

H–5428

1 Amend House File 2272 as follows:
2 1. Page 1, line 35, by inserting after the word
3 "standard." the following: "The interim air toxic
4 standard or technology is not applicable to public

5 utilities as defined pursuant to section 476.1 until
6 July 1, 1996, or at such time as the interim standard
7 or technology is replaced by the federal technology or
8 standard."
9 2. Page 7, by inserting after line 28 the fol-
10 lowing:
11 "_____. Public utilities, as defined pursuant to
12 section 476.1, until July 1, 1996, or until such time
13 as the United States environmental protection agency
14 adopts a standard or technology in accordance with the
15 federal Clean Air Act Amendments of 1990."
16 3. By lettering and relettering as necessary.

ADAMS of Hamilton

H—5431

1 Amend the amendment, H—5416, to House File 2453 as
2 follows:
3 1. Page 2, line 20, by striking the word "The"
4 and inserting the following: "Any person appointed to
5 a committee who is not a member of a county board of
6 supervisors shall serve as a nonvoting, ex officio
7 member. The".

BENNETT of Ida

H—5436

1 Amend House File 2461 as follows:
2 1. By striking page 1, line 1 through page 2,
3 line 3.
4 2. By renumbering as necessary.

McNEAL of Hardin
GIPP of Winneshiek

H—5438

1 Amend the amendment, H—5390, to House File 2393 as
2 follows:
3 1. Page 1, by striking line 5 and inserting the
4 following: "limited to utility poles, concrete beams,
5 and single pieces of machinery." "

GIPP of Winneshiek

H—5440

1 Amend House File 2453 as follows:
2 1. Page 6, line 35, by inserting after the word
3 "commission." the following: "No more than two of the
4 members appointed under this paragraph shall be
5 members of the same political party."
6 2. Page 7, by inserting before line 24, the
7 following:

8 "The requirements of section 69.16, regarding
9 political affiliation, shall not apply to appointments
10 made under this section."

SPEAR of Lee

H–5442

1 Amend House File 2461 as follows:
2 1. Page 2, line 8, by striking the words "in
3 order".
4 2. Page 2, by striking lines 13 and 14 and
5 inserting the following: "relating to the evaluation,
6 testing, and provision of preventive services to the
7 recipients' children."
8 3. Page 2, by striking lines 30 and 31 and
9 inserting the following: "withholding to collect,
10 from an obligor, child support payments based upon the
11 obligor's ability to pay. If the obligor's child
12 support".

SPEAR of Lee

H–5444

1 Amend Senate File 2271, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, lines 5 and 6, by striking the words
4 "the person uses lawful products" and inserting the
5 following: "of the lawful use of lawful products by
6 the person".

McNEAL of Hardin

H–5445

1 Amend House File 2431 as follows:
2 1. Page 1, by striking lines 10 through 22 and
3 inserting the following:
4 "Sec. 100. Section 257.6, subsection 4, Code 1991,
5 is amended to read as follows:
6 4. BUDGET ENROLLMENT. Budget enrollment for the
7 budget year shall be calculated for each school
8 district by the department of management in the manner
9 provided in this subsection. If the basic enrollment
10 of a school district has declined from one year to the
11 next during any of the five years prior to the base
12 year, the district may be eligible for an enrollment
13 adjustment based upon the percent of the enrollment
14 decline and the number of years that have elapsed
15 since the decline occurred. The budget enrollment for
16 the budget year shall be calculated by adding together
17 the following percents of enrollment decline in the
18 district's basic enrollment from one base year to the
19 preceding base year for each of the five preceding

base years, commencing with the percent of change between the basic enrollment for the budget year and the basic enrollment for the base year, adding the sum of the percents to one hundred and multiplying the total by the basic enrollment for the budget year:

	Years between the Base Year and the Year of Decline				
Percent of Decline	1	2	3	4	5
Less than 1	0	0	0	0	0
1.0 through 2.9	2	2	~~1~~ 0	~~1~~ 0	0
3.0 through 4.9	4	3	2	~~2~~ 1	~~1~~ 0
5.0 through 6.9	6	5	4	~~3~~ 2	~~2~~ 1
7.0 and over	8	7	5	~~4~~ 3	~~3~~ 2

However, if a district's actual enrollment for a budget year is greater than its budget enrollment, the district is eligible for an advance for increasing enrollment as provided in section 257.13."

2. Page 1, by inserting after line 29 the following:

"Sec. 101. Section 257.9, subsections 3 and 4, Code 1991, are amended to read as follows:

3. Special education support services state cost per pupil for ~~1991-1992~~ 1992-1993. For the budget year beginning July 1, ~~1991~~ 1992, for the special education support services state cost per pupil, the department of management shall divide the total of the approved budgets of the area education agencies for special education support services for that year approved by the state board of education under section 273.3, subsection 12, by the total of the weighted

Page 2

enrollment for special education support services in the state for the budget year. The special education support services state cost per pupil for the budget year is the amount calculated by the department of management under this subsection.

4. Special education support services state cost per pupil for ~~1992-1993~~ 1993-1994 and succeeding years. For the budget year beginning July 1, ~~1992~~ 1993, and succeeding budget years, the special education support services state cost per pupil for the budget year is the special education support services state cost per pupil for the base year plus the special education support services allowable growth for the budget year.

Sec. 102. Section 257.10, subsections 3 and 4, Code 1991, are amended to read as follows:

3. Special education support services district cost per pupil for ~~1991-1992~~ 1992-1993. For the

19 budget year beginning July 1, ~~1991~~ 1992, for the
20 special education support services district cost per
21 pupil, the department of management shall divide the
22 approved budget of each area education agency for
23 special education support services for that year
24 approved by the state board of education, under
25 section 273.3, subsection 12, by the total of the
26 weighted enrollment for special education support
27 services in the area for that budget year.
28 The special education support services district
29 cost per pupil for each school district in an area for
30 the budget year is the amount calculated by the
31 department of management under this subsection.
32 4. Special education support services district
33 cost per pupil for ~~1992-1993~~ 1993-1994 and succeeding
34 years. For the budget year beginning July 1, ~~1992~~
35 1993, and succeeding budget years, the special
36 education support services district cost per pupil for
37 the budget year is the special education support
38 services district cost per pupil for the base year
39 plus the special education support services allowable
40 growth for the budget year.
41 Notwithstanding the special education support
42 services district cost per pupil for the budget year
43 beginning July 1, 1991, calculated under subsection 3,
44 for area education agencies that have fewer than three
45 and five-tenths public school pupils per square mile,
46 the special education support services district cost
47 per pupil for the budget year beginning July 1, 1991,
48 is one hundred forty-seven dollars.
49 Sec. 103. Section 257.13, unnumbered paragraph 1,
50 Code 1991, is amended by striking the unnumbered

Page 3

1 paragraph and inserting in lieu thereof the following:
2 If a district's actual enrollment for the budget
3 year, determined under section 257.6, is greater than
4 its budget enrollment for the budget year, the
5 district is granted an advance from the state of an
6 amount equal to the product of the applicable
7 percentage multiplied by its regular program district
8 cost per pupil for the budget year and further
9 multiplied by the difference between the actual
10 enrollment for that budget year and the budget
11 enrollment for that budget year. For purposes of the
12 computation in this section, the applicable percentage
13 is determined by the following schedule:
14 Percent Increase in
15 Budget to Actual Enrollment Applicable Percentage
16 1. Less than 3% 50%
17 2. 3% or more 75%

18 The advance under this paragraph is miscellaneous
19 income."
20 3. Page 2, by striking lines 14 through 17 and
21 inserting the following: "cash position of the state
22 resources. However, the state aid paid to school
23 districts under section 257.13 shall be paid in
24 monthly installments beginning on December 15 and
25 ending on June 15 of a budget year."
26 4. Page 3, by striking lines 4 through 26, and
27 inserting the following:
28 "Sec. _____. Section 294A.25, subsection 1, Code
29 1991, is amended to read as follows:
30 1. For the fiscal year beginning July 1, ~~1990~~
31 1992, there is appropriated from the general fund of
32 the state to the department of education the amount of
33 ~~ninety-two~~ sixty-seven million ~~one hundred thousand~~
34 ~~eighty-five~~ dollars to be used to improve teacher
35 salaries. For each fiscal year thereafter, there is
36 appropriated an amount equal to the amount
37 appropriated for the fiscal year beginning July 1,
38 ~~1990~~ 1992, plus an amount sufficient to pay the costs
39 of the additional funding provided for school
40 districts and area education agencies under sections
41 294A.9 and 294A.14. The moneys shall be distributed
42 as provided in this section."
43 5. Page 3, line 33, by striking the word and
44 figures "2, 3, 6, 7, 8, and 9" and inserting the
45 following: "100, 101, 102, 103, 6, and 7".
46 6. By numbering, renumbering, and correcting
47 internal references.

DAGGETT of Adams

H—5447

1 Amend House File 2357 as follows:
2 1. By striking page 2, line 33 through page 3,
3 line 3.
4 2. By striking page 11, line 10 through page 16,
5 line 1.
6 3. Page 16, by striking lines 6 and 7.
7 4. Page 16, by striking lines 20 through 25.
8 5. Title page, by striking lines 6 through 9 and
9 inserting the following: "business financial
10 assistance program, and making an allocation of the
11 moneys in".

HARBOR of Mills
HANSON of Black Hawk
MILLER of Cherokee
JOHNSON of Clinton
DAGGETT of Adams

H—5448

1 Amend House File 2461 as follows:
2 1. By striking page 1, line 22, through page 2,
3 line 3.
4 2. Renumber as necessary.

RAFFERTY of Scott

H—5449

1 Amend House File 2461 as follows:
2 1. Page 2, by inserting after line 23, the
3 following:
4 "_____. Provide that if a recipient received aid to
5 dependent children in another state within one year
6 prior to establishing eligibility for assistance in
7 this state, the requirements of this subsection shall
8 apply for one year from the date the recipient's
9 eligibility for assistance is determined. Using the
10 family size for which the recipient's eligibility for
11 assistance is determined in this state, the department
12 shall compare the grant amount the recipient would be
13 paid in the other state with the grant amount paid in
14 this state for that family size. For the one-year
15 period, the recipient's grant amount shall be based
16 upon the lesser of the two amounts."
17 2. By renumbering as necessary.

MILLAGE of Scott
SIEGRIST of Pottawattamie
KISTLER of Jefferson
GIPP of Winneshiek
RENKEN of Grundy
PETERSEN of Muscatine
VAN MAANEN of Mahaska
HANSON of Black Hawk
McNEAL of Hardin
GARMAN of Story
McKEAN of Jones
HANSON of Delaware
HAHN of Muscatine
TYRRELL of Iowa
KREMER of Buchanan
BANKS of Plymouth
HESTER of Pottawattamie
BARTZ of Worth
PLASIER of Sioux
RAFFERTY of Scott
DAGGETT of Adams
MAULSBY of Calhoun
CORBETT of Linn
GRUBBS of Scott
LUNDBY of Linn
ROYER of Page
SPENNER of Henry
LAGESCHULTE of Bremer
SHONING of Woodbury
IVERSON of Wright
DE GROOT of Lyon
KREBSBACH of Mitchell

H—5453

1 Amend House File 2461 as follows:
2 1. Page 3, by inserting after line 5 the
3 following:
4 "Sec. _____. NEW SECTION. 239.22 FEDERAL WAIVER
5 PROJECT FOR SCHOOL ATTENDANCE.
6 The department shall request a waiver from the

7 secretary of the United States department of health
8 and human services to permit the department of human
9 services to implement the requirements of this
10 section.
11 Following the granting of a waiver, the department
12 shall apply the following requirements involving
13 school attendance to families of recipients with a
14 child who is six through fifteen years of age:
15 1. The department shall require that children
16 receiving assistance who are six through fifteen years
17 of age regularly attend school. The requirement shall
18 be implemented in stages to apply to children of the
19 indicated ages in the designated school year of the
20 waiver: six through thirteen years of age, in the
21 first school year of the waiver; six through fourteen
22 years of age, in the second school year of the waiver;
23 six through fifteen years of age, in succeeding school
24 years of the waiver.
25 2. If a child who is receiving assistance does not
26 regularly attend school, all of the following
27 procedures and sanctions shall apply:
28 a. The department shall notify the parent or
29 guardian of the child and the child of the violation
30 of the attendance requirement and shall place the
31 child on a probationary status.
32 b. A child placed on a probationary status shall
33 be required to meet the regular monthly attendance
34 requirement for a period of not less than three months
35 in order to be removed from probation.
36 c. If a child placed on a probationary status does
37 not meet the regular monthly attendance requirement,
38 assistance to the family of the child shall be reduced
39 in an amount which reflects the child's ineligibility
40 beginning with the subsequent payment of the grant and
41 shall remain reduced until the child fulfills the
42 requirements for regular monthly attendance.
43 d. If the child subsequently meets the regular
44 monthly attendance requirement the amount of the grant
45 to the family of the child shall be increased to
46 reflect the child's eligibility.
47 3. The department shall adopt rules to implement
48 the school attendance requirement established under
49 this section. The rules shall include a process by
50 which the parent or guardian of a child may provide a

Page 2

1 signed release of the child's school records to the
2 department for verification of the child's attendance.
3 The rules shall require active monitoring of the
4 child's school records on a monthly basis during a
5 probationary period.

6 4. A child who is six through fifteen years of age
7 is exempt from the procedures and sanctions prescribed
8 in this section if the parent or guardian of the child
9 is actively addressing the attendance problem.
10 5. For the purposes of this section:
11 a. "Actively addressing the attendance problem"
12 means that the parent or guardian meets with a school
13 official at the child's school at least once each week
14 to address the problem.
15 b. "Regular attendance" means both of the
16 following:
17 (1) The child has fewer than ten unexcused
18 absences during the previous semester. An unexcused
19 absence of one-half of a school day or more
20 constitutes one day of absence.
21 (2) The parent or guardian of the child verifies,
22 in compliance with rules established by the
23 department, the child's attendance during the previous
24 semester.
25 c. "Regular monthly attendance" means that a child
26 has no more than two unexcused absences during a
27 calendar month. An unexcused absence of one-half day
28 of school or more constitutes one day of absence.
29 d. "School" means an accredited school pursuant to
30 chapter 256."
31 2. By renumbering as necessary.

RAFFERTY of Scott
CORBETT of Linn
MILLAGE of Scott
SIEGRIST of Pottawattamie
JOHNSON of Clinton
KREBSBACH of Mitchell
HANSON of Black Hawk
BANKS of Plymouth
GRUBBS of Scott
HURLEY of Fayette
BARTZ of Worth

H—5454

1 Amend House File 2461 as follows:
2 1. Page 2, by inserting after line 23 the
3 following:
4 "_____. a. Establish a community service
5 requirement for certain recipients of aid to dependent
6 children in accordance with this subsection. The
7 community service requirement shall be implemented as
8 a pilot project for a three-year period in an urban
9 and a rural county. For the purposes of this
10 subsection:
11 (1) "Community service" means at least fifteen
12 hours per week of uncompensated work at a government
13 or nonprofit agency.
14 (2) "Rural" means a county which is not part of a
15 standard metropolitan statistical area.
16 (3) "Urban" means a county which is part of a
17 standard metropolitan statistical area as defined by

18 the United States bureau of the census.
19 b. The community service requirement shall be
20 applied to recipients in the pilot project counties
21 who are mandatory participants in the federal-state
22 Job Opportunities and Basic Skills (JOBS) program
23 during a time period when the recipients are not
24 actively participating in a JOBS program component.
25 The department shall not apply the community service
26 requirement to a recipient who cannot obtain needed
27 child care or essential transportation, if the
28 recipient verifies that there is no agency which would
29 provide the recipient with an opportunity to provide
30 community service in the recipient's residence. In
31 addition, if any of the following circumstances exist,
32 the department shall not apply the requirement to that
33 recipient:
34 (1) The recipient has a disability which would
35 preclude the recipient's participation.
36 (2) The recipient is sixty years of age or older.
37 (3) The recipient is working thirty or more hours
38 per week.
39 (4) The recipient is sixteen years of age or
40 younger.
41 (5) The recipient is seventeen or eighteen years
42 of age and is attending school.
43 (6) The recipient is six months or more pregnant.
44 (7) The recipient's residence is more than a two-
45 hour round-trip drive from the nearest JOBS program
46 site.
47 (8) The recipient is a full-time participant in
48 the federal volunteers in services to America (VISTA)
49 program.
50 The department shall adopt rules providing for

Page 2

1 circumstances for which a recipient can show good
2 cause for not complying with the fifteen-hour per week
3 requirement due to an emergency situation.
4 c. A recipient required to participate in
5 community service shall locate an agency in which to
6 provide the community service and notify the
7 department concerning progress made in locating an
8 agency. The department shall assist the recipient by
9 making available a list of agencies willing to be a
10 community service site. The recipient must submit to
11 the department a signed form indicating the agency in
12 which the recipient will provide community service. A
13 recipient required to participate in community service
14 who does not comply with community service
15 requirements shall be subject to the same sanction
16 applied to a recipient who does not comply with JOBS

17 program requirements for a similar lack of
18 compliance."
19 2. Page 3, by inserting after line 5 the
20 following:
21 "Sec. _____. JOBS PROGRAM — LEGISLATIVE INTENT. It
22 is the intent of the general assembly to make
23 substantial progress in reforming welfare by fully
24 funding the federal-state JOBS program in order to
25 make the program available on a statewide basis."
26 3. By renumbering as necessary.

CORBETT of Linn
KREBSBACH of Mitchell
PETERSEN of Muscatine
JOHNSON of Clinton
HALVORSON of Clayton
McKEAN of Jones
RAFFERTY of Scott
McNEAL of Hardin
BEAMAN of Clarke
PLASIER of Sioux
HESTER of Pottawattamie
SHONING of Woodbury
DAGGETT of Adams
KREMER of Buchanan
METCALF of Polk
SPENNER of Henry
SIEGRIST of Pottawattamie
HURLEY of Fayette
BRANSTAD of Winnebago
DIEMER of Black Hawk
LUNDBY of Linn
MILLER of Cherokee
HAHN of Muscatine
DE GROOT of Lyon
ROYER of Page
HARBOR of Mills
MILLAGE of Scott
GRUBBS of Scott
GIPP of Winneshiek
LAGESCHULTE of Bremer
KISTLER of Jefferson
BARTZ of Worth
MAULSBY of Calhoun
TYRRELL of Iowa
GARMAN of Story
HANSON of Black Hawk
BANKS of Plymouth
HANSON of Delaware
BENNETT of Ida
RENKEN of Grundy
VAN MAANEN of Mahaska
IVERSON of Wright
WEIDMAN of Cass

H—5457

1 Amend House File 2372 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 668.16 MAXIMUM
5 LIABILITY FOR NONECONOMIC DAMAGES.
6 1. In a verdict issued pursuant to this chapter,
7 that portion of a verdict attributable to noneconomic
8 damages against any one defendant shall not exceed two
9 hundred fifty thousand dollars, except as otherwise
10 provided pursuant to subsection 4.
11 2. In an action pursuant to this chapter and tried
12 to a jury, and in which noneconomic damages are sought
13 or argued, the court shall, unless otherwise agreed to
14 by all parties, instruct the jury that the portion of
15 a verdict attributable to noneconomic damages against
16 any one defendant shall not exceed two hundred fifty
17 thousand dollars.

18 3. In an action brought pursuant to this chapter
19 and tried to a jury, and in which noneconomic damages
20 are sought or argued, the court shall, unless
21 otherwise agreed to by all parties, require that the
22 jury return a verdict itemizing the injuries and
23 damages awarded pursuant to the verdict.
24 4. In an action brought pursuant to this chapter
25 and in which noneconomic damages are awarded in the
26 maximum amount allowed pursuant to subsection 1, the
27 claimant may petition the court which heard the
28 original action for a waiver of the maximum limitation
29 and for a granting of an increase in that portion of
30 the original verdict attributable to noneconomic
31 damages. A waiver of the maximum limitation and
32 subsequent increase in that portion of the original
33 verdict attributable to noneconomic damages is subject
34 to the following requirements:
35 a. A hearing shall first be granted at which all
36 parties may appear and present evidence and argument
37 relating to a waiver of the maximum limitation and
38 subsequent increase in the original verdict.
39 b. A waiver of the maximum limitation and
40 subsequent increase in the original verdict shall only
41 be made upon a determination that the portion of the
42 original verdict attributable to noneconomic damages
43 is clearly insufficient based upon the evidence
44 presented to the court in the original action and that
45 the failure to waive the maximum limitation would
46 result in significant hardship for the claimant.
47 c. An increase in that portion of the original
48 verdict attributable to noneconomic damages must be
49 consistent with the percentages of fault and evidence
50 as to total damages determined in the original

Page 2

1 action."
2 2. Title page, by striking lines 1 through 3 and
3 inserting the following: "An Act relating to certain
4 tort actions by limiting the maximum liability for
5 noneconomic damages."

BENNETT of Ida

H—5460

1 Amend the amendment, H—5416, to House File 2453 as
2 follows:
3 1. Page 1, by striking lines 2 through 9 and
4 inserting the following:
5 "_____. Page 1, by striking lines 19 and 20 and
6 inserting the following: "the per diem costs in
7 effect on July 1, 1988. However, the per diem costs".

8 _____. Page 1, by striking line 21 and inserting
9 the following: "may be adjusted annually to the
10 extent of the previous year's adjustment in".
11 _____. Page 2, by striking lines 28 and 29 and
12 inserting the following: "group of counties
13 established for the purpose of carrying out the duties
14 set forth in section 225C.18." "
15 2. Page 1, by striking lines 42 through 44 and
16 inserting the following:
17 "_____. Page 8, line 7, by striking the words
18 "services which" and inserting the following:
19 "services."
20 _____. Page 8, by striking lines 8 through 14."
21 3. Page 2, by inserting after line 25 the
22 following:
23 "_____. By striking page 16, line 35 through page
24 17, line 1 and inserting the following:
25 "e. Assure that services paid from the county
26 cluster's allocation from the state community services
27 fund are delivered in accordance with the county
28 cluster plan and the service implementation goals
29 established in section 225C.28A." "
30 4. Page 3, by striking lines 37 through 45 and
31 inserting the following:
32 "_____. Page 19, by striking lines 22 and 23 and
33 inserting the following: "not exceed the per diem
34 costs in effect on July 1, 1988. However, the per".
35 _____. Page 19, by striking line 24 and inserting
36 the following: "diem costs may be adjusted annually
37 to the extent of the previous year's"."
38 5. Page 3, by inserting after line 45 the
39 following:
40 "_____. By striking page 24, line 32 through page
41 25, line 18 and inserting the following:
42 "Sec. _____. TASK FORCE ESTABLISHED — IMPLEMEN-
43 TATION SUSPENDED.
44 1. For the fiscal year beginning July 1, 1992,
45 there is established a task force to develop a plan
46 for restructuring the mental health and mental
47 retardation and other developmental disabilities
48 service delivery system. The task force shall consist
49 of individuals appointed by all of the following
50 entities:

Page 2

1 a. Iowa state association of counties.
2 b. Iowa association of rehabilitation and
3 residential facilities.
4 c. Alliance for the mentally ill of Iowa.
5 d. Association for retarded citizens of Iowa.
6 e. Community mental health centers association of

7 Iowa.
8 f. Iowa governor's planning council for persons
9 with developmental disabilities.
10 g. Iowa farm bureau federation.
11 h. Iowa federation of labor.
12 i. Iowa association of business and industry.
13 j. Iowa citizen action network.
14 k. Iowa psychiatric society.
15 l. Iowa hospital association.
16 m. Department of human services.
17 n. Iowa coalition.
18 o. Iowa protection and advocacy service.
19 p. A member of the senate.
20 q. A member of the house of representatives.
21 2. The task force shall present a plan to the
22 legislative council, the department of human services,
23 and the governor, by October 1, 1992, which will
24 implement a restructuring of the mental health, mental
25 retardation, and developmental disabilities service
26 system to be effective July 1, 1993. The plan shall
27 address, but not be limited to, all of the following:
28 a. Multi-county structures for planning.
29 b. A formula addressing the funding
30 responsibilities and the funding relationship between
31 the state and counties.
32 c. The structure for service delivery.
33 d. Targeting services for state funding which are
34 aimed at implementing the goals established in section
35 225C.28.
36 The task force shall be assisted by a consultant
37 and facilitator in carrying out its responsibilities
38 under this section.
39 3. Notwithstanding the provisions of this Act
40 establishing the state mental health, mental
41 retardation, and developmental disabilities community
42 services fund and providing various requirements of
43 the mental health, mental retardation, and
44 developmental disabilities commission and county
45 clusters, the provisions shall not apply for the
46 fiscal year beginning July 1, 1992, and ending June
47 30, 1993. However, the department of human services,
48 the mental health, mental retardation, and
49 developmental disabilities commission, counties, and
50 county clusters shall adopt administrative rules or

Page 3

1 local procedures, submit applications, and establish
2 agreements during the fiscal year beginning July 1,
3 1993, in order to fully implement the provisions of
4 this Act in the fiscal year beginning July 1, 1994.
5 For the fiscal year beginning July 1, 1992, state

6 funding to counties shall be provided pursuant to the
7 requirements of the appropriations made for that
8 fiscal year to the department of human services by the
9 Seventy-fourth General Assembly, 1992 Session.
10 4. It is the intent of the general assembly that
11 the plan developed by the task force created in this
12 section shall be considered for enactment during the
13 1993 Legislative Session.
14 5. The provisions of this Act do not constitute a
15 funding formula for state participation in the costs
16 of mental health, mental retardation, and
17 developmental disabilities as required under section
18 331.438. The provisions of section 331.438
19 establishing a freeze on the mental health, mental
20 retardation, and developmental disabilities services
21 expenditures of counties shall not take effect but
22 shall be delayed by one year until July 1, 1993. The
23 delayed provisions of section 331.438 shall take
24 effect on July 1, 1993, unless the Seventy-fifth
25 General Assembly, 1993 Session, enacts legislation to
26 restructure the mental health and mental retardation
27 and other developmental disabilities service delivery
28 system and to implement a funding formula for state
29 participation in such services expenditures which
30 takes effect in the fiscal year beginning July 1,
31 1993."
32 _____. Page 25, line 19, by striking the figure "2"
33 and inserting the following: "6".
34 _____. Page 26, by striking lines 9 through 12 and
35 inserting the following:
36 "1. Section 225C.28, Code 1991, is repealed on
37 July 1, 1992.
38 2. Sections 225C.11 and 225C.19, Code 1991, are
39 repealed on July 1, 1993." "

MERTZ of Kossuth

H–5461

1 Amend House File 2459 as follows:
2 1. Page 1, by inserting before line 12 the
3 following:
4 "Sec. _____. There is appropriated from the general
5 fund of the state to the executive council for the
6 fiscal year beginning July 1, 1992, and ending June
7 30, 1993, the following amount, or so much thereof as
8 is necessary, to be used for the purposes designated:
9 For salary of the lieutenant governor and one
10 secretary for the last six months of the fiscal year
11 ending June 30, 1993, if the transfer is approved by
12 the executive council as provided in this subsection
13 and for not more than the following full-time
14 equivalent positions:

15 .....$ 49,127
16 .....FTEs 1.00
17 If a vacancy by resignation does not occur in the
18 office of secretary of state before February 1, 1993,
19 the executive council, by majority vote, may transfer
20 the amount appropriated in this subsection to the
21 general office budget of the office of governor."
22 2. Page 6, line 9, by striking the number
23 "941,666" and inserting the following: "892,539".
24 3. Page 6, line 10, by striking the number
25 "17.00" and inserting the following: "16.00".
26 4. Page 6, by inserting after line 10 the
27 following:
28 "If a vacancy by resignation occurs in the office
29 of secretary of state before February 1, 1993, the
30 governor shall appoint the lieutenant governor to fill
31 the unexpired term of the secretary of state."

HALVORSON of Webster

H-5462

1 Amend House File 2393 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 321.460, Code 1991, is amended
5 by adding the following new unnumbered paragraphs:
6 NEW UNNUMBERED PARAGRAPH. A vehicle transporting
7 aggregate of two inches or less or a vehicle
8 transporting solid waste as defined in section
9 455B.301 shall be in violation of this section if the
10 vehicle is not securely covered.
11 NEW UNNUMBERED PARAGRAPH. A vehicle in violation
12 of this section, which is loaded with solid waste
13 shall not be accepted by the facility to which it is
14 being delivered. However, from July 1, 1992, through
15 June 30, 1993, a facility may accept a vehicle loaded
16 with solid waste in violation of this section, if the
17 operator of the vehicle pays a ten dollar fee.
18 Sec. 2. Section 805.8, subsection 2, paragraph m,
19 Code 1991, is amended to read as follows:
20 m. For height, weight, length, width and load
21 violations and towed vehicle violations under sections
22 321.309, 321.310, 321.381, 321.394, 321.437, 321.454,
23 321.455, 321.456, 321.457, 321.458, 321.461, and
24 321.462, the scheduled fine is twenty-five dollars.
25 For weight violations under sections 321.459 and
26 321.466, the scheduled fine is twenty dollars for each
27 two thousand pounds or fraction thereof of overweight.
28 For load violations under section 321.460, the
29 scheduled fine is one hundred dollars."

HIBBARD of Madison

H-5466

1 Amend House File 2458 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 135.106 INFANT
5 MORTALITY PREVENTION PROGRAM — ESTABLISHED.
6 1. The department shall establish an infant
7 mortality prevention program to decrease the infant
8 mortality rate through preventive measures.
9 2. The program shall include, but is not limited
10 to, the following components:
11 a. The establishment of pilot projects to identify
12 barriers to positive birth outcomes, to encourage
13 collaboration and cooperation among providers of
14 health care, social services, and other services to
15 pregnant women and infants, and to encourage pregnant
16 women and women of childbearing years to seek health
17 care and other services which result in positive birth
18 outcomes.
19 b. The establishment of a resource mothers program
20 to provide pregnant and postpartum women with
21 individual guidance, information, and access to health
22 care. As used in this section, "resource mothers
23 program" means a community outreach program which
24 provides for home visits by women who have experience
25 as mothers and who have knowledge of health care
26 services, social services, or related fields of
27 services and who provide pregnant and postpartum women
28 with information and access to health care and other
29 services necessary for positive birth outcomes.
30 Sec. 2. INFANT MORTALITY PREVENTION PILOT PROJECT.
31 1. The Iowa department of public health shall
32 establish an infant mortality prevention pilot project
33 beginning July 1, 1992, and ending June 30, 1995. The
34 project shall be established in the two areas of the
35 state with census tracts which have the highest infant
36 mortality rates.
37 The Iowa department of public health shall employ
38 project directors for each of the two targeted areas
39 to implement the project. The project director shall
40 do all of the following:
41 a. Identify barriers to communication and
42 cooperation among providers of antepartum and
43 postpartem services to mothers and infants in the
44 targeted area.
45 b. Develop an inventory of existing community
46 resources, including both public and private
47 organizations, which are designed to reduce infant
48 mortality.
49 c. Collaborate with local chambers of commerce,
50 businesses, and civic organizations, including both

Page 2

1 public and private organizations, to establish a
2 coupon bonus program for pregnant women residing in
3 the targeted area to encourage the pregnant women to
4 seek prenatal care and to encourage mothers of
5 children through one year of age to utilize the early
6 periodic screening, diagnosis, and treatment program.
7 The coupon bonus program shall provide for the
8 validation of coupons by health care providers,
9 following the provision of prenatal care or care
10 provided to a child through one year of age, which may
11 be exchanged for the provision of goods or services by
12 sponsors within the community.
13 2. There is appropriated from the general fund of
14 the state to the Iowa department of public health for
15 the fiscal year beginning July 1, 1992, and ending
16 June 30, 1993, the following amount, or so much
17 thereof as is necessary, to be used for the purpose
18 designated:
19 To establish resource mothers programs involving
20 the provision of services through three resource
21 mothers in two areas of the state which have census
22 tracts with the highest infant mortality rates:
23 .....$ 75,000
24 The Iowa department of public health shall utilize
25 federal funding, including but not limited to Title
26 XIX, the maternal and child health block grant, and
27 other federal sources, to the maximum extent possible,
28 in defraying the costs of the programs.
29 3. There is appropriated from the general fund of
30 the state to the Iowa department of public health for
31 the fiscal year beginning July 1, 1992, and ending
32 June 30, 1993, the following amount, or so much
33 thereof as is necessary, to be used for the purpose
34 designated:
35 To defray the costs of employing two project
36 directors for the infant mortality pilot projects:
37 .....$ 90,000
38 Sec. 3. REPORT TO GENERAL ASSEMBLY. The Iowa
39 department of public health shall submit a report to
40 the general assembly and the governor by January 15,
41 1993, regarding the effectiveness of the program. The
42 report shall include a comparison and assessment of
43 services provided and the incidences of infant
44 mortality prior to and following the implementation of
45 the project."
46 2. Title page, line 1, by striking the words
47 "Iowa healthy start".
48 3. Title page, by striking lines 2 and 3 and
49 inserting the following: "infant mortality
50 prevention".

PLASIER of Sioux

H–5467

1 Amend House File 2272 as follows:
2 1. Page 7, line 15, by inserting after the word
3 "to" the following: "existing stationary sources of
4 toxic air pollutants or to".
5 2. By striking page 9, line 22 through page 11,
6 line 14.
7 3. Page 11, line 23, by striking the word
8 "existing" and inserting the following: "modified".
9 4. Page 11, line 27, by striking the word
10 "existing" and inserting the following: "modified".

ADAMS of Hamilton

H–5474

1 Amend House File 2362 as follows:
2 1. Page 4, line 12, by striking the words "new or
3 existing".
4 2. Page 4, by striking line 13 and inserting the
5 following: "granted and operated in the state of Iowa
6 after the effective date of this Act. For purposes of
7 this chapter,".

CHAPMAN of Linn
RENKEN of Grundy

H–5476

1 Amend Senate File 43, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, lines 12 and 13, by striking the words
4 "and the program for an employee of the program" and
5 inserting the following: "~~and the program for an~~
6 ~~employee of the program~~ for the purpose of licensure,
7 or a licensee for the purpose of employment of a
8 person or authorization of a person to reside in the
9 facility".

PLASIER of Sioux

H–5478

1 Amend House File 2459 as follows:
2 1. Page 17, by inserting after line 8 the
3 following:
4 "Sec. _____. 1993 LEGISLATIVE SABBATICAL LEAVE.
5 1. The members elected to the Seventy-fifth
6 General Assembly shall meet on the second Monday in
7 January 1993, organize, elect its officers and
8 employees, appoint the necessary committees, enact a
9 joint resolution making appropriations to state
10 agencies, institutions, and programs for the same
11 amount for the fiscal year beginning July 1, 1993, as

12 was appropriated for those respective state agencies,
13 institutions, or programs for the fiscal year
14 beginning July 1, 1992, perform such other duties as
15 necessary, and adjourn sine die. The remainder of the
16 time normally devoted to a regular legislative session
17 shall be used by each legislator as a sabbatical
18 leave.
19 2. Notwithstanding section 2.10, a member of the
20 first session of the Seventy-fifth General Assembly
21 shall be paid per diem for expenses of office for only
22 two days of legislative session and travel expenses
23 for one round trip to the state capitol and return to
24 the member's residence."

SVOBODA of Tama

H—5479

1 Amend House File 2461 as follows:
2 1. Page 1, by striking lines 1 through 21.
3 2. By renumbering as necessary.

SVOBODA of Tama

H—5480

1 Amend House File 2448, as follows:
2 1. Page 1, by striking lines 17 through 24.
3 2. By renumbering as necessary.

SPEAR of Lee

H—5482

1 Amend Senate File 2290, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 17 through 24.
4 2. By renumbering as necessary.

SPEAR of Lee

H—5483

1 Amend House File 2461 as follows:
2 1. Page 1, by striking line 1 and inserting the
3 following:
4 "Section 1. JOBS PROGRAM WAITING LIST REDUCTION.
5 There is".
6 2. Page 1, by striking lines 7 through 21 and
7 inserting the following:
8 "For aid to families with dependent children
9 recipients who are eligible for the federal-state job
10 opportunities and basic skills (JOBS) program and are
11 on a waiting list for services:
12 .....$ 50,000
13 The moneys appropriated in this section shall be

14 used in addition to other moneys appropriated for this
15 purpose for the fiscal year beginning July 1, 1992,
16 and ending June 30, 1993, in order to reduce the
17 number of persons who are eligible for services but
18 have been placed on a waiting list for the services.
19 The moneys appropriated in this section shall not be
20 transferred or used for any other purpose."

SVOBODA of Tama

H–5485

1 Amend the amendment, H–5462, to House File 2393 as
2 follows:
3 1. Page 1, by striking lines 6 and 7 and
4 inserting the following:
5 "NEW UNNUMBERED PARAGRAPH. A vehicle".

JESSE of Jasper

H–5491

1 Amend the amendment, H–5430, to House File 2449, as
2 follows:
3 1. Page 1, line 30, by striking the word
4 "Claims".
5 2. Page 1, by striking lines 31 through 35.

BURKE of Marshall

H–5499

1 Amend House File 2071 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 99D.11, subsection 6,
5 paragraph b, Code Supplement 1991, is amended to read
6 as follows:
7 b. The commission may authorize the licensee to
8 simultaneously telecast within the racetrack enclosure
9 for purpose of pari-mutuel wagering a horse or dog
10 race licensed by the racing authority of another
11 state. It is the responsibility of each licensee to
12 obtain the consent of appropriate racing officials in
13 other states as required by the federal Interstate
14 Horseracing Act of 1978, 15 U.S.C. § 3001-3007, to
15 televise races for the purpose of conducting pari-
16 mutuel wagering. A licensee may also obtain the
17 permission of a person licensed by the commission to
18 conduct horse or dog races in this state to televise
19 races conducted by that person for the purpose of
20 conducting pari-mutuel racing. However, arrangements
21 made by a licensee to televise any race for the
22 purpose of conducting pari-mutuel wagering are subject
23 to the approval of the commission, and the commission

24 shall select the races to be televised. The races
25 selected by the commission shall be the same for all
26 licensees approved by the commission to televise races
27 for the purpose of conducting pari-mutuel wagering.
28 The commission shall not authorize the simultaneous
29 telecast or televising of and a licensee shall not
30 simultaneously telecast or televise any horse or dog
31 race for the purpose of conducting pari-mutuel
32 wagering unless the simultaneous telecast or
33 televising is done at the racetrack of a licensee that
34 schedules no less than ~~one hundred five~~ seventy-five
35 performances of eight live races each day of the
36 season. For purposes of the taxes imposed under this
37 chapter, races televised by a licensee for purposes of
38 pari-mutuel wagering shall be treated as if the races
39 were held at the racetrack of the licensee.
40 Sec. 2. EXCEPTION FOR SIMULCAST RACING WITHOUT
41 LIVE RACING. Notwithstanding section 99D.11,
42 subsection 6, paragraph "b", the commission may
43 authorize the simultaneous telecast or televising of
44 horse or dog races for the purpose of conducting pari-
45 mutuel wagering at the racetrack of a licensee where
46 no live racing is scheduled during the period
47 beginning May 1, 1992, and ending June 30, 1993.
48 Sec. 3. HORSE RACING PLAN FOR 1993. The pari-
49 mutuel licensee of a horse track shall submit a plan
50 for live horse racing for the year 1993 and have the

Page 2

1 plan approved by the commission no later than the
2 regular commission meeting in January 1993. Failure
3 to have an approved plan shall result in revocation of
4 the license. The commission may extend the date not
5 more than 30 days to allow the licensee to complete
6 action on a plan.
7 Sec. 4. Section 99D.15, subsection 2, Code
8 Supplement 1991, is amended to read as follows:
9 2. A tax credit of up to five percent of the gross
10 sum wagered per year shall be granted to licensees
11 licensed for horse races and paid into a special fund
12 to be used for ~~the purpose of~~ retiring the annual debt
13 on the cost of construction of the licensed facility,
14 operating expenses, or capital improvement. However,
15 the tax credit is equal to six percent of the gross
16 sum wagered in a year when the gross sum wagered is
17 less than ninety million dollars. Any portion of the
18 credit not used in a particular year shall be retained
19 by the commission. A tax credit shall first be
20 assessed against any share going to a city, then to
21 the share going to a county, and then to the share
22 going to the state. After the indebtedness incurred

23 in the construction of the licensed facility is
24 retired, the tax credits authorized in this subsection
25 shall cease.
26 Sec. 5. Section 99E.9, subsection 3, paragraph b,
27 Code 1991, is amended to read as follows:
28 b. The types of lottery games to be conducted.
29 Rules governing the operation of a class of games are
30 subject to chapter 17A. However, rules governing the
31 particular features of specific games within a class
32 of games are not subject to chapter 17A. Such rules
33 may include, but are not limited to, setting the name
34 and prize structure of the game and shall be made
35 available to the public prior to the time the games go
36 on sale and shall be kept on file at the office of the
37 commissioner. The board shall authorize instant
38 lottery and on-line lotto games and may authorize the
39 use of any type of lottery game that on May 3, 1985,
40 has been conducted by a state lottery of another state
41 in the United States, or any game that the board
42 determines will achieve the revenue objectives of the
43 lottery and is consistent with subsection 1. However,
44 the board shall not authorize a game using an
45 electronic computer ~~terminals~~ terminal or other
46 ~~devices~~ device if, upon winning a game, the ~~terminals~~
47 ~~or devices dispense~~ terminal or device immediately
48 dispenses coins or currency ~~upon the winning of a~~
49 ~~prize~~ or a ticket, credit or token which is redeemable
50 for cash or a prize. In a game utilizing instant

Page 3

1 tickets other than pull-tab tickets, each ticket in
2 the game shall bear a unique consecutive serial number
3 distinguishing it from every other ticket in the game,
4 and each lottery number or symbol shall be accompanied
5 by a confirming caption consisting of a repetition of
6 a symbol or a description of the symbol in words. In
7 the game other than an instant game which uses
8 tangible evidence of participation, each ticket shall
9 bear a unique serial number distinguishing it from
10 every other ticket in the game.
11 Sec. 6. Section 99E.9, subsection 6, Code 1991, is
12 amended to read as follows:
13 6. If reasonably practical when the lottery
14 division awards a contract under subsection 2, for the
15 lease or purchase of a machine to be used in the
16 conducting of a lottery game including, but not
17 limited to, a ~~video lottery machine or~~ machine used in
18 lotto, the lottery division shall give preference to
19 awarding the contract to a responsible vendor who
20 manufactures the machines in the state, provided the
21 costs and benefits to the lottery division are equal

22 to those available from competing vendors.
23 If reasonably practical when the lottery division
24 awards a contract under subsection 2, for the
25 servicing of a machine to be used in the conducting of
26 a lottery game including, but not limited to, ~~a video~~
27 ~~lottery machine or~~ a machine used in lotto, the
28 lottery division shall give preference to a
29 responsible vendor whose principal place of business
30 is in Iowa, provided the costs and benefits to the
31 lottery division are equal to those available from
32 competing vendors.
33 Sec. 7. EFFECTIVE DATES. This Act, being deemed
34 of immediate importance, takes effect upon enactment.
35 However, section 2 of this Act takes effect on May 1,
36 1992, and sections 1, 3, 4, 5, and 6, take effect on
37 July 1, 1992."
38 2. Title page, by striking lines 1 and 2 and
39 inserting the following: "An Act relating to pari-
40 mutuel racing and video lottery machines, and
41 providing effective dates."

SCHRADER of Marion
BLACK of Jasper
BISIGNANO of Polk

H—5500

1 Amend Senate File 2174, as passed by the Senate, as
2 follows:
3 1. Page 1, line 22, by striking the words "last
4 known".

KREMER of Buchanan

H—5502

1 Amend House File 2462 as follows:
2 1. By striking page 9, line 29, through page 10,
3 line 13.
4 2. By renumbering as necessary.

HARBOR of Mills
MILLER of Cherokee
JOHNSON of Clinton

H—5503

1 Amend House File 2459 as follows:
2 1. Page 5, by inserting after line 33 the
3 following:
4 "Sec. _____. REPEAL.
5 1. Section 18.136, Code 1991, is repealed.
6 Section 18.137, Code Supplement 1991, is repealed.
7 2. Any unencumbered or unobligated funds remaining
8 in the state communication network fund on the

9 effective date of this Act shall revert to the general
10 fund of the state."

MILLAGE of Scott

H-5504

1 Amend House File 211 as follows:
2 1. Page 1, by inserting after line 23, the
3 following:
4 "Sec. _____. NEW SECTION. 20.15A EXCLUSIVE
5 REPRESENTATION. Notwithstanding any provision of this
6 chapter to the contrary, an employee individually or a
7 group of employees collectively may be represented by
8 a bargaining representative qualified to represent the
9 employee's or group's interests other than the
10 employee organization certified as the exclusive
11 bargaining representative pursuant to sections 20.14
12 and 20.15."
13 2. By renumbering as necessary.

TYRRELL of Iowa
McNEAL of Hardin
PLASIER of Sioux
MILLAGE of Scott

H-5505

1 Amend House File 2431 as follows:
2 1. Page 3, by inserting before line 27 the
3 following:
4 "Sec. _____. Section 282.18, subsection 8, Code
5 Supplement 1991, is amended to read as follows:
6 8. A pupil participating in open enrollment shall
7 be counted, for state school foundation aid purposes,
8 in the pupil's district of residence. A pupil's
9 residence, for purposes of this section means a
10 residence under section 282.1. The board of directors
11 of the district of residence shall pay to the
12 receiving district the lower district cost per pupil
13 of the two districts, plus any moneys received for the
14 pupil as a result of non-English speaking weighting
15 under section 442.4, subsection 6, for each school
16 year. The district of residence shall also transmit
17 the phase III moneys allocated to the district for the
18 full-time equivalent attendance of the pupil, who is
19 the subject of the request, to the receiving district
20 specified in the request for transfer. However, the
21 board of directors of the district of residence with
22 enrollment exceeding 10,000 which receives aid for
23 declining enrollment as provided under section 257.6,
24 subsection 4, receives a budget adjustment under
25 section 257.14 has tried and failed to pass the
26 instructional support levy and has more than one

27 percent of the enrolled pupils participating in open
28 enrollment shall pay to the receiving district one-
29 half of the lower cost per pupil of the two districts,
30 plus any moneys received for the pupil as a result of
31 non-English speaking weighting under section 442.4,
32 subsection 6, for each school year."

SHOULTZ of Black Hawk

H—5512

1 Amend House File 2462 as follows:
2 1. Page 10, by inserting after line 31 the fol-
3 lowing:
4 "Sec. _____. Section 15.241, unnumbered paragraphs 1
5 and 2, Code 1991, are amended to read as follows:
6 ~~The department shall establish, contingent upon the~~
7 ~~availability of funds authorized for the program, a~~ A
8 "self-employment loan program~~,~~ account" is established
9 within the strategic investment fund created in
10 section 15.313 to provide funding for the self-
11 employment loan program which is to be conducted in
12 coordination with the job training partnership program
13 and other programs administered under section 15.108,
14 subsection 6, paragraph "c". The department may
15 contract with local community action agencies or other
16 local entities in administering the program, and shall
17 work with the department of employment services and
18 the department of human services in developing the
19 program.
20 The self-employment loan program shall administer a
21 low-interest loan program to provide loans to low-
22 income persons for the purpose of establishing or
23 expanding small business ventures. The terms of the
24 loans shall be determined by the department, but shall
25 not be in excess of ~~five~~ ten thousand dollars to any
26 single applicant or at a rate to exceed five percent
27 simple interest per annum. ~~A self-employment loan~~
28 ~~program revolving loan fund shall be established~~
29 ~~within the department.~~ The department shall maintain
30 records of all loans approved and the effectiveness of
31 those loans in establishing or expanding small
32 business ventures.
33 Sec. _____. Section 15.241, Code 1991, is amended by
34 adding the following new unnumbered paragraph:
35 NEW UNNUMBERED PARAGRAPH. Payments of interest and
36 repayments of moneys loaned under this program shall
37 be deposited into the strategic investment fund.
38 Sec. _____. Section 15.247, subsections 2 and 3,
39 Code 1991, are amended to read as follows:
40 2. ~~The department shall establish, contingent upon~~
41 ~~the availability of funds authorized for the program,~~
42 ~~a~~ A "targeted small business financial assistance

43 program account" is established within the strategic
44 investment fund created in section 15.313, to provide
45 for loans, loan guarantees, revolving loans, loans
46 secured by accounts receivable, or grants to targeted
47 small businesses. A targeted small business in any
48 year shall receive under this program not more than
49 twenty-five thousand dollars in a loan or grant, and
50 not more than forty thousand dollars in a guarantee,

Page 2

1 or a combination of loans, grants, or guarantees. The
2 program shall provide guarantees not to exceed
3 seventy-five percent for loans made by qualified
4 lenders. The department shall establish a financial
5 assistance reserve account from funds ~~provided for~~
6 ~~this~~ allocated to the program account, from which any
7 default on a guaranteed loan under this section shall
8 be paid. In administering the program the department
9 shall not guarantee loan values in excess of the
10 amount credited to the reserve account and only moneys
11 set aside in the loan reserve account may be used for
12 the payment of a default.
13 3. All moneys designated for the targeted small
14 business financial assistance program shall be
15 credited to the ~~financial assistance reserve~~ program
16 account. ~~The department shall also establish an~~
17 ~~administrative account from which the operating costs~~
18 ~~of the program shall be paid. The department may~~
19 ~~transfer moneys between the reserve and the~~
20 ~~administrative accounts except that not more than~~
21 ~~twenty-five percent of the moneys shall be used to~~
22 ~~administer the fund.~~ The department shall determine
23 the actuarially sound reserve requirement for the
24 amount of guaranteed loans outstanding.
25 Sec. _____. Section 15.247, Code 1991, is amended by
26 adding the following new subsection:
27 NEW SUBSECTION. 6. Payments of interest and
28 repayments of moneys loaned under this program shall
29 be deposited into the strategic investment fund.
30 Sec. _____. NEW SECTION. 15.311 STRATEGIC
31 INVESTMENT FUND.
32 This part shall be known as the "Iowa Strategic
33 Investment Fund" program.
34 Sec. _____. NEW SECTION. 15.312 PURPOSE.
35 The purpose of this part shall be to provide a
36 mechanism for funding those programs listed in section
37 15.313, subsection 2, in order to more efficiently
38 meet the needs identified within those individual
39 programs.
40 Sec. _____. NEW SECTION. 15.313 STRATEGIC
41 INVESTMENT FUND.

42 1. An Iowa strategic investment fund is created as
43 a revolving fund consisting of any money appropriated
44 by the general assembly for that purpose and any other
45 moneys available to and obtained or accepted by the
46 department from the federal government or private
47 sources for placement in the fund. The fund shall
48 also include all of the following:
49 a. All unencumbered and unobligated funds from the
50 special community economic betterment program fund

Page 3

1 created under 1990 Iowa Acts, chapter 1262, section 1,
2 subsection 18, remaining on June 30, 1992, all
3 repayments of loans or other awards made under the
4 community economic betterment account or under the
5 community economic betterment program during any
6 fiscal year beginning on or after July 1, 1985, and
7 recaptures.
8 b. All unencumbered and unobligated funds from the
9 self-employment loan program, the targeted small
10 business financial assistance program, the
11 microenterprise development revolving fund, financing
12 rural economic development, or successor, loan program
13 and the value-added agricultural products and
14 processes financial assistance fund remaining on June
15 30, 1992, and all repayments of loans or other awards
16 made under these programs during any fiscal year
17 beginning on or after July 1, 1992.
18 Notwithstanding section 8.33, moneys in the
19 strategic investment fund at the end of each fiscal
20 year shall not revert to any other fund but shall
21 remain in the strategic investment fund for
22 expenditure for subsequent fiscal years.
23 2. The assets of the fund shall be used by the
24 department for the following programs and purposes:
25 a. The community economic betterment program
26 created in sections 15.315 through 15.320.
27 b. The value-added agricultural products and
28 processes financial assistance program created in
29 sections 28.111 and 28.112.
30 c. The business development finance corporation
31 created in sections 28.131 through 28.149.
32 d. The self-employment loan program created in
33 section 15.241.
34 e. The targeted small business financial
35 assistance program created in section 15.247.
36 f. To provide comprehensive management assistance
37 for applicants or recipients of assistance from
38 programs supported by the fund.
39 g. If funds are available under a federal
40 microloan demonstration program, a portion of the

41 moneys in the strategic investment fund may be
42 utilized to access those federal funds to expand the
43 state's small business financial assistance programs
44 including the self-employment loan program and the
45 targeted small business financial assistance program.
46 3. The director shall submit annually at a regular
47 or special meeting preceding the beginning of the
48 fiscal year, to the economic development board, the
49 initial and other planned allocations from the
50 strategic investment fund to be made for that fiscal

Page 4

1 year to the community economic betterment program, the
2 value-added agricultural products and processes
3 financial assistance program, the business development
4 finance corporation, the self-employment loan program,
5 and the targeted small business financial assistance
6 program and for comprehensive management assistance.
7 If funds are available under a federal microloan
8 demonstration program, the director may recommend an
9 allocation for that purpose. The plans may provide
10 for increased or decreased allocations if the demand
11 in a program indicates that the need exceeds the
12 allocation for that program. The director shall
13 report on a monthly basis to the board on the status
14 of the funds and may present proposed revisions for
15 approval by the board in January and April of each
16 year. Unobligated and unencumbered moneys remaining
17 in the strategic investment fund or any of its
18 accounts on June 30 of each year shall be considered
19 part of the fund for purposes of the next year's
20 allocation.
21 Sec. _____. NEW SECTION. 15.315 COMMUNITY ECONOMIC
22 BETTERMENT PROGRAM.
23 This part shall be known as the "Community Economic
24 Betterment Program."
25 Sec. _____. NEW SECTION. 15.316 PURPOSE.
26 The purpose of this program is to assist
27 communities and rural areas of the state with their
28 economic development efforts and to increase
29 employment opportunities for Iowans by increasing the
30 level of economic activity and development within the
31 state.
32 Sec. _____. NEW SECTION. 15.317 PROGRAM.
33 1. The department shall establish a program to
34 effectuate the purposes of this part by providing
35 financial assistance for small business gap financing,
36 new business opportunities, and new product and
37 entrepreneurial development. These purposes may be
38 accomplished by providing the following types of
39 assistance:

40 a. A principal buy-down program to reduce the
41 principal of a business loan.
42 b. An interest buy-down program to reduce the
43 interest of a business loan.
44 c. Loans or forgivable loans to aid in economic
45 development.
46 d. Loan guarantees for business loans made by
47 commercial lenders.
48 e. Equity-like investments.
49 2. Only a political subdivision of this state may
50 apply to receive funds for any of the purposes

Page 5

1 specified in subsection 1. The political subdivision
2 shall make application to the department specifying
3 the purpose for which the funds will be used.
4 3. The department shall not provide more than one
5 million dollars for any project, unless approved by at
6 least two-thirds of the members of the economic
7 development board.
8 Sec. _____. NEW SECTION. 15.318 RATING FACTORS AND
9 CRITERIA.
10 In ranking applications for funds, the department
11 shall consider a variety of factors including, but not
12 limited to, the following:
13 1. The proportion of local match to be provided.
14 2. The proportion of private contributions to be
15 provided, including the involvement of financial
16 institutions.
17 3. The total number of jobs to be created or
18 retained.
19 4. The size of the business receiving assistance.
20 The department shall award more points to small
21 businesses as defined by the United States small
22 business administration than to other businesses.
23 5. The potential for future growth in the industry
24 represented by the business being considered for
25 assistance.
26 6. The need of the business for financial
27 assistance from governmental sources. The department
28 shall award more points to a business for which the
29 department determines that governmental assistance is
30 most necessary to the success of a project, than to
31 other businesses.
32 7. The quality of the jobs to be created. In
33 rating the quality of the jobs the department shall
34 award more points to those jobs that have a higher
35 wage scale, have a lower turnover rate, are full-time
36 or career-type positions, provide comprehensive health
37 benefits, or have other related factors which could be
38 considered to be higher in quality, than to other

39 jobs. Businesses that have wage scales substantially
40 below that of existing Iowa businesses in that area
41 should be rated as providing the lowest quality of
42 jobs and should therefore be given the lowest ranking
43 for providing such assistance.
44 8. The level of need of the political subdivision.
45 9. The impact of the proposed project on the
46 economy of the political subdivision.
47 10. The impact of the proposed project on other
48 businesses in competition with the business being
49 considered for assistance. The department shall make
50 a good faith effort to identify existing Iowa

Page 6

1 businesses within an industry in competition with the
2 business being considered for assistance. The
3 department shall make a good faith effort to determine
4 the probability that the proposed financial assistance
5 will displace employees of the existing businesses.
6 In determining the impact on businesses in competition
7 with the business being considered for assistance,
8 jobs created as a result of other jobs being displaced
9 elsewhere in the state shall not be considered direct
10 jobs created.
11 11. The impact to the state of the proposed
12 project. In measuring the economic impact the
13 department shall award more points for projects which
14 have greater consistency with the state strategic plan
15 than other projects. Greater consistency may include
16 any or all of the following:
17 a. A business with a greater percentage of sales
18 out-of-state or of import substitution.
19 b. A business with a higher proportion of in-state
20 suppliers.
21 c. A project which would provide greater
22 diversification of the state economy.
23 d. A business with fewer in-state competitors.
24 e. A potential for future job growth.
25 f. A project which is not a retail operation.
26 12. If a business has a record of violations of
27 the law over a period of time that tends to show a
28 consistent pattern, the business shall be given the
29 lowest ranking for providing assistance. The
30 department shall make a good faith effort to compile
31 this information.
32 13. If a business has, within three years of
33 application for assistance, acquired or merged with an
34 Iowa corporation or company, whether the business has
35 made a good faith effort to hire the workers of the
36 acquired or merged company.
37 14. Whether a business provides for a preference

38 for hiring residents of the state or of the economic
39 development area, except for out-of-state employees
40 offered a transfer to Iowa or to the economic
41 development area.
42 15. Whether all known required environmental
43 permits have been issued and regulations met before
44 moneys are released.
45 Sec. _____. NEW SECTION. 15.319 MONITORING OF JOB
46 CREATION AND RETENTION.
47 1. The department shall develop definitions for
48 the terms "job creation" and "job retention" to
49 measure and identify the actual number of permanent,
50 full-time positions which businesses actually create

Page 7

1 or retain and which can be documented by comparison of
2 the payroll reports during the twenty-four-month
3 period after awards to the businesses are made.
4 2. The department shall document the actual job
5 creation and retention effects of all businesses
6 receiving financial assistance from the program in the
7 context of the employer contribution and payroll
8 reports filed by the businesses.
9 3. The department shall require businesses which
10 receive assistance from the program to submit
11 historical copies of the employer contributions and
12 payroll reports with the application for funds,
13 require businesses to submit the reports after an
14 award is made on a timely basis, and require
15 businesses to estimate the expected job creation and
16 retention effects for the twelve-month and twenty-
17 four-month periods after an award is made in terms of
18 the number of employees and total wages as documented
19 in the payroll reports.
20 Sec. _____. NEW SECTION. 15.320 COMMUNITY ECONOMIC
21 BETTERMENT PROGRAM ACCOUNT.
22 1. A community economic betterment program account
23 is established within the strategic investment fund to
24 be used by the department for the community economic
25 betterment program. The account shall consist of all
26 appropriations, grants, or gifts received by the
27 department specifically for use under this part and
28 any moneys allocated to the community economic
29 betterment program account from the strategic
30 investment fund.
31 2. Payments of interest, repayments of moneys
32 loaned under the community economic betterment
33 program, or recaptures shall be deposited into the
34 strategic investment fund.
35 Sec. _____. Section 28.111, subsection 3, unnumbered
36 paragraph 1, Code 1991, is amended to read as follows:

37 The department of economic development may grant
38 financial or technical assistance to a person eligible
39 to receive assistance under this section, upon review
40 and evaluation of the person's application by the
41 agricultural products advisory council as established
42 in section 15.203. ~~The council shall make~~
43 ~~recommendations to approve or disapprove an~~
44 ~~application to the department.~~ The department shall
45 consider the ~~recommendations~~ council's evaluation in
46 granting or denying assistance. The department shall
47 not approve an application for assistance under this
48 section to refinance an existing loan~~,~~ or to finance
49 traditional agricultural operations. An application
50 is eligible for consideration if the application seeks

Page 8

1 assistance for any of the following purposes:
2 Sec. _____. Section 28.112, Code Supplement 1991, is
3 amended to read as follows:
4 28.112 VALUE-ADDED AGRICULTURAL PRODUCTS AND
5 PROCESSES FINANCIAL ASSISTANCE ~~FUND~~ ACCOUNT.
6 1. ~~The department may establish a~~ A value-added
7 agricultural products and processes financial
8 assistance ~~fund~~ account is established within the
9 strategic investment fund created in section 15.313.
10 The ~~fund~~ account shall ~~be a revolving fund composed~~
11 consist of any money appropriated by the general
12 assembly for that purpose, moneys allocated to the
13 account from the strategic investment fund, and any
14 other moneys available to and obtained or accepted by
15 the department from the federal government or private
16 sources for placement in the ~~fund~~ account. Except as
17 otherwise provided in subsection 2, the assets of the
18 ~~fund~~ account shall be used by the department only for
19 carrying out the purposes of section 28.111.
20 2. The department may use moneys in the ~~fund~~
21 account to do any of the following:
22 a. Contract, sue and be sued, and adopt
23 administrative rules necessary to carry out the
24 provisions of this section and section 28.111, but the
25 department shall not in any manner directly or
26 indirectly pledge the credit of the state.
27 b. Authorize payment from the ~~fund~~ account for
28 costs, commissions, attorney fees, and other
29 reasonable expenses related to and necessary for
30 insuring or guaranteeing loans under section 28.111,
31 and for the recovery of loan moneys insured or
32 guaranteed or the management of property acquired in
33 connection with such loans.
34 3. ~~Section 8.33 shall not apply to moneys in the~~
35 ~~fund.~~ Payments of interest or repayments of moneys

36 loaned under the value-added agricultural products and
37 processes financial assistance program shall be
38 deposited into the strategic investment fund.
39 Sec. _____. Section 28.148, Code 1991, is amended to
40 read as follows:
41 28.148 STATE ASSISTANCE FUND.
42 There is created in the treasurer of state's office
43 a "business development finance corporation assistance
44 fund". The fund shall consist of all appropriations,
45 grants, or gifts received by the treasurer
46 specifically for assistance under this division and
47 moneys allocated from the strategic investment fund
48 created in section 15.313. Moneys in this fund are
49 appropriated to the corporation for the purposes
50 stated in this division. Moneys allocated to this

Page 9

1 fund for purposes of the capital access program and
2 repayments of moneys from the capital access program
3 which remain unobligated at the end of a fiscal year
4 may be returned to the strategic investment fund upon
5 approval of the board of directors of the business
6 development finance corporation.
7 Sec. _____. Section 99E.31, subsection 2, Code 1991,
8 is amended by striking the subsection.
9 Sec. _____. Section 99E.32, subsection 2, Code
10 Supplement 1991, is amended by striking the
11 subsection.
12 Sec. _____. Sections 15.301 through 15.305 and
13 15.307, Code 1991, are repealed.
14 Sec. _____. Notwithstanding the provision in section
15 15.313 granting the director of the department of
16 economic development discretion in the allocation of
17 the moneys to the various accounts in the strategic
18 investment fund, for the fiscal year beginning July 1,
19 1992, a minimum of $500,000 shall be allocated to the
20 targeted small business financial assistance program
21 account and a minimum of $220,000 shall be allocated
22 to the self-employment loan program account."
23 2. Title page, line 4, by inserting after the
24 word "technology" the following: "and creating the
25 strategic investment fund".
26 3. By renumbering as necessary.

BENNETT of Ida

H—5514

1 Amend House File 2462 as follows:
2 1. By striking page 9, line 29, through page 10,
3 line 13.
4 2. By renumbering as necessary.

DICKINSON of Jackson

H–5515

1 Amend House File 2462 as follows:
2 1. Page 2, line 11, by striking the words
3 "program and" and inserting the following:
4 "program:".
5 2. Page 2, by striking lines 12 through 14.
6 3. Page 2, line 15, by striking the figure
7 "323,000" and inserting the following: "273,000".

DICKINSON of Jackson

H–5518

1 Amend House File 2461 as follows:
2 1. Page 2, by inserting after line 23 the
3 following:
4 "_____. a. Establish a limitation in the amount of
5 the grant paid to certain recipients of aid to
6 dependent children in accordance with this subsection.
7 The limitation shall only apply to the aid to families
8 with dependent children grant and shall not apply to
9 medical assistance or food stamp benefits. The
10 limitation shall not apply to an increase in family
11 size for a reason, other than the birth of a child,
12 which would be permitted in accordance with the aid to
13 dependent children program requirements.
14 b. The limitation shall require that during the
15 period of a waiver, if a recipient's family size
16 increases due to the birth of a child, the grant
17 amount paid to that recipient shall not increase based
18 upon that birth. However, a recipient's grant amount
19 shall be permitted to increase to reflect an increase
20 in the recipient's family size due to the birth of a
21 child to the recipient during the first ten months of
22 the waiver period. In addition, if a recipient's
23 initial eligibility during the waiver period is based
24 upon a family size with only one child, the
25 recipient's grant shall be permitted to increase to
26 reflect the birth of an additional child. If a
27 recipient's grant amount is not increased due to the
28 birth of a child in accordance with this section, the
29 recipient shall be permitted to retain, without
30 affecting the recipient's eligibility for assistance,
31 any income attributable to that child, including child
32 support which would otherwise be retained by the state
33 due to the child's eligibility for assistance."
34 2. By renumbering as necessary.

GRUBBS of Scott
JOHNSON of Clinton
KREMER of Buchanan
RAFFERTY of Scott
MILLAGE of Scott
BANKS of Plymouth
BEAMAN of Clarke
ROYER of Page

RENKEN of Grundy
KREBSBACH of Mitchell
IVERSON of Wright
VAN MAANEN of Mahaska
GIPP of Winneshiek
MILLER of Cherokee
SIEGRIST of Pottawattamie
LUNDBY of Linn
GARMAN of Story
SHONING of Woodbury
HAHN of Muscatine
HALVORSON of Clayton
LAGESCHULTE of Bremer
WEIDMAN of Cass
BENNETT of Ida
McKEAN of Jones
HANSON of Delaware
DE GROOT of Lyon
HESTER of Pottawattamie
McNEAL of Hardin
BRANSTAD of Winnebago
HARBOR of Mills
HANSON of Black Hawk
METCALF of Polk
PETERSEN of Muscatine
MAULSBY of Calhoun
CORBETT of Linn
DIEMER of Black Hawk
HURLEY of Fayette
SPENNER of Henry
TYRRELL of Iowa

H—5527

1 Amend Senate File 2329, 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 96.5, subsection 5, paragraph
6 c, unnumbered paragraph 1, Code Supplement 1991, is
7 amended to read as follows:
8 A governmental or other pension, retirement or
9 retired pay, annuity, or any other similar periodic
10 payment made under a plan maintained or contributed to
11 by a base period or chargeable employer where, except
12 for military pensions and for benefits under the
13 federal Social Security Act or the federal Railroad
14 Retirement Act of 1974 or the corresponding provisions
15 of prior law, the plan's eligibility requirements or
16 benefit payments are affected by the base period
17 employment or the remuneration for the base period
18 employment. However, if an individual's benefits are
19 reduced due to the receipt of a payment under this
20 paragraph, the reduction shall be decreased by the
21 same percentage as the percentage contribution of the
22 individual to the plan under which the payment is
23 made."
24 2. Title page, by striking lines 1 through 3 and
25 inserting the following: "An Act relating to the
26 qualification of a person receiving a military pension
27 for unemployment compensation benefits."

KREMER of Buchanan

H—5530

1 Amend the amendment, H—5477, to House File 2455, as

2 follows:
3 1. Page 4, by striking lines 7 through 16.

SVOBODA of Tama
MERTZ of Kossuth

H–5531

1 Amend Senate File 2235, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 19 through 23, and
4 inserting the following: "in the title guaranty
5 program."

METCALF of Polk

H–5534

1 Amend House File 2431 as follows:
2 1. Page 3, by inserting before line 27 the
3 following:
4 "Sec. _____. Section 282.18, Code Supplement 1991,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 8A. Notwithstanding subsection 8,
7 a board of directors of the district of residence with
8 enrollment exceeding 10,000 which receives aid for
9 declining enrollment as provided under section 257.6,
10 subsection 4, receives a budget adjustment under
11 section 257.14, has tried and failed to pass the
12 instructional support levy, and has more than one
13 percent of the enrolled pupils participating in open
14 enrollment shall pay to the receiving district one-
15 half of the lower cost per pupil of the two districts,
16 plus any moneys received for the pupil as a result of
17 non-English speaking weighting under section 442.4,
18 subsection 6, for each school year. However,
19 notwithstanding any other provision in this section
20 relating to the granting of a request, the school
21 district receiving a request for enrollment in the
22 district for which payment under this subsection shall
23 apply may exercise broad discretion in the granting of
24 the request."

SHOULTZ of Black Hawk

H–5537

1 Amend the amendment, H–5450, to House File 2455 as
2 follows:
3 1. Page 1, by inserting after line 19, the
4 following:
5 "_____. Page 5, by striking lines 17 and 18, and
6 inserting the following:
7 " .....$ 891,703
8 .....FTEs 24.50

9 The inspections division shall employ a minimum of
10 14 food and sanitation inspectors and shall void any
11 contracts entered into with any local government or
12 agency of a local government during the fiscal year
13 beginning July 1, 1991, and ending June 30, 1992, and
14 shall reassume those inspections which were the
15 subject of those contracts." "

HANSON of Delaware

H—5541

1 Amend Senate File 2336, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by striking lines 9 through 18, and
4 inserting the following: "chapter 13. The
5 department".
6 2. By striking page 4, line 32, through page 5,
7 line 9, and inserting the following:
8 "Sec. _____. Section 321.215, subsection 2,
9 paragraph d, Code 1991, is amended to read as
10 follows:".
11 3. By renumbering as necessary.

Committee on Transportation

H—5545

1 Amend the committee amendment, H—5420, to Senate
2 File 506, as amended, passed, and reprinted by the
3 Senate, as follows:
4 1. Page 2, by inserting after line 32, the
5 following:
6 "_____. The board shall not authorize any local
7 exchange telephone utility to operate under a plan of
8 incentive regulation unless the utility has filed with
9 the board, and started implementation of, a network
10 upgrade plan. For purposes of this section, a
11 "network upgrade plan" means a plan for the
12 replacement of all nondigital central office switches
13 with digital central office switches and associated
14 improvements in other facilities as required to allow
15 the transmission of signals within the local exchange
16 at a level consistent with the quality allowed by the
17 digital switch. The network upgrade plan shall be
18 implemented in good faith by the utility involved.
19 Such replacement and associated improvements under the
20 plan shall be completed no later than January 1, 1994.
21 If the board authorizes operation under a plan for
22 incentive regulation but later finds that a filed
23 network upgrade plan has not been implemented in good
24 faith by the utility involved, the utility shall
25 refund to customers all earnings under the plan for
26 incentive regulation which are over the authorized

27 rate of return for the utility."
28 2. Renumber as necessary.

DICKINSON of Jackson

H—5548

1 Amend House File 2333 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 321.109, subsection 1, Code
5 1991, as amended by 1992 Iowa Acts, Senate File 2116,
6 section 401, is amended to read as follows:
7 1. The annual fee for all motor vehicles including
8 ~~multipurpose vehicles and~~ vehicles designated by
9 manufacturers as station wagons, and 1993 and
10 subsequent model years for multipurpose vehicles,
11 light delivery trucks, panel delivery trucks, and
12 pickups, except motor trucks, motor homes, and 1992
13 and older model years for multipurpose vehicles, light
14 delivery trucks, panel delivery trucks, and pickups,
15 ambulances, hearses, motorcycles, and motor bicycles,
16 shall be equal to one percent of the value as fixed by
17 the department plus forty cents for each one hundred
18 pounds or fraction thereof of weight of vehicle, as
19 fixed by the department. The weight of a motor
20 vehicle, fixed by the department for registration
21 purposes, shall include the weight of a battery,
22 heater, bumpers, spare tire, and wheel. Provided,
23 however, that for any new vehicle purchased in this
24 state by a nonresident for removal to the
25 nonresident's state of residence the purchaser may
26 make application to the county treasurer in the county
27 of purchase for a transit plate for which a fee of ten
28 dollars shall be paid. And provided, however, that
29 for any used vehicle held by a registered dealer and
30 not currently registered in this state, or for any
31 vehicle held by an individual and currently registered
32 in this state, when purchased in this state by a
33 nonresident for removal to the nonresident's state of
34 residence, the purchaser may make application to the
35 county treasurer in the county of purchase for a
36 transit plate for which a fee of three dollars shall
37 be paid. The county treasurer shall issue a
38 nontransferable certificate of registration for which
39 no refund shall be allowed; and the transit plates
40 shall be void thirty days after issuance. Such
41 purchaser may apply for a certificate of title by
42 surrendering the manufacturer's or importer's
43 certificate or certificate of title, duly assigned as
44 provided in this chapter. In this event, the
45 treasurer in the county of purchase shall, when
46 satisfied with the genuineness and regularity of the

application, and upon payment of a fee of ten dollars, issue a certificate of title in the name and address of the nonresident purchaser delivering the same to the person entitled to the title as provided in this

Page 2

chapter. The provisions of this subsection relating to multipurpose vehicles, light delivery trucks, panel delivery trucks, and pickups are effective January 1, 1993, for all 1993 and subsequent model years. The annual registration fee for multipurpose vehicles, light delivery trucks, panel delivery trucks, and pickups that are 1992 model years and older shall be in accordance with section 321.124.

Sec. 2. Section 321.122, subsection 1, Code 1991, is amended to read as follows:

1. The annual registration fee for truck tractors, road tractors, and motor trucks, except motor trucks registered as special trucks, light delivery trucks, panel delivery trucks, and pickups, shall be based on the combined gross weight of the vehicle or combination of vehicles. All trucks, truck tractors, or road tractors shall be registered for a gross weight equal to or in excess of the unladen weight of the vehicle or combination of vehicles. The annual registration fee for such vehicles or combination of vehicles, except special trucks, light delivery trucks, panel delivery trucks, and pickups, shall be:

~~a. For a combined gross weight of three tons or less sixty-five dollars and a vehicle which is more than ten model years old fifty-five dollars and a vehicle which is more than thirteen model years old forty-five dollars and a vehicle which is more than fifteen years old thirty-five dollars.~~

~~b. For a combined gross weight exceeding three tons, the annual registration fee shall be as set forth in the following schedule:~~

For a combined gross weight exceeding:	And not exceeding:	The annual registration fee shall be:
~~3 Tons~~	~~4 Tons~~	~~$ 80~~
~~4 Tons~~	~~5 Tons~~	~~$ 90~~
5 Tons	6 Tons	$ 105
6 Tons	7 Tons	$ 130
7 Tons	8 Tons	$ 165
8 Tons	9 Tons	$ 200
9 Tons	10 Tons	$ 235
10 Tons	11 Tons	$ 270
11 Tons	12 Tons	$ 305
12 Tons	13 Tons	$ 340
13 Tons	14 Tons	$ 375

46 14 Tons .....15 Tons .....$ 445
47 15 Tons .....16 Tons .....$ 485
48 16 Tons .....17 Tons .....$ 525
49 17 Tons .....18 Tons .....$ 565
50 18 Tons .....19 Tons .....$ 610

Page 3

1 19 Tons .....20 Tons .....$ 675
2 20 Tons .....21 Tons .....$ 715
3 21 Tons .....22 Tons .....$ 755
4 22 Tons .....23 Tons .....$ 795
5 23 Tons .....24 Tons .....$ 835
6 24 Tons .....25 Tons .....$ 965
7 25 Tons .....26 Tons .....$ 1,010
8 26 Tons .....27 Tons .....$ 1,060
9 27 Tons .....28 Tons .....$ 1,105
10 28 Tons .....29 Tons .....$ 1,150
11 29 Tons .....30 Tons .....$ 1,200
12 30 Tons .....31 Tons .....$ 1,245
13 31 Tons .....32 Tons .....$ 1,295
14 32 Tons .....33 Tons .....$ 1,340
15 33 Tons .....34 Tons .....$ 1,415
16 34 Tons .....35 Tons .....$ 1,465
17 35 Tons .....36 Tons .....$ 1,510
18 36 Tons .....37 Tons .....$ 1,555
19 37 Tons .....38 Tons .....$ 1,605
20 38 Tons .....39 Tons .....$ 1,650
21 39 Tons .....40 Tons .....$ 1,695
22 e. For a combined gross weight exceeding forty
23 tons, the annual registration fee shall be one
24 thousand six hundred ninety-five dollars plus eighty
25 dollars for each ton over forty tons.
26 Sec. 3. Section 321.123, subsection 3, Code 1991,
27 is amended by striking the subsection and inserting in
28 lieu thereof the following:
29 3. Motor trucks or truck tractors pulling trailers
30 or semitrailers shall be registered for the combined
31 gross weight of the motor truck or truck tractor and
32 trailer or semitrailer.
33 Sec. 4. Section 321.124, subsection 3, Code 1991,
34 as amended by 1992 Iowa Acts, Senate File 2116,
35 section 402, is amended to read as follows:
36 3. The annual registration fee for motor homes and
37 1992 and older model years for multipurpose vehicles,
38 light delivery trucks, panel delivery trucks, and
39 pickups is as follows:
40 a. For class "A" motor homes with a list price of
41 eighty thousand dollars or more as certified to the
42 department by the manufacturer, four hundred dollars
43 for registration each year through five model years
44 and three hundred dollars for each succeeding

45 registration.
46 b. For class "A" motor homes with a list price of
47 forty thousand dollars or more but less than eighty
48 thousand dollars as certified to the department by the
49 manufacturer, two hundred dollars for registration
50 each year through five model years and one hundred

Page 4

1 fifty dollars for each succeeding registration.
2 c. For class "A" motor homes with a list price of
3 twenty thousand dollars or more but less than forty
4 thousand dollars as certified to the department by the
5 manufacturer, one hundred forty dollars for the first
6 five registrations and one hundred five dollars for
7 each succeeding registration.
8 d. For class "A" motor homes with a list price of
9 less than twenty thousand dollars as certified to the
10 department by the manufacturer, one hundred twenty
11 dollars for registration each year through five model
12 years and eighty-five dollars for each succeeding
13 registration.
14 e. For a class "A" motor home which is a
15 passenger-carrying bus which has been registered at
16 least five times as a motor truck and which has been
17 converted, modified or altered to provide temporary
18 living quarters, ninety dollars for registration each
19 year through ten model years and sixty-five dollars
20 for each succeeding registration. In computing the
21 number of registrations, the registrations shall be
22 cumulative beginning with the registration of the
23 class "A" motor home as a motor truck prior to its
24 conversion, modification, or alteration to provide
25 temporary living quarters.
26 f. For class "B" motor homes, ninety dollars for
27 registration each year through five model years and
28 sixty-five dollars for each succeeding registration.
29 g. For class "C" motor homes, one hundred ten
30 dollars for registration each year through five model
31 years and eighty dollars for each succeeding
32 registration.
33 h. For multipurpose vehicles, light delivery
34 trucks, panel delivery trucks, and pickups in
35 accordance with the following:
36 (1) Two hundred dollars for registration for the
37 first and second model years.
38 (2) One hundred seventy-five dollars for
39 registration for the third and fourth model years.
40 (3) One hundred fifty dollars for registration for
41 the fifth model year.
42 (4) Seventy-five dollars for registration for the
43 sixth model year.

44 (5) Fifty-five dollars for registration for each
45 succeeding model year.
46 The registration fees required by this lettered
47 paragraph are applicable to all 1992 and older model
48 years for multipurpose vehicles, light delivery
49 trucks, panel delivery trucks, and pickups beginning
50 January 1, 1993. The registration fees for

Page 5

1 multipurpose vehicles, light delivery trucks, panel
2 delivery trucks, and pickups that are 1993 and
3 subsequent model years shall be in accordance with
4 section 321.109.
5 Sec. 5. Section 321.134, subsection 2, Code 1991,
6 is amended to read as follows:
7 2. The annual registration fee for trucks, truck
8 tractors, and road tractors, as provided in sections
9 321.121 and 321.122, may be payable in two equal
10 semiannual installments ~~if the annual registration fee~~
11 ~~exceeds the registration fee for a vehicle with a~~
12 ~~gross weight exceeding five tons~~. The penalties
13 provided in subsection 1 shall be computed on the
14 amount of the first installment only and on the first
15 day of the seventh month of the registration period
16 the same rate of penalty shall apply to the second
17 installment, until the fee is paid. Semiannual
18 installments do not apply to commercial vehicles, as
19 defined under section 326.2, subject to proportional
20 registration, with a base state other than the state
21 of Iowa, as defined in section 326.2, subsection 6.
22 The penalty on vehicles registered under chapter 326
23 accrues August 1 of each year except as provided in
24 section 326.6.
25 Sec. 6. Section 321.159, Code 1991, is amended to
26 read as follows:
27 321.159 EXCEPTIONAL CASES.
28 The department shall have the power to fix the
29 registration fee on all makes and models of ~~cars~~ motor
30 vehicles which are not now being furnished or upon
31 which the statement from the factory cannot be
32 obtained.
33 Sec. 7. This Act takes effect January 1, 1993."
34 2. Title page, line 2, by inserting after the
35 word "vehicles" the following: ", light delivery
36 trucks, panel delivery trucks, and pickups and
37 providing an effective date".

CHAPMAN of Linn

H–5552

1 Amend the amendment, H–5462, to House File 2393 as
2 follows:
3 1. Page 1, by striking lines 18 through 29.

BARTZ of Worth

H–5553

1 Amend House File 2397 as follows:
2 1. Page 1, by striking line 3 and inserting the
3 following: "one hundred sixty-five thousand but not
4 more than one hundred seventy-five thousand".
5 2. Page 1, line 7, by striking the words "a
6 religious institution" and inserting the following:
7 "an institution described in section 427.1, subsection
8 9,".
9 3. Page 1, line 8, by striking the word
10 "religious".
11 4. Page 1, by striking lines 9 and 10 and
12 inserting the following: "institution, and where
13 the".
14 5. Page 1, line 11, by striking the word
15 "religious".
16 6. Title page, line 2, by striking the word
17 "religious" and inserting the following: "certain".

METCALF of Polk

H–5555

1 Amend Senate File 2238, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 25 the
4 following:
5 "_____. NEW SECTION. 257.29A EDUCATIONAL
6 PERFORMANCE PROGRAM.
7 An educational performance program is established
8 to provide additional funding for school districts
9 which have adopted the maximum enrichment levy prior
10 to July 1, 1992, and upon expiration of the period for
11 which the enrichment levy was adopted, approves the
12 use of the instructional support program established
13 in section 257.18. A board of directors that wishes
14 to consider participating in the educational
15 performance program shall hold a hearing on the
16 question of participation and the maximum percent, not
17 to exceed five percent, of the regular program
18 district cost of the district that will be used. The
19 hearing shall be held in the manner provided in
20 section 257.18 for the instructional support program.
21 Following the hearing, the board may direct the county
22 commissioner of elections to submit the question to

23 the qualified electors of the school district at the
24 next following regular school election or a special
25 election held not later than the following February 1.
26 If a majority of those voting on the question favors
27 participation in the program, the board shall adopt a
28 resolution to participate and shall certify the
29 results of the election to the department of
30 management and the district shall participate in the
31 program. If a majority of those voting on the
32 question does not favor participation, the district
33 shall not participate in the program.
34 The educational performance program shall provide
35 additional revenues each fiscal year equal to a
36 specified percent of the regular program district cost
37 of the district, as determined by the board but not
38 more than the maximum percent authorized by the
39 electors if an election has been held. Certification
40 of a district's participation for a budget year, the
41 method of funding, and the amount to be raised shall
42 be made to the department of management not later than
43 March 15 of the base year.
44 The educational performance program shall be funded
45 by either an educational performance property tax or
46 by a combination of an educational performance
47 property tax and an educational performance income
48 surtax. The method of raising the educational
49 performance moneys shall be determined by the board.
50 Subject to the limitation in section 298.14, if the

Page 2

1 board uses a combination of an educational performance
2 property tax and an educational performance income
3 surtax, the board shall determine the percent of
4 income surtax to be imposed, expressed as full
5 percentage points, not to exceed twenty percent.
6 The department of management shall establish the
7 amount of the educational performance property tax to
8 be levied or the amount of the combination of the
9 educational performance property tax to be levied and
10 the amount of the school district income surtax to be
11 imposed for each school year that the educational
12 performance amount is authorized. The educational
13 performance property tax and income surtax, if an
14 income surtax is imposed, shall be levied and imposed,
15 collected, and paid to the school district in the
16 manner provided for the instructional support program
17 in sections 257.21 through 257.26. Moneys received by
18 a school district under the educational performance
19 program are miscellaneous income.
20 Once approved at an election, the authority of the
21 board to use the educational performance program shall

22 continue until the expiration of the period of time
23 for which the instructional support program was
24 adopted. The use of the educational performance
25 program may continue for subsequent periods provided
26 it is voted on and adopted at the same time as the
27 instructional support program is adopted."
28 2. Title page, line 2, by striking the words
29 "programs by newly reorganized" and inserting the
30 following: "and educational performance programs by".

BARTZ of Worth
BROWN of Lucas

H-5556

1 Amend House File 2431 as follows:
2 1. Page 3, by inserting after line 3 the
3 following:
4 "_____. NEW SECTION. 257.29A EDUCATIONAL
5 PERFORMANCE PROGRAM.
6 An educational performance program is established
7 to provide additional funding for school districts
8 which have adopted the maximum enrichment levy prior
9 to July 1, 1992, and upon expiration of the period for
10 which the enrichment levy was adopted, approves the
11 use of the instructional support program established
12 in section 257.18. A board of directors that wishes
13 to consider participating in the educational
14 performance program shall hold a hearing on the
15 question of participation and the maximum percent, not
16 to exceed five percent, of the regular program
17 district cost of the district that will be used. The
18 hearing shall be held in the manner provided in
19 section 257.18 for the instructional support program.
20 Following the hearing, the board may direct the county
21 commissioner of elections to submit the question to
22 the qualified electors of the school district at the
23 next following regular school election or a special
24 election held not later than the following February 1.
25 If a majority of those voting on the question favors
26 participation in the program, the board shall adopt a
27 resolution to participate and shall certify the
28 results of the election to the department of
29 management and the district shall participate in the
30 program. If a majority of those voting on the
31 question does not favor participation, the district
32 shall not participate in the program.
33 The educational performance program shall provide
34 additional revenues each fiscal year equal to a
35 specified percent of the regular program district cost
36 of the district, as determined by the board but not
37 more than the maximum percent authorized by the
38 electors if an election has been held. Certification

39 of a district's participation for a budget year, the
40 method of funding, and the amount to be raised shall
41 be made to the department of management not later than
42 March 15 of the base year.
43 The educational performance program shall be funded
44 by either an educational performance property tax or
45 by a combination of an educational performance
46 property tax and an educational performance income
47 surtax. The method of raising the educational
48 performance moneys shall be determined by the board.
49 Subject to the limitation in section 298.14, if the
50 board uses a combination of an educational performance

Page 2

1 property tax and an educational performance income
2 surtax, the board shall determine the percent of
3 income surtax to be imposed, expressed as full
4 percentage points, not to exceed twenty percent.
5 The department of management shall establish the
6 amount of the educational performance property tax to
7 be levied or the amount of the combination of the
8 educational performance property tax to be levied and
9 the amount of the school district income surtax to be
10 imposed for each school year that the educational
11 performance amount is authorized. The educational
12 performance property tax and income surtax, if an
13 income surtax is imposed, shall be levied and imposed,
14 collected, and paid to the school district in the
15 manner provided for the instructional support program
16 in sections 257.21 through 257.26. Moneys received by
17 a school district under the educational performance
18 program are miscellaneous income.
19 Once approved at an election, the authority of the
20 board to use the educational performance program shall
21 continue until the expiration of the period of time
22 for which the instructional support program was
23 adopted. The use of the educational performance
24 program may continue for subsequent periods provided
25 it is voted on and adopted at the same time as the
26 instructional support program is adopted."

BARTZ of Worth
BROWN of Lucas

H—5560

1 Amend the amendment, H—5470, to Senate File 2061,
2 as passed by the Senate, as follows:
3 1. Page 1, by striking line 6 and inserting the
4 following: "which is transporting grain from land
5 used for farming, as defined in section 172C.1, to a
6 warehouse for the storage of grain as regulated under

7 chapter 543 or which is transporting livestock to a
8 public stockyard, auction market, street market, state
9 or federal market, consignment sales location, buying
10 station, or a livestock dealer's yard, truck, or
11 facility shall not be".

HIBBARD of Madison

H–5563

1 Amend Senate File 2254, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 5, line 5, by striking the word
4 "~~contiguous~~" and inserting the following:
5 "contiguous".
6 2. Page 5, by striking lines 13 and 14 and
7 inserting the following: "forth in this chapter."

SPEAR of Lee

H–5564

1 Amend Senate File 2290, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 4, by striking the words "or
4 plans" and inserting the following: "and plans".
5 2. Page 1, line 5, by striking the word "an" and
6 inserting the following: "a newly annexed".
7 3. Page 1, line 7, by striking the word "its" and
8 inserting the following: "the".
9 4. Page 1, line 8, by striking the words "or
10 expansion".
11 5. Page 1, by striking lines 10 through 24 and
12 inserting the following:
13 "_____. A city may commence solid waste collection
14 in a newly annexed area to any customer in the area
15 whose contract with a private entity has terminated.
16 A city may also commence solid waste collection in a
17 newly annexed area if a majority of the residential
18 and commercial customers being served by a private
19 entity or entities petitions the city council re-
20 questing that the city commence solid waste collection
21 service to that area."
22 6. Page 1, line 26, by striking the word "into".
23 7. Page 1, line 27, by striking the words "or
24 operate" and inserting the following: "and operate".
25 8. Page 1, by striking lines 31 through 34 and
26 inserting the following: "its activity in the area."
27 9. By renumbering, relettering, and redesignating
28 as necessary.

SHOULTZ of Black Hawk

H–5566

1 Amend the amendment, H–5420, to Senate File 506, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, line 25, by inserting after the figure
5 "4." the following: "If a utility's earnings under a
6 plan for incentive regulation are above a level set by
7 the board by rule, the board shall require the utility
8 to revise its rates downward so that its earnings do
9 not exceed the rate of return authorized under
10 incentive regulation, plus a portion of the increased
11 earnings subject to division which are attributable to
12 the preceding year's operation."

OSTERBERG of Linn

H–5567

1 Amend the amendment, H–5420, to Senate File 506, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 22, by striking the words "rate
5 of return" and inserting the following: "rate of
6 return by taking specifically identifiable measures to
7 improve its efficiency".
8 2. Page 1, line 23, by inserting after the word
9 "share" the following: "in".
10 3. Page 1, lines 23 and 24, by striking the words
11 "with its customers" and inserting the following:
12 "attributable to the specifically identifiable
13 measures".
14 4. Page 1, line 33, by inserting after the word
15 "share" the following: "in".
16 5. Page 1, line 35, by inserting after the word
17 "return" the following: "which are attributable to
18 specifically identifiable measures taken to improve
19 efficiency".
20 6. Page 1, line 37, by striking the words "with
21 all of its customers".
22 7. Page 1, line 38, by inserting after the word
23 "basis." the following: "Increases in earnings over
24 the authorized rate of return which are not
25 attributable to specifically identifiable measures
26 taken to improve efficiency are not subject to
27 division between the utility and its customers and
28 shall be refunded in total to the utility's
29 customers."
30 8. Page 1, line 48, by inserting after the word
31 "return" the following: "; provided, however, that
32 the utility shall receive no share of any increased
33 earning which result solely from a reduction in the
34 number of employees".

35 9. Page 2, line 20, by inserting after the word
36 "and" the following: "whether increases in the
37 utility's earnings are caused by specifically
38 identifiable measures taken by the utility to improve
39 its efficiency, and the consumer advocate".
40 10. Page 2, line 23, by inserting after the word
41 "hearing," the following: "including a showing that
42 the increases in earnings are in substantial part
43 caused by factors other than specifically identifiable
44 measures taken by the utility to improve its
45 efficiency,".

HOLVECK of Polk
CHAPMAN of Linn
BROWN of Lucas
MURPHY of Dubuque
OSTERBERG of Linn
BURKE of Marshall
HALVORSON of Webster
SHOULTZ of Black Hawk

H—5571

1 Amend Senate File 2331, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 3, line 32, by striking the words "a
4 class "C" felony" and inserting the following: "an
5 aggravated misdemeanor".

Committee on Judiciary and Law Enforcement

H—5573

1 Amend Senate File 2065, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking everything after the
4 enacting clause and inserting the following:
5 "Section 1. Section 80B.11, subsection 3, Code
6 Supplement 1991, is amended by adding the following
7 new unnumbered paragraphs:
8 NEW UNNUMBERED PARAGRAPH. In-service training
9 under this subsection shall include the requirement
10 that by December 31, 1994, all law enforcement
11 officers complete a course on investigation,
12 identification, and reporting of public offenses based
13 on the race, color, religion, ancestry, national
14 origin, political affiliation, sex, sexual
15 orientation, age, or disability of the victim. The
16 director shall consult with the civil rights
17 commission, the department of public safety, and the
18 prosecuting attorneys training coordinator in
19 developing the requirements for this course and may
20 contract with outside providers for this course.
21 NEW UNNUMBERED PARAGRAPH. The director shall also
22 adopt rules for the required reporting of hate crimes.
23 Sec. 2. NEW SECTION. 706.5 CONSPIRACY IN
24 VIOLATION OF INDIVIDUAL RIGHTS.
25 1. A person commits conspiracy in violation of

26 individual rights if the person conspires to commit a
27 hate crime as defined in section 729A.1.
28 2. The penalties for conspiracy in violation of
29 individual rights are as follows:
30 a. A person who conspires to commit a hate crime
31 which is a forcible felony is guilty of a class "B"
32 felony.
33 b. A person who conspires to commit a hate crime
34 which is a felony, other than a forcible felony is
35 guilty of a class "C" felony.
36 c. A person who conspires to commit a hate crime
37 which is a misdemeanor is guilty of a class "D" felony
38 if the underlying misdemeanor is an aggravated
39 misdemeanor, is guilty of an aggravated misdemeanor if
40 the underlying misdemeanor is a serious misdemeanor,
41 and is guilty of a serious misdemeanor if the
42 underlying misdemeanor is a simple misdemeanor.
43 Sec. 3. Section 707.5, Code 1991, is amended by
44 adding the following new subsection:
45 NEW SUBSECTION. 3. A person commits a class "B"
46 felony when the person unintentionally causes the
47 death of another person by the commission of a hate
48 crime, as defined in section 729A.1, other than a
49 forcible felony.
50 Sec. 4. NEW SECTION. 708.2C ASSAULT IN VIOLATION

Page 2

1 OF INDIVIDUAL RIGHTS — PENALTIES.
2 1. For the purposes of this chapter, "assault in
3 violation of individual rights" means an assault, as
4 defined in section 708.1, which is a hate crime as
5 defined in section 729A.1.
6 2. A person who commits an assault in violation of
7 individual rights, with the intent to inflict a
8 serious injury upon another, is guilty of a class "D"
9 felony.
10 3. A person who commits an assault in violation of
11 individual rights without the intent to inflict a
12 serious injury upon another, and who causes bodily
13 injury or disabling mental illness, is guilty of an
14 aggravated misdemeanor.
15 4. A person who commits an assault in violation of
16 individual rights and uses or displays a dangerous
17 weapon in connection with the assault, is guilty of a
18 class "D" felony.
19 5. Any other assault in violation of individual
20 rights, except as otherwise provided, is a serious
21 misdemeanor.
22 Sec. 5. NEW SECTION. 708.11 VIOLATIONS OF
23 INDIVIDUAL RIGHTS — PENALTIES.
24 A violation of section 708.3, 708.4, 708.5, 708.6,

25 708.7, 708.8, or 708.9, which is also a hate crime as
26 defined in section 729A.1, shall be classified and
27 punished as an offense one degree higher than the
28 underlying offense. However, this section does not
29 apply to a violation of section 708.7, subsection 1,
30 paragraph "a".
31 Sec. 6. NEW SECTION. 712.9 VIOLATIONS OF
32 INDIVIDUAL RIGHTS – PENALTIES.
33 A violation of sections 712.3 through 712.8, which
34 is also a hate crime as defined in section 729A.1,
35 shall be classified and punished as an offense one
36 degree higher than the underlying offense.
37 Sec. 7. NEW SECTION. 713.8 VIOLATIONS OF
38 INDIVIDUAL RIGHTS – PENALTIES.
39 A violation of section 713.5 or 713.6, which is
40 also a hate crime as defined in section 729A.1, shall
41 be classified and punished as an offense one degree
42 higher than the underlying offense.
43 Sec. 8. NEW SECTION. 716.7A CRIMINAL MISCHIEF IN
44 VIOLATION OF INDIVIDUAL RIGHTS.
45 A violation of sections 716.3 through 716.6, which
46 is also a hate crime as defined in section 729A.1,
47 shall be classified and punished as an offense one
48 degree higher than the underlying offense.
49 Sec. 9. Section 716.8, Code 1991, is amended by
50 adding the following new subsections:

Page 3

1 NEW SUBSECTION. 3. A person who knowingly
2 trespasses on the property of another with the intent
3 to commit a hate crime, as defined in section 729A.1,
4 commits a serious misdemeanor.
5 NEW SUBSECTION. 4. A person committing a trespass
6 as defined in section 716.7 with the intent to commit
7 a hate crime which results in injury to any person or
8 damage in an amount more than one hundred dollars to
9 anything, animate or inanimate, located thereon or
10 therein commits an aggravated misdemeanor.
11 Sec. 10. NEW SECTION. 723.5 VIOLATIONS OF
12 INDIVIDUAL RIGHTS – PENALTIES.
13 A violation of sections 723.1 through 723.4, which
14 is also a hate crime as defined in section 729A.1
15 shall be classified and punished as an offense one
16 degree higher than the underlying offense.
17 Sec. 11. NEW SECTION. 729A.1 VIOLATION OF
18 INDIVIDUAL RIGHTS – HATE CRIME.
19 "Hate crime" means a public offense committed
20 against a person or a person's property because of the
21 person's race, color, religion, ancestry, national
22 origin, political affiliation, sex, sexual
23 orientation, age, or disability.

24 The following offenses are hate crimes:
25 1. Conspiracy in violation of individual rights
26 under section 706.5.
27 2. Involuntary manslaughter under section 707.5,
28 subsection 3.
29 3. Assault in violation of individual rights under
30 section 708.2C and violations of individual rights
31 under section 708.11.
32 4. Violations of individual rights under section
33 712.9.
34 5. Violations of individual rights under section
35 713.8.
36 6. Criminal mischief in violation of individual
37 rights under section 716.7A.
38 7. Trespass in violation of individual rights
39 under section 716.8, subsections 3 and 4.
40 8. Violations of individual rights under section
41 723.5.
42 Sec. 12. NEW SECTION. 729A.2 LOCAL ORDINANCES.
43 This chapter does not prohibit political
44 subdivisions from enacting ordinances which are
45 consistent with this chapter. Local ordinances
46 reasonably regulating the time, place, or manner of
47 the exercise of constitutional rights are permissible.
48 Sec. 13. NEW SECTION. 729A.3 VIOLATION OF
49 INDIVIDUAL RIGHTS — SENSITIVITY TRAINING.
50 The attorney general shall develop a course of

Page 4

1 instruction for law enforcement personnel and
2 prosecuting attorneys designed to sensitize those
3 persons to the existence of violations of individual
4 rights and the criteria for determining whether a
5 violation of individual rights has occurred. The
6 attorney general shall consult with the civil rights
7 commission and the department of public safety
8 regarding the content and provision of this course of
9 instruction.
10 Sec. 14. NEW SECTION. 729B.1 INTIMIDATION IN
11 HOUSING.
12 1. A person commits intimidation in housing when
13 the person intimidates, interferes with, or attempts
14 to intimidate or interfere with any of the following:
15 a. An individual because of that individual's
16 race, color, religion, ancestry, national origin,
17 political affiliation, sex, sexual orientation, age,
18 or disability, and because the individual is or has
19 been selling, purchasing, renting, financing,
20 occupying, or contracting or negotiating for the sale,
21 purchase, rental, financing, or occupation of any
22 dwelling or applying for or participating in any

23 service, organization, or facility relating to the
24 business of selling or renting dwellings.
25 b. An individual because the individual is or has
26 been, or in order to intimidate such individual or any
27 other individual or any class of individuals from any
28 of the following:
29 (1) Participating, without discrimination on
30 account of race, color, religion, ancestry, national
31 origin, political affiliation, sex, sexual
32 orientation, age, or disability, in any of the
33 activities, services, organizations, or facilities
34 described in paragraph "a".
35 (2) Affording another individual or class of
36 individuals opportunity or protection to so
37 participate.
38 c. An individual because the individual is or has
39 been participating, or in order to discourage such
40 individual or any other individual from lawfully
41 aiding or encouraging other individuals to
42 participate, without discrimination on account of
43 race, color, religion, ancestry, national origin,
44 political affiliation, sex, sexual orientation, age,
45 or disability, in any of the activities, services,
46 organizations, or facilities described in paragraph
47 "a", or the individual is or has been participating
48 lawfully in speech or peaceful assembly opposing any
49 denial of the opportunity to so participate.
50 This subsection applies regardless of whether the

Page 5

1 person committing an offense under this subsection is
2 acting pursuant to another law of this state or of the
3 United States.
4 2. A violation of this section resulting in bodily
5 injury is a class "D" felony.
6 3. A violation of this section not resulting in
7 bodily injury is an aggravated misdemeanor.
8 Sec. 15. There is appropriated from the general
9 fund of the state to the Iowa law enforcement academy
10 for the fiscal year beginning July 1, 1992, and ending
11 June 30, 1993, the following amount, or so much
12 thereof as is necessary, to be used for the purpose
13 designated:
14 For in-service training as provided for in section
15 1 of this Act:
16 .....$ 10,000
17 Sec. 16. There is appropriated from the general
18 fund of the state to the department of justice for the
19 fiscal year beginning July 1, 1992, and ending June
20 30, 1993, the following amount or so much thereof as
21 is necessary, to be used for the purpose designated:

22 For a course of instruction as provided in section
23 13 of this Act:
24 .....$ 10,000".

Committee on Judiciary and Law Enforcement

H–5574

1 Amend Senate File 2316, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 15, by inserting after line 7 the
4 following:
5 "Sec. _____. Section 598.21, subsection 8,
6 unnumbered paragraph 3, Code 1991, is amended to read
7 as follows:
8 Judgments for child support or child support awards
9 entered pursuant to this chapter, chapter 234, 252A,
10 252C, 675, or any other chapter of the Code which are
11 subject to a modification proceeding may be
12 retroactively modified only from the date the notice
13 of the pending petition for modification is served on
14 the opposing party. <u>However, upon proof that the</u>
15 <u>child's residence has been changed for a period of at</u>
16 <u>least six months prior to the date of notice of the</u>
17 <u>pending petition for modification, the court may</u>
18 <u>retroactively modify the judgment or award for a</u>
19 <u>period of up to six months prior to the date of</u>
20 <u>notice.</u>"
21 2. By renumbering as necessary.

LUNDBY of Linn

H–5578

1 Amend Senate File 2133 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by striking lines 13 through 15 and
4 inserting the following: "of services supplying
5 electric energy or petroleum products including
6 natural gas or other substances, and".

RENKEN of Grundy

H–5585

1 Amend Senate File 2271, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, lines 1 and 2, by striking the words
4 "USE OF LAWFUL PRODUCTS" and inserting the following:
5 "LAWFUL ACTIVITY".
6 2. Page 1, line 3, by inserting after the figure
7 "1." the following: "a."
8 3. Page 1, line 8, by striking the figure and
9 words "2. This section" and inserting the following:
10 "b. This subsection".

11 4. Page 1, line 10, by striking the word
12 "section" and inserting the following: "subsection".
13 5. Page 1, by striking lines 14 through 22.
14 6. Page 1, by inserting before line 23 the
15 following:
16 "2. An employer shall not discharge an employee
17 due to that employee's participation in a lawful
18 activity off the premises of the employer during
19 nonworking hours unless the restriction on the lawful
20 activity meets one of the following conditions:
21 a. The restriction relates to a bona fide
22 occupational requirement or is reasonably related to
23 the employment activities and responsibilities of a
24 particular employee or a particular group of
25 employees, rather than to all employees of the
26 employer.
27 b. The restriction is necessary to avoid an
28 employee's conflict of interest or the appearance of a
29 conflict of interest with any employee
30 responsibilities owed to the employer."
31 7. Title page, line 1, by inserting after the
32 word "products" the following: "and lawful activity".
33 8. By renumbering as necessary.

TEAFORD of Black Hawk

H—5589

1 Amend the amendment, H—5420, to Senate File 506, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, line 39, by inserting after the word
5 "The" the following: "legislative fiscal bureau,
6 after consulting with the".
7 2. Page 2, line 40, by striking the word
8 "division" and inserting the following: "division,".

GRONINGA of Cerro Gordo

H—5590

1 Amend amendment, H—5518, to House File 2461, as
2 follows:
3 1. Page 1, lines 20 and 21, by striking the words
4 "a child" and inserting the following: "any
5 children".
6 2. Page 1, line 26, by inserting after the word
7 "child" the following: ", or children, if the birth
8 produces more than one child".

SPEAR of Lee

H—5592

1 Amend amendment, H—5542, to Senate File 2137, as
2 amended, passed, and reprinted by the Senate, as

3 follows:
4 1. Page 1, by striking line 15 and inserting the
5 following: "following: "three thousand dollars or
6 more"."
7 2. Page 1, by inserting after line 16 the
8 following:
9 "_____. Page 8, line 20, by striking the words "two
10 thousand five hundred" and inserting the following:
11 "three thousand".
12 _____. Page 8, line 22, by striking the words "two
13 thousand five hundred" and inserting the following:
14 "three thousand"."
15 3. Page 1, by inserting after line 31 the
16 following:
17 "_____. Page 10, by striking line 21 and inserting
18 the following:
19 "Sec. _____. Section 3 of this Act takes effect
20 January 1, 1993. If, after the department has made a
21 reasonable effort to implement section 3 of this Act
22 by January 1, 1993, the department cannot do so, the
23 department may extend the effective date of section 3
24 of this Act until March 1, 1993." "
25 4. By renumbering as necessary.

LAGESCHULTE of Bremer
KOENIGS of Mitchell
DE GROOT of Lyon

H—5594

1 Amend Senate File 2218, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 16, by inserting after the word
4 "family" the following: "or private neighborhood".
5 2. Page 1, line 34, by inserting after the word
6 "condominiums," the following: "neighborhoods,".

DIEMER of Black Hawk

H—5595

1 Amend the amendment, H—5556, to House File 2431 as
2 follows:
3 1. By striking page 1, line 44 through page 2,
4 line 2 and inserting the following: "by a combination
5 of an educational performance property tax and an
6 educational performance income surtax. Subject to the
7 limitation in section 298.14, the board shall
8 determine the percent of".
9 2. Page 2, by striking line 6.
10 3. Page 2, line 7, by striking the words "be
11 levied or the".
12 4. Page 2, lines 12 and 13, by striking the words
13 ", if an income surtax is imposed,".

MAULSBY of Calhoun

H—5597

1 Amend Senate File 2347, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 10, by inserting after line 12, the
4 following:
5 "Sec. _____. NOTICE TO GOLF COURSES. Unless an
6 agreement is reached by the department of natural
7 resources with a private organization to provide
8 funding for the notice to be made pursuant to this
9 section, there is appropriated from the general fund
10 of the state to the department of natural resources
11 for the fiscal year beginning July 1, 1992, and ending
12 June 30, 1993, the following amount, or so much
13 thereof as is necessary, to be used for the mailing of
14 a notice to all public and private golf courses
15 concerning the liability limitations relating to
16 persons golfing and golf facilities as provided in
17 section 668B.1:
18 .....$375"
19 2. Page 23, by inserting after line 24 the
20 following:
21 "Sec. _____. NEW SECTION. 668B.1 LIABILITY OF
22 PERSON ENGAGING IN THE ACTIVITY OF GOLFING.
23 A participant engaging in the activity of golfing
24 is presumed to have assumed the risk of any injury
25 resulting from the participant's own acts or the acts
26 of another participant which are directly related to
27 the normal golfing activity and which occur on or near
28 the golf course. A participant unintentionally
29 causing an injury as a result of that participant's
30 golfing activity is not liable unless the injury is
31 the result of the willful or reckless behavior of the
32 participant. A person providing the premises where
33 participants engage in the activity of golfing is not
34 liable for an injury which occurs as the result of
35 normal golfing activity unless the person knew or
36 should have known that there was a condition on the
37 premises which involved an unreasonable risk of injury
38 to any participant.
39 For purposes of this section "participant" includes
40 the individual engaging in the activity of golf and
41 any other individual who enters the premises where
42 such activity occurs."
43 3. By renumbering as necessary.

BISIGNANO of Polk
GRUBBS of Scott
CORBETT of Linn
MILLAGE of Scott

H–5602

1 Amend Senate File 2347, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 13, by inserting after line 13, the
4 following:
5 "_____. To the department of natural resources for
6 the purposes of participating and assisting in
7 developing the Lewis and Clark rural water system:
8 .....$25,000".
9 2. By numbering and renumbering as necessary.

FOGARTY of Palo Alto
DE GROOT of Lyon

H–5603

1 Amend Senate File 2213, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 12.32, subsection 1, Code
6 1991, is amended to read as follows:
7 1. "Eligible borrower" means any person who is in
8 the business or is entering the business of producing,
9 processing, or marketing horticultural crops or
10 nontraditional crops in this state or a for profit
11 entity constructing a speculative shell building which
12 building will be exempt or partially exempt from
13 property tax under section 427.1, subsection 41.
14 Sec. _____. Section 12.33, Code 1991, is amended to
15 read as follows:
16 12.33 LEGISLATIVE FINDINGS AND INTENT – PURPOSE.
17 1. The general assembly finds the following:
18 a. That many horticultural operations throughout
19 the state are experiencing economic stagnation or
20 decline.
21 b. That high interest rates have caused
22 potentially viable operations to cease or not expand
23 in the area of horticultural or nontraditional crop
24 production, processing, or marketing.
25 c. That speculative shell buildings are a needed
26 tool in providing economic development in local areas.
27 2. The linked investments for tomorrow program
28 provided for in this division is intended to provide
29 statewide availability of lower cost funds for lending
30 purposes that will stimulate existing or encourage new
31 businesses in the area of producing, processing, or
32 marketing horticultural or nontraditional crops or
33 will encourage the construction of speculative shell
34 buildings.
35 3. It is the public policy of the state through
36 the linked investments for tomorrow program to create

37 an availability of lower cost funds to inject needed
38 capital into the business of producing, processing, or
39 marketing horticultural crops or nontraditional crops
40 or for the construction of speculative shell
41 buildings.
42 Sec. _____. Section 12.35, subsection 1, Code 1991,
43 is amended to read as follows:
44 1. An eligible lending institution that desires to
45 receive a linked investment shall accept and review
46 applications for loans from eligible borrowers. The
47 lending institution shall apply all usual lending
48 standards to determine the credit worthiness of each
49 eligible borrower. Loan applications shall be for the
50 purchase or lease of land, machinery, equipment, seed,

Page 2

1 fertilizer, direct marketing facilities, or new or
2 expanding processing facilities for horticultural
3 crops or nontraditional crops, or for the construction
4 of speculative shell buildings by an eligible
5 borrower. The maximum size of a loan is two hundred
6 thousand dollars per borrower for a production loan,
7 ~~and~~ five hundred thousand dollars for processing or
8 marketing facilities, and two hundred fifty thousand
9 dollars for the construction of a speculative shell
10 building."
11 2. Page 2, by inserting after line 18 the
12 following:
13 "Sec. _____. NEW SECTION. 422.11D SPECULATIVE
14 SHELL BUILDING TAX CREDIT.
15 1. The taxes imposed under this division less the
16 credits allowed under sections 422.11A, 422.11B,
17 422.12, and 422.12B, shall be reduced by an investment
18 tax credit for a speculative shell building, which
19 building is receiving or will receive an exemption or
20 partial exemption from property taxation under section
21 427.1, subsection 41. An individual may claim the
22 credit allowed a partnership, subchapter S
23 corporation, or estate or trust electing to have the
24 income taxed directly to the individual. The amount
25 claimed by the individual shall be based upon the pro
26 rata share of the individual's earnings of a
27 partnership, subchapter S corporation, or estate or
28 trust.
29 2. The amount of the credit is equal to five
30 percent of the cost of constructing a speculative
31 shell building. The tax credit is available for the
32 first tax year in which the taxpayer may take
33 depreciation on the speculative shell building.
34 3. Any credit in excess of the tax liability for
35 the tax year may be credited to the tax liability for

36 the following five years or until depleted, whichever
37 is earlier.
38 Sec. _____. Section 422.33, Code Supplement 1991, is
39 amended by adding the following new subsection:
40 NEW SUBSECTION. 9. a. The taxes imposed under
41 this division shall be reduced by an investment tax
42 credit for a speculative shell building, which
43 building is receiving or will receive an exemption or
44 partial exemption from property taxation under section
45 427.1, subsection 41.
46 The amount of the credit is equal to five percent
47 of the cost of constructing a speculative shell
48 building. The tax credit is available for the first
49 tax year in which the taxpayer may take depreciation
50 on the speculative shell building.

Page 3

1 b. Any credit in excess of the tax liability for
2 the tax year may be credited to the tax liability for
3 the following five years or until depleted, whichever
4 is earlier.
5 Sec. _____. Section 422.45, Code Supplement 1991, is
6 amended by adding the following new subsection:
7 NEW SUBSECTION. 47. a. The gross receipts from
8 the sale of tangible personal property to a for profit
9 entity to be used in the construction of a speculative
10 shell building which will be exempt or partially
11 exempt from property taxation under section 427.1,
12 subsection 41, if such tangible personal property
13 becomes an integral part of the building.
14 b. If the speculative shell building which will be
15 exempt or partially exempt from property taxation
16 under section 427.1, subsection 41, is to be built by
17 a contractor under a written construction contract
18 with the for profit entity, the for profit entity may
19 make application to the department for refund of the
20 sales or use tax paid on tangible personal property
21 which becomes an integral part of the building.
22 (1) Such contractor shall state under oath, on
23 forms provided by the department, the amount of such
24 sales of tangible personal property used in the
25 performance of such contract, and upon which sales or
26 use tax has been paid, and shall file such forms with
27 the for profit entity which has made any written
28 contract for performance by the contractor. The forms
29 shall be filed by the contractor with the for profit
30 entity before final settlement is made.
31 (2) Such for profit entity shall, not more than
32 six months after the final settlement has been made,
33 make application to the department for any refund of
34 the amount of such sales or use tax which shall have

35 been paid upon any tangible personal property, such
36 application to be made in the manner and upon forms to
37 be provided by the department, and the department
38 shall forthwith audit such claim and, if approved,
39 issue a warrant to such for profit entity in the
40 amount of such sales or use tax which has been paid to
41 the state of Iowa under such contract.
42 (3) Any contractor who shall willfully make false
43 report of tax paid under the provisions of this
44 subsection shall be guilty of a simple misdemeanor and
45 shall be liable for the payment of the tax and any
46 applicable penalty and interest.
47 Sec. _____. Section 427.1, subsection 41, unnumbered
48 paragraph 1, Code Supplement 1991, is amended to read
49 as follows:
50 New construction of shell buildings by community

Page 4

1 development organizations or for profit entities for
2 speculative purposes or the portion of the value added
3 to buildings being reconstructed or renovated by
4 community development organizations or for profit
5 entities in order to become speculative shell
6 buildings. The exemption or partial exemption shall
7 be allowed only pursuant to ordinance of a city
8 council or board of supervisors, which ordinance shall
9 specify if the exemption will be available for
10 community development organizations, for profit
11 entities, or both, and shall be effective for the
12 assessment year in which the building is first
13 assessed for property taxation or the assessment year
14 in which the reconstruction or renovation first adds
15 value and all subsequent years until the property is
16 leased or sold or for a specific time period stated in
17 the ordinance or until the exemption is terminated by
18 ordinance of the city council or board of supervisors
19 which approved the exemption. If the shell building
20 or any portion of the shell building is leased or
21 sold, the portion of the shell building which is
22 leased or sold shall not be entitled to an exemption
23 under this subsection for subsequent years. An
24 application shall be filed pursuant to section 427B.4
25 for each project for which an exemption is claimed.
26 Upon the sale of the shell building, the shell
27 building shall be considered new construction for
28 purposes of section 427B.1 if used for purposes set
29 forth in section 427B.1.
30 Sec. _____. Section 427.1, subsection 41, paragraphs
31 b and c, Code Supplement 1991, are amended to read as
32 follows:
33 b. "New construction" means new buildings or

34 structures and includes new buildings or structures
35 which are constructed as additions to existing
36 buildings or structures. "New construction" also
37 includes reconstruction or renovation of an existing
38 building or structure which constitutes complete
39 replacement of an existing building or structure or
40 refitting of an existing building or structure, if the
41 reconstruction or renovation of the existing building
42 or structure is required due to economic obsolescence,
43 if the reconstruction or renovation is necessary to
44 implement recognized industry standards for the
45 manufacturing or processing of products, and the
46 reconstruction or renovation is required in order to
47 competitively manufacture or process products or for
48 community development organizations or for profit
49 entities to market a building or structure as a
50 speculative shell building, which determination must

Page 5

1 receive prior approval from the city council of the
2 city or county board of supervisors of the county.
3 c. "Speculative shell building" means a building
4 or structure owned and constructed or reconstructed by
5 a community development organization or a for profit
6 entity without a tenant or buyer for the purpose of
7 attracting an employer or user which will complete the
8 building to the employer's or user's specification for
9 manufacturing, processing, or warehousing the
10 employer's or user's product line."
11 3. Title page, line 4, inserting after the word
12 "institutions" the following: "and allowing linked
13 investments to be made for purposes of speculative
14 shell buildings under certain circumstances and
15 providing income tax, property tax, and sales and use
16 tax breaks for construction of certain speculative
17 shell buildings".

GILL of Woodbury

H–5604

1 Amend Senate Concurrent Resolution 115, as passed
2 by the Senate, as follows:
3 1. Page 1, line 18, by striking the figure "$33"
4 and inserting the following: "$10".

DODERER of Johnson

H–5607

1 Amend House File 2446 as follows:

2 1. Page 6, lines 1 and 2, by striking the words
3 "sexual orientation,".

BARTZ of Worth
SVOBODA of Tama
MERTZ of Kossuth

H—5609

1 Amend the amendment, H—5555, to Senate File 2238,
2 as passed by the Senate, as follows:
3 1. Page 1, by striking line 45.
4 2. Page 1, by striking lines 48 and 49, and
5 inserting the following: "surtax."
6 3. By striking page 1, line 50, through page 2,
7 line 3, and inserting the following: "Subject to the
8 limitation in section 298.14, the board shall
9 determine the percent of".
10 4. Page 2, line 7, by inserting before the word
11 "educational" the following: "combination".
12 5. Page 2, by striking lines 8 and 9 and
13 inserting the following: "be levied and".
14 6. Page 2, lines 13 and 14, by striking the words
15 ", if an income surtax is imposed,".

MAULSBY of Calhoun

H—5610

1 Amend Senate File 2316, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 14, by inserting after the word
4 "dollars" the following: "which shall be charged to
5 and collected from the obligor".

MURPHY of Dubuque

H—5611

1 Amend Senate File 2238, as passed by the Senate, as
2 follows:
3 1. Page 1, line 14, by striking the word
4 "paragraph" and inserting the following:
5 "paragraphs".
6 2. Page 1, by inserting after line 25 the
7 following:
8 "NEW UNNUMBERED PARAGRAPH. Notwithstanding the
9 requirement in the first unnumbered paragraph of this
10 section that the regular program district cost per
11 pupil for a budget year is one hundred ten percent of
12 the regular state cost per pupil, the board of
13 directors may participate in the educational
14 improvement program as provided in this section if the
15 school district had adopted the maximum enrichment
16 levy prior to July 1, 1992, and upon expiration of the

17 period for which the enrichment levy was adopted,
18 adopts a resolution for the use of the instructional
19 support program established in section 257.18. The
20 maximum percent of the regular district cost of the
21 district that may be used under this paragraph shall
22 not exceed five percent."

GRONINGA of Cerro Gordo

H–5612

1 Amend House File 2465 as follows:
2 1. Page 20, by striking lines 6 and 7 and
3 inserting the following: "~~thirty-two million four~~
4 ~~hundred eighty~~ thirty-one million one hundred fifty-
5 one thousand dollars for tuition grants."

CORBETT of Linn
LAGESCHULTE of Bremer

H–5614

1 Amend the amendment, H–5492, to Senate File 414, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 3 through 32 and
5 inserting the following:
6 "_____. Page 1, by striking lines 2 through 6 and
7 inserting the following: "CREATING A SPECIFIED CRIME
8 PROPERTY.
9 1. Notwithstanding section 562A.27 or 648.3, if a
10 tenant has created or maintained a threat causing a
11 landlord to receive notice by a city or county that
12 the premises rented by the tenant is a specified crime
13 property pursuant to a city or county ordinance, then
14 the landlord,".
15 _____. Page 1, by striking lines 13 through 29 and
16 inserting the following:
17 "2. As used in this section, unless the context
18 otherwise requires, "a specified crime property" means
19 any building or structure, including, but not limited
20 to, the edifice, a unit, or other portions of a
21 building or structure, in which one or more of the
22 following activities occur:
23 a. Possession, delivery, distribution, or
24 manufacture of a controlled substance, counterfeit
25 substance, or simulated controlled substance, as
26 defined in chapter 204, in a manner prohibited by
27 chapter 204.
28 b. Prostitution, pimping, or pandering, as
29 prohibited in chapter 725.
30 c. Illegal gambling prohibited by chapter 99B or
31 725.
32 d. Bootlegging as prohibited in chapter 123.

33 If a city or county enacts a specified crime
34 property ordinance, the ordinance shall provide proper
35 notice and other due process requirements for property
36 owners and tenants." "
37 2. By striking page 1, line 34, through page 2,
38 line 13, and inserting the following:
39 "_____. Page 2, by striking lines 13 through 17,
40 and inserting the following: "SPECIFIED CRIME
41 PROPERTY.
42 1. Notwithstanding section 562B.25 or 648.3, if a
43 tenant has created or maintained a threat causing a
44 landlord to receive notice by a city or county that
45 the premises rented by the tenant is a specified crime
46 property pursuant to a city or county ordinance, then
47 the landlord,".
48 _____. By striking page 2, line 24, through page 3,
49 line 5, and inserting the following:
50 "2. As used in this section, unless the context

Page 2

1 otherwise requires, "a specified crime property" means
2 any building or structure, including, but not limited
3 to the edifice, a unit, or other portions of a
4 building or structure, in which one or more of the
5 following activities occur:
6 a. Possession, delivery, distribution, or
7 manufacture of a controlled substance, counterfeit
8 substance, or simulated controlled substance, as
9 defined in chapter 204, in a manner prohibited by
10 chapter 204.
11 b. Prostitution, pimping, or pandering, as
12 prohibited in chapter 725.
13 c. Illegal gambling prohibited by chapter 99B or
14 725.
15 d. Bootlegging as prohibited in chapter 123.
16 If a city or county enacts a specified crime
17 property ordinance, the ordinance shall provide proper
18 notice and other due process requirements for property
19 owners and tenants." "
20 3. By renumbering, relettering, redesignating,
21 and correcting internal references as necessary.

SHERZAN of Polk

H—5615

1 Amend the committee amendment, H—5420, to Senate
2 File 506, as amended, passed, and reprinted by the
3 Senate, as follows:
4 1. Page 2, by striking lines 1 through 10, and
5 inserting the following:
6 "2. All local exchange telephone utilities shall

7 participate in incentive regulation for a minimum of
8 two years, unless participation is otherwise
9 terminated pursuant to this subsection. In the event
10 of exceptional and unforeseeable circumstances, the
11 utility or the consumer advocate may request that the
12 board terminate participation in incentive regulation
13 for the utility."

OSTERBERG of Linn

H–5617

1 Amend House File 2465 as follows:
2 1. Page 11, by inserting after line 8, the
3 following:
4 "Except as otherwise provided in chapter 707, funds
5 appropriated in this paragraph shall not be used to
6 perform a medically necessary abortion unless the
7 attending physician certifies that one of the
8 following conditions exists: the fetus has not
9 attained a gestational age greater than twenty weeks;
10 continuing the pregnancy will endanger the life or
11 health of the pregnant person; or the fetus is
12 physically deformed, mentally deficient, or afflicted
13 with a congenital illness. In making any of the
14 determinations, the physician shall exercise that
15 degree of care, skill, and proficiency commonly
16 exercised by the ordinarily skillful, careful, and
17 prudent physician engaged in similar practice under
18 the same or similar conditions."
19 2. By numbering, renumbering, and changing
20 internal references as necessary.

SPEAR of Lee
GRUBBS of Scott
SVOBODA of Tama
RAFFERTY of Scott
MERTZ of Kossuth
KNAPP of Dubuque
MUHLBAUER of Crawford

H–5623

1 Amend the amendment, H–5594, to Senate File 2218,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 4, by striking the word "or" and
5 inserting the following: "country club, or".
6 2. Page 1, line 6, by inserting after the word
7 "neighborhoods," the following: "country clubs,".

HIBBARD of Madison

H–5624

1 Amend the amendment, H–5598, to Senate File 2218,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 4 and 5 and in-
5 serting the following: " "apartments, condominiums,
6 and health or country clubs" and inserting the
7 following: "~~apartments, condominiums,~~ and health ~~or~~
8 ~~country~~ clubs"."
9 2. Page 1, line 7, by striking the word "or".
10 3. Page 1, line 7, by inserting after the word
11 "condominiums" the following: ", or country clubs".

HIBBARD of Madison

H—5628

1 Amend the amendment, H—5538, to Senate File 2249,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, line 26, by inserting after the word
5 "cease." the following: "If the licensed racetrack
6 facility is sold on or after April 15, 1992, or if the
7 public agency originally guaranteeing the repayment of
8 the indebtedness incurred in the construction of the
9 licensed facility is no longer obligated to retire the
10 indebtedness, the tax credit authorized under this
11 subsection shall cease."

OSTERBERG of Linn
GRUHN of Dickinson

H—5629

1 Amend the amendment, H—5420, to Senate File 506, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 18 and 19, and
5 inserting the following: "finding that the rates of".
6 2. Page 1, line 20, by inserting after the word
7 "reasonable" the following: "at the time
8 participation in incentive regulation is allowed".

BRAND of Benton

H—5630

1 Amend the committee amendment, H—5420, to Senate
2 File 506, as amended, passed, and reprinted by the
3 Senate, as follows:
4 1. Page 1, lines 29 through 31, by striking the
5 words "without express approval of the board in a
6 contested case proceeding".

BRAND of Benton

H—5631

1 Amend Senate File 390, as passed by the Senate, as
2 follows:

3 1. Page 9, by striking lines 21 through 23 and
4 inserting the following:
5 "~~2. Any employee of an organization for disaster~~
6 ~~services or emergency resource management shall not~~
7 ~~become a candidate for any partisan elective office.~~"

BURKE of Marshall

H–5634

1 Amend the amendment, H–5420, to Senate File 506, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 40, by inserting after the words
5 "the customers," the following: "twenty percent of
6 the increased earnings subject to division between the
7 utility and its customers shall be used for improving
8 the quality of the services provided and upgrading the
9 system of the utility,".
10 2. Page 1, line 41, by inserting before the words
11 "the board" the following: "ten percent of the
12 increased earnings subject to division between the
13 utility and its customers shall be deposited in the
14 state communications network fund established in
15 section 18.137, and".
16 3. Page 1, line 42, by inserting after the word
17 "earnings" the following: "after the above
18 distributions are made and".

BRAND of Benton

H–5635

1 Amend Senate File 2238, as passed by the Senate, as
2 follows:
3 1. Page 1, line 14, by striking the word
4 "paragraph" and inserting the following:
5 "paragraphs".
6 2. Page 1, by inserting after line 25 the
7 following:
8 "NEW UNNUMBERED PARAGRAPH. Notwithstanding the
9 requirement in the first unnumbered paragraph of this
10 section that the regular program district cost per
11 pupil for a budget year is one hundred ten percent of
12 the regular state cost per pupil, the board of
13 directors may participate in the educational
14 improvement program as provided in this section if the
15 school district had adopted an enrichment levy of
16 fifteen percent of the state cost per pupil multiplied
17 by the budget enrollment in the district prior to July
18 1, 1992, and upon expiration of the period for which
19 the enrichment levy was adopted, adopts a resolution
20 for the use of the instructional support program
21 established in section 257.18. The maximum percent of

22 the regular district cost of the district that may be
23 used under this paragraph shall not exceed five
24 percent."

GRONINGA of Cerro Gordo

H—5638

1 Amend House File 2460 as follows:
2 1. Page 1, lines 31 and 32, by striking the words
3 "For the fiscal year beginning July 1, 1994, and each
4 succeeding fiscal year" and inserting the following:
5 "For each fiscal year in the fiscal period beginning
6 July 1, 1994, and ending June 30, 1998".

HARBOR of Mills
HALVORSON of Clayton

H—5639

1 Amend House File 2460 as follows:
2 1. By striking page 1, line 34 through page 2,
3 line 1.

HARBOR of Mills
HALVORSON of Clayton

H—5640

1 Amend House File 2460 as follows:
2 1. Page 1, by inserting after line 33 the
3 following:
4 "The comprehensive agreement providing for the
5 initiation of AMTRAK passenger service pursuant to
6 section 327I.3 shall include provisions requiring the
7 reimbursement of moneys expended from the passenger
8 rail service revolving fund from the profits generated
9 from the resulting rail passenger service."

HALVORSON of Clayton
HARBOR of Mills

H—5641

1 Amend House File 2460 as follows:
2 1. Page 1, lines 32 and 33, by striking the words
3 "the sum of two million five hundred thousand dollars"
4 and inserting the following: "the amount necessary so
5 that the unencumbered and unobligated balance in the
6 passenger rail service revolving fund is two million
7 five hundred thousand dollars".

HALVORSON of Clayton
HARBOR of Mills

H–5643

1 Amend the amendment, H–5538, to Senate File 2249,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, line 23, by inserting after the word
5 "state." the following: "Before the tax credits are
6 used for operating expenses annually, the commission
7 shall certify that the state has been reimbursed from
8 the tax collected in subsection 1, an amount equal to
9 the difference between the fees collected by the
10 commission under this chapter and the total cost of
11 regulating the licensed facility including, but not
12 limited to, the costs of enforcing racing laws and
13 rules at the licensed facility and drug testing, and
14 administrative costs of the commission which may be
15 apportioned to the licensed facility."

OSTERBERG of Linn
McKEAN of Jones

H–5644

1 Amend House File 2446 as follows:
2 1. Page 1, by inserting after line 12 the
3 following:
4 "5. "Resident" means a person who has established
5 residency in this state for a period of six months or
6 more."

DE GROOT of Lyon

H–5646

1 Amend the amendment, H–5420, to Senate File 506, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. By striking page 1, line 7 through page 3,
5 line 6 and inserting the following:
6 "A telephone utility which is able to reduce its
7 expenses by increasing the efficiency of its
8 operations shall be allowed to retain all of the net
9 income attributable to the increase in efficiency
10 until the next proceeding setting rates for the
11 utility. In that next proceeding setting rates for
12 the utility, the utility may be allowed, at the
13 discretion of the board, to retain lesser amounts of
14 the net income attributable to the increase in
15 efficiency. If substantial competition exists for a
16 service provided by a telephone utility that has not
17 been deregulated by the board under section 476.1D,
18 the board may approve a tariff for the service which
19 provides for rate flexibility within a range
20 prescribed in the tariff. For rate changes within the

21 range specified by the tariff, the utility need not
22 comply with the requirements of section 476.6,
23 subsections 5, 6, and 7." "

HOLVECK of Polk

H—5650

1 Amend the amendment, H—5420, to Senate File 506, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by inserting after line 38 the follow-
5 ing:
6 "_____. Unless otherwise provided, this section does
7 not apply to a telephone company organized as a
8 corporation under chapter 491 qualifying pursuant to
9 an internal revenue service letter ruling under I.R.C.
10 501(c)(12) as a nonprofit corporation entitled to
11 distribute profits in a manner similar to a chapter
12 499 corporation, or to a telephone cooperative
13 organized under chapter 499."
14 2. Renumber as necessary.

KREMER of Buchanan

H—5654

1 Amend House File 2465 as follows:
2 1. By striking page 21, line 18 through page 22,
3 line 3.
4 2. By striking page 22, line 24 through page 24,
5 line 14.
6 3. By striking page 25, line 35 through page 26,
7 line 11.
8 4. Page 26, by striking line 21 and inserting the
9 following:
10 "_____. Sections 16 and 17 of this Act, being
11 deemed".
12 5. By renumbering as necessary.

CHAPMAN of Linn

H—5657

1 Amend House File 2465 as follows:
2 1. Page 11, by inserting after line 14 the
3 following:
4 "_____. Funds appropriated in paragraph "b" shall
5 not be used to perform a medically necessary abortion
6 except with the voluntary and informed consent of the
7 person upon whom the abortion is to be performed.
8 (1) Except in the case of a medical emergency,
9 consent to an abortion is voluntary and informed if
10 the person upon whom the abortion is to be performed
11 is informed, by the person's physician, or the

12 physician's agent, at least 24 hours before the
13 abortion, of all of the following:
14 (a) The name of the physician who will perform the
15 abortion.
16 (b) The particular medical risks associated with
17 the particular abortion procedure to be employed
18 including, when medically accurate, the risks of
19 infection, hemorrhage, and danger to subsequent
20 pregnancies and infertility.
21 (c) The probable gestational age of the fetus at
22 the time the abortion is to be performed.
23 (d) The medical risks associated with carrying the
24 pregnancy to term.
25 (e) That medical assistance benefits may be
26 available for prenatal care, childbirth and neonatal
27 care.
28 (f) That the biological father is liable to assist
29 in the support of the child, even in instances in
30 which the biological father has offered to pay for the
31 abortion.
32 (g) That the person has the right to review the
33 printed materials described under this paragraph. The
34 physician or the physician's agent shall orally inform
35 the person that the materials have been provided by
36 the university of Iowa hospitals and clinics and that
37 they describe the fetus and list agencies which offer
38 alternatives to abortion. If the person chooses to
39 view the materials, copies shall be furnished to the
40 person. The physician and the physician's agent may
41 disassociate themselves from the materials, and may
42 comment or refrain from comment on them as they
43 choose.
44 (2) When a medical emergency compels the
45 performance of an abortion, the physician shall inform
46 the person upon whom the abortion is to be performed,
47 prior to the abortion if possible, of the medical
48 indications supporting a judgment that an abortion is
49 necessary to avert the person's death or for which a
50 24-hour delay will create grave peril of immediate and

Page 2

1 irreversible loss of major bodily function. For the
2 purposes of this subparagraph, "medical emergency"
3 means that condition which, on the basis of the
4 physician's best clinical judgment, so complicates a
5 pregnancy as to necessitate an immediate abortion to
6 avert the death of the mother or for which a 24-hour
7 delay will create grave peril of immediate and
8 irreversible loss of major bodily function.
9 (3) Of the funds appropriated in paragraph "b",
10 $5,000 shall be used by the university of Iowa

11 hospitals and clinics to cause to be published in
12 English and Spanish, the following easily
13 comprehensible printed materials:
14 (a) Geographically indexed materials listing the
15 public and private agencies and services available to
16 assist a woman through pregnancy, upon childbirth and
17 while the child is dependent, including adoption
18 agencies, which shall include a description of the
19 services offered and a description of the manner,
20 including telephone numbers, in which they might be
21 contacted, or, at the option of the university of Iowa
22 hospitals and clinics, printed materials including a
23 toll-free, 24-hour a day telephone number which may be
24 called to obtain, orally, such a list and description
25 of agencies in the locality of the caller and of the
26 services they offer.
27 (b) Materials designed to inform a person of the
28 probable anatomical and physiological characteristics
29 of the fetus at two-week gestational increments from
30 the time when a person can be known to be pregnant to
31 full term, including any relevant information on the
32 possibility of the fetus' survival. The materials
33 shall be objective, nonjudgmental, and designed to
34 convey only accurate scientific information about the
35 fetus at the various gestational ages.
36 For the purposes of this subparagraph, "probable
37 gestational age of the fetus" means what, in the
38 judgment of the attending physician, will with
39 reasonable probability be the gestational age of the
40 fetus at the time the abortion is planned to be
41 performed."
42 2. By renumbering, relettering, redesignating,
43 and correcting internal references as necessary.

SVOBODA of Tama
MERTZ of Kossuth

H—5660

1 Amend House File 2465, as follows:
2 1. Page 20, by inserting after line 1, the
3 following:
4 "Sec. _____. Section 18.136, subsection 3, Code
5 1991, is amended by adding the following new
6 unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. If the funds for general
8 state financial aid to community colleges are not
9 appropriated pursuant to the state aid funding formula
10 established in chapter 286A, a community college may
11 also elect not to participate in the statewide
12 telecommunications system. The functions for Part I
13 and Part II of the system which would have been
14 performed by a community college that chooses not to

15 participate, or that community college's area, may be
16 performed by one or more local school districts, area
17 education agencies, or another community college.
18 Consistent with the public interest, the Iowa public
19 broadcasting board, in consultation with the
20 department of general services and the department of
21 education, shall determine how the functions will be
22 performed and shall select the local or area education
23 agency or community college that will assume the
24 responsibilities for performing the functions. If a
25 community college that chooses not to participate
26 later elects to participate in the system, the Iowa
27 public broadcasting board shall develop an
28 implementation schedule for the community college to
29 assume Part I and Part II functions of the system."
30 2. By numbering and renumbering and changing
31 internal references as necessary.

PETERSON of Carroll

H–5661

1 Amend Senate File 2271, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 2 the
4 following:
5 "6. This section shall not preclude an employer
6 from establishing and enforcing blood content levels
7 for alcohol, prescription drugs, or other medications
8 while the employee is on duty, on the employer's
9 premises, or using the employer's equipment."

JAY of Appanoose

H–5665

1 Amend Senate File 2238, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 12 the
4 following:
5 "Sec. _____. Section 257.28, Code 1991, is amended
6 by adding the following new unnumbered paragraphs:
7 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
8 requirement in the first unnumbered paragraph of
9 section 257.29 that the regular program district cost
10 per pupil for a budget year is one hundred ten percent
11 of the regular state cost per pupil, if a school
12 district had adopted an enrichment levy of fifteen
13 percent of the state cost per pupil multiplied by the
14 budget enrollment in the district prior to July 1,
15 1992, and upon expiration of the period for which the
16 enrichment levy was adopted, adopts a resolution for
17 the use of the instructional support program
18 established in section 257.18, the board of directors

19 may participate in the educational improvement program
20 as provided in section 257.29. The maximum percent of
21 the regular district cost of the district that may be
22 used under this paragraph shall not exceed five
23 percent.
24 NEW UNNUMBERED PARAGRAPH. Once approved at an
25 election, the authority of the board to use the
26 educational improvement program shall continue until
27 the expiration of the period of time for which the
28 instructional support program was adopted. The use of
29 the educational improvement program may continue for
30 subsequent periods provided it is voted on and adopted
31 at the same time as the instructional support program
32 is adopted."

BARTZ of Worth

H-5666

1 Amend the amendment, H-5420, to Senate File 506, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by inserting after line 6 the
5 following:
6 "Sec. _____. Section 476.32, Code 1991, is amended
7 to read as follows:
8 476.32 REVIEW OF ANNUAL REPORTS - ADDITIONAL
9 INFORMATION.
10 1. The board shall review annual reports submitted
11 by rate-regulated public utilities. The board shall
12 commence rate-review proceedings under this chapter if
13 an annual report indicates that the earnings of the
14 public utility are excessive.
15 2. A local exchange telephone utility
16 participating in incentive regulation under section
17 476.2A shall provide information in addition to the
18 utility's annual report as requested by the board or
19 the consumer advocate. The board or the consumer
20 advocate shall request additional information, as
21 necessary, to evaluate the impact of incentive
22 regulation on the rates and operations of such
23 utility." "
24 2. Renumber as necessary.

OSTERBERG of Linn

H-5677

1 Amend House File 2465 as follows:
2 1. Page 17, by striking lines 14 through 19.
3 2. Page 17, line 33, by striking the figure
4 "308,289" and inserting the following: "56,000".
5 3. Page 17, line 34, by striking the figure
6 "6.50" and inserting the following: "1.00".

7 4. Page 17, by inserting after line 34 the
8 following:
9 "The accounting responsibilities of the department
10 of cultural affairs shall be assumed and performed by
11 the department of management."
12 5. Page 19, by inserting after line 12 the
13 following:
14 "Sec. _____. Notwithstanding sections 303.1, 303.1A,
15 303.2, 303.2A, 303.7, 303.8, 303.17, 303.87, and
16 303.94, the duties, responsibilities, and rulemaking
17 authority of the director of the department of
18 cultural affairs, and the responsibilities of the
19 administrative section, other than accounting, of the
20 department of cultural affairs, are transferred to the
21 office of the secretary of state. The position of
22 director and the positions within the administrative
23 office, except for the fiscal officer, shall be vacant
24 as of July 1, 1992. Appointment authority granted to
25 the director of the department of cultural affairs is
26 transferred to the governor, subject to senate
27 confirmation. The office of the fiscal officer, for
28 the department of cultural affairs, shall be located
29 in the department of management."
30 6. Page 20, lines 6 and 7, by striking the words
31 "thirty million seven hundred twenty-seven thousand"
32 and inserting the following: "thirty-one million one
33 hundred forty-eight thousand six hundred one".
34 7. By numbering, renumbering, redesignating, and
35 correcting internal references as necessary.

MURPHY of Dubuque
BEATTY of Warren

H—5684

1 Amend House File 2465 as follows:
2 1. Page 1, line 11, by striking the figure
3 "4,863,000" and inserting the following: "4,813,000".
4 2. Page 2, line 28, by striking the figure
5 "89,880,369" and inserting the following:
6 "89,755,369".
7 3. Page 3, line 5, by striking the figure
8 "13,267,249" and inserting the following:
9 "13,142,249".
10 4. Page 5, by striking lines 13 through 15.
11 5. Page 10, line 10, by striking the figure
12 "168,143,000" and inserting the following:
13 "167,993,000".
14 6. Page 13, line 13, by striking the figure
15 "136,914,000" and inserting the following:
16 "136,764,000".
17 7. Page 13, line 19, by striking the figure
18 "21,701,380" and inserting the following:

19 "23,585,411".
20 8. Page 14, line 16, by striking the figure
21 "58,262,829" and inserting the following:
22 "58,162,829".

PETERSEN of Muscatine

H—5687

1 Amend House File 2462 as follows:
2 1. Page 3, line 34, by striking the figure "2.50"
3 and inserting the following: "3.50".

BENNETT of Ida

H—5696

1 Amend the amendment, H—5573, to Senate File 2065,
2 as passed by the Senate, as follows:
3 1. Page 1, lines 14 and 15, by striking the words
4 "sexual orientation,".
5 2. Page 3, lines 22 and 23, by striking the words
6 "sexual orientation,".
7 3. Page 4, line 17, by striking the words "sexual
8 orientation,".
9 4. Page 4, lines 31 and 32, by striking the words
10 "sexual orientation,".
11 5. Page 4, line 44, by striking the words "sexual
12 orientation,".

BARTZ of Worth
HURLEY of Fayette
BANKS of Plymouth
MERTZ of Kossuth
KREBSBACH of Mitchell
SVOBODA of Tama

H—5699

1 Amend Senate File 2316, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking line 25 and inserting the
4 following:
5 "b. ~~The application fee and~~ If the additional fee
6 for services has been charged to the obligor and made
7 a part of the obligor's support obligation, the fee".

MURPHY of Dubuque

H—5700

1 Amend Senate File 2331, 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 107.24, subsection 11, Code
6 Supplement 1991, is amended to read as follows:
7 11. Establish a program governing the harvesting
8 and sale of American ginseng subject to the convention

9 on international trade in endangered species of wild
10 fauna and flora and adopt rules providing for the time
11 and conditions for the harvesting of the ginseng, the
12 registration of dealers and exporters, the records
13 kept by dealers and exporters, and the certification
14 of legal taking. The time for harvesting of wild
15 ginseng shall not begin before September 15 or extend
16 beyond November 1. A person violating this section or
17 rules adopted by the department pursuant to the
18 section is subject to a scheduled fine pursuant to
19 section 805.8.
20 Sec. 2. Section 109.130, Code 1991, is amended by
21 adding the following new unnumbered paragraph:
22 NEW UNNUMBERED PARAGRAPH. In addition to any other
23 penalty, a person convicted of unlawfully harvesting
24 wild ginseng in violation of section 107.24 shall
25 reimburse the state at one hundred fifty percent of
26 the ginseng's market value, as determined by the
27 department."
28 2. Page 3, by inserting after line 32 the
29 following:
30 "Sec. _____. Section 805.8, Code 1991, is amended by
31 adding the following new subsection:
32 NEW SUBSECTION. 5A. For a violation of section
33 107.24, subsection 11, the scheduled fine is one
34 hundred dollars."
35 3. Title page, line 1, by inserting after the
36 word "burglary" the following: "and the illegal
37 harvest of ginseng,".

SPEAR of Lee
HANSON of Delaware
DIEMER of Black Hawk
KOENIGS of Mitchell
McKEAN of Jones
HANSON of Black Hawk
TYRRELL of Iowa
WEIDMAN of Cass
SVOBODA of Tama
GRUHN of Dickinson
BLACK of Jasper
FOGARTY of Palo Alto
OSTERBERG of Linn
HATCH of Polk
KNAPP of Dubuque
DICKINSON of Jackson
EDDIE of Buena Vista
NIELSEN of Linn
MERTZ of Kossuth
HIBBARD of Madison

H–5711

1 Amend Senate File 2316 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 5, by striking line 2 and inserting the
4 following: ", and if information under paragraph "c"
5 is not available, income may be determined under
6 paragraph "d"."
7 2. Page 5, by striking lines 11 through 21 and
8 inserting the following:
9 "d. The estimated income which could be earned
10 through full-time employment at the prevailing minimum

11 wage required by law."
12 3. By striking page 10, line 14 through page 12,
13 line 31.
14 4. Page 13, line 34, by inserting after the word
15 "department" the following: "but only to the extent
16 of any medical support ordered pursuant to chapter
17 252E".
18 5. By renumbering as necessary.

NEUHAUSER of Johnson

H—5712

1 Amend amendment, H—5420, to Senate File 506, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, line 36, by inserting before the word
5 "enhanced" the following: "911 or".

OSTERBERG of Linn

H—5714

1 Amend the amendment, H—5420, to Senate File 506, as
2 amended, passed and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 35, by inserting after the word
5 "return" the following: ", plus an amount as
6 determined by subsection 3A,".
7 2. Page 2, by inserting after line 24 the
8 following:
9 "3A. The utility board shall adopt rules
10 establishing a telephone utility productivity index
11 for the purpose of determining the portion of any
12 increased earnings which are to be shared with a
13 utility's customers pursuant to subsection 1. The
14 productivity index is a percentage equal to the
15 average increase or decrease in costs within the
16 telephone utility industry as compared to the
17 preceding calendar year. The rules shall establish a
18 formula for the comparison of each telephone utility's
19 performance with that total industry performance. The
20 board shall require a telephone utility to return all
21 excess earnings to the telephone utility's customers
22 which are attributable to expected efficiency
23 improvements as measured by the productivity index.
24 The percentage of any amount which is in excess of the
25 utility's authorized rate of return after being
26 adjusted by the productivity index is subject to
27 sharing pursuant to subsection 1. The board shall
28 examine the productivity increase of all telephone
29 utilities in Iowa in each of the last ten years in
30 determining the annual telephone utility productivity
31 factor to be used pursuant to this subsection and

32 shall annually update this index. Unless otherwise
33 determined by the board, the annual telephone utility
34 productivity factor to be used during the initial year
35 of incentive regulation shall be six percent."

OSTERBERG of Linn

H–5715

1 Amend Senate File 2065, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 1. Section 729.5, subsection 1, Code
6 1991, is amended to read as follows:
7 1. Persons within the state of Iowa have the right
8 to be free from any violence, or intimidation by
9 threat of violence, committed against their persons or
10 property because of their race, color, religion,
11 ancestry, national origin, political affiliation, sex,
12 ~~sexual orientation,~~ age, or disability.
13 Sec. 2. Section 729.5, subsection 3, unnumbered
14 paragraph 1, Code 1991, is amended to read as follows:
15 A person who maliciously and intentionally
16 intimidates or interferes with another person because
17 of that person's race, color, religion, ancestry,
18 national origin, political affiliation, sex, ~~sexual~~
19 ~~orientation,~~ age, or disability and while doing so
20 commits any of the following acts, is guilty of an
21 aggravated misdemeanor:".
22 2. Page 1, by inserting after line 10, the
23 following:
24 "Sec. _____. Section 729.5, subsection 4, Code 1991,
25 is amended to read as follows:
26 4. The fact that a person committed a felony or
27 misdemeanor, or attempted to commit a felony, because
28 of the victim's race, color, religion, ancestry,
29 national origin, political affiliation, sex, ~~sexual~~
30 ~~orientation,~~ age, or disability, shall be considered a
31 circumstance in aggravation of any crime in imposing
32 sentence and fine. Evidence of such fact includes,
33 but is not limited to, the burning of crosses and
34 other symbols, and a rebuttable presumption of the
35 fact arises where such an act is shown to have been
36 committed."
37 3. By renumbering as necessary.

BARTZ of Worth

H–5716

1 Amend the amendment, H–5420, to Senate File 506, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, lines 30 and 31, by striking the words
5 "in a contested case proceeding" and inserting the
6 following: "pursuant to section 476.6".
7 2. Page 3, by inserting after line 6 the follow-
8 ing:
9 "Sec. _____. NEW SECTION. 476.2B RATE-REGULATED
10 LOCAL EXCHANGE TELEPHONE UTILITY STRUCTURE.
11 1. A rate-regulated local exchange telephone
12 utility shall only provide both basic monthly service
13 for residence and business customers and other local
14 exchange telecommunications services. A rate-
15 regulated local exchange telephone utility which
16 offers any services in addition to such basic monthly
17 services and local exchange services shall establish a
18 plan by no later than January 1, 1993, for the sale
19 and transfer of such other services and assets which
20 do not directly involve such basic monthly services or
21 local exchange services to a separate entity in which
22 the rate-regulated utility shall not retain any
23 control or ownership interest. The plan shall be
24 submitted to the utilities board for approval. A plan
25 developed by a rate-regulated local exchange telephone
26 utility pursuant to this section shall be implemented
27 no later than July 1, 1993.
28 2. The separate entity which purchases the
29 services and assets from the rate-regulated local
30 exchange telephone utility which do not involve basic
31 monthly services and local exchange services may
32 participate in incentive regulation pursuant to
33 section 476.2A. A rate-regulated local exchange
34 telephone utility providing basic monthly services
35 shall not participate in incentive regulation."
36 3. Renumber as necessary.

OSTERBERG of Linn

H—5717

1 Amend House File 2465 as follows:
2 1. Page 22, by striking lines 4 through 16.
3 2. By renumbering and changing internal
4 references as necessary.

PETERSON of Carroll
DVORSKY of Johnson
HAMMOND of Story

H—5718

1 Amend the committee amendment, H—5420, to Senate
2 File 506, as amended, passed, and reprinted by the
3 Senate, as follows:
4 1. Page 2, by inserting after line 38, the
5 following:

6 "6. The board may approve the operation of a
7 telephone utility under a plan for incentive
8 regulation if the board finds, after notice and an
9 opportunity for evidentiary hearing, all of the
10 following:
11 a. Operation under a plan for incentive regulation
12 is necessary to achieve operating efficiencies which
13 could not otherwise be achieved.
14 b. Operation under a plan for incentive regulation
15 is likely to provide lower rates to customers for
16 communications services that would not be possible
17 under traditional rate base/rate of return regulation.
18 c. Operation under a plan for incentive regulation
19 will not result in the degradation of the quality or
20 availability of communications services.
21 These findings may be made as part of a contested
22 case determining the reasonableness of a utility's
23 rates."
24 2. Renumber as necessary.

HOLVECK of Polk

H—5719

1 Amend the amendment, H—5573, to Senate File 2065,
2 as passed by the Senate, as follows:
3 1. Page 3, by inserting after line 16, the
4 following:
5 "Sec. _____. Section 729.5, subsection 1, Code 1991,
6 is amended to read as follows:
7 1. Persons within the state of Iowa have the right
8 to be free from any violence, or intimidation by
9 threat of violence, committed against their persons or
10 property because of their race, color, religion,
11 ancestry, national origin, political affiliation, sex,
12 ~~sexual orientation,~~ age, or disability.
13 Sec. _____. Section 729.5, subsection 3, unnumbered
14 paragraph 1, Code 1991, is amended to read as follows:
15 A person who maliciously and intentionally
16 intimidates or interferes with another person because
17 of that person's race, color, religion, ancestry,
18 national origin, political affiliation, sex, ~~sexual~~
19 ~~orientation,~~ age, or disability and while doing so
20 commits any of the following acts, is guilty of an
21 aggravated misdemeanor:
22 Sec. _____. Section 729.5, subsection 4, Code 1991,
23 is amended to read as follows:
24 4. The fact that a person committed a felony or
25 misdemeanor, or attempted to commit a felony, because
26 of the victim's race, color, religion, ancestry,
27 national origin, political affiliation, sex, ~~sexual~~
28 ~~orientation,~~ age, or disability, shall be considered a
29 circumstance in aggravation of any crime in imposing

30 sentence and fine. Evidence of such fact includes,
31 but is not limited to, the burning of crosses and
32 other symbols, and a rebuttable presumption of the
33 fact arises where such an act is shown to have been
34 committed."
35 2. By renumbering as necessary.

BARTZ of Worth

H-5721

1 Amend House File 2465 as follows:
2 1. Page 17, line 12, by striking the figure
3 "2,332,000" and inserting the following: "2,497,000".
4 2. Page 17, line 13, by striking the figure
5 "62.50" and inserting the following: "65.00".
6 3. Page 17, by inserting after line 13 the
7 following:
8 "Of the funds appropriated in this subsection,
9 $335,000 shall be used to fund historic sites and to
10 plan for a western trails center."
11 4. Page 18, line 3, by striking the figure
12 "528,000" and inserting the following: "363,000".
13 5. By renumbering, relettering, redesignating,
14 and correcting internal references as necessary.

SHEARER of Louisa

H-5722

1 Amend Senate File 2320, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 26 the
4 following:
5 "Sec. _____. Section 257.28, Code 1991, is amended
6 by adding the following new unnumbered paragraphs:
7 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
8 requirement in the first unnumbered paragraph of
9 section 257.29 that the regular program district cost
10 per pupil for a budget year is one hundred ten percent
11 of the regular state cost per pupil, if a school
12 district had adopted an enrichment levy of fifteen
13 percent of the state cost per pupil multiplied by the
14 budget enrollment in the district prior to July 1,
15 1992, and upon expiration of the period for which the
16 enrichment levy was adopted, adopts a resolution for
17 the use of the instructional support program
18 established in section 257.18, the board of directors
19 may participate in the educational improvement program
20 as provided in section 257.29. The maximum percent of
21 the regular district cost of the district that may be
22 used under this paragraph shall not exceed five
23 percent.
24 NEW UNNUMBERED PARAGRAPH. Once approved at an

25 election, the authority of the board to use the
26 educational improvement program shall continue until
27 the expiration of the period of time for which the
28 instructional support program was adopted. The use of
29 the educational improvement program may continue for
30 subsequent periods provided it is voted on and adopted
31 at the same time as the instructional support program
32 is adopted."

BARTZ of Worth

H–5723

1 Amend House File 2431 as follows:
2 1. Page 3, by inserting after line 3 the
3 following:
4 "Sec. _____. Section 257.28, Code 1991, is amended
5 by adding the following new unnumbered paragraphs:
6 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
7 requirement in the first unnumbered paragraph of
8 section 257.29 that the regular program district cost
9 per pupil for a budget year is one hundred ten percent
10 of the regular state cost per pupil, if a school
11 district had adopted an enrichment levy of fifteen
12 percent of the state cost per pupil multiplied by the
13 budget enrollment in the district prior to July 1,
14 1992, and upon expiration of the period for which the
15 enrichment levy was adopted, adopts a resolution for
16 the use of the instructional support program
17 established in section 257.18, the board of directors
18 may participate in the educational improvement program
19 as provided in section 257.29. The maximum percent of
20 the regular district cost of the district that may be
21 used under this paragraph shall not exceed five
22 percent.
23 NEW UNNUMBERED PARAGRAPH. Once approved at an
24 election, the authority of the board to use the
25 educational improvement program shall continue until
26 the expiration of the period of time for which the
27 instructional support program was adopted. The use of
28 the educational improvement program may continue for
29 subsequent periods provided it is voted on and adopted
30 at the same time as the instructional support program
31 is adopted."

BARTZ of Worth

H–5724

1 Amend the amendment, H–5420, to Senate File 506, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 40, by inserting after the words
5 "the customers," the following: "twenty percent of

6 the increased earnings subject to division between the
7 utility and its customers shall be used for improving
8 the quality of the services provided and upgrading the
9 system of the utility,".
10 2. Page 1, line 41, by inserting before the words
11 "the board" the following: "ten percent of the
12 increased earnings subject to division between the
13 utility and its customers shall be deposited in the
14 state communications network fund established in
15 section 18.137 and shall be used exclusively for
16 financing Part III of the system, and".
17 3. Page 1, line 42, by inserting after the word
18 "earnings" the following: "after the above
19 distributions are made and".

BRAND of Benton

H—5725

1 Amend the amendment, H—5685, to House File 2465, as
2 follows:
3 1. By striking page 1 line 2 through page 8, line
4 1, and inserting the following:
5 "_____. Page 10, line 10, by striking the figure
6 "168,143,000" and inserting the following:
7 "167,936,328".
8 _____. Page 13, line 13, by striking the figure
9 "136,914,000" and inserting the following:
10 "136,532,900".
11 _____. Page 17, line 28, by striking the figure
12 "967,000" and inserting the following: "1,554,772"."

IVERSON of Wright
BARTZ of Worth

H—5727

1 Amend Senate File 2345, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 3, line 17, by striking the figure
4 "6,700,894" and inserting the following: "5,372,341".
5 2. Page 4, by inserting after line 17, the
6 following:
7 "Sec. _____. There is appropriated from the adjusted
8 gross receipts tax imposed under section 99F.11, prior
9 to deposit in the general fund of the state, to the
10 department of public safety for the fiscal year
11 beginning July 1, 1992, and ending June 30, 1993, the
12 following amount, or so much thereof as may be
13 necessary, to be used for the purpose designated:
14 For salaries, support, maintenance, and
15 miscellaneous purposes for riverboat gambling law
16 enforcement agents:
17 .....$ 1,328,553

18 Sec. _____. There is appropriated from the pari-
19 mutuel regulation fund to the department of public
20 safety for the fiscal year beginning July 1, 1992, and
21 ending June 30, 1993, the following amount, or so much
22 thereof as is necessary, to be used for the purpose
23 designated:
24 For salaries, support, maintenance, and
25 miscellaneous purposes for pari-mutuel law enforcement
26 agents, including the state's contribution to the
27 peace officers' retirement, accident, and disability
28 system provided in chapter 97A in the amount of 18
29 percent of the salaries for which the funds are
30 appropriated, and for not more than the following
31 full-time equivalent positions:
32 .....$ 277,662
33 .....FTEs 5.00
34 Notwithstanding the requirement under section
35 99D.17 that all moneys received pursuant to sections
36 99D.14 and 99D.15 be deposited in the general fund of
37 the state rather than the pari-mutuel regulation fund
38 for the fiscal year beginning July 1, 1991, and ending
39 June 30, 1993, $277,662 of the moneys collected under
40 sections 99D.14 and 99D.15 shall be deposited in the
41 pari-mutuel regulation fund of the state in order to
42 pay for law enforcement activities relating to pari-
43 mutuel wagering for the fiscal year beginning July 1,
44 1992, and ending June 30, 1992."
45 3. By striking page 6, lines 27 through 35.
46 4. By renumbering and relettering as necessary.

GILL of Woodbury

H—5733

1 Amend the amendment, H—5688, to House File 2465, as
2 follows:
3 1. Page 1, by striking lines 2 through 19 and
4 inserting the following:
5 "_____. Page 13, by striking lines 21 through 23.
6 _____. Page 19, by inserting after line 2, the
7 following:
8 "Sec. _____. Notwithstanding section 267.8, for the
9 fiscal year beginning July 1, 1992, and ending June
10 30, 1993, the amount appropriated from the general
11 fund not otherwise appropriated to the livestock
12 disease fund, shall be the sum of two hundred eighty-
13 one thousand six hundred one dollars." "

SVOBODA of Tama

H—5734

1 Amend the amendment, H—5688, to House File 2465, as

2 follows:
3 1. Page 1, by striking line 20.

SVOBODA of Tama

H—5735

1 Amend Senate File 2345, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 17, by inserting after line 28, the
4 following:
5 "Sec. _____. Section 321.152, subsection 1, Code
6 Supplement 1991, is amended to read as follows:
7 1. ~~Four and one-quarter percent of the total~~
8 ~~collection~~ Two dollars and twenty-five cents for each
9 annual or semiannual vehicle registration and each
10 duplicate registration card or plate issued."
11 2. By renumbering as necessary.

KOENIGS of Mitchell

H—5737

1 Amend Senate File 2345, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 17, by inserting after line 28, the
4 following:
5 "Sec. _____. Section 321.152, subsection 1, Code
6 Supplement 1991, is amended to read as follows:
7 1. ~~Four and one-quarter percent of the total~~
8 ~~collection~~ Two dollars and fifty cents for each annual
9 or semiannual vehicle registration and each duplicate
10 registration card or plate issued."
11 2. By renumbering as necessary.

GRONINGA of Cerro Gordo
COHOON of Des Moines

H—5739

1 Amend Senate File 2271, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, lines 10 and 11, by striking the words
4 "a nonprofit" and inserting the following: "an".

HANSEN of Woodbury

H—5741

1 Amend the amendment, H—5685, to House File 2465, as
2 follows:
3 1. Page 4, by inserting after line 17, the
4 following:
5 "_____. The commission shall receive and approve the
6 budget and unified plan of service submitted by the
7 division of libraries and information services."

8 2. Page 4, line 19, by inserting after the word
9 "publication" the following: "in any format".
10 3. Page 4, by striking line 24 and inserting the
11 following: "MEDICAL AND LAW LIBRARIES, AND STATE DATA
12 CENTER."
13 4. Page 4, lines 26 and 27, by striking the words
14 "a patents depository library" and inserting the
15 following: "the state data center".
16 5. Page 4, by striking lines 29 and 30, and
17 inserting the following: "medical librarian, who".
18 6. Page 4, by striking lines 41 through 44 and
19 inserting the following:
20 "_____. The state librarian shall employ a law
21 librarian, with the approval of the Iowa supreme
22 court, who shall head the law library and do all of
23 the".
24 7. Page 5, by inserting after line 9 the
25 following:
26 " "_____. The state data center shall be headed by
27 the state data center coordinator, who shall do all of
28 the following:
29 a. Manage the state data center program to make
30 United States census data available to the residents
31 of Iowa under rules the commission adopts.
32 b. Act as the state's liaison with the United
33 States census bureau in matters relating to United
34 States decennial, economic, and agricultural census
35 data, and population estimates and projections.
36 c. Perform other duties imposed by law or
37 prescribed by the rules of the commission." "
38 8. By numbering, renumbering, redesignating, and
39 correcting internal references as necessary.

ADAMS of Hamilton

H—5760

1 Amend the amendment, H—5573, to Senate File 2065,
2 as passed by the Senate, as follows:
3 1. Page 1, line 7, by striking the word
4 "paragraphs" and inserting the following:
5 "paragraph".
6 2. Page 1, by striking lines 21 and 22.
7 3. Page 1, by inserting before line 23 the
8 following:
9 "Sec. _____. Section 692.15, Code 1991, is amended
10 by adding the following new unnumbered paragraph:
11 NEW UNNUMBERED PARAGRAPH. The hate crimes listed
12 in section 729A.1 are subject to the reporting
13 requirements of this section."
14 4. Page 3, line 19, by striking the words "a
15 public offense" and inserting the following: "one of
16 the following public offenses when".

17 5. Page 3, line 23, by striking the word
18 "disability." and inserting the following:
19 "disability:".
20 6. Page 3, by striking line 24.
21 7. Page 3, line 50, by striking the words
22 "attorney general" and inserting the following:
23 "prosecuting attorneys training coordinator".
24 8. Page 4, line 6, by striking the words
25 "attorney general" and inserting the following:
26 "prosecuting attorneys training coordinator".
27 9. Page 4, line 7, by inserting after the word
28 "commission" the following: ", the office of the
29 attorney general,".
30 10. By striking page 4, line 10, through page 5,
31 line 7.
32 11. Page 5, line 18, by inserting after the word
33 "to" the following: "the prosecuting attorneys
34 training coordinator in".
35 12. Page 5, by inserting after line 24 the
36 following:
37 "Sec. _____. Section 80.40, Code 1991, is repealed."

BEATTY of Warren

H—5761

1 Amend Senate File 2238, as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 257.18, Code 1991, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 3. Participation in an
7 instructional support program is not affected by a
8 change in the boundaries of the school district,
9 except as otherwise provided in this section. If each
10 school district involved in a school reorganization
11 under chapter 275 has approved an instructional
12 support program, and if the voters have not voted upon
13 the question of participation in the program in the
14 reorganized district, the instructional support
15 program shall be in effect for the reorganized
16 district that has been approved for the least amount
17 and the shortest time in any of the districts.
18 Sec. 2. Section 257.29, Code 1991, is amended by
19 adding the following new unnumbered paragraphs:
20 NEW UNNUMBERED PARAGRAPH. Participation in an
21 educational improvement program is not affected by a
22 change in the boundaries of the school district,
23 except as otherwise provided in this section. If each
24 school district involved in school reorganization
25 under chapter 275 has approved an educational
26 improvement program, and if the voters have not voted
27 upon the question of participation in the program in

28 the reorganized district, the educational improvement
29 program shall be in effect for the reorganized
30 district that has been approved for the least amount
31 and the shortest time in any of the districts.
32 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
33 requirement in the first unnumbered paragraph of this
34 section that the regular program district cost per
35 pupil for a budget year is one hundred ten percent of
36 the regular state cost per pupil, the board of
37 directors may participate in the educational
38 improvement program as provided in this section if the
39 school district had adopted an enrichment levy of
40 fifteen percent of the state cost per pupil multiplied
41 by the budget enrollment in the district prior to July
42 1, 1992, and upon expiration of the period for which
43 the enrichment levy was adopted, adopts a resolution
44 for the use of the instructional support program
45 established in section 257.18. The maximum percent of
46 the regular district cost of the district that may be
47 used under this paragraph shall not exceed five
48 percent."

SHOULTZ of Black Hawk

H–5769

1 Amend House File 2472 as follows:
2 1. Page 16, line 19, by inserting after the word
3 "served." the following: "Any person appointed to a
4 committee who is not a member of a county board of
5 supervisors shall serve as a nonvoting, ex officio
6 member."

BENNETT of Ida

H–5772

1 Amend the amendment, H–5573, to Senate File 2065,
2 as passed by the Senate, as follows:
3 1. Page 1, lines 14 and 15, by striking the words
4 "sexual orientation,".
5 2. Page 3, lines 22 and 23, by striking the words
6 "sexual orientation,".
7 3. Page 4, line 17, by striking the words "sexual
8 orientation,".
9 4. Page 4, lines 31 and 32, by striking the words
10 "sexual orientation,".
11 5. Page 4, line 44, by striking the words "sexual
12 orientation,".

BARTZ of Worth
HURLEY of Fayette
KREBSBACH of Mitchell

H–5785

1 Amend the amendment, H–5752, to Senate File 2347,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. By striking page 1, line 47, through page 2,
5 line 12.
6 2. By striking page 3, line 38, through page 4,
7 line 11.

HANSEN of Woodbury

H–5793

1 Amend the amendment, H–5573, to Senate File 2065,
2 as passed by the Senate, as follows:
3 1. Page 1, line 7, by striking the word
4 "paragraphs" and inserting the following:
5 "paragraph".
6 2. Page 1, by striking lines 21 and 22.
7 3. Page 1, by inserting before line 23 the
8 following:
9 "Sec. _____. Section 692.15, Code 1991, is amended
10 by adding the following new unnumbered paragraph:
11 NEW UNNUMBERED PARAGRAPH. The hate crimes listed
12 in section 729A.1 are subject to the reporting
13 requirements of this section."
14 4. Page 3, by inserting before line 17, the
15 following:
16 "Sec. _____. Section 729.5, subsections 1, 3, 4, and
17 5, Code 1991, are amended by striking the
18 subsections."
19 5. Page 3, line 19, by striking the words "a
20 public offense" and inserting the following: "one of
21 the following public offenses when".
22 6. Page 3, line 23, by striking the word
23 "disability." and inserting the following:
24 "disability:".
25 7. Page 3, by striking line 24.
26 8. Page 3, line 50, by striking the words
27 "attorney general" and inserting the following:
28 "prosecuting attorneys training coordinator".
29 9. Page 4, line 6, by striking the words
30 "attorney general" and inserting the following:
31 "prosecuting attorneys training coordinator".
32 10. Page 4, line 7, by inserting after the word
33 "commission" the following: ", the office of the
34 attorney general,".
35 11. Page 4, by inserting after line 9, the
36 following:
37 "Sec. _____. NEW SECTION. 729A.4 CIVIL REMEDIES.
38 A victim who has suffered physical, emotional, or
39 financial harm as a result of a violation of this

40 chapter due to the commission of a hate crime is
41 entitled to injunctive relief, general and special
42 damages, reasonable attorney fees, and costs.
43 However, a victim who is a member of a protected class
44 and who has suffered physical, emotional, or financial
45 harm as a result of a violation of this chapter which
46 occurred because of the victim's status as a member of
47 a protected class, shall not be entitled to any relief
48 or damages pursuant to this section unless the victim
49 has exhausted all administrative review provided for
50 under chapter 601A.

Page 2

1 Upon a finding that a discriminatory or unfair
2 practice prohibited under chapter 601A has occurred,
3 the remedies provided under that chapter are the
4 exclusive remedies available to the victim.
5 An action brought pursuant to this section must be
6 brought within two years after the date of the
7 violation of this chapter. However, the filing of a
8 complaint under chapter 601A tolls the statute of
9 limitations for the purposes of the commencement of an
10 action under this section."
11 12. By striking page 4, line 10, through page 5,
12 line 7.
13 13. Page 5, line 18, by inserting after the word
14 "to" the following: "the prosecuting attorneys
15 training coordinator in".
16 14. Page 5, by inserting after line 24 the
17 following:
18 "Sec. _____. Section 80.40, Code 1991, is repealed."

BEATTY of Warren

H–5794

1 Amend House File 2466 as follows:
2 1. Page 17, line 30, by inserting after the word
3 "duties." the following: "Members of the board shall
4 file statements of financial interest under section
5 68B.10F."

HARBOR of Mills
HALVORSON of Clayton

H–5795

1 Amend Senate File 2348, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 9, by striking lines 16 through 18 and
4 inserting the following: "correctional services, the
5 following".
6 2. Page 9, line 20, by striking the figure
7 "4,288,557" and inserting the following: "4,163,557".

8 3. Page 11, by striking lines 13 through 15 and
9 inserting the following: "correctional services, the
10 following".
11 4. Page 11, line 17, by striking the figure
12 "3,922,795" and inserting the following: "3,797,795".
13 5. Page 11, by striking lines 33 through 35 and
14 inserting the following: "correctional services, the
15 following".
16 6. Page 12, line 2, by striking the figure
17 "3,373,835" and inserting the following: "3,248,835".
18 7. Page 15, by inserting after line 18 the fol-
19 lowing:
20 "Sec. _____. COURT-ORDERED SERVICES PROVIDED TO
21 JUVENILES. There is appropriated from the general
22 fund of the state to the department of human services
23 for the fiscal year beginning July 1, 1992, and ending
24 June 30, 1993, in addition to other appropriations
25 made for the following purpose for that fiscal year,
26 the following amount, or so much thereof as is
27 necessary, to be used for the purpose designated:
28 Payment of the expenses of court-ordered services
29 provided to juveniles which are a charge upon the
30 state pursuant to section 232.141, subsection 4,
31 including juveniles' expenses for mental or physical
32 examinations, care or treatment, and transportation
33 costs related to the care and treatment:
34 .....$ 375,000
35 The appropriation in this section shall be subject
36 to the same provisions of law as applied to other
37 appropriations to the department of human services for
38 this purpose during the fiscal year beginning July 1,
39 1992, and ending June 30, 1993."
40 8. By renumbering and correcting internal
41 references as necessary.

EDDIE of Buena Vista

H—5797

1 Amend amendment, H—5771, to Senate File 2348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 7 the
5 following:
6 "_____. Page 9, by striking lines 16 through 18 and
7 inserting the following: "correctional services, the
8 following"."
9 2. Page 1, line 9, by striking the figure
10 "4,279,499" and inserting the following: "4,154,499".
11 3. Page 1, by inserting after line 13 the
12 following:
13 "_____. Page 11, by striking lines 13 through 15
14 and inserting the following: "correctional services,

15 the following"."
16 4. Page 1, line 15, by striking the figure
17 "3,913,737" and inserting the following: "3,788,737".
18 5. Page 1, by inserting after line 15 the
19 following:
20 "_____. Page 11, by striking lines 33 through 35
21 and inserting the following: "correctional services,
22 the following"."
23 6. Page 1, line 17, by striking the figure
24 "3,364,777" and inserting the following: "3,239,777".
25 7. Page 1, by inserting after line 17 the
26 following:
27 "_____. Page 15, by inserting after line 18 the
28 following:
29 "Sec. _____. COURT-ORDERED SERVICES PROVIDED TO
30 JUVENILES. There is appropriated from the general
31 fund of the state to the department of human services
32 for the fiscal year beginning July 1, 1992, and ending
33 June 30, 1993, in addition to other appropriations
34 made for the following purpose for that fiscal year,
35 the following amount, or so much thereof as is
36 necessary, to be used for the purpose designated:
37 Payment of the expenses of court-ordered services
38 provided to juveniles which are a charge upon the
39 state pursuant to section 232.141, subsection 4,
40 including juveniles' expenses for mental or physical
41 examinations, care or treatment, and transportation
42 costs related to the care and treatment:
43 .....$ 375,000
44 The appropriation in this section shall be subject
45 to the same provisions of law as applied to other
46 appropriations to the department of human services for
47 this purpose during the fiscal year beginning July 1,
48 1992, and ending June 30, 1993." "
49 8. By renumbering as necessary.

EDDIE of Buena Vista

H–5806

1 Amend amendment, H–5761, to Senate File 2238, as
2 passed by the Senate, as follows:
3 1. Page 1, by inserting after line 48, the
4 following:
5 "Sec. _____. NEW SECTION. 275.25A ELECTION OF
6 DIRECTORS ALTERNATIVE.
7 1. As an alternative to the methods specified in
8 sections 275.25 and 275.41 for electing directors in a
9 newly formed community school district, if only two
10 districts merge, the procedure specified in this
11 section may be used.
12 2. The members of the boards of directors of the
13 two districts who reside within the boundaries of the

14 newly formed district shall be the members of the
15 interim board of the newly formed district. The
16 members of the interim board shall serve terms which
17 expire on the date of the organizational meeting of
18 the new board of the reorganized district which shall
19 occur as provided under subsection 3. The interim
20 board of the newly formed district shall organize
21 within fifteen days after the approval of the merger
22 upon the call of the area education agency
23 administrator. The interim board shall have control
24 of the employment of all personnel for the newly
25 formed district for the ensuing school year. The
26 interim board shall also have the authority to
27 establish policy, organize curriculum, enter into
28 contracts, and complete any planning and take any
29 action necessary for the efficient management of the
30 newly formed school district. The interim board of
31 the newly formed district shall appoint an acting
32 superintendent and an acting board secretary. The
33 appointment of the acting superintendent shall not be
34 subject to the continuing contract provision of
35 sections 279.20, 279.23, and 279.24.
36 3. The members of the new board of the reorganized
37 district shall be elected, at either a special or the
38 next regular school election that occurs one year
39 after the effective date of the reorganization.
40 Elections shall be held in the manner provided in
41 section 275.25, except that, for purposes of
42 determining when elections for successors to the
43 members of the new board are to take place, the date
44 which marks the one-year anniversary of the effective
45 date of the reorganization of a district which uses
46 the alternative method for election of the board of
47 directors provided under this section shall be used
48 instead of the actual effective date of the
49 reorganization."
50 _____. Title page, line 3, by inserting after the

Page 2

1 word "districts" the following: "and to permit an
2 alternative to the methods for electing directors of
3 newly formed school districts if only two districts
4 merge"."
5 2. By renumbering as necessary.

MAULSBY of Calhoun

H—5807

1 Amend amendment, H—5761, to Senate File 2238, as
2 passed by the Senate, as follows:
3 1. Page 1, line 38, by inserting after the word

4 "if" the following: "the board determines that the
5 program should be funded through a combination of an
6 educational performance property tax and an
7 educational performance income surtax and".

MAULSBY of Calhoun

H–5817

1 Amend Senate File 2345, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 17, by inserting after line 28, the
4 following:
5 "Sec. _____. Section 321.152, subsection 1, Code
6 Supplement 1991, is amended to read as follows:
7 1. ~~Four and one-quarter percent of the total~~
8 ~~collection~~ Two dollars for each annual or semiannual
9 vehicle registration and each duplicate registration
10 card or plate issued."
11 2. By renumbering as necessary.

KOENIGS of Mitchell

H–5829

1 Amend Senate File 2355 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 6 the
4 following:
5 "_____. The department shall apply for a waiver of
6 federal requirements as necessary to implement the
7 following requirements:
8 a. Establish a limitation in the amount of the
9 grant paid to certain recipients of aid to dependent
10 children in accordance with this subsection. The
11 limitation shall only apply to the aid to families
12 with dependent children grant and shall not apply to
13 medical assistance or food stamp benefits. The
14 limitation shall not apply to an increase in family
15 size for a reason, other than the birth of a child,
16 which would be permitted in accordance with the aid to
17 dependent children program requirements.
18 b. The limitation shall require that during the
19 period of a waiver, if a recipient's family size
20 increases due to the birth of a child, the grant
21 amount paid to that recipient shall not increase based
22 upon that birth. However, a recipient's grant amount
23 shall be permitted to increase to reflect an increase
24 in the recipient's family size due to the birth of a
25 child to the recipient during the first ten months of
26 the waiver period. In addition, if a recipient's
27 initial eligibility during the waiver period is based
28 upon a family size with only one child, the
29 recipient's grant shall be permitted to increase to

30 reflect the birth of an additional child. If a
31 recipient's grant amount is not increased due to the
32 birth of a child in accordance with this section, the
33 recipient shall be permitted to retain, without
34 affecting the recipient's eligibility for assistance,
35 any income attributable to that child, including child
36 support which would otherwise be retained by the state
37 due to the child's eligibility for assistance."
38 2. By renumbering as necessary.

GRUBBS of Scott

H—5839

1 Amend Senate File 2345, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 19, by inserting after line 13, the
4 following:
5 "Sec. _____. NEW SECTION. 441.73 LITIGATION
6 EXPENSE FUND.
7 1. A litigation expense fund is created in the
8 state treasury. The litigation expense fund shall be
9 used for the payment of litigation expenses incurred
10 by the state to defend property valuations established
11 by the director pursuant to section 428.24 and
12 chapters 430A, 433, 434, 437, and 438.
13 2. The director may pay litigation expenses from
14 the litigation expense fund or from appropriations
15 made to the department. When the director determines
16 that foreseeable litigation expenses during the next
17 four calendar quarters will exceed the amount in the
18 litigation expense fund, the director may apply to the
19 executive council for approval of a litigation
20 assessment. The application for approval shall
21 include an estimate of total potential litigation
22 expenses, allocated to each of the next succeeding
23 four calendar quarters and substantiated by a
24 breakdown of all anticipated costs for legal counsel,
25 expert witnesses, and other applicable litigation
26 expenses. If the executive council approves the
27 director's application, it shall set the amount of the
28 litigation assessment.
29 3. Upon approval by the executive council, the
30 director shall issue a litigation assessment notice to
31 each assessor in the state who has centrally assessed
32 property in the jurisdiction of that assessor. The
33 total of all assessment notices shall not exceed the
34 amount estimated to be expended in the first calendar
35 quarter. The amount of each assessment notice shall
36 be determined by multiplying the amount estimated to
37 be expended in the first calendar quarter, approved by
38 the executive council times the portion of all
39 centrally assessed property that is in the

40 jurisdiction of that assessor.
41 4. Assessments for each of the three succeeding
42 calendar quarters shall be made in the same manner as
43 for the first calendar quarter. However, prior to
44 assessment in each quarter the director shall report
45 to the executive council and give an accounting of
46 actual litigation expenditures to date for the current
47 quarter as well as estimated remaining litigation
48 expenditures for the current calendar quarter. The
49 executive council may amend the litigation assessment
50 expense estimated for the next quarter based on this

Page 2

1 information.
2 5. Upon receipt of a litigation assessment notice,
3 an assessor shall submit the assessment notice to the
4 county auditor for payment by warrant out of the
5 assessment expense fund established under section
6 441.16.
7 6. If upon conclusion of a calendar quarter the
8 amount in the litigation expense fund exceeds one
9 hundred thousand dollars and there is no litigation
10 pending whereby the state is defending property
11 valuations established by the director pursuant to
12 section 428.24 or chapter 430A, 433, 434, 437, or 438,
13 the director shall issue state warrants refunding the
14 amount in excess of one hundred thousand dollars to
15 the assessors in the same proportion as the last
16 assessment notice issued by the director.
17 7. For purposes of this section:
18 a. "Department" means the department of revenue
19 and finance.
20 b. "Director" means the director of revenue and
21 finance.
22 c. "Litigation expenses" means the total cost
23 incurred by the state to defend a centrally assessed
24 property valuation established by the director in a
25 trial or appellate court proceeding, including the
26 estimated payroll cost of state employees.

HALVORSON of Clayton
JOCHUM of Dubuque
HALVORSON of Webster

H—5849

1 Amend the amendment, H—5671, to Senate File 2345,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by inserting after line 46 the
5 following:
6 "Sec. _____. Section 307.39, Code 1991, is amended

7 to read as follows:
8 307.39 MAINTENANCE FACILITIES.
9 The department shall maintain maintenance
10 facilities within the boundaries of every county with
11 a population in excess of ~~eight~~ seven thousand nine
12 hundred fifty persons in which the department
13 maintains a maintenance facility as of January 1,
14 1988."

BARTZ of Worth

H–5860

1 Amend the Senate amendment, H–5818, to House File
2 2455, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 2, by striking lines 7 through 13.
5 2. Page 2, by striking lines 17 through 19.
6 3. Page 2, by striking lines 33 through 35 and
7 inserting the following: "management." "
8 4. Page 3, by striking lines 6 through 9 and
9 inserting the following: "of the department of
10 management." "
11 5. By renumbering as necessary.

GARMAN of Story

H–5861

1 Amend the Senate amendment, H–5824, to House File
2 2085, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 2, line 12, by inserting after the word
5 "costs" the following: "and all other reasonable
6 costs associated with the mailing and".

KREMER of Buchanan
FOGARTY of Palo Alto

H–5862

1 Amend House File 2431 as follows:
2 1. Page 3, by inserting after line 25, the
3 following:
4 "Sec. _____. Notwithstanding the appropriation
5 provided in section 294A.25, subsection 1, or other
6 moneys appropriated from the general fund of the state
7 to the department of education for the fiscal year
8 beginning July 1, 1992, for the educational excellence
9 program established in chapter 294A, if as a result of
10 insufficient general fund of the state revenues or as
11 a result of executive action pursuant to section 8.31,
12 the amount appropriated for state foundation aid to
13 school districts under section 257.16 is insufficient
14 to fully fund such aid to school districts, the

15 department of management may transfer from the amount
16 appropriated pursuant to section 294A.25 and other
17 moneys appropriated from the general fund of the state
18 to the department of education for the fiscal year
19 beginning July 1, 1992, for the educational excellence
20 program established in chapter 294A, that portion of
21 those moneys which is available for phase III
22 payments, the amount of the shortfall for state
23 foundation aid for school districts, not to exceed the
24 amount available for phase III. Before moneys shall
25 be transferred pursuant to this section, the
26 department of management shall notify the legislative
27 fiscal bureau and the chairpersons and ranking members
28 of the committees on appropriation."

BRAMMER of Linn

H–5871

1 Amend Senate File 2320 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, by inserting before line 33, the
4 following:
5 "Sec. _____. Notwithstanding the appropriation
6 provided in section 294A.25, subsection 1, from the
7 general fund of the state to the department of
8 education for the fiscal year beginning July 1, 1992,
9 for the educational excellence program, if as a result
10 of insufficient general fund of the state revenues or
11 as a result of executive action pursuant to section
12 8.31, the amount appropriated for state foundation aid
13 to school districts under section 257.16 is
14 insufficient to fully fund such aid to school
15 districts, the department of management may transfer
16 from the amount appropriated pursuant to section
17 294A.25 which is available for phase III payments, the
18 amount of the shortfall for state foundation aid for
19 school districts, not to exceed the amount available
20 for phase III. Before moneys shall be transferred
21 pursuant to this section, the department of management
22 shall notify the legislative fiscal bureau and the
23 chairpersons and ranking members of the committees on
24 appropriation."

BRAMMER of Linn

H–5872

1 Amend the amendment, H–5573, to Senate File 2065,
2 as passed by the Senate, as follows:
3 1. Page 3, line 19, by striking the words "a
4 public offense" and inserting the following: "one of
5 the following public offenses when".
6 2. Page 3, line 23, by striking the word

7 "disability." and inserting the following:
8 "disability, or the person's association with a person
9 of a certain race, color, religion, ancestry, national
10 origin, political affiliation, sex, sexual
11 orientation, age, or disability:".
12 3. Page 4, by inserting after line 9, the
13 following:
14 "Sec. _____. NEW SECTION. 729A.4 CIVIL REMEDIES.
15 A victim who has suffered physical, emotional, or
16 financial harm as a result of a violation of this
17 chapter due to the commission of a hate crime is
18 entitled to and may bring an action for injunctive
19 relief, general and special damages, reasonable
20 attorneys fees, and costs.
21 An action brought pursuant to this section must be
22 brought within two years after the date of the
23 violation of this chapter.
24 In an action brought pursuant to this section, the
25 burden of proof shall be the same as in other civil
26 actions for similar relief.
27 This section does not apply to complaints or
28 discriminatory or unfair practices under chapter
29 601A."
30 4. By renumbering as necessary.

CARPENTER of Polk
BEATTY of Warren
SHONING of Woodbury

H—5873

1 Amend amendment, H—5858, to Senate File 2271, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 16, by striking the word
5 "previously".

HAMMOND of Story

H—5886

1 Amend the amendment, H—5752, to Senate File 2347,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 23 and 24.
5 2. Page 2, line 17, by striking the figure
6 "11,500,000" and inserting the following:
7 "11,100,000".

SPENNER of Henry
PETERSEN of Muscatine

H—5887

1 Amend Senate File 2364, as passed by the Senate, as
2 follows:

3 1. Page 1, line 9, by inserting after the word
4 "sales." the following: "However, the board may
5 require the tax assessment be paid fully with the
6 first half of ordinary taxes."

McNEAL of Hardin

H–5888

1 Amend the amendment, H–5722, to Senate File 2320,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 23, by inserting after the word
5 "percent." the following: "If a school district
6 participates in the educational improvement program
7 pursuant to authority in this paragraph, funding shall
8 only be through a combination of an educational
9 improvement property tax and an educational
10 improvement income surtax as provided in section
11 257.29."

MAULSBY of Calhoun

H–5891

1 Amend House File 2472 as follows:
2 1. Page 2, by striking lines 28 and 29 and
3 inserting the following: "group of counties
4 established for the purpose of carrying out the duties
5 set forth in section 225C.19A."
6 2. Page 8, by inserting after line 16 the
7 following:
8 "(3) Establishing a statewide plan for delivering
9 services to persons with mental illness or mental
10 retardation or other developmental disability who have
11 been diagnosed with multiple disabilities or medical
12 conditions."
13 3. Page 16, by striking lines 9 through 13 and
14 inserting the following:
15 "Sec. _____. Section 225C.18, Code 1991, is amended
16 to read as follows:
17 225C.18 COUNTY MENTAL HEALTH AND MENTAL
18 RETARDATION COORDINATING BOARD.
19 1. A county board of supervisors, independently or
20 in conjunction with one or more other county boards of
21 supervisors, shall either establish a county or
22 multicounty mental health, mental retardation, and
23 developmental disabilities coordinating board or
24 constitute the board or the multicounty boards of
25 supervisors as the ex officio county mental health,
26 mental retardation, and developmental disabilities
27 coordinating board. If a separate county mental
28 health, mental retardation, and developmental
29 disabilities coordinating board is established, it

30 ~~shall be composed of persons who have demonstrated a~~
31 ~~concern for mental health, mental retardation, and~~
32 ~~developmental disabilities services~~ the board's
33 citizen members shall be limited to individuals with
34 mental illness or mental retardation or other
35 developmental disability or family members of such
36 individuals and ~~its~~ the board's size shall be
37 determined by the board or multicounty boards of
38 supervisors. Each county board of supervisors shall
39 designate one or more county supervisors to serve on a
40 county mental health, mental retardation, and
41 developmental disabilities coordinating board. The
42 chairperson of the county mental health, mental
43 retardation, and developmental disabilities advisory
44 committee established under section 225C.19 shall
45 serve on the county or multicounty coordinating board.
46 The vice chairperson of the county mental health,
47 mental retardation, and developmental disabilities
48 advisory committee shall serve on the county or
49 multicounty coordinating board if ten or more county
50 supervisors are members of the board.

Page 2

1 2. A county or multicounty mental health, mental
2 retardation, and developmental disabilities co-
3 ordinating board shall:
4 a. Develop a plan for the provision of mental
5 health, mental retardation, and developmental
6 disabilities services in the county or counties
7 represented by the membership of the board, consistent
8 with the state mental health, mental retardation, and
9 developmental disabilities plan; however, the plan
10 shall only be valid if approved by the county board or
11 boards of supervisors.
12 b. Develop a plan, subject to annual state
13 appropriations, county budgets, and other sources of
14 funding, to provide individual case management
15 services through the county, through a contract with a
16 private provider, or through the department. However,
17 the plan shall only be valid if approved by the county
18 board or boards of supervisors.
19 c. Distribute, after a county assessment of needed
20 services and available resources, no more than sixty
21 percent of the county's or counties' share of the
22 ~~general allocation of the~~ state community ~~mental~~
23 ~~health and mental retardation~~ services ~~funds~~ fund for
24 either mental health or mental retardation services.
25 d. Prepare an annual fiscal accounting of the use
26 of state moneys appropriated through the state
27 community ~~mental health and mental retardation~~
28 services fund for use in the respective counties.

29 e. Nominate potential recipients of grant money
30 made available from or through the administrator for
31 development of mental health or mental retardation or
32 developmental disabilities services.
33 Sec. 101. NEW SECTION. 225C.19A COUNTY CLUSTER
34 MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL
35 DISABILITIES STEERING COMMITTEE.
36 A county cluster may contract with another county
37 cluster or a county within another county cluster in
38 order to separate service delivery for mental health
39 and for mental retardation and other developmental
40 disabilities."
41 4. Page 16, line 18, by striking the words ", a
42 service provider,".
43 5. Page 16, line 26, by striking the words "The
44 boards of supervisors" and inserting the following:
45 "The county mental health, mental retardation, and
46 developmental disabilities coordinating boards".
47 6. Page 16, line 30, by inserting after the word
48 "committee" the following: ", in conjunction with the
49 county mental health, mental retardation, and
50 developmental disabilities coordinating boards within

Page 3

1 that cluster,".
2 7. Page 23, by striking lines 8 through 10 and
3 inserting the following: "~~co ordinating~~ coordinating
4 boards, mental health, mental retardation, and
5 developmental disabilities steering committees
6 established pursuant to section 225C.19A, and county
7 care facility care".
8 8. Page 27, line 24, by striking the figure
9 "225C.19,".

SHEARER of Louisa

H—5895

1 Amend Senate File 2320, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, by inserting after line 32 the
4 following:
5 "Sec. _____. If a school district will receive less
6 state foundation aid under chapter 257 for the budget
7 year beginning July 1, 1992, because of the enactment
8 of this Act or other Act enacted during the 1992
9 Session, the board of directors may use up to one-half
10 of any phase III moneys available to that district
11 under chapter 294A for purposes of the district's
12 controlled budget. The amount of phase III moneys

13 used shall not exceed the amount of state foundation
14 aid the school district did not receive."

LAGESCHULTE of Bremer
HANSON of Black Hawk

H—5899

1 Amend the amendment, H—5858, to Senate File 2271,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by inserting after line 4, the
5 following:
6 "5. This section does not affect any employer
7 policies or labor contracts which exist on or before
8 March 1, 1992."

CARPENTER of Polk

H—5906

1 Amend the Senate amendment, H—5825, to House File
2 2459, as amended, passed, and reprinted by the House,
3 as follows:
4 1. By striking page 1, line 37 through page 2,
5 line 11.
6 2. By renumbering as necessary.

KREMER of Buchanan

H—5907

1 Amend the Senate amendment, H—5825, to House File
2 2459, as amended, passed, and reprinted by the House
3 as follows:
4 1. Page 2, by striking line 49 and inserting the
5 following: "compensation fund shall not revert.
6 Sec. _____. NEW SECTION. 246.303A RECIPROCITY.
7 When the laws of a state or the rules of the
8 authorities of that state place a requirement or
9 disability upon a person employed as a correctional
10 officer in this state, which affects the right of the
11 person to be employed as a correctional officer in
12 that state, the same requirement or disability shall
13 be placed upon a person from that state when applying
14 for employment as a correctional officer in this
15 state."

SPENNER of Henry
SPEAR of Lee
COHOON of Des Moines

H—5938

1 Amend the amendment, H—5863, to House File 2466, as
2 follows:

3 1. Page 3, by striking lines 42 through 44, and
4 inserting the following:
5 "(_____) Food and drink received during a calendar
6 day which is consumed in the presence of the donor and
7 has a value not exceeding thirty-five dollars."
8 2. By striking page 9, line 40 through page 10,
9 line 4.
10 3. By numbering and renumbering as necessary.

HALVORSON of Clayton
BISIGNANO of Polk
HARBOR of Mills
JOCHUM of Dubuque

H–5942

1 Amend the amendment, H–5863, to House File 2466, as
2 follows:
3 1. Page 4, line 36, by striking the words ",
4 state, or local".
5 2. Page 8, by inserting after line 43, the
6 following:
7 "Sec. _____. NEW SECTION. 68B.7 AGENCY LOBBYIST
8 BAN.
9 An agency shall not employ a lobbyist for any
10 purpose. This section does not prohibit a public
11 official or public employee whose activities are
12 limited to formal appearances to give testimony at
13 public sessions of committees of the general assembly
14 or public hearings of state agencies and whose
15 appearances as a result of testifying are recorded in
16 the records of the committee or agency."
17 3. By renumbering as necessary.

TYRRELL of Iowa

H–5947

1 Amend the amendment, H–5420, to Senate File 506, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by inserting before line 11 the fol-
5 lowing:
6 "_____. A local exchange telephone utility, which
7 elects to participate in incentive regulation, shall
8 retain an adequate work force to meet or exceed the
9 service standards required under board rules in effect
10 on July 1, 1992, or any more stringent service
11 standards adopted by rule after that date."
12 2. Renumber as necessary.

SHERZAN of Polk

H—5950

1 Amend amendment, H—5420, to Senate File 506, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by inserting after line 38 the
5 following:
6 "_____. Notwithstanding any other provision of this
7 chapter, a telephone utility applying for or operating
8 under incentive regulation shall not increase rates
9 charged for basic or enhanced 911 service after
10 January 1, 1992, for a period of three years. A
11 telephone utility which has increased its rates for
12 basic or enhanced 911 service after January 1, 1992,
13 shall not apply for incentive regulation for a period
14 of three years after such an increase is allowed,
15 except that such a telephone utility may apply
16 immediately upon decreasing the telephone utility's
17 rates for basic or enhanced 911 service to a level
18 equal to or less than the level charged by the
19 telephone utility on January 1, 1992."
20 2. By renumbering as necessary.

BLANSHAN of Greene
MERTZ of Kossuth
BRAND of Benton
BURKE of Marshall
SVOBODA of Tama
KOENIGS of Mitchell
NIELSEN of Linn
ADAMS of Hamilton
HAVERLAND of Polk
WISSING of Scott
DVORSKY of Johnson
BRAMMER of Linn
CHAPMAN of Linn
FOGARTY of Palo Alto
BEATTY of Warren
DICKINSON of Jackson
MURPHY of Dubuque
TEAFORD of Black Hawk

H—5956

1 Amend amendment, H—5858, to Senate File 2271, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, lines 5 and 6, by striking the words
5 "USE OF LAWFUL PRODUCTS" and inserting the following:
6 "LAWFUL ACTIVITY".
7 2. Page 1, line 7, by inserting after the figure
8 "1." the following: "a."
9 3. Page 1, line 7, by striking the word "hire,".
10 4. Page 1, line 13, by striking the figure and
11 words "2. This section" and inserting the following:
12 "b. This subsection".
13 5. Page 1, line 15, by striking the word
14 "section" and inserting the following: "subsection".
15 6. Page 1, by striking lines 23 through 34.
16 7. Page 1, by inserting before line 35 the
17 following:
18 "2. An employer shall not discharge an employee

19 due to that employee's participation in a lawful
20 activity off the premises of the employer during
21 nonworking hours unless the restriction on the lawful
22 activity meets one of the following conditions:
23 a. The restriction relates to a bona fide
24 occupational requirement or is reasonably related to
25 the employment activities and responsibilities of a
26 particular employee or a particular group of
27 employees, rather than to all employees of the
28 employer.
29 b. The restriction is necessary to avoid an
30 employee's conflict of interest or the appearance of a
31 conflict of interest with any employee
32 responsibilities owed to the employer."
33 8. Page 1, line 35, by striking the figure "4"
34 and inserting the following: "3".
35 9. Page 2, by inserting after line 4 the
36 following:
37 "_____. Title page, line 1, by inserting after the
38 word "products" the following: "and lawful
39 activity"."
40 10. By renumbering as necessary.

HALVORSON of Webster

H–5966

1 Amend Senate File 2363, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 6, by inserting after line 10, the
4 following:
5 "Sec. _____. NEW SECTION. 144.29A TERMINATION OF
6 PREGNANCY REPORTING.
7 1. A health care provider who identifies a
8 spontaneous termination of pregnancy or who induces a
9 termination of pregnancy shall file with the
10 department a report for each termination within thirty
11 days of the occurrence. The report shall contain all
12 of the following information with respect to each
13 termination:
14 a. The health care provider number.
15 b. The health facility number.
16 c. The patient number.
17 d. The state of residence and, if this state, the
18 county of residence of the patient.
19 e. The race of the patient.
20 f. The age of the patient.
21 g. The marital status of the patient.
22 h. The educational level of the patient.
23 i. The month and year in which the termination
24 occurred.
25 j. The number of weeks since the patient's last
26 menstrual period.

27 k. Complications, if any.
28 l. The cause of termination, if known.
29 m. The type of procedure.
30 2. The information shall be collected in a manner
31 specified by rule of the department, pursuant to
32 chapter 17A, and which ensures the anonymity of the
33 patient who experiences a termination of pregnancy,
34 the health care provider who identifies or induces a
35 termination of pregnancy, and the hospital, clinic, or
36 other health facility in which a termination of
37 pregnancy is identified or induced. The department
38 shall publish, annually, demographic summaries of the
39 information obtained pursuant to this section, except
40 that the department shall not disclose any information
41 obtained pursuant to this section which reveals the
42 identity of any patient, health care provider, or
43 hospital, clinic, or other health facility, and shall
44 ensure anonymity in the following ways:
45 a. The department may use information concerning
46 the patient number or concerning the identity of a
47 specific reporting hospital, clinic, or other health
48 facility only for purposes of information collection.
49 The department shall not reproduce this information
50 for any purpose, and shall not extrapolate this

Page 2

1 information for any purposes other than for use in
2 annually publishing the demographic summary under this
3 section.
4 b. The department shall immediately destroy all
5 reports submitted after information is extrapolated
6 from the reports for use in annually publishing the
7 demographic summary under this section.
8 3. For the purposes of this section, "health care
9 provider" means a person providing health care
10 services of any kind.
11 Sec. _____. Section 144.53, Code 1991, is amended by
12 adding the following new subsection:
13 NEW SUBSECTION. 4. Violates a provision of
14 section 144.29A."
15 2. Title page, line 3, by striking the words "and
16 making appropriations" and inserting the following:
17 "making appropriations, and making a penalty
18 applicable."
19 3. By renumbering as necessary.

MERTZ of Kossuth
MUHLBAUER of Crawford
GARMAN of Story
SVOBODA of Tama
BANKS of Plymouth
HURLEY of Fayette
FOGARTY of Palo Alto

H–5982

1 Amend House File 2474 as follows:
2 1. Page 2, line 3, by inserting after the word
3 "expenditures" the following: "and contributions".
4 2. Page 2, line 8, by striking the words ", with
5 each signature notarized,".
6 3. Page 2, line 9, by striking the word "ten" and
7 inserting the following: "fifteen".
8 4. Page 2, lines 13 and 14, by striking the words
9 ", with each signature notarized,".
10 5. Page 2, line 14, by striking the word "ten"
11 and inserting the following: "fifteen".
12 6. Page 2, line 20, by inserting after the word
13 "expenditures" the following: "or contributions".
14 7. Page 2, by striking lines 28 and 29 and
15 inserting the following: "campaign. Political
16 advertisements shall contain an indication that a
17 candidate did not agree to a restricted campaign."
18 8. Page 6, by inserting after line 10, the
19 following:
20 "Sec. _____. NEW SECTION. 56.37A RESTRICTED
21 CAMPAIGNS – LIMITS ON ACCEPTANCE OF CONTRIBUTIONS.
22 If a restricted campaign exists, the acceptance of
23 contributions by candidates for the following offices
24 from political action committees and individuals is
25 subject to the following limitations:
26 1. Governor.
27 a. Total political action committee contributions,
28 four hundred eighty-seven thousand five hundred
29 dollars in a primary election in which the candidate
30 is unopposed, nine hundred seventy-five thousand
31 dollars in a primary election in which the candidate
32 is opposed, and nine hundred seventy-five thousand
33 dollars in a general election.
34 b. Largest political action committee
35 contribution, five thousand dollars.
36 c. Largest individual contribution, excluding
37 contributions made by a candidate to the candidate's
38 own campaign, one thousand dollars.
39 2. Attorney general, secretary of agriculture,
40 secretary of state, treasurer of state, and auditor of
41 state.
42 a. Total political action committee contributions,
43 thirty-two thousand five hundred dollars in a primary
44 election in which the candidate is unopposed, sixty-
45 five thousand dollars in a primary election in which
46 the candidate is opposed, and sixty-five thousand
47 dollars in a general election.
48 b. Largest political action committee
49 contribution, five thousand dollars.
50 c. Largest individual contribution, excluding

Page 2

1 contributions made by a candidate to the candidate's
2 own campaign, one thousand dollars.
3 3. State senator.
4 a. Total political action committee contributions,
5 eight thousand one hundred twenty-five dollars in a
6 primary election in which the candidate is unopposed,
7 sixteen thousand two hundred fifty dollars in a
8 primary election in which the candidate is opposed,
9 and sixteen thousand two hundred fifty dollars in a
10 general election.
11 b. Largest political action committee
12 contribution, five hundred dollars.
13 c. Largest individual contribution, excluding
14 contributions made by a candidate to the candidate's
15 own campaign, five hundred dollars.
16 4. State representative.
17 a. Total political action committee contributions,
18 four thousand eight hundred seventy-five dollars in a
19 primary election in which the candidate is unopposed,
20 nine thousand seven hundred fifty dollars in a primary
21 election in which the candidate is opposed, and nine
22 thousand seven hundred fifty dollars in a general
23 election.
24 b. Largest political action committee
25 contribution, five hundred dollars.
26 c. Largest individual contribution, excluding
27 contributions made by the candidate to the candidate's
28 own campaign, five hundred dollars.
29 5. Individual contributions to the candidate or
30 candidate's committee made by one individual of a
31 cumulative value of one hundred dollars or more shall
32 be reported, including the name, address, occupation,
33 and place of business of the contributor."
34 9. Page 6, line 13, by inserting after the word
35 "expenditure" the following: "or contribution".
36 10. Page 6, line 16, by inserting after the word
37 "expenditures" the following: "or contributions".
38 11. Page 6, line 17, by inserting after the word
39 "expenditures" the following: "or contributions".
40 12. Page 7, line 11, by inserting after the word
41 "expenditure" the following: "or contribution".
42 13. Page 7, line 11, by inserting after the
43 figure "56.35" the following: "or section 56.37A".
44 14. Page 7, by striking lines 25 through 31, and
45 inserting the following:
46 "Below the name of a candidate who agrees to limit
47 campaign expenditures and contributions, the ballot
48 shall state the following: "Agreed to campaign
49 limits." Below the name of a candidate who did not
50 agree to limit campaign expenditures and

Page 3

1 contributions, the ballot shall state the following:
2 "Did not agree to campaign limits." "
3 15. Page 8, by striking lines 29 through 35, and
4 inserting the following:
5 "Below the name of a candidate who agrees to limit
6 campaign expenditures and contributions, the ballot
7 shall state the following: "Agreed to campaign
8 limits." Below the name of a candidate who did not
9 agree to limit campaign expenditures and
10 contributions, the ballot shall state the following:
11 "Did not agree to campaign limits." "
12 16. Page 9, line 9, by inserting after the word
13 "expenditure" the following: "or contribution".
14 17. Page 9, line 14, by inserting after the word
15 "expenditure" the following: "or contribution".
16 18. Page 9, line 15, by inserting after the
17 figure "56.35" the following: "or section 56.37A".
18 19. Page 9, line 34, by striking the words "as to
19 whether" and inserting the following: "that".
20 20. Page 9, line 35, by striking the words "or
21 not".
22 21. Page 9, line 35, by inserting after the word
23 "is" the following: "not".
24 22. Page 10, by striking lines 3 through 6 and
25 inserting the following: "purchased on behalf of a
26 candidate. Candidates who have not registered for a".
27 23. Title page, line 2, by inserting after the
28 word "expenditures" the following: "and
29 contributions".
30 24. By renumbering and correcting internal
31 references as necessary.

Committee on State Government

H–5994

1 Amend House File 2026 as follows:
2 1. Page 2, line 8, by striking the words "or
3 family".
4 2. Page 3, line 20, by striking the words "or
5 family".

HANSON of Black Hawk

H–5998

1 Amend Senate File 2362 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 1, line 11, by striking the words "and
4 use".
5 2. By striking page 1, line 30, through page 2,
6 line 9.

7 3. Title page, lines 1 and 2, by striking the
8 words "and making an appropriation".

DVORSKY of Johnson

H–6000

1 Amend House File 2479 as follows:
2 1. Page 1, by striking line 13 and inserting the
3 following:
4 "2. If principal and interest".
5 2. Page 1, line 18, by striking the words "a
6 majority" and inserting the following: "sixty
7 percent".
8 3. Page 7, line 4, by striking the words
9 "However, if" and inserting the following: "~~However,~~
10 ~~if~~ If".
11 4. Page 8, line 19, by striking the words
12 "However, if" and inserting the following: "If".
13 5. Page 9, line 24, by striking the words
14 "However, if" and inserting the following: "If".
15 6. Page 10, line 19, by striking the words
16 "However, if" and inserting the following: "If".
17 7. Page 13, line 31, by striking the words
18 "However, if" and inserting the following: "If".

McKEAN of Jones

H–6003

1 Amend House File 2479 as follows:
2 1. Page 14, by inserting after line 29, the
3 following:
4 "Sec. _____. GOVERNMENT INFRASTRUCTURE STUDY
5 COMMITTEE ESTABLISHED.
6 1. The legislative council shall appoint a
7 committee for the 1992 interim to study governmental
8 infrastructure needs in Iowa. Membership on the
9 committee shall consist of the following: one member
10 of a school district board of directors; one member of
11 a city council; one member of a county board of
12 supervisors; four members of the general assembly, two
13 from each chamber and two from each political party;
14 one person representing the building construction
15 industry; one member of a county-wide taxpayer
16 organization; and one member of a county-wide farm
17 organization. Membership on the committee shall be
18 gender-balanced.
19 2. The committee shall study the feasibility of
20 establishing a statewide system for determining the
21 need for local public improvement projects which are
22 funded from voter-approved bond issuances. The study
23 shall include an analysis of all categories of voter-
24 approved local public improvement projects. The

25 analysis shall include the classification of each
26 category on the basis of whether it is a type of
27 project which should be subject to approval by a sixty
28 percent majority or a simple majority in a bond
29 issuance referendum. Each classification shall take
30 into account the extent to which a public improvement
31 is of general public benefit, essential to the health
32 or safety of the public, and a cost-effective
33 alternative to any other option available. In
34 addition, the committee shall examine the feasibility
35 of guaranteeing voter-approved bonds with revenue
36 sources other than property taxes.
37 3. The committee shall submit its report and
38 recommendations to the general assembly by January 11,
39 1993.
40 4. If the general assembly fails to enact, or the
41 governor does not approve legislation implementing a
42 system for prioritizing infrastructure needs, based
43 upon recommendations made pursuant to subsection 2,
44 the provisions of this Act are repealed effective June
45 30, 1993.
46 Sec. _____. Sections 1 through 19 of this Act are
47 effective July 1, 1993."
48 2. Title page, line 3, by inserting after the
49 word "bonds" the following: "and establishing an
50 interim legislative study on methods of financing

Page 2

1 public improvements to infrastructure."

BLACK of Jasper

H–6004

1 Amend House File 2387 as follows:
2 1. Page 1, line 27, by inserting after the figure
3 "3," the following: "airport fire fighters included
4 under section 97B.49, subsection 16, paragraph "d",
5 subparagraph (4),".
6 2. Page 1, line 31, by striking the words
7 "airport fire fighters or to".

CONNORS of Polk

H–6005

1 Amend House File 2479 as follows:
2 1. Page 1, by striking line 13 and inserting the
3 following:
4 "2. If principal and interest".
5 2. Page 1, line 18, by striking the words "a
6 majority" and inserting the following: "sixty
7 percent".
8 3. Page 3, by striking lines 1 through 4 and

9 inserting the following: "principal and interest of
10 the bonds in full. The property tax".
11 4. Page 5, by striking lines 15 through 21.
12 5. Page 5, by striking lines 24 through 30 and
13 inserting the following: "impose as part of the
14 resolution an income surtax and certify to the
15 department of management such sum expressed in
16 dollars. The department shall determine the".
17 6. Page 7, line 4, by striking the words
18 "However, if" and inserting the following: "~~However,~~
19 ~~if~~ If".
20 7. Page 8, line 19, by striking the words
21 "However, if" and inserting the following: "If".
22 8. Page 9, line 24, by striking the words
23 "However, if" and inserting the following: "If".
24 9. Page 10, line 19, by striking the words
25 "However, if" and inserting the following: "If".
26 10. Page 13, line 31, by striking the words
27 "However, if" and inserting the following: "If".

IVERSON of Wright
HALVORSON of Clayton
McKEAN of Jones
JOHNSON of Clinton
KISTLER of Jefferson
MILLER of Cherokee
PETERSEN of Muscatine
EDDIE of Buena Vista
TYRRELL of Iowa
BANKS of Plymouth
GARMAN of Story
HARBOR of Mills
BRANSTAD of Winnebago
MAULSBY of Calhoun
RENKEN of Grundy
HAHN of Muscatine
ROYER of Page
WEIDMAN of Cass
KREBSBACH of Mitchell
HURLEY of Fayette
CARPENTER of Polk

H—6009

1 Amend the amendment, H—6003, to House File 2479, as
2 follows:
3 1. Page 1, line 47, by inserting after the figure
4 "1993" the following: ", and for those sections of
5 this Act containing 1991 Code and 1991 Code Supplement
6 sections, the Code editor shall return the language in
7 those sections to the language existing in the 1991
8 Code or 1991 Code Supplement, whichever is the latest
9 version of those sections."

BLACK of Jasper

H—6012

1 Amend House Joint Resolution 2014 as follows:
2 1. Page 1, by striking lines 1 and 2 and
3 inserting the following:
4 "Section 1. The amendments to 441 Iowa
5 administrative code, rule 79.1, subrule 13, paragraphs
6 a, b, c, and d, as published in Iowa administrative

7 bulletin, Vol. XIV, No. 1 (7/10/91), item 4, p. 69,
8 ARC 2091A, are nullified."

HAMMOND of Story

H–6029

1 Amend House File 2356, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 1. Section 455B.103A, subsection 1,
6 unnumbered paragraph 1, Code Supplement 1991, is
7 amended to read as follows:
8 If a permit is required pursuant to this chapter
9 for stormwater discharge or an air contaminant source
10 and a facility to be permitted is representative of a
11 class of facilities which could be described and
12 conditioned by a single permit, the director may
13 issue, modify, deny, or revoke a general permit for
14 all of the following conditions:
15 Sec. 2. Section 455B.103A, Code Supplement 1991,
16 is amended by adding the following new subsection:
17 NEW SUBSECTION. 5. The enforcement provisions of
18 division III, part 1, apply to general permits for
19 stormwater discharge.
20 Sec. 3. Section 455B.103A, Code Supplement 1991,
21 is amended by adding the following new subsection:
22 NEW SUBSECTION. 6. The enforcement provisions of
23 division II apply to general permits for air
24 contaminant sources."
25 2. Page 6, by striking lines 15 and 16, and
26 inserting the following:
27 "2. The director of the department of economic
28 development shall designate an employee of the
29 department who manages small business programs for the
30 state as the state liaison for small business
31 stationary sources. The department of economic
32 development shall notify the general assembly,
33 annually, of the designation made. The state liaison
34 shall be"
35 3. By renumbering as necessary.

Senate Amendment

H–6046

1 Amend Senate Joint Resolution 2008, as amended,
2 passed, and reprinted by the Senate, as follows:
3 1. Page 1, line 1, by inserting before the word
4 "The" the following: "1."
5 2. Page 1, line 4, by inserting after the figure
6 "XIII" the following: ", effective for the first
7 state fiscal year beginning at least six months after

8 the article is approved and ratified by the electorate
9 except that the article shall not take effect unless
10 each fund balance of the following funds is restored
11 to the amount of the fund balance as of January 1,
12 1991: marine fuel tax fund; gamblers assistance fund;
13 bellas hess fund; insurance trust fund; security
14 deposit fund; milk fund; commercial feed fund;
15 fertilizer fund; pesticide fund; energy research and
16 development fund; racing commission fund; railroad
17 assistance fund; dairy trade fund; vehicle salvage
18 fund; odometer fraud fund; agriculture drainage wells
19 fund; special railroad facility fund; aviation fund;
20 public transit assistance fund; excursion boat fund;
21 administration fund; alcoholic beverages fund; banking
22 fund; credit union fund; insurance fund; professional
23 licensing fund; savings and loan fund; and utilities
24 fund".
25 3. Page 1, line 4, by inserting after the figure
26 "XIII" the following: ", effective for the first
27 state fiscal year beginning at least six months after
28 the article is approved and ratified by the electorate
29 except that the article shall not take effect until
30 the state fiscal year following the calendar year in
31 which the department of revenue and finance certifies
32 to the general assembly that three-fourths of the for-
33 profit corporations doing business in this state
34 incurred state corporate income tax liability".
35 4. Page 1, line 4, by inserting after the figure
36 "XIII" the following: ", effective for the first
37 state fiscal year beginning at least six months after
38 the article is approved and ratified by the electorate
39 except that the article shall not take effect unless
40 the state income tax structure is simplified by
41 repealing the corporate and individual income tax
42 deduction for federal income tax liability and by
43 repealing the option to file separately on a joint
44 return and the revenue realized by these changes is
45 utilized to reduce the school foundation property tax
46 levy".
47 5. Page 1, line 4, by inserting after the figure
48 "XIII" the following: ", effective for the first
49 state fiscal year beginning at least six months after
50 the article is approved and ratified by the electorate

Page 2

1 except that the article shall not take effect for any
2 one fiscal year unless the basis for establishing the
3 maximum medical assistance reimbursement rate for
4 nursing facilities for that fiscal year is set at the
5 ninety-eighth percentile of facilities' costs as
6 calculated from the unaudited compilation of cost and

7 statistical data from the previous fiscal year".
8 6. Page 1, line 6, by striking the word "RIGHTS"
9 and inserting the following: "PROTECTION".
10 7. Page 1, line 7, by inserting after the words
11 "local government" the following: ", excluding school
12 corporations,".
13 8. Page 1, line 11, by inserting after the word
14 "years" the following: ", and the total revenue limit
15 includes a revenue limit on revenues from the motor
16 fuel tax and the special fuel tax to the extent that
17 these taxes shall not be higher than the lowest such
18 tax in any adjacent state and if in excess of that
19 level when this amendment takes effect, they shall be
20 kept at the level existing when this amendment takes
21 effect until the adjacent state with the lowest level
22 raises such taxes".
23 9. Page 1, line 14, by inserting after the word
24 "year." the following: "In addition, the total
25 revenue limit is adjusted by the inclusion of an
26 amount for each fiscal year equal to the annual amount
27 for the relevant fiscal year committed by the state
28 government to the funding of correctional services."
29 10. Page 1, line 14, by inserting after the word
30 "year." the following: "In addition, the total
31 revenue limit is adjusted by the inclusion of an
32 amount for each fiscal year equal to the annual amount
33 for the relevant fiscal year committed by the state
34 government to the funding of the construction of
35 additional prison cells to house persons convicted of
36 the sale and distribution of an illegal substance."
37 11. Page 1, line 14, by inserting after the word
38 "year." the following: "In addition, the total
39 revenue limit is adjusted by the inclusion of an
40 amount for each fiscal year equal to the annual amount
41 for the relevant fiscal year committed by the state
42 government to the funding of the construction of
43 additional prison cells to house persons convicted of
44 a third offense of operating a motor vehicle while
45 intoxicated."
46 12. Page 1, line 14, by inserting after the word
47 "year." the following: "In addition, the total
48 revenue limit is adjusted by the inclusion of an
49 amount for each fiscal year equal to the annual amount
50 for the relevant fiscal year committed by the state

Page 3

1 government to the funding of the construction of
2 additional prison beds to ease prison overcrowding and
3 to reduce the number of high-risk offenders placed on
4 probation or parole."
5 13. Page 1, lines 16 and 17 by striking the words

6 "A school district's "population" is its full-time
7 equivalent student enrollment."
8 14. Page 1, lines 20 and 21, by striking the
9 words and figure "(2) gifts and contracts from
10 nongovernmental sources;".
11 15. Page 1, line 30, by inserting before the word
12 "and" the following: "(_____) revenue committed to the
13 road use tax fund;".
14 16. Page 1, line 30, by inserting before the word
15 "and" the following: "(_____) revenue committed to the
16 preservation of elementary and secondary schools with
17 enrollments of less than one thousand students;".
18 17. Page 1, line 30, by inserting before the word
19 "and" the following: "(_____) revenue committed to
20 school districts that were formed as a result of
21 reorganization under chapter 275;".
22 18. Page 1, line 30, by inserting before the word
23 "and" the following: "(_____) revenue committed to
24 school districts in the process of reorganizing or
25 dissolving under chapter 275;".
26 19. Page 1, line 30, by inserting before the word
27 "and" the following: "(_____) revenue of the state
28 government committed to funding salaries for faculty
29 and staff of the state universities at a level
30 sufficient to establish and maintain competitiveness
31 with comparable universities;".
32 20. Page 1, line 30, by inserting before the word
33 "and" the following: "(_____) revenue of the state
34 government and local governments committed to funding
35 construction at state and county hospitals;".
36 21. Page 1, line 30, by inserting before the word
37 "and" the following: "(_____) revenue of the state
38 government committed to funding collective bargaining
39 agreements between the state of Iowa and its employees
40 and revenue of local governments committed to funding
41 collective bargaining agreements between the local
42 governments and their employees;".
43 22. Page 1, line 30, by inserting before the word
44 "and" the following: "(_____) revenue of the state
45 government and local governments committed to funding
46 affirmative action activities and programs of the
47 state government and local governments required by the
48 laws of the United States to overcome the effects of
49 past or present practices, policies, or activities
50 which are barriers to equal employment opportunity and

Page 4

1 to reduce the incidents of hate crimes, including but
2 not limited to cross burnings and organizational
3 activities of racial supremacy groups;".
4 23. Page 1, line 30, by inserting before the word

5 "and" the following: "(_____) revenue committed to
6 programs dealing with obstetrical care for indigents
7 and for maternal and child health care programs;".
8 24. Page 1, line 30, by inserting before the word
9 "and" the following: "(_____) revenue committed to
10 programs dealing with prenatal care for low-income
11 women and families and dysfunctional families;".
12 25. Page 1, line 30, by inserting before the word
13 "and" the following: "(_____) revenue committed to
14 programs dealing with postnatal care for low-income
15 women and families and dysfunctional families;".
16 26. Page 1, line 30, by inserting before the word
17 "and" the following: "(_____) revenue committed to
18 programs dealing with postnatal care for teenage
19 mothers;".
20 27. Page 1, line 30, by inserting before the word
21 "and" the following: "(_____) revenue committed to the
22 state board of regents, including work study and
23 student loan programs administered by institutions
24 under the state board of regents;".
25 28. Page 1, line 30, by inserting before the word
26 "and" the following: "(_____) amounts received from the
27 Iowa lottery, if used for economic development;".
28 29. Page 1, line 30, by inserting before the word
29 "and" the following: "(_____) revenue committed to any
30 state program to combat the destruction of the family
31 unit due to domestic violence;".
32 30. Page 1, line 30, by inserting before the word
33 "and" the following: "(_____) revenue committed to any
34 state program which provides law enforcement training
35 for dealing with domestic violence;".
36 31. Page 1, line 30, by inserting before the word
37 "and" the following: "(_____) revenue committed to any
38 state or local program designed to provide for the
39 nutritional needs of Iowa's children;".
40 32. Page 1, line 30, by inserting before the word
41 "and" the following: "(_____) revenue committed to any
42 state or local program designed to provide for the
43 nutritional needs of Iowa's elderly of limited
44 financial means;".
45 33. Page 1, line 30, by inserting before the word
46 "and" the following: "(_____) revenue committed to any
47 state program to assist in maintaining the viability
48 of the family farm in Iowa;".
49 34. Page 1, line 30, by inserting before the word
50 "and" the following: "(_____) revenue committed to

Page 5

1 college scholarship programs designed to provide
2 scholarships to Iowa residents attending college in
3 Iowa;".

35. Page 1, line 30, by inserting before the word "and" the following: "(_____) revenue committed to the juvenile institutions administered by the department of human services at Eldora and Toledo;".

36. Page 1, line 30, by inserting before the word "and" the following: "(_____) revenue committed to solid waste disposal services that provide an alternative to landfills;".

37. Page 1, line 30, by inserting before the word "and" the following: "(_____) revenue committed to training and equipment to assist peace officers in sexual abuse investigations;".

38. Page 1, line 30, by inserting before the word "and" the following: "(_____) revenue committed to training and equipment to assist peace officers in drug enforcement investigations;".

39. Page 1, line 30, by inserting before the word "and" the following: "(_____) revenue committed to training and equipment to assist peace officers in child pornography investigations;".

40. Page 1, line 30, by inserting before the word "and" the following: "(_____) revenue committed to provide assistance to peace officers disabled in the line of duty;".

41. Page 1, line 30, by inserting before the word "and" the following: "(_____) revenue committed to provide assistance to the families of peace officers killed in the line of duty;".

42. Page 1, line 30, by inserting before the word "and" the following: "(_____) revenue committed to training and equipment for fire fighters;".

43. Page 1, line 30, by inserting before the word "and" the following: "(_____) revenue committed to provide assistance to fire fighters disabled in the line of duty;".

44. Page 1, line 30, by inserting before the word "and" the following: "(_____) revenue committed to training and equipment for rescue operations, including emergency medical services, ambulance service, and enhanced 911 service;".

45. Page 1, line 30, by inserting before the word "and" the following: "(_____) revenue committed to public health services, including immunization and disease prevention and counseling for abortion alternatives;".

46. Page 1, line 30, by inserting before the word "and" the following: "(_____) revenue committed to

Page 6

additions to law enforcement and fire departments;".

47. Page 1, line 30, by inserting before the word

3 "and" the following: "(_____) revenue committed to
4 elderly services, including but not limited to
5 homemaker, case management, chore, respite care, and
6 day care;".
7 48. Page 1, line 30, by inserting before the word
8 "and" the following: "(_____) revenue committed to
9 health care for those infected with acquired immune
10 deficiency syndrome;".
11 49. Page 1, line 30, by inserting before the word
12 "and" the following: "(_____) revenue committed to
13 mental health or mental retardation services;".
14 50. Page 1, line 30, by inserting before the word
15 "and" the following: "(_____) revenue committed to
16 prenatal nutrition programs intended to prevent
17 disabilities in newborns;".
18 51. Page 1, line 30, by inserting before the word
19 "and" the following: "(_____) revenue committed to
20 school districts and area education agencies,
21 including additional revenue necessary to comply with
22 educational standards under section 256.11;".
23 52. Page 1, line 30, by inserting before the word
24 "and" the following: "(_____) revenue committed to any
25 use that is projected to result in future savings in
26 state expenditures;".
27 53. Page 1, line 30, by inserting before the word
28 "and" the following: "(_____) an amount necessary to
29 compensate for any reduction in federal or state funds
30 received by local governments in any fiscal year as
31 compared to the amount of federal or state funds
32 received in fiscal year 1990 or any other preceding
33 fiscal year thereafter, whichever is greater;".
34 54. Page 1, line 30, by inserting before the word
35 "and" the following: "(_____) revenue committed to
36 economic development in the community services
37 division of the merged area schools and to retire
38 bonds issued to fund job training programs in the
39 merged area schools;".
40 55. Page 1, line 30, by inserting before the word
41 "and" the following: "(_____) revenue committed to fund
42 the transportation costs of a rural school district
43 with an enrollment of less than five hundred;".
44 56. Page 1, line 30, by inserting before the word
45 "and" the following: "(_____) revenue committed to fund
46 sharing programs between school districts with
47 enrollments of less than one thousand;".
48 57. Page 1, line 30, by inserting before the word
49 "and" the following: "(_____) revenue committed to the
50 preservation of elementary and secondary schools;".

Page 7

1 58. Page 2, line 6, by inserting after the word

2 "referendum." the following: "The referendum shall
3 include the length of time for which the temporary
4 increase will be in effect."
5 59. Page 2, line 27, by inserting after the word
6 "benefits" the following: ", including receipts from
7 the fish protection, brucellosis eradication,
8 snowmobile and all-terrain vehicle, boat, and
9 groundwater protection trust funds established in the
10 Constitution of the State of Iowa,".
11 60. Page 3, line 6, by inserting after the word
12 "state." the following: "School districts or other
13 local governments which consolidate after the
14 effective date of this amendment shall not be subject
15 to the revenue and spending limitations established in
16 this amendment unless the ballot proposing
17 consolidation is approved by at least sixty percent of
18 the total vote cast at the election."
19 61. Page 3, line 21, by striking the word
20 "taxpayer" and inserting the following: "citizen of
21 Iowa".
22 62. Page 3, line 22, by striking the word
23 "taxpayer" and inserting the following: "citizen".
24 63. Page 3, by striking lines 24 through 27.
25 64. Page 3, by inserting before line 28 the
26 following:
27 "2. Article VII of the Constitution of the State
28 of Iowa is amended by adding the following new
29 sections:
30 FISH PROTECTION FUND. SEC. 9. The revenue from
31 all license fees from fishing activities and excise
32 taxes from fishing, and any public or private funds
33 appropriated, allocated, or given for fish protection
34 purposes, shall be used exclusively for activities
35 related to the propagation, management, harvest, and
36 protection of fish resources.
37 BRUCELLOSIS ERADICATION FUND. SEC. 10. The
38 revenue from all permit and fees and penalties, and
39 any public or private funds appropriated, allocated,
40 or given for bovine and swine brucellosis eradication
41 purposes, shall be used exclusively for activities
42 related to the eradication of bovine and swine
43 brucellosis.
44 SNOWMOBILE AND ALL-TERRAIN VEHICLE FUND. SEC. 11.
45 The revenue from all registration, permit, and other
46 fees, fines, and penalties, and any public or private
47 funds appropriated or allocated, or given for
48 snowmobile and all-terrain vehicle programs in the
49 state shall be used exclusively for snowmobile and
50 all-terrain vehicle programs in the state. All-

Page 8

1 terrain vehicle fees, fines, and penalties shall be
2 used only for all-terrain vehicle programs and
3 snowmobile fees, fines, and penalties shall be used
4 only for snowmobile programs. Joint programs shall be
5 supported from both types of fees on a usage basis.
6 At least fifty percent of the special fund shall be
7 available for political subdivisions or incorporated
8 private organizations or both.
9 BOAT FUND. SEC. 12. The revenue from all
10 registration, permit, and other fees, fines, and
11 penalties and any public or private funds appropriated
12 or allocated, or given for boating programs in the
13 state shall be used exclusively for programs to
14 promote safety for persons and property in and
15 connected with the use, operation, and equipment of
16 vessels and to promote uniformity of laws relating to
17 vessels.
18 GROUNDWATER PROTECTION FUND. SEC. 13. The
19 revenue, including fees, fines, and penalties,
20 received from sources designated for purposes related
21 to groundwater monitoring and groundwater quality
22 standards and any public or private funds appropriated
23 or allocated shall be used exclusively to establish a
24 groundwater protection fund to provide for projects
25 and programs related to abating and eliminating the
26 threat of contamination of the state's groundwater."
27 65. Page 3, by inserting before line 28 the
28 following:
29 "3. Section 1 of Article X of the Constitution of
30 the State of Iowa is repealed beginning with the
31 general election in the year 1996, and the following
32 adopted in lieu thereof:
33 HOW PROPOSED – SUBMISSION. Section 1. Any
34 amendment or amendments to this Constitution may be
35 proposed in either House of the General Assembly; and
36 if the same shall be agreed to by a majority of the
37 members elected to each of the two Houses, such
38 proposed amendment shall be entered on their journals,
39 with the yeas and nays taken thereon, and referred to
40 the Legislature to be chosen at the next general
41 election, and shall be published, as provided by law,
42 for three months previous to the time of making such
43 choice; and if, in the General Assembly so next chosen
44 as aforesaid, such proposed amendment or amendments
45 shall be agreed to, by a majority of all the members
46 elected to each House, then it shall be the duty of
47 the General Assembly to submit such proposed amendment
48 or amendments to the people, in such manner, and at
49 such time as the General Assembly shall provide; and
50 if the people shall approve and ratify such amendment

Page 9

1 or amendments, by at least sixty percent of the
2 electors qualified to vote for members of the General
3 Assembly, voting thereon, such amendment or amendments
4 shall become a part of the Constitution of this
5 State."
6 66. Page 4, line 7, by striking the words "Except
7 for school districts, the" and inserting the
8 following: "The".
9 67. Page 4, line 29, by striking the words
10 "school district,".
11 68. By renumbering as necessary.

MURPHY of Dubuque
JESSE of Jasper
DODERER of Johnson
BROWN of Lucas
HAMMOND of Story
HIBBARD of Madison

H—6060

1 Amend the amendment, H—6038, to House File 2446, as
2 follows:
3 1. Page 1, line 28, by striking the word
4 "nineteen-member" and inserting the following:
5 "twenty-member".
6 2. Page 1, line 30, by striking the word
7 "Fifteen" and inserting the following: "Sixteen".
8 3. Page 2, line 2, by striking the word "Eight"
9 and inserting the following: "Nine".
10 4. Page 2, by inserting after line 12 the
11 following:
12 "_____. One member who is an optometrist licensed
13 pursuant to chapter 154."
14 5. By renumbering as necessary.

HALVORSON of Clayton

H—6065

1 Amend Senate Joint Resolution 2008 as amended,
2 passed, and reprinted by the Senate, as follows:
3 1. Page 3, line 23, by inserting after the word
4 "suit" the following: "from appropriations made to
5 the office of the governor".

BROWN of Lucas
HIBBARD of Madison

H—6067

1 Amend Senate Joint Resolution 2008, as amended,
2 passed, and reprinted by the Senate, as follows:
3 1. By striking page 2, line 33, through page 3,
4 line 6, and inserting the following: "revenue limit."

DVORSKY of Johnson

H-6068

1 Amend Senate Joint Resolution 2008, as amended,
2 passed, and reprinted by the Senate, as follows:
3 1. Page 3, by striking lines 7 through 12 and
4 inserting the following:
5 "SEC. 11. A state law or rule adopted after this
6 Article becomes effective, which mandates any
7 political subdivision to engage in any new activity,
8 to provide any new service, to increase any current
9 level of activity, or to provide any service beyond
10 that required by existing law, shall not have the
11 force of law unless the state provides sufficient new
12 funding or a means of new funding to the political
13 subdivision to pay the cost of performing the mandated
14 activity or service for the period of time during
15 which the activity or service is required to be
16 performed."

DVORSKY of Johnson

H-6069

1 Amend Senate Joint Resolution 2008, as amended,
2 passed, and reprinted by the Senate, as follows:
3 1. Page 3, by inserting before line 28 the
4 following:
5 "SEC. 16. This Article shall be effective for six
6 years from the date of the general election at which
7 the Article is adopted. At the general election
8 occurring in the sixth year subsequent to adoption and
9 every general election six years thereafter, the
10 electors of the state qualified to vote for members of
11 the General Assembly shall vote to adopt and ratify
12 this Article."

DVORSKY of Johnson

H-6070

1 Amend Senate Joint Resolution 2008, as amended,
2 passed, and reprinted by the Senate, as follows:
3 1. Page 1, line 30, by inserting before the word
4 "and" the following: "(_____) revenue committed to any
5 state or local program that has the effect of reducing
6 a governmental body's reliance on property taxes;".

DVORSKY of Johnson
BERNAU of Story
BROWN of Lucas
JESSE of Jasper

H-6071

1 Amend Senate Joint Resolution 2008 as amended,

passed, and reprinted by the Senate, as follows:

1. Page 1, line 14, by inserting after the word "increase" the following: "and real property valuation increases".

2. Page 1, line 30, by inserting before the word "and" the following: "(_____) revenue received from regulatory or licensing fees imposed on users of the regulated or licensed services if the fees collected are used to fund the regulation or licensure of the activity;".

3. Page 2, by striking lines 14 and 15, and inserting the following: "hearing."

DVORSKY of Johnson
BERNAU of Story
BROWN of Lucas
JESSE of Jasper

H–6072

Amend Senate Joint Resolution 2008 as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 7, by striking the words "government and each local government".

2. Page 1, line 9, by striking the words "Each government's" and inserting the following: "The state's".

3. Page 1, by striking lines 15 through 17, and inserting the following: "The "base year" is the".

4. Page 1, lines 33 and 34, by striking the words ", and the local limits include,".

5. Page 2, line 1, by striking the words "a government's" and inserting the following: "the state's".

6. Page 2, line 4, by striking the words "A government's" and inserting the following: "The state's".

7. Page 2, line 5, by striking the words "that government's" and inserting the following: "the state's".

8. Page 2, line 7, by striking the words "One or more revenue limits" and inserting the following: "A revenue limit".

9. Page 2, by striking lines 10 through 14, and inserting the following: "by the Governor. An increase under this section is effective for".

10. Page 2, line 19, by striking the words "Each government's" and inserting the following: "The state's".

11. Page 2, line 25, by striking the words "a government's" and inserting the following: "the state's".

12. By striking page 2, line 31, through page 3,

34 line 6.
35 13. Page 3, by striking lines 10 through 12 and
36 inserting the following: "amount of the necessary net
37 cost increase."
38 14. Page 3, line 13, by striking the words "Any
39 state or local government" and inserting the
40 following: "Any state".
41 15. Page 3, line 18, by striking the words "and
42 local governments".
43 16. Page 4, by striking line 7, and inserting the
44 following: "The adjustment for population".
45 17. Page 4, line 17, by striking the words "and
46 local governments".
47 18. Page 4, line 24, by striking the words "A
48 government which" and inserting the following: "If
49 the state".
50 19. Page 4, line 25, by inserting after the

Page 2

1 figure "XIII" the following: ", the state".
2 20. Page 4, by striking lines 28 through 34, and
3 inserting the following: "and operations of the
4 state."
5 21. Page 4, line 35, by striking the words "a
6 government" and inserting the following: "the state".
7 22. Page 5, line 4, by striking the words "each
8 government" and inserting the following: "the state".
9 23. Page 5, line 8, by striking the words "and
10 local governments".
11 24. Title page, lines 3 and 4, by striking the
12 words "and local governments".
13 25. By renumbering as necessary.

DVORSKY of Johnson
BERNAU of Story
BROWN of Lucas
JESSE of Jasper

H–6073

1 Amend Senate Joint Resolution 2008, as amended,
2 passed, and reprinted by the Senate, as follows:
3 1. Page 1, line 30, by inserting before the word
4 "and" the following: "(_____) revenue committed to any
5 public financing of political campaigns;".

BROWN of Lucas
MURPHY of Dubuque
BERNAU of Story

HAMMOND of Story
JESSE of Jasper
DVORSKY of Johnson
BEATTY of Warren

H–6074

1 Amend Senate Joint Resolution 2008, as amended,

2 passed, and reprinted by the Senate, as follows:
3 1. Page 1, line 30, by inserting before the word
4 "and" the following: "(_____) revenue committed to
5 funding a universal health care program;".

BROWN of Lucas
MURPHY of Dubuque
BERNAU of Story
HAMMOND of Story
JESSE of Jasper
DVORSKY of Johnson
BEATTY of Warren

H–6075

1 Amend Senate Joint Resolution 2008, as amended,
2 passed, and reprinted by the Senate, as follows:
3 1. Page 1, line 30, by inserting before the word
4 "and" the following: "(_____) revenue committed to
5 funding the cost of prescription drugs for the
6 elderly;".

BROWN of Lucas
MURPHY of Dubuque
JESSE of Jasper
DVORSKY of Johnson
HAMMOND of Story
HIBBARD of Madison
BERNAU of Story
BEATTY of Warren

H–6076

1 Amend Senate Joint Resolution 2008 as amended,
2 passed, and reprinted by the Senate, as follows:
3 1. Page 1, line 30, by inserting before the word
4 "and" the following: "(_____) revenue committed to
5 funding the Iowa ethics and campaign finance board or
6 its successor;".

BROWN of Lucas
OSTERBERG of Linn
DVORSKY of Johnson
MURPHY of Dubuque
BERNAU of Story
BEATTY of Warren

H–6078

1 Amend the Senate amendment, H–5889, to House File
2 2205, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 2 the fol-
5 lowing:
6 "_____. Page 1, by inserting before line 1 the
7 following:
8 "Section 1. Section 28G.1, Code 1991, is amended
9 to read as follows:
10 28G.1 PURPOSE.
11 The purpose of this chapter is to allow two or more
12 local governments to form a public service monopoly
13 when they find that a public service monopoly is an
14 effective means to protect the public health and
15 welfare, and the environment through ~~adequate~~ any of
16 the following:

17 1. Adequate solid waste collection,
18 transportation, storage and disposal practices ~~and is~~
19 which are the only effective means of allowing the
20 construction and utilization of a resource recovery
21 facility for the recycling of solid waste for use as
22 an energy source.
23 2. The implementation of other solid waste
24 management projects, such as source reduction and
25 recycling, which are part of an approved comprehensive
26 plan required under section 455B.306, and if the
27 formation of a public service monopoly is the only
28 effective means of accomplishing solid waste reduction
29 and recycling. The public service monopoly shall
30 utilize private recycling industries in the service
31 area when possible.
32 Sec. 2. Section 28G.2, Code 1991, is amended by
33 adding the following new subsection:
34 NEW SUBSECTION. 3. "Solid waste management
35 project" means a project which is part of the
36 comprehensive plan, approved by the director of the
37 department of natural resources pursuant to section
38 455B.306, to establish and implement the comprehensive
39 solid waste reduction program of a city or county.
40 Sec. 3. Section 28G.3, Code 1991, is amended to
41 read as follows:
42 28G.3 CREATION OF PUBLIC SERVICE MONOPOLY.
43 If two or more local governments find that the only
44 effective means of allowing the construction and
45 utilization of a resource recovery facility for the
46 recycling of solid waste for use as an energy source
47 or to implement solid waste management projects as
48 defined in section 28G.2 is to create a public service
49 monopoly, a legal entity shall be created pursuant to
50 chapter 28E by agreement of two or more local

Page 2

1 governments to displace competition with regulation
2 and monopoly of a public service for the collection,
3 transportation, storage, and disposal, or diversion of
4 solid waste to the extent reasonably necessary to
5 carry out these functions. The agreement is subject
6 to approval of the environmental protection commission
7 before it becomes effective.
8 Sec. 4. Section 28G.4, subsections 3 and 4, Code
9 1991, are amended to read as follows:
10 3. Enter into contracts for construction and may
11 contract, license, or permit the construction of
12 resource recovery facilities for recycling of solid
13 waste for an energy source or of facilities necessary
14 to implement solid waste management projects as
15 defined in section 28G.2.

4. Require the use of the resource recovery facilities or of facilities necessary to implement solid waste management projects as defined in section 28G.2, by any person who can be effectively served by the facilities. However, this subsection does not prohibit a private agency from dumping or depositing solid waste resulting from its own residential, farming, manufacturing, mining, or commercial activities on land owned or leased by it if the action does not violate any statute of this state or rules ~~promulgated~~ adopted by the environmental protection commission or local boards of health or local ordinances." "

2. Page 2, by striking lines 11 through 27 and inserting the following:

" "Sec. _____. Section 455B.310, subsection 10, Code Supplement 1991, is amended to read as follows:

10. Notwithstanding the tonnage fee schedule prescribed under subsection 2, foundry material that is deposited at a permitted sanitary landfill and used to replace material that would otherwise be purchased and transported from off-site for daily cover, shall be subject to the following fees:

a. For the fiscal year beginning July 1, ~~1991~~ 1992, and ending June 30, ~~1992~~ 1993, the tonnage fee is one dollar for each ton of foundry material ~~which is not more than forty percent of the total amount of foundry material~~ deposited at the sanitary landfill for daily cover by any one source. ~~The amount of foundry material deposited at the sanitary landfill which is greater than forty percent of the total amount deposited by any one source is subject to the tonnage fee imposed in subsection 2 on other solid waste.~~

The fees collected pursuant to this paragraph shall

Page 3

be deposited in the groundwater protection fund established pursuant to section 455E.11. Of each dollar per ton of foundry material collected, fifty cents shall be used in accordance with section 455E.11, subsection 2, paragraph "a", subparagraph (8) and fifty cents shall be used in accordance with section 455E.11, subsection 2, paragraph "a", subparagraph (9).

b. For the fiscal year beginning July 1, ~~1992~~ 1993, and ending June 30, ~~1993~~ 1994, the tonnage fee is one dollar and fifty cents for each ton of foundry material ~~which is not more than forty percent of the total amount of foundry material~~ deposited at the sanitary landfill for daily cover by any one source.

15 ~~The amount of foundry material deposited at the~~
16 ~~sanitary landfill which is greater than forty percent~~
17 ~~of the total amount deposited by any one source is~~
18 ~~subject to the tonnage fee imposed in subsection 2 on~~
19 ~~other solid waste.~~
20 The fees collected pursuant to this paragraph shall
21 be deposited in the groundwater protection fund
22 established pursuant to section 455E.11. Of each
23 dollar and fifty cents per ton of foundry material
24 collected, fifty cents shall be used in accordance
25 with section 455E.11, subsection 2, paragraph "a",
26 subparagraph (8) and one dollar shall be used in
27 accordance with section 455E.11, subsection 2,
28 paragraph "a", subparagraph (9).
29 c. For each fiscal year beginning on or after July
30 1, ~~1993~~ 1994, the tonnage fee imposed is the tonnage
31 fee imposed in subsection 2 on other solid waste." "
32 3. Page 2, by striking line 36 and inserting the
33 following:
34 "_____. Page 3, line 15, by inserting after the
35 figure "8." the following: "Beginning September 1,
36 1992, the final disposal of beverage containers
37 containing alcoholic liquor as defined in section
38 123.3, subsection 8, by a dealer, distributor, or
39 manufacturer, or person operating a redemption center
40 in a sanitary landfill, is prohibited"."
41 4. Page 2, by inserting after line 38 the
42 following:
43 "Sec. _____. NEW SECTION. 455D.10A HOUSEHOLD
44 BATTERIES – HEAVY METAL CONTENT AND RECYCLING
45 REQUIREMENTS.
46 1. DEFINITIONS. As used in this section and in
47 section 455D.10B unless the context otherwise
48 requires:
49 a. "Button cell battery" means a household battery
50 which resembles a button or coin in size and shape.

Page 4

1 b. "Consumer" means a person who purchases
2 household batteries for personal or business use.
3 c. "Easily removed" means a battery or battery
4 pack which can be removed from a battery-powered
5 product by the consumer, using common household tools.
6 d. "Household battery" means any type of dry cell
7 battery used by consumers, including but not limited
8 to mercuric oxide, carbon-zinc, zinc air, silver
9 oxide, nickel-cadmium, nickel-hydride, alkaline,
10 lithium, or sealed lead acid batteries.
11 e. "Institutional generator" means a governmental,
12 commercial, industrial, communications, or medical
13 facility which generates waste mercuric oxide, nickel-

14 cadmium, or sealed lead acid rechargeable batteries.
15 f. "Rechargeable consumer product" means a product
16 that is primarily powered by a rechargeable battery
17 and is primarily used or purchased to be used for
18 household purposes.
19 g. "Rechargeable household battery" means a small
20 sealed nickel-cadmium or sealed lead acid battery used
21 for nonvehicular purposes and weighing less than
22 twenty-five pounds, which can be recharged by the
23 consumer and reused.
24 2. MERCURY CONTENT LIMITED. Beginning July 1,
25 1993, a person shall not sell, distribute, or offer
26 for retail sale in this state an alkaline manganese
27 battery that contains more than twenty-five one-
28 thousandths of a percent mercury by weight, or a
29 button cell battery which contains more than twenty-
30 five milligrams of mercury. Effective January 1,
31 1996, a person shall not sell, distribute, or offer
32 for sale at retail in this state an alkaline manganese
33 household battery to which mercury has been added.
34 3. RECYCLING/DISPOSAL REQUIREMENTS FOR HOUSEHOLD
35 BATTERIES.
36 a. Beginning July 1, 1996, a system or systems
37 shall be in place to protect the health and safety of
38 Iowans, and the state's environment, from the toxic
39 components of used household batteries. The system or
40 systems shall include at least one of the following
41 elements:
42 (1) Elimination or reduction to the extent
43 established by rule of the department, of heavy metals
44 and other toxic components in nickel-cadmium, mercuric
45 oxide, or sealed lead acid household batteries, to
46 ensure protection of public health, safety, and the
47 environment when placed in or disposed of as part of
48 mixed municipal solid waste.
49 (2) Establishment of a comprehensive recycling
50 program for each type of battery listed in

Page 5

1 subparagraph (1) that is sold, distributed, or offered
2 for sale in this state. An institutional generator
3 shall provide for the on-site source separation and
4 collection of used mercuric oxide batteries, nickel-
5 cadmium rechargeable batteries, and sealed lead acid
6 rechargeable batteries. All participants in the
7 stream of commerce relating to the batteries listed in
8 subparagraph (1) shall, individually or collectively,
9 be responsible for developing and operating a system
10 for collecting and transporting used batteries to the
11 appropriate dry cell battery manufacturer. Dry cell
12 battery manufacturers shall be responsible for the

13 recycling of used batteries in an environmentally
14 sound manner.
15 (3) Provision for collection, transporting, and
16 proper disposal of used household batteries of the
17 types listed in subparagraph (1) which are distri-
18 buted, sold, or offered for retail sale in the state.
19 For the purposes of this paragraph, "proper disposal"
20 means disposal which complies with all applicable
21 state and federal laws. All participants in the
22 stream of commerce relating to the batteries listed in
23 subparagraph (1) shall, individually or collectively,
24 be responsible for developing and operating a system
25 for collecting and transporting used batteries to the
26 appropriate dry cell battery manufacturer. Dry cell
27 battery manufacturers shall be responsible for proper
28 disposal of the used batteries.
29 b. To meet the recycling and disposal requirements
30 of this subsection, participants in the systems
31 established under this subsection, either individually
32 or collectively, shall do all of the following:
33 (1) Identify a collection entity, other than a
34 local government collection system, unless the local
35 government agrees otherwise, through which the
36 discarded batteries listed in paragraph "a",
37 subparagraph (1) shall be returned for collection and
38 recycling or disposal.
39 (2) Inform each customer of the prohibition of
40 disposal of batteries listed in paragraph "a",
41 subparagraph (1), and a safe and convenient return
42 process available to the customer for recycling or
43 proper disposal.
44 c. After July 1, 1996, nickel-cadmium, sealed lead
45 acid, or mercuric oxide household batteries shall not
46 be sold, distributed, or offered for sale in the
47 state, unless a system required by this section is in
48 operation.
49 d. The department may make recommendations to the
50 commission to include other types of household or

Page 6

1 rechargeable batteries, not enumerated in paragraph
2 "a", subparagraph (1), in the requirements of this
3 subsection.
4 e. This subsection does not apply to batteries
5 subject to regulation under the federal Resource
6 Conservation and Recovery Act, 42 U.S.C. § 6901, et
7 seq.
8 4. RULES ADOPTED. The commission shall adopt,
9 upon recommendation of the director, the rules
10 necessary to carry out the provisions of this section
11 pursuant to chapter 17A.

12 5. PENALTIES. A person violating a provision of
13 this section is subject to a civil penalty of not more
14 than ten thousand dollars per day of violation.
15 Sec. _____. NEW SECTION. 455D.10B RECHARGEABLE
16 BATTERIES FOR CONSUMER PRODUCTS.
17 1. A person shall not distribute, sell, or offer
18 for retail sale in the state a rechargeable consumer
19 product manufactured on or after January 1, 1994,
20 unless all of the following conditions are met:
21 a. The battery can be easily removed by the
22 consumer, or is contained in a battery pack that is
23 separate from the product and can be easily removed.
24 b. The product, the battery, and the product
25 package are clearly labeled to indicate that the
26 battery must be recycled or disposed of properly, and
27 meets the requirements of the international standards
28 organization (ISO 7000-1135) recycling symbol which
29 includes the designation "Cd" for nickel-cadmium
30 batteries and "Pb" for small lead batteries.
31 2. A consumer product manufacturer may apply to
32 the department for exemption from the requirements of
33 subsection 1 if any of the following apply:
34 a. The product cannot be redesigned or
35 manufactured to comply with the requirements prior to
36 January 1, 1994.
37 b. The redesign of the product to comply with the
38 requirements would result in significant danger to
39 public health and safety.
40 c. The battery poses no unreasonable hazard to
41 public health, safety, or the environment when placed
42 in and processed or disposed of as part of mixed
43 municipal solid waste, pursuant to section 455D.10A.
44 d. The consumer product manufacturer has in
45 operation a program to recycle used batteries in an
46 environmentally sound manner.
47 3. An exemption granted by the department under
48 subsection 2, paragraph "a" is limited to a maximum of
49 two years, but may be renewed."
50 5. Title page, line 1, by inserting after the

Page 7

1 word "waste" the following: "and providing a
2 penalty".
3 6. By renumbering as necessary.

SHOULTZ of Black Hawk

H—6082

1 Amend Senate Joint Resolution 2008, as amended,
2 passed, and reprinted by the Senate, as follows:
3 1. Page 1, line 1, by inserting before the word

4 "The" the following: "1."
5 2. Page 3, by inserting before line 28 the
6 following:
7 "2. Section 8 of Article VII of the Constitution
8 of the State of Iowa, as added by the Amendment of
9 1942, is repealed."
10 3. Title page, line 3, by inserting after the
11 word "by" the following: "modifying the disposition
12 of motor vehicle fees and fuel taxes and".

MURPHY of Dubuque

H–6106

1 Amend the House amendment, S–5499, to Senate File
2 2302, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 2 the
5 following:
6 "_____. Page 1, by striking lines 4 through 6 and
7 inserting the following: "action by a child which,
8 notwithstanding any age limitations contained in
9 section 236.2, would otherwise fall within the
10 definition of domestic"."
11 2. Page 1, by inserting after line 4 the
12 following:
13 "_____. Page 2, line 10, by inserting after the
14 word "together" the following: ", and the person
15 committing the assault is eighteen years of age or
16 older"."
17 3. Page 1, by striking lines 7 through 9.
18 4. Page 1, by inserting before line 10 the
19 following:
20 "_____. Page 2, line 15, by inserting after the
21 word "together" the following: ", and the person
22 committing the assault is eighteen years of age or
23 older"."
24 5. Page 1, by striking lines 10 through 21.
25 6. Page 1, by inserting after line 22 the
26 following:
27 "_____. Page 3, by inserting after line 6 the
28 following:
29 "Sec. _____. Section 236.8, Code Supplement 1991, is
30 amended to read as follows:
31 236.8 CONTEMPT.
32 The court ~~may~~ shall hold a party in contempt for a
33 violation of an order or court-approved consent
34 agreement entered under this chapter, for violation of
35 a temporary or permanent protective order or order to
36 vacate the homestead under chapter 598, or for
37 violation of any order that establishes conditions of
38 release or is a protective order or sentencing order
39 in a criminal prosecution arising from a domestic

40 abuse assault. If held in contempt, the defendant
41 shall serve a jail sentence, and shall not be eligible
42 for a deferred judgment, deferred sentence, or
43 suspended sentence. The court shall not impose a fine
44 in lieu of a jail sentence, although a fine may be
45 imposed in addition to a jail sentence. Any jail
46 sentence imposed under this section shall be served on
47 consecutive days." "
48 7. Page 1, by inserting after line 23 the
49 following:
50 "_____. Page 3, by inserting after line 29 the

Page 2

1 following:
2 "Sec. _____. Section 236.14, Code Supplement 1991,
3 is amended by adding the following new subsection:
4 NEW SUBSECTION. 3. This section shall not be
5 construed to limit a pretrial release order issued
6 pursuant to chapter 811." "
7 8. Page 1, by inserting after line 23 the
8 following:
9 "_____. Page 3, by inserting after line 29 the
10 following:
11 "Sec. _____. Section 811.2, subsection 1, paragraph
12 e, Code 1991, is amended to read as follows:
13 e. Impose any other condition deemed reasonably
14 necessary to assure appearance as required, or the
15 safety of another person or persons including a
16 condition requiring that the defendant return to
17 custody after specified hours, or a condition that the
18 defendant have no contact with the victim or other
19 persons specified by the court." "
20 9. Page 1, by striking lines 24 through 26.
21 10. By renumbering, relettering, or redesignating
22 and correcting internal references as necessary.

Senate Amendment

RESOLUTIONS ADOPTED

Resolutions adopted during the Seventy-fourth General Assembly, 1992 Session, not otherwise printed in the House Journal.

House Concurrent Resolution 109
By Hammond, Nielsen, and Branstad

A Concurrent Resolution stating that all people, regardless of disability or chronic illness, have the right to a permanent and stable familial relationship in the community, that families be recognized as experts concerning their family member with a disability or chronic illness, and that a commitment be made in Iowa to maintain the integrity of the family and family values through family support services and philosophies.

Whereas, families experience increasingly high financial costs, physical and emotional challenges, isolation, stagnation, and daily stress as a result of providing care for a family member with a disability or chronic illness without needed support; and

Whereas, all family members with a disability or chronic illness require greater understanding and emotional and physical support than persons without a disability or chronic illness; and

Whereas, failing to provide the necessary community-based services to families caring for a family member over a long period of time often results in admission of the family member to costly nursing home, institutional, and foster care settings; and

Whereas, family support services should be based on a relationship of integrity which recognizes that families are better able to determine their own needs than to have those needs determined by the state or a public agency; and

Page 2

Whereas, family support services should be provided in a manner that develops comprehensive, responsive, and flexible support to families in their role as primary caregivers for family members with a disability or chronic illness; and

Whereas, family support services should enhance the efforts of family caregivers, provide informed choice, strengthen family functioning, reduce family stress, prevent inappropriate out-of-home placements, foster community integration, promote individual and family independence, and encourage economic self-sufficiency; and

13 *Whereas*, family support services may be needed
14 throughout the entire life span of the individual
15 family member with a disability or chronic illness who
16 lives at home; and
17 *Whereas*, family support services should be offered
18 to families, not imposed on them, and should encourage
19 maximum use of existing social networks, and natural
20 resources in a timely manner; and
21 *Whereas*, family support services should include,
22 but not be limited to, family support consultation,
23 information and referral, financial assistance,
24 emergency and outreach services, assistive technology,
25 respite-care, recreation, transportation, special
26 dietary needs, day care, medical services, housing
27 modification, education, family support groups, early
28 intervention and creative therapies; *Now Therefore*,
29 *Be It Resolved By The House Of Representatives, The*
30 *Senate Concurring*, That the state of Iowa recognizes

Page 3

1 families as the primary caregivers for family members
2 with a disability or chronic illness and that the
3 state consequently must take all reasonable steps to
4 assist families to maintain their family members with
5 a disability or chronic illness in their homes; and
6 *Be It Further Resolved*, That the state of Iowa
7 supports the development and maintenance of family
8 support service delivery systems by all of the
9 following means:
10 1. Creating available, accessible services for all
11 families of persons with a disability or chronic
12 illness.
13 2. Facilitating the integration of families and
14 family members with a disability or chronic illness in
15 the community.
16 3. Providing a continuum of programs and services
17 to families of a person with a disability or chronic
18 illness, and
19 *Be It Further Resolved*, That the policies of the
20 state of Iowa shall not be confined to a single
21 program or set of services but shall be a philosophy
22 that permeates all programs and services in the state,
23 and that copies of this resolution shall be sent to
24 the state departments of management, education, human
25 services, public health, transportation, natural
26 resources, and the state board of regents to provide
27 guidance to the departments and board.

HCR 109 filed February 18, 1992; House adopted April 21, 1992; Senate adopted May 1, 1992.

House Concurrent Resolution 110
By Committee On Agriculture
(Successor To HSB 618)

A Concurrent Resolution to urge the Congress of the United States to study and enact initiatives to ensure that highly erodible land under the federal Conservation Reserve Program is protected and to ensure that such protection does not jeopardize the economic stability of the American farmer.

Whereas, the State of Iowa is one of the major agricultural production regions in the world, having 33,500,000 acres of farmland generating more than $9 billion annually from the production of agricultural commodities, and exporting annually $3 billion worth of agricultural products for foreign markets; and

Whereas, Iowa includes the world's richest soils naturally suited for consistent, cost-effective production of high quality grain, and has more cropland than 19 other states combined, ranking first among all states in the production of corn and soybeans; and

Whereas, Iowa has long faced the erosion of its soils which threatens the economic foundation of the state and jeopardizes the production of food and fiber vital to the prosperity of this nation; and

Whereas, In 1985, the United States Congress enacted landmark legislation contained in the federal Food Security Act of 1985, Public Law No. 99-198, providing that persons may contract with the Secretary of the United States Department of Agriculture to

Page 2

participate in the Conservation Reserve Program; and

Whereas, Iowa farmers have conscientiously participated in the program by joining a partnership with the federal government in order to protect Iowa's most precious resource for the benefit and welfare of future generations; and

Whereas, beginning in 1996, Conservation Reserve Program contracts will expire and Iowa farmers who continue to struggle against economic hardship must face a Hobbsian choice of sacrificing desperately needed income or returning highly erodible land into production and risk jeopardizing participation in other farm programs; *Now Therefore*,

Be It Resolved By The House Of Representatives, The Senate Concurring, That the General Assembly hereby petitions the Congress of the United States to study initiatives and adopt all measures necessary to ensure that lands in the federal Conservation Reserve Program

19 remain protected, and that such measures do not
20 jeopardize the financial position of the American
21 farmer; and
22 *Be It Further Resolved*, That copies of this
23 resolution be submitted by the Chief Clerk of the
24 House of Representatives to the President of the
25 United States Senate, to the Speaker of the United
26 States House of Representatives, to Iowa's
27 congressional delegation, to the President of the
28 United States, and to the United States Secretary of
29 Agriculture.

HCR 110 filed February 18, 1992; House adopted April 22, 1992.

1 House Concurrent Resolution 114
2 By Pavich, Black, and Royer
3 A Concurrent Resolution urging the Governor and Attorney
4 General to assert the state's need for adequate
5 water flow in the Missouri river.
6 *Whereas*, flows in the Missouri river are essential
7 to the support of the economic well-being of both
8 rural and urban populations along the Missouri river
9 as it provides water for municipal and industrial
10 water supply, recreation, electric power generation,
11 irrigation, and commerce; and
12 *Whereas*, recreational use of the river is also
13 important to Iowans and adequate flows in the river
14 are especially critical to marinas which operate along
15 the Missouri river and which are adversely impacted by
16 lower flows; and
17 *Whereas*, low flows in the river have had a dramatic
18 impact on the viability of oxbows and wetlands along
19 the river to the detriment of both habitat for aquatic
20 life and migratory waterfowl as well as a variety of
21 plants and animals which these areas would normally
22 support; and
23 *Whereas*, the cities of Council Bluffs and Sioux
24 City have constructed additional wells at their own
25 considerable expense, at least in part to compensate
26 for the low flows which have resulted from the current
27 drought conditions in the Missouri river basin, while
28 industrial users have modified their intake structures
29 to ensure a continuous source of supply; and
30 *Whereas*, the reduced flows in the Missouri river

Page 2

1 due to the drought have resulted in a large reduction
2 in the system's ability to support navigation in the
3 upper portion of the Missouri river as well as
4 jeopardizing navigation in critical reaches of the
5 lower Mississippi river; and

6 *Whereas*, interests in the upper Missouri river have
7 asserted their need for more stable levels in
8 reservoirs on the river in order to better support
9 reservoir fisheries and recreational use by reducing
10 releases from the reservoir system and thereby
11 reducing downstream flows; and
12 *Whereas*, in recognition of the concerns of the
13 upper basin states, the United States Army Corps of
14 Engineers has initiated a review of the master water
15 control manual for the Missouri river mainstream
16 system which governs the operation of the system and
17 the criteria used to establish release rates and
18 associated support for uses in the system; and
19 *Whereas*, positions taken to support reservoir
20 recreation, which are incorporated into a recently
21 released report of the General Accounting Office, are
22 clearly deficient for their lack of understanding of
23 or reference to the diversity of uses for which Iowa
24 relies upon adequate flows; *Now Therefore*,
25 *Be It Resolved By The House Of Representatives, The*
26 *Senate Concurring*, That the Iowa General Assembly
27 urges the Governor and the Attorney General to make
28 every effort to assert the state's need for adequate
29 flows in the Missouri river, especially in times of
30 drought within the basin, in order to support the

Page 3

1 needs of its citizens expressed in this resolution.
2 *Be It Further Resolved*, That the Governor and the
3 Attorney General do whatever is possible to ensure
4 that the current review of the master manual by the
5 United States Army Corps of Engineers adequately
6 quantifies the economic impact of Iowa's uses of flows
7 in the river, recognizes downstream fish and wildlife
8 and recreational uses both in the river and along the
9 channel, and documents the need to support the current
10 priority uses of the Missouri river mainstream system.
11 *Be It Further Resolved*, That a copy of this
12 concurrent resolution be provided to the Governor, to
13 the Attorney General, to the Governors of the states
14 of Arkansas, Illinois, Kansas, Kentucky, Louisiana,
15 Minnesota, Mississippi, Missouri, Nebraska, Tennessee,
16 and Wisconsin, and to the Assistant Secretary of the
17 Army for Civil Works.

HCR 114 filed March 2, 1992; House adopted May 1, 1992.

1 House Concurrent Resolution 116
2 By Pavich, Black and Royer
3 A Concurrent Resolution urging the United States Con-
4 gress to assure adequate water flow in the Missouri
5 river.

6 *Whereas*, flows in the Missouri river are essential
7 to support the economic well-being of both rural and
8 urban populations along the Missouri river as it
9 provides water for municipal and industrial water
10 supply, recreation, electric power generation, ir-
11 rigation, and commerce; and
12 *Whereas*, recreational use of the river is also
13 important to Iowans and adequate flows in the river
14 are especially critical to marinas which operate along
15 the Missouri river and which are adversely impacted by
16 lower flows; and
17 *Whereas*, low flows in the river have had a dramatic
18 impact on the viability of oxbows and wetlands along
19 the river to the detriment of both habitat for aquatic
20 life and migratory waterfowl as well as a variety of
21 plants and animals which these areas would normally
22 support; and
23 *Whereas*, the cities of Council Bluffs and Sioux
24 City have constructed additional wells at their own
25 considerable expense, at least in part to compensate
26 for the low flows which have resulted from the current
27 drought conditions in the Missouri river basin, while
28 industrial users have modified their intake structures
29 to ensure a continuous source of supply; and
30 *Whereas*, the reduced flows in the Missouri river

Page 2

1 due to the drought have resulted in a large reduction
2 in the system's ability to support navigation in the
3 upper portion of the Missouri river as well as jeopar-
4 dizing navigation in critical reaches of the lower
5 Mississippi river; and
6 *Whereas*, interests in the upper Missouri river have
7 asserted their need for more stable levels in reser-
8 voirs on the river in order to better support
9 reservoir fisheries and recreational use by reducing
10 releases from the reservoir system and thereby
11 reducing downstream flows; and
12 *Whereas*, in recognition of the concerns of the
13 upper basin states, the United States army corps of
14 engineers has initiated a review of the master water
15 control manual for the Missouri river mainstream
16 system which governs the operation of the system and
17 the criteria used to establish release rates and
18 associated support for uses in the system; and
19 *Whereas*, positions taken to support reservoir
20 recreation are incorporated into a recently released
21 report of the United States General Accounting Office
22 and are clearly deficient for their lack of
23 understanding of or reference to the diversity of uses
24 for which Iowa relies upon adequate flows; and

25 *Whereas*, the United States Congress has been and
26 will likely be asked again in the future to consider
27 measures which if adopted could be detrimental to
28 Iowa's interests in the river and alter the framework
29 for management of the Missouri river mainstream system
30 outside of the existing administrative process relying

Page 3

1 on the master manual and the current review of the
2 manual; *Now Therefore*,
3 *Be It Resolved By The House Of Representatives, The*
4 *Senate Concurring*, That the Iowa General Assembly
5 urges that the Iowa representatives to the United
6 States Congress make every effort to assert the
7 state's need for adequate flows in the Missouri river
8 especially in times of drought within the Missouri
9 river basin to support the needs of its citizens
10 expressed in this resolution.
11 *Be It Further Resolved*, That the Iowa represen-
12 tatives to the United States Congress work closely
13 with Iowa state government to ensure that legislative
14 proposals which impact on priorities of use or system
15 operation in the basin, particularly during times of
16 drought, are not adopted.
17 *Be It Further Resolved*, That a copy of this Con-
18 current Resolution be sent to the President of the
19 United States Senate and to the Speaker of the United
20 States House of Representatives.

HCR 116 filed March 5, 1992; House adopted April 30, 1992.

1 House Concurrent Resolution 117
2 By Connors, Wise, Bernau, Siegrist, Groninga, Adams,
3 Halvorson of Webster, Murphy, Pavich, Baker, Sherzan,
4 Chapman, Halvorson of Clayton, Harbor, Poncy,
5 Bisignano, Brown, Hatch, Renaud, Nielsen, Teaford,
6 Hammond, Holveck, Burke, Cohoon, Jesse and Dvorsky
7 A Concurrent Resolution to designate Labor Day,
8 September 7, 1992, as Help Yourself, Buy
9 American Day.
10 *Whereas*, the current recession facing Iowa and the
11 nation has cost many Americans their jobs and has
12 caused economic stress for all of America's citizens
13 and their families; and
14 *Whereas*, American companies are manufacturing
15 superior merchandise at competitive prices with
16 heightened productivity; and

17 *Whereas*, when an American consumer purchases an
18 American product, the nation's economy is stimulated,
19 creating increased employment opportunities and
20 economic growth; and
21 *Whereas*, the plight of jobless workers in America
22 is in part due to American consumers not specifying a
23 need to purchase quality merchandise produced in the
24 United States; and
25 *Whereas*, Americans and Iowans can help reinvigorate
26 their economies by purchasing quality products made by
27 the American worker; and
28 *Whereas*, the President and the United States
29 Congress have been actively working to expand
30 manufacturing in this country by encouraging the

Page 2

1 purchase of products made in the U.S.A.; and
2 *Whereas*, the states can and should play an
3 important role in promoting this effort; *Now*
4 *Therefore*,
5 *Be It Resolved By The House Of Representatives, The*
6 *Senate Concurring*, That the Governor is requested to
7 proclaim Labor Day, September 7, 1992, as Help
8 Yourself, Buy American Day in Iowa and to call upon
9 all Iowans to pay tribute to the American worker on
10 that day and on all subsequent days by making a
11 conscious effort to purchase products made in the
12 U.S.A.
13 *Be It Further Resolved*, That this effort be
14 aggressively advanced as a nationwide program and that
15 every state legislature be contacted to similarly
16 approve this Resolution so that Labor Day 1992 can be
17 celebrated throughout the nation to motivate American
18 consumers to purchase quality products made in the
19 U.S.A. wherever and whenever possible.
20 *Be It Further Resolved*, That the Chief Clerk of the
21 House of Representatives send copies of this
22 Resolution to the presiding officer of each house of
23 the legislature in each state in the union, the
24 National Conference of State Legislatures, the Council
25 of State Governments, the American Legislative
26 Exchange Council, and similar organizations so that
27 every state in the nation will legislatively approve
28 the Help Yourself, Buy American effort.

HCR 117 filed March 11, 1992; House adopted April 8, 1992; Senate adopted April 27, 1992.

House Concurrent Resolution 119
By Doderer, Neuhauser, Ollie, Carpenter, Koenigs, Brammer, Shoultz, Teaford, Dvorsky, Hammond and Bernau

A Concurrent Resolution commending the University of Iowa for leading the nation in championing gender equality in athletic programs and athletic scholarships.

Whereas, federal Title IX legislation, adopted in 1972, called for equal educational opportunities for men and women; and

Whereas, the national ratio of male athletes to female athletes is 69 to 31, and the ratio of athletic scholarships favors men by a margin of 70 to 30; and

Whereas, slightly more women than men attend the University of Iowa, but women make up only 36 percent of the university's athletes and receive only 33 percent of its athletic scholarships; and

Whereas, the university's recently formed Gender Equity Committee recognized the need for long overdue reform and framed a proposal that shortened the implementation period for a Big Ten Conference proposal for achieving gender equality in athletics by five years; and

Whereas, the Gender Equity Committee is confident that gender equity can be achieved while retaining the quantity and quality of all existing men's and women's athletic programs; and

Whereas, the University of Iowa Board in Control of Athletics voted unanimously for fairness, approving the Gender Equity Committee's proposal by a vote of 13-0; *Now Therefore*,

Be It Resolved By The House Of Representatives, The Senate

Page 2

Concurring, That the General Assembly applaud the University of Iowa's Gender Equity Committee's outstanding work, and the historic decision of the University of Iowa's Board in Control of Athletics, and encourage the University of Iowa to continue to pursue and promote gender equity throughout the university.

Be It Further Resolved, That copies of this resolution be sent to President Hunter R. Rawlings, Women's Athletic Director Christine Grant, and Men's Athletic Director Robert Bowlsby of the University of Iowa; to the University of Iowa Board in Control of Athletics; and to the University of Iowa Gender Equity Committee.

HCR 119 filed April 24, 1992; House adopted April 27, 1992; Senate adopted May 3, 1992.

House Concurrent Resolution 121
By Chapman

A Concurrent Resolution to honor Carroll J. Reasoner on achieving the Office of President of the Iowa State Bar Association.

Whereas, Carroll J. Reasoner was elected President of the Iowa State Bar Association to serve from June 1991 to June 1992; and

Whereas, Carroll J. Reasoner is the first woman President in the 117-year history of the Iowa State Bar Association; and

Whereas, Carroll J. Reasoner, at age 40, is the youngest President in the 117-year history of the Iowa State Bar Association; and

Whereas, Carroll J. Reasoner has practiced law in the state of Iowa for 16 years; *Now Therefore*,

Be It Resolved By The House Of Representatives, The Senate Concurring, That the General Assembly pay tribute to Carroll J. Reasoner for her accomplishments and contributions to the legal profession and to the state of Iowa.

Be It Further Resolved, That the General Assembly express appreciation to Carroll J. Reasoner for the honor she has brought to the legal profession and to the state of Iowa.

Be It Further Resolved, That the Chief Clerk of the House of Representatives send copies of this resolution to Carroll J. Reasoner and to the Iowa State Bar Association's elected officers.

HCR 121 filed April 28, 1992; House adopted May 2, 1992.

House Concurrent Resolution 122
By Neuhauser

A Concurrent Resolution to honor Roxanne Conlin on achieving the Office of President of the Association of Trial Lawyers of America.

Whereas, on July 31, 1992, Roxanne Conlin will become the President of the Association of Trial Lawyers of America; and

Whereas, Roxanne Conlin is the first woman to become President of a national bar association; and

Whereas, Roxanne Conlin is the first woman to become President in the forty-six year history of the Association of Trial Lawyers of America; and

Whereas, Roxanne Conlin is the first Iowan to become President in the forty-six year history of the Association of Trial Lawyers of America; and

Whereas, Roxanne Conlin has practiced law in the state of Iowa for twenty-six years; *Now Therefore*,

Be It Resolved By The House Of Representatives, The Senate Concurring, That the general assembly pay

21 tribute to Roxanne Conlin for her accomplishments and
22 contributions to the legal profession and the State of
23 Iowa.
24 *Be It Further Resolved*, That the general assembly
25 express appreciation to Roxanne Conlin for the honor
26 she has brought to the state.
27 *Be It Further Resolved*, That the Chief Clerk of the
28 House of Representatives send copies of this
29 Resolution to Roxanne Conlin, to the Iowa Trial
30 Lawyers Association, and to the Association of Trial

Page 2

1 Lawyers of America.

HCR 122 filed May 1, 1992; House adopted May 2, 1992.

1 House Resolution 104
2 By Committee On Agriculture
3 (Successor To House Study Bill 728)
4 A Resolution paying tribute to the economic, cultural,
5 and social contributions of farmers and agribusinesses
6 in Iowa and the United States of America.
7 *Whereas*, agriculture is Iowa's basic industry,
8 directly or indirectly supporting 60 percent of the
9 people of the state; and
10 *Whereas*, each Iowa farmer produces enough food to
11 feed 279 people; and
12 *Whereas*, Iowa farmers earn more than $10 billion
13 annually from the sale of agricultural commodities,
14 including approximately $3.2 billion from exporting
15 agricultural products in 1992; and
16 *Whereas*, Iowa agribusinesses and research
17 institutions are providing worldwide leadership in
18 improving agricultural products and production inputs
19 and in developing new uses for agricultural
20 commodities; and
21 *Whereas*, Iowa farmers are adapting their production
22 practices to protect the environment and Iowa's soil
23 and water resources; and
24 *Whereas*, Friday, March 20, 1992, has been
25 proclaimed as Agriculture Day nationally and in Iowa
26 to pay tribute to the economic, cultural, and social
27 contributions of farmers and agribusinesses; *Now*
28 *Therefore*,
29 *Be It Resolved By The House Of Representatives*,
30 That all Iowans should be appreciative of the many

Page 2

1 contributions of Iowa's farmers and agribusinesses to
2 the economic productivity and quality of life in our
3 state; and

4 *Be It Further Resolved*, That copies of this
5 resolution be sent by the Chief Clerk of the House of
6 Representatives to the Secretary of Agriculture for
7 public display.

HR 104 filed March 19, 1992; House adopted March 20, 1992.

1 House Resolution 106
2 By Hatch
3 A House Resolution relating to the Sunrider Expedition.
4 *Whereas*, the people of the state of Iowa recognize
5 the importance of the development of alternative
6 sources of energy and the need to increase awareness
7 regarding environmental issues including the use of
8 alternative energy sources and other environmental
9 concerns; and
10 *Whereas*, the state of Iowa has taken a lead in the
11 promotion of alternative fuels; and
12 *Whereas*, the state of Iowa has also established the
13 Wallace Technology Transfer Foundation to encourage
14 and facilitate technology transfer; and
15 *Whereas*, a resident of Iowa, Bryan Peterson, will
16 attempt a 52,000 mile trip around the globe, during a
17 two and one-half year period, piloting a boat, the
18 Sunrider, fueled by soybean oil, an alternative form
19 of energy; and
20 *Whereas*, the alternative energy source, soybean
21 oil, was reformulated by the Iowa Department of
22 Agriculture and Land Stewardship to be compatible with
23 the Sunrider system for the Sunrider Expedition and
24 such future expeditions; and
25 *Whereas*, in addition to the use of an alternative
26 energy source, the Sunrider will be also used as a
27 global classroom to educate people around the world in
28 200 cities in 30 countries about alternative energy
29 sources and environmental problems; and
30 *Whereas*, the Sunrider Expedition provides the state

Page 2

1 with an opportunity to demonstrate Iowa's leadership
2 role in environmental issues and the use of
3 alternative fuels; and
4 *Whereas*, the pilot of the Sunrider is a resident of
5 Iowa, who moved to Fairfield, Iowa, in 1982 after
6 falling in love with the town; and
7 *Whereas*, Bryan Peterson will act as a spokesperson
8 for the promotion of environmental protection, the use
9 of alternative fuels, technology transfer, and Iowa's
10 leadership role in these areas; *Now Therefore*,

11 *Be It Resolved By The House Of Representatives,*
12 That the House of Representatives wishes Bryan
13 Peterson bon voyage and endorses the goals of the
14 Sunrider expedition.

HR 106 filed April 15, 1992; House adopted April 22, 1992.

1 House Resolution 107
2 By Committee On Appropriations
3 A Resolution honoring Representatives Minnette Doderer
4 and William Harbor for twenty-five or more
5 years of legislative service.
6 *Whereas*, Representatives Minnette Doderer and
7 William Harbor have completed more than twenty-five
8 years of service to the State of Iowa as members of
9 the General Assembly; and
10 *Whereas*, Representatives Doderer and Harbor have
11 served honorably and have unselfishly given of their
12 time and efforts to further the interests of the State
13 of Iowa and to provide beneficial programs for the
14 citizens of Iowa; and
15 *Whereas*, it is proper that Representatives Doderer
16 and Harbor be honored for their many years of service
17 to the State of Iowa; *Now Therefore*,
18 *Be It Resolved By The House Of Representatives*,
19 That the House of Representatives pay tribute to
20 Representatives Doderer and Harbor and express its
21 gratitude for the service rendered by them; and
22 *Be It Further Resolved*, That the House of
23 Representatives present to Representatives Doderer and
24 Harbor their House chairs, to be received upon the
25 completion of the Seventy-fourth General Assembly,
26 1992 Session, in appreciation for their many years of
27 devoted service.

HR 107 filed May 3, 1992; House adopted May 3, 1992.

SUPPLEMENT TO THE HOUSE JOURNAL

BILLS APPROVED, VETOED OR ITEM VETOED SUBSEQUENT TO ADJOURNMENT

The following is a record of the action of the Governor on bills passed by the 1992 Regular Session of the Seventy-fourth General Assembly and which action was had subsequent to the date of final adjournment:

H.F. 547— Relating to the inclusion of certain types of refuse-derived fuel in the calculation of the waste reduction goal requirement of a city or county. Approved 5-19-92.

H.F. 681— Relating to the confidentiality of certain information relating to waste reduction. Approved 5-19-92.

H.F. 2205— Relating to solid waste and providing a penalty. Approved 5-19-92.

H.F. 2334— Relating to the regulation of aquaculture by the department of natural resources, and by providing penalties for violations. Approved 5-19-92.

H.F. 2400— Relating to the funding for emergency medical services, authorizing a county to impose a local option tax or combination of taxes to provide local funding, and authorizing the establishment of benefited emergency medical services districts. Approved 5-28-92.

H.F. 2401— Updating the Iowa Code reference to the federal Internal Revenue Code and providing retroactive applicability and effective dates. Approved 5-22-92.

H.F. 2417— Relating to groundwater professionals, exempting certain aboveground tanks from payment of the environmental protection charge and providing a refund, relating to the underground storage tank fund board and the board's authority for certain expenditures from the fund, relating to underground storage tank contracts by requiring public bid and board approval of certain contracts, relating to remedial authority of the department of natural resources, and providing an effective date. Approved 5-19-92.

H.F. 2439— Relating to lead abatement by establishing a lead inspection and abatement program, and providing a penalty. Vetoed 5-4-92. See Governor's Veto Message.

H.F. 2452— Relating to juvenile and criminal justice, establishing a juvenile court judges commission, making appropriations, establishing and increasing penalties, granting the juvenile court jurisdiction over chronic runaways, expanding provisions for automatic waiver to adult court, establishing a youthful offender program, and altering provisions concerning the commission of burglary, providing implementation and effective date provisions, and providing for related matters. Approved 6-03-92 with the exception of Sections 1, 3-6, 11, 13, 18, 19, 22-26, 30, 31, 33, 35-38, 41, 43, 50-52, 54, 55, 67, and 69-71. See Governor's Item Veto Message.

H.F. 2454— Relating to efficiency in government and providing effective dates. Approved 5-22-92.

H.F. 2455— Relating to and making appropriations to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, the department of commerce, public employment relations board, and the racing and gaming commission, allocating certain standing appropriations subject to certain procedures and conditions, and providing an effective date. Approved 6-3-92 with the exception of Section 1, unnumbered and unlettered paragraph 3; Section 4, subsections 1 and 2; Section 11, subsection 4, unnumbered and unlettered paragraph 2; Section 11, subsection 5, unnumbered and unlettered paragraph 2; Section 15 and Section 41. See Governor's Item Veto Message.

H.F. 2457— Relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, and the department of human rights. Approved 6-03-92.

H.F. 2459— Relating to and making appropriations to state departments, agencies, funds, and certain other entities, providing for the payment of abandoned property and payment of workers' compensation claims of state employees, providing for centralized collection of debt owed to the state, making related statutory changes, and providing effective dates. Approved 6-03-92 with the exception of Section 19, unnumbered and unlettered paragraph 3; Sections 23, 25 and 26; and Section 27, unnumberered and unlettered paragraph 2. See Governor's Item Veto Message.

H.F. 2462— Appropriating funds to the department of economic development, the Iowa finance authority, the Wallace technology transfer foundation, INTERNET, state university of Iowa, and Iowa state university of science and technology, creating the strategic investment fund, replacing the Iowa economic development network with a manufacturing technology program under the Wallace technology transfer foundation, providing for economic development planning and research activities by the department of economic development, and making related and other statutory changes. Approved 6-03-92 with the exception of Section 1, subsection 3, paragraph c; Section 3, subsection 3; Section 5; designated portions of Section 6; Sections 35, 39, 40 and 43. See Governor's Item Veto Message.

H.F. 2465— Relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing effective and applicability provisions. Approved 6-03-92 with the exception of Section 8, subsection 8, paragraph b; Section 10, subsection 1, paragraph a, unnumbered and unlettered subparagraph 2; Sections 22, 29, 34, 36, 37 and 47; the designated portion of Section 49; Sections 50, 52, 55-57 and 62. See Governor's Item Veto Message.

H.F. 2466— Relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates, an applicability provision, and transition provisions. Approved 6-2-92.

H.F. 2467— To establish a family resource center demonstration program. Approved 5-26-92.

H.F. 2471— Creating the passenger rail service revolving fund and providing for its administration. Approved 5-15-92.

H.F. 2475— Relating to waste tire management, including the imposing of fees, providing a penalty, and providing an effective date. Approved 5-19-92.

H.F. 2477— Relating to motor vehicle registration fees and providing for income tax deductions for a portion of those fees and providing effective date and applicability provisions. Approved 5-26-92.

H.F. 2480— Relating to department of human services' programs involving child and family services, juvenile justice, foster care, and medical assistance and providing applicability provisions and an effective date. Approved 6-3-92.

H.F. 2481— Relating to authorizing the use of state income tax withholding moneys for debt service costs incurred in funding capital improvements for purposes of a federal project and providing a repeal date. Approved 5-26-92.

H.F. 2483— Relating to interstate income tax agreements and the withholding of income tax from or the reporting of pensions, annuities, or deferred compensation paid to nonresidents and providing effective and retroactive applicability provisions. Approved 5-26-92.

H.F. 2484— Relating to speculative shell buildings by allowing a for-profit entity to receive a property tax exemption for the building under certain circumstances and allowing accelerated depreciation of the building for income tax purposes and providing applicability date provisions. Approved 5-26-92.

H.F. 2486— Relating to certain statutory appropriations made from the general fund of the state and the lottery fund, budgetary revenues and expenditures, and other budgetary matters, for the fiscal year beginning July 1, 1992. Approved 6-03-92 with the exception of Sections 1-6, 25, 27, and 32-35. See Governor's Item Veto Message.

H.F. 2487— Relating to information subject to the review or control of the office of citizens' aide. Vetoed 6-03-92. See Governor's Veto Message.

H.F. 2488— Making an appropriation from the general fund of the state to a certain person in settlement of a claim against the state of Iowa. Approved 5-14-92.

H.F. 2489— Relating to the inspection of slot machines or video games of chance prior to installation on an excursion gambling boat and making technical corrections to pari-mutuel wagering and gambling game amendments, and providing effective and applicability dates. Approved 5-14-92.

H.F. 2490— Relating to compensation and benefits for public employees by providing adjustments for salaries, by providing for other properly related matters, by making appropriations, and providing retroactive applicability. Approved 6-03-92 with the exception of Sections 1, 4 and 10. See Governor's Item Veto Message.

S.F. 414— Relating to landlords and tenants. Approved 5-19-92.

S.F. 2034— Relating to individual income tax return voter registration forms, exceptions to successor liability, reporting requirements for income tax purposes, withholding on gaming winnings, the corporate income tax, the business tax on corporations, the minimum amount below which no individual income tax is imposed, the increase in the rate of the sales and use taxes rate, the sales and use tax on carpeting, the sales tax on services, the time periods for auditing sales and use tax returns, the confidentiality of inheritance tax returns, estate tax returns, mobile home tax reduction, homestead tax credit, and rent reimbursement claims, and generation skipping transfer tax returns, and making technical corrections to the state general fund expenditure limitation law, and providing effective and retroactive applicability dates. Vetoed 5-22-92. See Governor's Veto Message.

S.F. 2097— Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing a retroactive applicability provision, and providing effective date and applicability provisions. Approved 5-19-92.

S.F. 2241— Establishing a structured fines pilot program and providing an effective date. Approved 5-14-92.

S.F. 2249— Relating to pari-mutuel racing and excursion boat gambling, charitable gaming, and raffles, prohibiting video lottery, providing a tax credit, providing for properly related matters, and providing effective and retroactive applicability dates. Approved 5-14-92.

S.F. 2254— Relating to special land use districts and to the establishment of a certification program for backflow assembly testers, the creation of a combined water and sanitary district and a department of public works, providing for a governing board, providing penalties, and providing for other properly related matters and providing an effective date. Approved 5-14-92.

S.F. 2320— Relating to state aid to school corporations and providing effective date and applicability provisions. Approved 6-03-92 with the exception of Sections 3-5, 7, 13 and 16. See Governor's Item Veto Message.

S.F. 2329— Relating to qualification for, amount of, and deductions from unemployment compensation benefits and providing an effective date and applicability provision. Vetoed 5-22-92. See Governor's Veto Message.

S.F. 2345— Relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use

tax, road use tax fund, and primary road fund, creating a litigation expense fund and making appropriations, providing for properly related matters, and providing an effective date. Approved 6-03-92 with the exception of Section 3, subsection 2, paragraph b; Sections 13, 14, 19, 23, 24 and 41. See Governor's Item Veto Message.

S.F. 2347— Relating to budgetary and administrative matters by providing for appropriations and revenue, and providing for statutory changes, including matters involving agriculture and natural resources, and providing effective dates. Approved 6-03-92 with the exception of Section 2; Section 6, subsection 8; Section 8, subsection 3; Section 11; Section 12, subsection 2; Sections 13, 14, 24 and 68. See Governor's Item Veto Message.

S.F. 2348— Relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1992, and providing an effective date. Approved 6-03-92 with the exception of Section 7, subsection 3; Sections 13-16; 18-19; 22-23; and 25-26. See Governor's Item Veto Message.

S.F. 2351— Relating to state budget and financial control by requiring certain financial practices, providing an appropriation, and providing effective date and applicability provisions. Approved 6-02-92.

S.F. 2353— Relating to cosmetology arts and sciences and imposing fees and penalties, and increasing fees. Approved 5-14-92.

S.F. 2355— Relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving health care and providing for effective and applicability dates. Approved 6-03-92 with the exception of Section 3; Section 5, subsection 4; Section 25, subsection 5; Section 33, subsection 4, paragraph a; Sections 40-47 and 49-62. See Governor's Item Veto Message.

S.F. 2356— Legalizing the proceedings of the City Council of the City of Urbandale relating to the granting of retroactive prior approval of an industrial property tax exemption, providing for the Act's applicability, and providing an effective date. Approved 5-15-92.

S.F. 2367— Relating to and making appropriations for the fiscal year ending June 30, 1992, to various departments and agencies of state government and providing an effective date. Approved 5-15-92 with the exception of Section 107 and the second unnumbered and unlettered paragraph of Section 201. See Governor's Item Veto Message.

S.F. 2371— Relating to the time of payment of state foundation aid to school corporations and providing effective and retroactive applicability date provisions. Approved 5-05-92.

S.F. 2372— Relating to employer obligations toward non-English speaking employees, and providing for a fee and civil penalties. Vetoed 5-04-92. See Governor's Veto Message.

S.F. 2373— Relating to state budgeting processes and providing applicability provisions and effective dates. Vetoed 6-03-92. See Governor's Veto Message.

S.F. 2375— Relating to the powers and duties of the health data commission, and providing for the collection of fees. Approved 5-14-92.

S.J.R. 2009— Authorizing the temporary use and consumption of alcoholic beverages in the state capitol in conjunction with the 1992 Annual Meeting of the Council of State Governments. Approved 5-14-92.

GOVERNOR'S VETO MESSAGES

May 4, 1992

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

Dear Madam Secretary:

House File 2439, an act relating to lead abatement by establishing a lead inspection and abatement program, and providing a penalty, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

House File 2439 would establish a lead reduction program which would "authorize" the Department of Public Health to provide education regarding environmental lead exposures and lead poisoning, to identify cases of childhood lead poisoning, to inspect dwellings for lead hazards, and to screen children for lead poisoning. The bill also would require the Department of Public Health to establish a pilot project to provide grants to low-income persons or their landlords for the abatement of lead. Finally, House File 2439 would require training and certification of all lead inspectors and lead abatement contractors.

Like this bill's sponsors, I too am concerned about childhood lead poisoning and believe that the state has a role to play in educating Iowans about lead poisoning, screening children and identifying those who have been poisoned. Last fall, I discussed these concerns with the Department of Public Health and was informed that the state would have the opportunity to apply for a grant from the Center for Disease Control which could be used to fund these activities. The Department of Public Health has developed a five year plan to include these activities and has applied for federal funding in the amount of $400,000 for each of the five years to implement the plan. If the state is successful in receiving the federal grant, the department will not need the "authority" provided in this bill to carry out these activities.

House File 2439 also would require the Department of Public Health to establish a grant program for the abatement of lead in residences occupied by low-income persons. While we need to be concerned about the existence of lead hazards in the homes of Iowans at all income levels, this bill provides no state dollars to finance such a program and the federal funding which the department expects to receive specifically cannot be used for this purpose.

Finally, House File 2439 would require the Department of Public Health to develop a program to certify lead hazard inspectors and abatement contractors. The department is directed to impose fees sufficient to defray the costs of the certification program, however, no additional staffing is authorized to perform the certification. The department has informed me that it intends to offer a training course for inspectors and abatement contractors and will provide to anyone upon request a list of those who have completed the course. The training and compilation of a list can be done within the current staffing level of the department.

For the above reasons, I hereby respectfully disapprove House File 2439.

Sincerely,
Terry E. Branstad
Governor

June 3, 1992

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

Dear Madam Secretary:

House File 2487, an act relating to information subject to the review or control of the office of citizens' aide, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Earlier this year, I vetoed House File 2394, the predecessor to this bill, because it included a provision which would have eliminated the oversight authority that the Governor has over the office of the Citizens' Aide/Ombudsman. House File 2487 is identical to House File 2394 with the exception that it does not attempt to restrict the Governor's access to information maintained by the Citizens' Aide. While other reasons were not provided in the veto message which accompanied House File 2394, serious concerns have been brought to my attention regarding the provision which would broaden the Citizens' Aide's access to confidential records held by state agencies and would provide specific authority to copy such information. For the reasons that follow, I must disapprove House File 2487 also.

Since the passage of House File 2487, I have received correspondence from the director of the Department of Corrections, director of the Department of Public Safety and the Attorney General's office with comments on the bill. Consistent in their letters to me were their remarks relating to the provision which would expand the authority of the Citizens' Aide to access and copy confidential information held by state law enforcement agencies.

Current law limits the Citizens' Aide's access to confidential information to that classified as confidential under Chapter 22, the Public Records law. In other words, the law currently allows the Citizens' Aide to access criminal identification and investigative files of state law enforcement agencies. This bill would enable the Citizens' Aide to override <u>all</u> confidentiality provisions in the Iowa Code, not just those found in Chapter 22, unless the agency can show that one of four very narrowly defined exceptions exist. This expanded authority would allow the Citizens' Aide to inspect, without the opportunity of the agencies to resist, internal investigation files, criminal intelligence files, confidential informant files, and computerized criminal history files.

House File 2487 also would specifically authorize the Citizens' Aide to copy any information the office can access, including confidential information. This is of concern to the state's law enforcement agencies because they, as the legal custodians of the confidential records copied by the Citizens' Aide, would have no control over the records at their new location. While employees of the Citizens' Aide would be subject to the same penalties for disclosing confidential information as employees of the agency from which the information is obtained, there is concern that the potential for disclosure is greater because they do not undergo background checks and therefore may not be subject to the same level of scrutiny during the hiring process.

Quoting from his letter to me, Commissioner Paul Wieck cautions that "As other law enforcement agencies, especially other state and federal agencies, become aware that our files are subject to inspection and copying by a civilian agency without any controls whatsoever, it is likely those other law enforcement agencies will decline to share information they may have regarding suspected criminal activity in Iowa. It is also likely that this legislation will have a chilling effect on the willingness of confidential informants to cooperate with peace officers of the Department of Public Safety." In summary, granting the Citizens' Aide the authority to access and copy all confidential records of our state's law enforcement agencies without any restrictions whatsoever is an overbroad response to the needs of that office and cannot be approved.

For the above reasons, I hereby respectfully disapprove House File 2487.

Sincerely,
Terry E. Branstad
Governor

May 22, 1992

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

Dear Madam Secretary:

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

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

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

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

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

Sincerely,
Terry E. Branstad
Governor

May 22, 1992

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

Dear Madam Secretary:

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

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

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

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

The impact on the Iowa Unemployment Compensation Trust Fund should be seriously evaluated when changes in unemployment benefits are considered. Over the next ten years, Senate File 2329 would increase employer contributions to the Trust Fund by nearly $53 million, increase unemployment benefit payments by $40 million, and result in the loss of nearly $8 million in interest earned by the Trust Fund. During

the next seven years, the balance in the Unemployment Compensation Trust Fund is projected to decline by nearly two-thirds. Given the projected decline in available resources for unemployment benefits, it would be unwise to expand the eligibility for benefits at the present time.

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

Sincerely,
Terry E. Branstad
Governor

May 4, 1992

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

Dear Madam Secretary:

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

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

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

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

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

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

Sincerely,
Terry E. Branstad
Governor

June 3, 1992

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

Dear Madam Secretary:

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

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

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

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

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

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

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

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

Sincerely,
Terry E. Branstad
Governor

GOVERNOR'S ITEM VETO MESSAGES

June 3, 1992

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

Dear Madam Secretary:

I hereby transmit House File 2452, an act relating to juvenile and criminal justice, establishing a juvenile court judges commission, making appropriations, establishing and increasing penalties, granting the juvenile court jurisdiction over chronic runaways, expanding provisions for automatic waiver to adult court, establishing a youthful offender program, and altering provisions concerning the commission of burglary, providing implementation and effective date provisions, and providing for related matters.

House File 2452 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Sections 1, 31, 50, 51, 52, 69 and 71, in their entirety. This language moves Court Ordered Services for Juveniles from the Department of Human Services to the Judicial Department. Because the Judicial Department does not have sufficient staff to provide these services, I am unable to approve these items.

I am unable to approve the items designated as Sections 3 through 6, in their entirety. These sections establish a series of new programs to address aspects of runaways and juvenile justice. Given the financial condition of the State and because the programs established are new, I am unable to approve these items.

I am unable to approve the items designated as Section 11 and Section 26, in their entirety. These sections would expand the definition of Child in Need of Assistance to include a child who is voluntarily absent from the child's home or placement. Because funds have not been appropriated for this purpose, these items cannot be approved.

I am unable to approve the items designated as Sections 13, 18, 19, 22 through 25, 35 through 38, 41, 67 and 70, in their entirety. These sections would establish a youthful offender program. It is estimated that the cost could be as much as $4,000,000 annually. Because moneys have not been appropriated for this program, I am unable to approve this item.

I am unable to approve the item designated as Section 30, in its entirety. This section provides that county attorneys would receive 35 percent of funds collected on the state's behalf from parents for payment of court ordered services. A county attorney should receive a refund for the collection of delinquent payments only and no such restriction is provided in this section.

I am unable to approve the item designated as Section 33, in its entirety. This section provides that the state pay for the costs of detaining juveniles for more than 72 hours. Because no funds have been appropriated to pay for the cost of these services, which are estimated to be nearly $900,000, this item cannot be approved.

I am unable to approve the item designated as Section 43, in its entirety. This

section provides that the educational costs of foster care children placed in out-of-state group homes be paid from moneys appropriated to the School Foundation Program. Because funds are currently available from moneys appropriated to Court Ordered Services for Juveniles, I am unable to approve this item.

I am unable to approve the items designated as Sections 54 and 55, in their entirety. These sections provide for a new Juvenile Court Judges Commission. Since existing groups are available to provide these services, I am unable to approve these items.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2452 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

June 3, 1992

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

Dear Madam Secretary:

I hereby transmit House File 2455, an act relating to and making appropriations to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, the department of commerce, public employment relations board, and the racing and gaming commission, allocating certain standing appropriations subject to certain procedures and conditions, and providing an effective date.

House File 2455 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 1, unnumbered and unlettered paragraph 3, in its entirety. This provision would permit the Auditor of State to expend additional moneys and hire additional staff by merely notifying the Legislative Fiscal Committee and the Legislative Fiscal Bureau. I cannot approve this provision which would allow the Office of the Auditor of State to exceed its authorized spending level.

I am unable to approve the item designated as Section 4, subsection 1, in its entirety. This provision requires the Department of Employment Services to continue all Job Service Offices that were in operation on July 1, 1992. This removes the department's flexibility in providing services where they are most needed and in the most cost effective manner.

I am unable to approve the item designated as Section 4, subsection 2, in its entirety. This provision requires the Industrial Services Division of the Department of Employment Services to maintain the current hearing schedule for contested workers' compensation cases. The division should have the flexibility to schedule hearings and locations which are most convenient to employers and injured workers.

I am unable to approve the items designated as Section 11, subsection 4, unnumbered and unlettered paragraph 2, and Section 11, subsection 5, unnumbered and unlettered paragraph 2, in their entirety. These provisions would permit the Banking and Credit Union Divisions of the Department of Commerce to hire additional personnel without following current hiring procedures.

I am unable to approve the item designated as Section 15, in its entirety. This provision would require an agency to reimburse the Auditor of State for audit costs in proportion to all sources of funding for the agency. We should maximize the use of funds other than general funds in paying audit costs. However, reimbursements should be made in proportion to the source of funds which are paying for the activity being audited.

I am unable to approve the item designated as Section 41, in its entirety. This provision relates to the sunset of workers' compensation insurance rate regulation. By disapproving this provision, the regulations will sunset July 1, 1994.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2455 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

June 3, 1992

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

Dear Madam Secretary:

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

House File 2459 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 19, unnumbered and unlettered paragraph 3, in its entirety. If a state agency has outstanding accounts receivable which are delinquent by more than six months, the agency would be required to seek the assistance of private collections agencies under certain conditions. The timing of turning collections over to private collection agencies should be determined by individual state agencies.

I am unable to approve the item designated as Section 23, in its entirety. This provision would require the Auditor of State, Secretary of State, and the Treasurer of State to vacate their office facilities in the State Capitol. Because it is appropriate for statewide elected officials to continue to be housed in the State Capitol, I am unable to approve this item.

I am unable to approve the item designated as Section 25, in its entirety. This provision appropriates nearly $38,000 in fiscal year 1992 to pay for the cost of a public improvement assessment against land owned by the state. Given the financial condition of the state, I am unable to approve of this expenditure. However, it is anticipated that other moneys will be available to pay for this assessment in fiscal year 1993.

I am unable to approve the item designated as Section 26, in its entirety. This provision relates to the Iowa Economic Emergency Fund, which was substantially modified by the provisions of Senate File 2351. Because these provisions are in conflict, I am unable to approve this item.

I am unable to approve the item designated as Section 27, unnumbered and unlettered paragraph 2, in its entirety. This provision prohibits the Department of General Services from discontinuing the upgrade of computer systems. Because the Department of General Services should retain the flexibility to manage their resources during this period of financial constraint, I am unable to approve this item.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2459 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

June 3, 1992

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

Dear Madam Secretary:

I hereby transmit House File 2462, an act appropriating funds to the Department of Economic Development, the Iowa Finance Authority, the Wallace Technology Transfer Foundation, INTERNET, State University of Iowa, and Iowa State University of Science and Technology, creating the strategic investment fund, replacing the Iowa Economic Development Network with a manufacturing technology program under the Wallace Technology Transfer Foundation, providing for economic development planning and research activities by the Department of Economic Development, and making related and other statutory changes.

House File 2462 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 1, subsection 3, paragraph c. This provision would appropriate $75,000 for a specific economic development project. Projects such as this are eligible for funding under the Rural Enterprise Fund. Appropriate plans and applications for specific projects should be submitted to the Department of Economic Development and be reviewed on a competitive basis with other locally initiated projects. By disapproving this provision, the Department of Economic Development will revert $75,000 to the general fund of the state at the end of fiscal year 1993.

I am unable to approve the item designated as Section 3, subsection 3, in its entirety. This provision would appropriate moneys from the job training fund to community colleges for apprenticeship programs. I support the establishment of apprenticeship programs and encourage trade associations to sponsor such programs. However, because the availability of sufficient funds from the job training fund is uncertain, I am unable to approve this item.

I am unable to approve the item designated as Section 5, in its entirety. This section would provide funding for housing assistance programs. Iowa recently received an award of $9.5 million from the federal National Affordable Housing Act which will provide significant new funding for housing programs. I will continue to seek other alternative funding sources for Iowa's housing needs.

I am unable to approve the designated portions of Section 6. These provisions would appropriate $50,000 for beef fat content research and appropriate $50,000 for a feasibility study for a new cogeneration plant. The Wallace Technology Transfer Foundation has established a peer review process to evaluate applications for financial assistance awarded to projects such as these. This evaluation process assures that applications are consistent with the Foundation's strategic plan and have the highest potential for development of transferable technologies. These projects should be submitted to the Foundation and be subject to the regular review process. By disapproving these provisions, the Wallace Technology Transfer Foundation will revert $100,000 to the general fund of the state at the end of fiscal year 1993.

I am unable to approve the item designated as Section 35, in its entirety. This provision would exempt Emergency Management Coordinators in counties of less than 25,000 population from meeting qualifications for that position. This could make the counties ineligible to receive federal grants under emergency management assistance program rules. Administrative rules have been developed in cooperation with the Iowa Emergency Management Directors Association and can allow for temporary certification while coordinators receive training. Current law allows two or more adjacent counties to share a coordinator.

I am unable to approve the item designated as Section 39, in its entirety. This section would allow for the continued collection of incremental income and property withholding taxes for up to five years after training certificates have been retired. The funds collected during this five-year period could be used for apprenticeship programs, program and administrative sharing programs between community colleges and Regent universities and other economic development purposes. While I understand the desire to provide an alternative source of funding for community college programs, this provision goes far beyond the original intent of the uses for the taxes, and cannot be approved.

I am unable to approve the item designated as Section 40, in its entirety. This item places an inappropriate restriction on the Department of Transportation's ability to adjust to changing needs.

I am unable to approve the item designated as Section 43, in its entirety. Changes made by this section would allow a city to amend an application for annexation after it has been submitted to the City Development Board if it is determined that the application would create an island or would be in violation of a requirement of Chapter 368. Current board policy allows a city to correct a minor technical defect or omission in a filed application. If an application is flawed to the extent that it is in violation of Chapter 368, the application should be withdrawn and resubmitted.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2462 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

June 3, 1992

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

Dear Madam Secretary:

I hereby transmit House File 2465, an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing effective and applicability provisions.

House File 2465 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 8, subsection 1, paragraph b, in its entirety. This section would direct the Higher Education Strategic Planning Council to conduct a study relating to dental hygienists. While I recognize that there is concern about the availability of appropriately trained dental hygienists in the State of Iowa, this study is beyond the Council's scope of responsibilities and insufficient resources are available to conduct the study.

I am unable to approve the item designated as Section 10, subsection 1, paragraph a, unnumbered and unlettered subparagraph 2, in its entirety. This provision would prohibit the Board of Regents from seeking reimbursement from the institutions for activities performed by the Board. The Board should retain the authority to finance critical leadership activities.

I am unable to approve the items designated as Section 22 and Section 62, in their entirety. These provisions would exempt community colleges from the budget adjustment implemented under 1992 Iowa Acts, Senate File 2116, Section 100, subsection 8. This adjustment has already been implemented and it would be inappropriate to reverse this action, because it would require a corresponding adjustment to other agency budgets late in this fiscal year.

I am unable to approve the item designated as Section 29, in its entirety. This provision would add two new student positions to the Iowa College Aid Commission. Because a student representative currently serves as a member of the Commission and because the Commission is committed to strengthening relationships with students and student organizations, I am unable to approve this item.

I am unable to approve the item designated as Section 34, in its entirety. This provision would repeal the authority of the Board of Regents to employ attorneys for the purpose of carrying out collective bargaining and related responsibilities. The Board of Regents should retain this flexibility.

I am unable to approve the item designated as Section 36, in its entirety. This provision would require the Board of Regents to establish a policy requiring the institutions under its control to charge fees for specific services to the non-student population. The Board of Regents currently has sufficient authority to establish policies regarding fees.

I am unable to approve the item designated as Section 37, in its entirety. This provision would provide that an Assistant Attorney General, appointed by the Attorney General, would perform and supervise the legal work of the Board of Regents. Currently, the Board of Regents retains legal counsel as needed, and it is not necessary to direct the Attorney General to assign staff to the Board for this purpose.

I am unable to approve the item designated as Section 47, in its entirety. This section is in conflict with Section 22 of Senate File 2351, and therefore should not be approved.

I am unable to approve the designated portion of Section 49. This provision would appropriate $150,000 for the support of family resource center projects to be implemented in the 1994 fiscal year. Because House File 2467, which establishes the family resource demonstration program, directs the Department of Education to review the cost of these projects, it is premature to appropriate funds at this time.

I am unable to approve the items designated as Section 50 and 57, in their entirety. These sections would provide that the administrators of the Historical Division and the Arts Division be appointed by the State Historical Society Board of Trustees and the Arts Council, respectively. Under current law, these administrators are appointed by the Director of the Department of Cultural Affairs. The Director should retain the authority to appoint these administrators, and I am therefore unable to approve these provisions.

I am unable to approve the item designated as Section 52, in its entirety. This provision would change the composition of the State Library Commission. The current makeup of the Commission is appropriate, and I am therefore unable to approve this section.

I am unable to approve the items designated as Section 55 and Section 56, in their entirety. These provisions would require the Department of Education to conduct a study of statewide coordination of information delivery and a study of dyslexia. Because no funds have been appropriated for the studies, I am unable to approve these items.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2465 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

June 3, 1992

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

Dear Madam Secretary:

I hereby transmit House File 2486, an act relating to certain statutory appropriations made from the general fund of the state and the lottery fund, budgetary revenues

and expenditures, and other budgetary matters, for the fiscal year beginning July 1, 1992.

House File 2486 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Sections 1 through 6, 25, 27 and 32, in their entirety. These provisions amend Senate File 2034 which provides for the sales tax increase. With the disapproval of Senate File 2034, these items cannot be approved.

I am unable to approve the item designated as Section 33, in its entirety. This appropriation provides an additional $10,000 for the Iowa Veterans Home. In view of the $26.5 million appropriation for the Iowa Veterans Home in Senate File 2355, this supplemental appropriation is not needed.

I am unable to approve the items designated as Section 34 and Section 35, in their entirety. These provisions amend House File 2490, which relates to public employee compensation and benefits. Pursuant to the letter of agreement between the State of Iowa and the state employee bargaining units, payment of back compensation to state employees will be made in fiscal year 1993.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2486 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

June 3, 1992

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

Dear Madam Secretary:

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

House File 2490 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 1, in its entirety. This item appropriates $101,009,928 from the general fund to cover the estimated cost of salary increases for state employees.

I strongly object to the disparity in the amount of salary increases provided in this bill for contract and non-contract covered employees. This disparity is directly contrary to the state's long-standing policy of providing equal pay for comparable work. Beyond its basic unfairness, I believe such a practice would make the state vulnerable to legal challenges on the basis of the state's comparable worth law. The bill also inappropriately excludes judges from receiving any salary increase.

It is my intention to bring the General Assembly back for a second special session, thus affording an opportunity to enact a new salary bill that corrects these deficiencies.

It remains my intention to implement all labor arbitration awards. With the appropriate action by the General Assembly, that will be accomplished while extending comparable pay raises to noncontract employees.

I am unable to approve the item designated as Section 4, in its entirety. This section authorizes salary increases for employees of regional libraries. Because these individuals are not state employees, it is inappropriate to include them in this Act.

I am unable to approve the item designated as Section 10, in its entirety. Recognizing the potential disparate effects likely to result from implementation of this bill, the General Assembly in this section requires the Department of Personnel to conduct a study of comparable worth, and establishes a committee to supervise the study. Because it is still my expectation to achieve a salary bill that provides for pay equity, such a study will be unnecessary and I am therefore unable to approve this section.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2490 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

June 3, 1992

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

Dear Madam Secretary:

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

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

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

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

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

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2320 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

June 3, 1992

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

Dear Madam Secretary:

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

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

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

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

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

I am unable to approve the item designated as Section 19, in its entirety. This section provides that the Iowa Law Enforcement Academy Council would appoint the

Director of the Iowa Law Enforcement Academy. The appointment of the director should be consistent with the appointment of other agency directors. The appointment should be made by the Governor with confirmation by the Senate.

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

I am unable to approve the item designated as Section 41, in its entirety. This provision would repeal the extension of the sunset on workers' compensation insurance rate regulation to July 1, 1994, as provided in Senate File 2354. By disapproving this provision, the regulations will sunset July 1, 1994.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2345 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

June 3, 1992

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

Dear Madam Secretary:

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

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

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

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

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

I am unable to approve the item designated as Section 11, in its entirety. This section mandates that $50,000 appropriated to the Agriculture Experiment Station

be transferred to the Department of Agriculture and Land Stewardship to administer a new program to control predator damage to livestock. By disapproving this item, the Board of Regents will revert $50,000 to the general fund of the state at the end of fiscal year 1993.

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

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

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

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

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

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

Sincerely,
Terry E. Branstad
Governor

June 3, 1992

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

Dear Madam Secretary:

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

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

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

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

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

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2348 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

June 3, 1992

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

Dear Madam Secretary:

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

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

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

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

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

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

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

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

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2355 are hereby approved as of this date.

Sincerely,
Terry E. Branstad
Governor

May 15, 1992

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

Dear Madam Secretary:

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

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

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

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

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

Sincerely,
Terry E. Branstad
Governor

IN MEMORIAM

House

A memorial adopted by the House of Representatives, 1992 Regular Session of the Seventy-fourth General Assembly, commemorating the life, character, and public service of the former members of the House of Representatives.

RAY V. BAILEY .....December 14, 1913—February 4, 1992

WAYNE W. BALLHAGEN.....
December 2, 1913—November 4, 1991

HARRY W. BEARDSLEY .....June 8, 1920—February 18, 1992

DEAN O. COREY .....August 6, 1921—April 16, 1991

FLOYD P. EDGINGTON, SR.....
February 4, 1899—December 23, 1991

HAROLD O. FISCHER .....August 4, 1917—December 15, 1991

DWIGHT W. MEYER .....October 18, 1901—February 2, 1992

KENNETH C. NOBLE .....May 6, 1899—January 27, 1992

MAURICE A. VAN NOSTRAND.....
February 9, 1925—October 8, 1991

RAY V. BAILEY

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Ray V. Bailey begs leave to submit the following Memorial:

Ray V. Bailey was born December 14, 1913 in Royal, Iowa. On June 18, 1938 he married Maxine Sheldon and they had two sons.

Upon graduation from Royal High School in 1931, Ray attended the University of Iowa where he received his BA and JD degrees in 1935 and 1937 respectively. During World War II Ray served as a U.S. Civil Service investigator and patent advisor to the War Department.

An active member of the community, Mr. Bailey was director of Clarion Community Development Commission; past chairperson of public affairs committee of the Wright County Extension Council; director of Colonial Homes, Inc.; on the Board of Okoboji Protective Association; attended the Methodist and Christian Science Churches; was a member of the Lions Club; the Wright County, Iowa State and American Bar Associations; on the Patent Law Revision Committee of Patent, Trademark, and Copyright Section of the American Bar Association; was a former member of the Clarion Board of Education; member of SUI Alumni Council; past president of SUI Dad's Association and member of the Executive Board; is listed in Who's Who in the Midwest and World Who's Who in Commerce and Industry; was very active in the World Peace Through Law Center; was a longtime member of the UI Foundation's Presidents Club and Alumni Association.

A Democrat, Mr. Bailey represented Wright County during the Sixty-first, Sixty-second and Sixty-third General Assemblies.

Ray V. Bailey died February 4, 1992. He was preceded in death by his wife Maxine. He is survived by his sons Theron of Arlington, Virginia and Bryan of Brandon, South Dakota; and three grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-fourth General Assembly of Iowa, That in the passing of the Honorable Ray V. Bailey, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

STEWART IVERSON, JR.
CLARK E. McNEAL
CLIFFORD O. BRANSTAD

Committee

WAYNE W. BALLHAGEN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Wayne W. Ballhagen begs leave to submit the following Memorial:

Wayne W. Ballhagen was born December 2, 1913. On August 6, 1939 he married Dorothy Rogers and they had three sons and two daughters.

Mr. Ballhagen owned and operated a general merchandise store in New Hartford as well as a farm; was a member of the Farm Bureau and sold real estate.

A Republican, Mr. Ballhagen represented Butler County during the Fifty-fifth, Fifty-sixth and Fifty-seventh General Assemblies.

Wayne W. Ballhagen died November 4, 1991. He is survived by his widow, Dorothy, of New Hartford; three sons, Jerry and Gordon of New Hartford; Duane of West Frankfort, Illinois; two daughters, Marlys Anderson of Waterloo and Beverly Luck of New Hartford; two brothers, Elmer of New Hartford and Lloyd of Tylertown, Mississippi; one sister, Beulah DeVries of Mountain Home, Arkansas; and ten grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-fourth General Assembly of Iowa, That in the passing of the Honorable Wayne W. Ballhagen, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

BOB RENKEN
RAYMOND LAGESCHULTE
MARVIN E. DIEMER

Committee

HARRY W. BEARDSLEY

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Harry W. Beardsley begs leave to submit the following Memorial:

Harry W. Beardsley was born June 8, 1920 in Tuttle, Oklahoma. He married Winifred Divine in 1944 and they had one son and one daughter.

A graduate of Boston University and Navy veteran of World War II, Mr. Beardsley retired from Preferred Risk Insurance Company in 1985 after thirty years; was a former professor of philosophy at Simpson College and Drake University; and was an active and dedicated member of Grace Methodist Church.

A Democrat, Mr. Beardsley represented Polk County during the Sixty-second General Assembly.

Harry W. Beardsley died February 18, 1992. He is survived by his wife, Winifred, of West Des Moines; his son, Alan, of Iowa City; his daughter, Wendi Sisk, of Lakewood, Colorado; and two grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-fourth General Assembly of Iowa, That in the passing of the Honorable Wayne W. Beardsley, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DOROTHY F. CARPENTER
JOHN H. CONNORS
WILLIAM H. HARBOR

Committee

DEAN O. COREY

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Dean O. Corey begs leave to submit the following Memorial:

Dean O. Corey was born August 6, 1921, in Louisa County. On February 1, 1942 he married Eva Mae Butcher and they had two sons.

Dean Corey was a graduate of Morning Sun High School, attended Burlington Junior College, UCLA and Stanford University. An Army veteran of World War II, he served a year in India. In his earlier years, he taught electronics in Des Moines. Mr. Corey was a former Mayor of Morning Sun; a former Louisa County Supervisor; a member of the United Methodist Church in Morning Sun; a member of the Morning Sun Lions Club and American Legion. He and his wife founded and were administrators of the Morning Sun Manor, retiring in 1981.

A Republican, Mr. Corey represented Louisa County during the Sixty-third General Assembly.

Dean O. Corey died April 16, 1991. He was preceded in death by his wife, Eva. He is survived by his two sons; Mike of Omaha, Nebraska and Bruce of Morning Sun; two sisters, Eleanor Jones of Wapello and Eloise Phillips of Centerville; and two granddaughters.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-fourth General Assembly of Iowa, That in the passing of the Honorable Dean O. Corey, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

MARK SHEARER
GREG SPENNER
DAN PETERSEN

Committee

FLOYD P. EDGINGTON, Sr.

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Floyd P. Edgington, Sr., begs leave to submit the following Memorial:

Floyd P. Edgington, Sr. was born February 4, 1899 in Grinnell. On March 3, 1920 he married Mildred Best and they had one son and one daughter.

A farmer, Mr. Edgington served in various capacities during his lifetime, including: Farmer Security Administration; Franklin County A.S.C. Board; Franklin County Fair Board (19 years as president); Sheffield School Board; Franklin County Zoning and Variance Board; C.R.O.P. County Chairperson; Sheffield Care Center Board; was a member of the Methodist Church, Masonic Lodge and I.O.O.F. Lodge.

A Republican, Mr. Edgington represented Franklin County during the Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-first, Sixty-second and Sixty-third General Assemblies.

Floyd P. Edgington, Sr. died December 28, 1991. He was preceded in death by his wife, Mildred. He is survived by his son, Floyd of Sheffield; his daughter, Mrs. Margaret Mateer of Sheffield; one sister, Mrs. Fae Heuberger of Sheffield; four grandchildren and seven great-grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-fourth General Assembly of Iowa, That in the passing of the Honorable Floyd P. Edgington, Sr., the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

STEWART IVERSON
CLARK McNEAL
MERLIN BARTZ

Committee

HAROLD O. FISCHER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Harold O. Fischer begs leave to submit the following Memorial:

Harold O. Fischer was born August 4, 1917 in Wellsburg. On July 30, 1942 he married Jean Arthur and they had one son and two daughters.

Harold Fischer attended Iowa State Teachers College (now the University of Northern Iowa) and the American Institute of Business in Des Moines. He was employed by Look Magazine in Des Moines until 1940, when he was transferred to New York City. He served with the U.S. Army from June 1941 to December 1945, participating in five major military campaigns and attaining the rank of Captain. He was active in veterans organizations, particularly the American Legion, in which he served as post adjutant and county and district commander. In 1950 he started his own insurance

and real estate business in Wellsburg which he ran until 1978, continuing in real estate until his death.

A Republican, Mr. Fischer represented Black Hawk, Butler, Franklin, Grundy, Marshall and Tama Counties during the Fifty-eighth, Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-first, Sixty-second, Sixty-third, Sixty-fourth and Sixty-fifth General Assemblies.

Harold O. Fischer died December 15, 1991. He is survived by his wife, Jean, of Wellsburg; his son, James of Nevada; two daughters, Nancy Montgomery of Claremore, Oklahoma and Mary Fischer of Des Moines; one sister, Mildred Clifford of Evansville, Indiana; and four grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-fourth General Assembly of Iowa, That in the passing of the Honorable Harold O. Fischer, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

BOB RENKEN
WILLIAM H. HARBOR
MINNETTE DODERER

Committee

DWIGHT W. MEYER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Dwight W. Meyer begs leave to submit the following Memorial:

Dwight W. Meyer was born October 18, 1901 near Odebolt. In 1925 he married Helen Rocho and they had two sons and three daughters.

A 1925 graduate of Iowa State College, Mr. Meyer was engaged in farming for thirty years, during which time he sold DeKalb Seed Corn for eleven years. From 1953 to 1961 he held several positions within the U. S. Department of Agriculture, following which he established a business in real estate, insurance and farm management. During his career, Mr. Meyer helped organize the Sac County REC; served as 4-H leader and Iowa 4-H Foundation Trustee; Charter member of the Northwest Iowa Farm Business Association; was a member of the Adelante Fraternity (serving as President and on the Board); was first president of Sac County ISU Club; was on the Board of Directors of Peoples State Bank; held several offices in the Sac County Farm Bureau; was a member of the Alpha Zeta and Gamma Sigma Delta Agriculture Honorary Fraternity; was a member of the Rotary Club and the Methodist Church.

A Republican, Mr. Meyer represented Sac County during the Fifty-third, Fifty-fourth and Fifty-fifth General Assemblies.

Dwight W. Meyer died February 2, 1992. He was preceded in death by his wife, Helen. He is survived by his two sons, Clyde of Ames and James of Odebolt; his three daughters, Mary Jeanne Thompson of Odebolt, Barbara Johnson of Cedar Falls, and Lois Moffitt of Minneapolis, Minnesota; a sister, Verena Northy of Milford, Iowa; and seventeen grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-fourth General Assembly of Iowa, That in the passing of the Honorable Dwight W. Meyer, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

RUHL MAULSBY
WAYNE BENNETT
RUSSELL EDDIE

Committee

KENNETH C. NOBLE

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Kenneth C. Noble begs leave to submit the following Memorial:

Kenneth C. Noble was born on May 6, 1899 in Glidden. On June 28, 1922 he married Louise Loving.

Kenneth Noble attended the University of Iowa and graduated from the University of Colorado. He worked on the Boulder Daily Camera before returning to Iowa where he purchased the Sutherland Courier, a weekly newspaper in O'Brien County. Mr. Noble served in the U.S. Navy during World War I and was the American Legion Post Commander in Sutherland. He was also active in the Post in Rancho Bernardo, California in later years. An avid sports fan, Mr. Noble and his wife were also involved in many civic and government activities.

A Republican, Mr. Noble represented O'Brien County during the Fiftieth and Fiftieth Extra General Assemblies.

Kenneth C. Noble died January 27, 1992. He is survived by his wife, Louise, of San Diego, California and a brother, Paul of Bainbridge Island, Washington.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-fourth General Assembly of Iowa, That in the passing of the Honorable Kenneth C. Noble, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

TOM MILLER
KENNETH DE GROOT
LEE PLASIER

Committee

MAURICE A. VAN NOSTRAND

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Maurice A. Van Nostrand begs leave to submit the following Memorial:

Maurice Van Nostrand was born February 9, 1925 in Benedict, Nebraska. On February 10, 1944, he married Carol Cummings and they had three sons.

A 1942 graduate of Benedict High School, he attended the University of Nebraska, after which he was an aviation cadet from 1944-1945. In 1946 he and his family moved to Avoca, Iowa, where he operated grain elevators in Avoca and Oakland, and started a cattle feeding operation.

Mr. Van Nostrand was a member of many organizations, including the Council Bluffs Chamber of Commerce; Board of Directors of Salvation Army; Pottawattamie County Health Center Board of Directors; Pottawattamie County Citizens Committee on Alcoholism; Editor of the Council Bluffs Nonpareil; and Chairman of the Iowa Commerce Commission from 1971-1979.

A Republican, Mr. Van Nostrand represented Pottawattamie County during the Sixtieth, Sixtieth Extra, Sixty-second and Sixty-third General Assemblies.

Maurice A. Van Nostrand died October 8, 1991. He is survived by his wife, Carol of Sun Lakes, Arizona; his three sons, Greg of Stockton, California, Kevin of Scottsdale, Arizona, and James of Kirkland, Washington; a brother, Clark of Bella Vista, Arkansas; two sisters, Virginia Deardorff of Atlantic, Iowa and Twyla Dorsey of Glendale, Arizona; four granddaughters and two grandsons.

Now Therefore, Be It Resolved by the House of Representatives of the Seventy-fourth General Assembly of Iowa, That in the passing of the Honorable Maurice A. Van Nostrand, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DICK WEIDMAN
WILLIAM H. HARBOR
JOAN L. HESTER

Committee

GENERAL INDEX

ADAMS, JANET L.—Representative **Hamilton**-Webster Counties, Assistant Majority Floor Leader
Amendments filed—321, 338, 466, 632, 633, 741, 763, 830, 1056, 1137, 1158, 1184, 1194, 1587, 1697-1698
Amendments offered—645, 1112, 1186, 1697
Amendment withdrawn—1196
Bills introduced—2, 25, 45, 69, 156, 164, 316, 324
Committee appointments—1497, 1627, 1828
Leave of absence—339, 2116
Petitions presented—110, 322, 339, 367, 398, 414, 439, 581, 1207
Presided at sessions of the House—1237
Reports—1702-1703, 1864-1866, 2037-2050
Resolutions offered—338, 438, 558
Subcommittee assignments—54, 66, 92, 107, 171, 221, 433, 434, 461, 462, 472, 557, 578, 631, 759, 1771
*****1992 Extraordinary Session*****
Resolution offered—5

ADDRESSED THE HOUSE—
(See also JOINT CONVENTION and/or SPECIAL PRESENTATION)
The Honorable Wayne McKinney, Jr., Majority Floor Leader—5-7, 2248-2249
The Honorable Harold G. Van Maanen, Minority Floor Leader—7-8, 2249
The Honorable Robert C. Arnould, Speaker of the House—8-12, 2249-2251
Chairman Valentin A. Agafonov, People's Deputies of the Russian Federation in Moscow—364-366
Patrick J. Sheehan from Goleen, County Cork, Ireland, member of the Irish Parliament—637
Tom Sutherland—1069

ADMINISTRATION, COMMITTEE ON—
Reports—16-19, 231-232, 628, 825-826

ADMINISTRATIVE RULES REVIEW COMMITTEE—
Appointment to—13
Bills introduced—3

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS—
Appointments to—13

ADVISORY COUNCIL ON TELECOMMUNICATION INFRASTRUCTURE—
Appointments to—85

AGRICULTURE, COMMITTEE ON—
Amendments filed—243, 384, 830
Amendments offered—421, 1020, 1673
Bills introduced—97, 155, 212, 246, 399, 502
Recommendations—94, 151-152, 173, 224, 241, 242, 336-337, 382, 435-436, 463, 495, 687, 827
Resolutions offered—243, 720
Subcommittee assignments—42, 87, 99, 203, 204, 233, 249, 318, 394, 395, 444, 758, 759

AMENDMENTS—
(See also INDIVIDUAL HEADINGS)
Amendments filed, not otherwise printed during session—2257-2516
Amendments out of order—168, 183, 287, 301, 347, 457, 459, 516, 555, 610, 695, 711, 737, 745, 769, 773, 994, 1035, 1069, 1070, 1088, 1165, 1196, 1200, 1202, 1343, 1344, 1482, 1494, 1513, 1560, 1672, 1674, 1762, 1915, 2252
Filed—63, 68, 101, 109, 144-145, 152, 161-162, 174, 186, 192-193, 207, 225-226, 234, 243, 251-252, 305, 321, 338, 363, 384-385, 397, 412-413, 438, 448, 466-467, 477-478, 499-500, 526, 559-560, 579-580, 592, 632-633, 658-659, 688-689, 720-721, 741, 761-763, 788-790, 829-830, 878-879, 898-899, 928-929, 964-965, 986-987, 1055-1057, 1093, 1158-1159, 1205-1206, 1241, 1283-1284, 1300, 1333-1334, 1472-1473, 1516, 1587, 1629-1630, 1655, 1708, 1748, 1772, 1807, 1837, 1901-1902, 1919, 1980, 2020, 2252
Filed from the floor—168, 183, 258-268, 268-273, 274, 275-276, 276, 277, 277-278, 279, 280-281, 281-282, 282-284, 284-285, 286, 288-289, 289, 290-291, 291-292, 293-295, 295-296, 296-297, 297-298, 300, 328, 357, 391, 516, 554-555, 555, 646, 647, 671, 678-682, 694, 706-707, 707-708, 709, 712-713, 714-715, 716, 729, 735, 737, 756-757, 818-821, 856, 865-866, 946-947, 948-949, 949-950, 956, 961, 977-978, 1011-1015, 1034, 1034-1035, 1035, 1084, 1087, 1127-1128, 1129, 1129-1130, 1130-1131, 1132, 1133, 1134-1135, 1135, 1135-1136, 1136-1137, 1137, 1138-1147, 1148-1149, 1149, 1149-1150, 1151-1153, 1179, 1181, 1182, 1183, 1184, 1186, 1194, 1196-1197, 1197, 1197-1198, 1198, 1198-1199, 1199-1200, 1200, 1201-1202, 1221, 1222-1231, 1232-1233, 1233, 1235-1236, 1263, 1263-1264, 1266-1268, 1269, 1269-1270, 1271-1272, 1272, 1272-1273, 1273-1276, 1277-1278, 1310-1314, 1323, 1324, 1340, 1341, 1365, 1384, 1384-1385, 1480, 1502-1507, 1507-1509, 1510, 1511, 1512, 1553, 1559, 1560, 1561, 1562, 1562-1563, 1563, 1563-1567, 1575, 1579, 1594-1596, 1606, 1617-1618, 1664, 1692-1694, 1694-1697, 1697-1698, 1698-1699, 1699, 1699-1701, 1701, 1722-1723, 1728-1729, 1730, 1736-1737, 1737-1738, 1738, 1743, 1743-1744, 1744, 1754, 1754-1755, 1757-1758, 1760, 1764, 1780, 1821-1824, 1824, 1847, 1857-1858, 1858, 1858-1859, 1859, 1860, 1861-1862, 1862, 1862-1863, 1863, 1894-1895, 1912-1913, 1922-1929, 1929-1930, 1947-1960, 1960-1961, 1961, 1984, 1997, 2004-2005, 2052-2057, 2117, 2192-2193, 2194-2197, 2198, 2199-2200, 2200-2201, 2201, 2202, 2202-2203, 2203, 2208-2220, 2220, 2220-2221, 2221, 2222
Lines of amendments out of order—735, 781, 1015, 1075, 1084, 1087, 1380, 1458
Senate amendments considered—313, 326, 508, 1098, 1162, 1166, 1167, 1168, 1169, 1173, 1210, 1214, 1245, 1246, 1286, 1289, 1303, 1306, 1336, 1337, 1369, 1390, 1425, 1467, 1475, 1477, 1483, 1486, 1570, 1575, 1577, 1581, 1589, 1591, 1597, 1611, 1619, 1621, 1635, 1636, 1638, 1641, 1646, 1665, 1679, 1680, 1685, 1711, 1721, 1732, 1749, 1751, 1773, 1782, 1794, 1796, 1811, 1828, 1829, 1830, 1840, 1844, 1846, 1893, 1904, 1912, 1920, 1984, 1993, 2000, 2014, 2147, 2162, 2207
Senate amendments filed—207, 243, 338, 964, 986, 987, 1055, 1056, 1093, 1158, 1205, 1241, 1283, 1284, 1300, 1333, 1334, 1473, 1516, 1587, 1629, 1655, 1708, 1772, 1807, 1837, 1919, 1980, 2252
Withdrawn—182, 219, 277, 289, 296, 301, 314, 352, 375, 376, 402, 457, 504, 516, 517, 550, 572, 577, 585, 586, 600, 601, 602, 609, 647, 670, 695, 706, 714, 726, 729, 732, 733, 745, 747, 754, 771, 775, 793, 807, 811, 814, 822, 855, 857, 887, 892, 956, 959, 960, 961, 997, 1000, 1035, 1043, 1052, 1073, 1075, 1085, 1110, 1112, 1113, 1132, 1176, 1182, 1183, 1185, 1186, 1196, 1198, 1200, 1202, 1220, 1232, 1237, 1269, 1296, 1297, 1305, 1322, 1340, 1343, 1376, 1384, 1387, 1481, 1500, 1511, 1562, 1563, 1645, 1671, 1674, 1684, 1715, 1759, 1762, 1824, 1849, 1904, 1915, 1922, 1977, 2017

*****1992 Extraordinary Session*****

Amendment out of order—28
Amendments filed, not otherwise printed during session—35-37
Filed—5, 34
Filed from the floor—9, 10, 17, 19-27, 28
Senate amendments considered—30

APPOINTMENTS—
Administrative Rules Review Committee:
Representative Maulsby—13
Advisory Commission On Intergovernmental Relation:
Representative Burke—13
Representative Renken—13
Advisory Council On Telecommunication Infrastructure:
Representative Brand—85
Representative Lundby—85
Children, Youth and Families, Commission On:
Representative Plasier—13
College Student Aid Commission:
Representative Poncy—13
Criminal and Juvenile Justice Planning Advisory Council:
Representative Rafferty (replacing Representative Plasier)—34
Elder Affairs, Commission On:
Representative Wissing—13
Energy Fund Disbursement Council:
Representative Garman—13
Federal Child Care and Child Development Block Grant Advisory Committee:
Representative Hester—14
Representative Grubbs—14
Health Data Commission:
Representative Grubbs—13
Healthy Iowan's Consortium:
Representative Haverland—85
Indigent Defense Advisory Commission:
Representative Gipp—13
International Relations Committee:
Representative Hanson of Delaware—14
Representative Harbor—14
Speaker Arnould—141
Representative Chapman—141
Representative McKinney—141
Representative Doderer (replacing Speaker Arnould)—248
Interstate Cooperation, Commission On:
Representative Carpenter—14
Representative Metcalf—14
Iowa Comprehensive Health Insurance Association:
Representative Shearer—78
Iowa Peace Institute:
Representative Hanson of Delaware—14

Prevention of Disabilities Policy Council:
Representative Krebsbach—14
Renewable Fuel Advisory Committee:
Representative Svoboda—13
Representative Johnson—14
State Human Investment Policy Council (SHIP):
Representative Plasier—14
Representative Hammond—85
Wallace Technology Transfer Foundation:
Representative Banks—15
Workers' Compensation Second Injury Fund Task Force:
Representative Rafferty—14
*****1992 Second Extraordinary Session*****
Iowa Economic Development Board:
Representative Bennett—7
Statewide Fire and Police Retirement System Board of Trustees:
Representative Lundby—7

APPROPRIATIONS, COMMITTEE ON—
Amendments filed—243, 1056, 1159, 1205, 1655
Amendments offered—1116, 1218, 1248, 1292, 1326, 1727, 1740, 2003
Bills introduced—481, 546, 593, 661, 690, 725, 749, 880, 960, 1059, 1105, 1588, 1640, 1677, 1826, 1827, 1998, 2188
Recommendations—242, 473, 591, 658, 740, 875, 928, 986, 1054-1055, 1115, 1157-1158, 1204-1205, 1586, 1629, 1654, 1726-1727, 1836, 2003, 2013, 2019
Subcommittee assignments—158, 191, 192, 239, 240, 379, 432, 433, 434, 461, 578, 579, 591, 718, 758, 759, 874, 1333, 1472, 1585, 1628
*****1992 Extraordinary Session*****
Amendment filed—16
Amendment offered—16
Bills introduced—6, 30
Recommendations—4-5, 12-13, 14, 15-16, 19, 30-31, 33-34
*****1992 Second Extraordinary Session*****
Bills introduced—4
Recommendations—3

ARNOULD, ROBERT C.—Representative **Scott** County
(See SPEAKER OF THE HOUSE—Robert C. Arnould, Representative **Scott** County)

ASSISTANT MAJORITY FLOOR LEADERS—
Janet L. Adams, Representative **Hamilton**-Webster Counties
(See ADAMS, JANET L.—Representative **Hamilton**-Webster Counties, Assistant Majority Floor Leader)
Louis J. Muhlbauer, Representative **Crawford**-Shelby Counties
(See MUHLBAUER, LOUIS J.—Representative **Crawford**-Shelby Counties, Assistant Majority Floor Leader)
Mary C. Neuhauser, Representative **Johnson** County
(See NEUHAUSER, MARY C.—Representative **Johnson** County, Assistant Majority Floor Leader)
David Schrader, Representative **Marion** County
(See SCHRADER, DAVID—Representative **Marion** County, Assistant Majority Floor Leader)

ASSISTANT MINORITY FLOOR LEADERS—
Teresa Garman, Representative Boone-**Story** Counties
(See GARMAN, TERESA—Representative Boone-**Story** Counties, Assistant Minority Floor Leader)
Darrell R. Hanson, Representative Buchanan-**Delaware**-Linn Counties
(See HANSON, DARRELL R.—Representative Buchanan-**Delaware**-Linn Counties, Assistant Minority Floor Leader)
Mary A. Lundby, Representative **Linn** County
(See LUNDBY, MARY A.—Representative **Linn** County, Assistant Minority Floor Leader)
Brent Siegrist, Representative **Pottawattamie** County
(See SIEGRIST, BRENT—Representative **Pottawattamie** County, Assistant Minority Floor Leader)

AWARDS AND GIFTS—
Certificates of excellence presented to House Pages for serving with honor and distinction during the Second Regular Session of the Seventy-fourth General Assembly—440, 1475
Plaques were presented to retiring members and leaders—2021-2022
Resolution relating to, HR 107—2189 adopted

BAKER, TOM—Representative **Polk** County
Amendments filed—580, 720, 741, 818-821, 1555
Amendments offered—516, 588, 818
Bills introduced—38, 58, 71, 111, 316, 369, 400
Committee appointment—46
Leave of absence—36
Presented to the House the Lithuanian delegation—501
Presented to the House visitors from Africa who are in the United States on an African Peace Tour—1931
Presided at sessions of the House—1496
Resolution offered—558
Subcommittee assignments—158, 171, 221, 233, 239, 303, 333, 433, 434, 657, 687
*****1992 Extraordinary Session*****
Resolution offered—5

BANKS, BRADLY C.—Representative **Plymouth**-Woodbury Counties
Amendments filed—144, 186, 234, 251, 526, 560, 762, 763, 829, 946-947, 1056, 1057, 1093, 1594-1596, 1630, 1722-1723, 1748
Amendments offered—456, 457, 946, 1073, 1604
Amendments withdrawn—457, 572
Appointed to the Wallace Technology Transfer Foundation—15
Bills introduced—25, 37, 38, 69, 82-83, 104, 113, 212, 228, 246, 316
Committee appointment—46
Petitions presented—227, 235, 236, 254
Resolution offered—688
Subcommittee assignments—42, 73, 87, 107, 171, 248, 379, 687, 758, 759, 786

BARTZ, MERLIN E.—Representative Cerro Gordo-Winnebago-**Worth** Counties
Amendments filed—109, 186, 225, 234, 276, 363, 438, 559, 592, 632, 720, 762, 763, 830, 879, 929, 946-947, 964, 1055, 1057, 1093, 1158, 1201-1202, 1205, 1206, 1284, 1300, 1333, 1365, 1510, 1862-1863, 1929, 1930
Amendments offered—585, 586, 608, 773, 774, 1295, 1320, 1365, 1510, 1715, 1716, 1862

Amendments withdrawn—775, 1296, 1511
Bills introduced—24, 37, 57, 82, 104, 113, 212, 228, 254, 371, 398, 406
Committee appointments—26, 1627, 1633
Leave of absence—439, 572, 782, 791, 1115, 1269
Petitions presented—146, 194, 236, 339, 386, 398, 414, 439, 449, 501, 1631
Requested to be added as a sponsor of House File 2060 & House File 2062—71
Requested to be added as a sponsor of House File 2043 & House File 2044—53
Requested to be added as a sponsor of House File 2021—40
Resolution offered—688
Subcommittee assignments—158, 248, 379, 433, 718

BEAMAN, JACK—Representative Adair-Adams-Cass-**Clarke**-Union Counties
Amendments filed—186, 500, 689, 763, 829, 1929-1930
Bills introduced—69, 76, 82, 90, 104, 113, 142, 316, 324, 406
Leave of absence—569, 1160
Petitions presented—163, 236, 244, 339, 386, 527, 1709
Resolution offered—688
Subcommittee assignments—72, 142, 233, 433, 786

BEATTY, LINDA L.—Representative **Warren** County
Amendments filed—277, 412, 633, 688, 689, 720, 762, 789, 790, 830, 1056, 1057, 1205, 1284, 1333, 1334, 1490-1493, 1587, 1902
Amendments offered—213, 745, 854, 858, 864, 938, 1375, 1376, 1385
Amendment withdrawn—857
Bills introduced—3, 37, 69, 90, 97, 103, 166, 195, 316, 324, 369
Committee appointment—27
Petitions presented—253, 527, 930, 1749
Reports—40-41, 77-78
Subcommittee assignments—54, 60, 67, 92, 150, 171, 192, 203, 221, 233, 239, 240, 248, 318, 333, 394, 395, 432, 433, 444, 657, 739, 740, 758, 759, 1240, 1585
*****1992 Extraordinary Session*****
Resolution offered—5

BENNETT, WAYNE—Representative **Ida**-Monona-Woodbury Counties
Amendments filed—274, 276, 277, 289, 291-292, 413, 477, 659, 741, 763, 790, 829, 961, 1056, 1084, 1205, 1283, 1780, 1929-1930
Amendments offered—274, 289, 291, 893, 1070, 1084, 1340, 1780
Amendments withdrawn—296, 771, 960, 961, 1073, 1085, 1112, 1113
Bills introduced—69, 82, 104, 113, 228, 316
Committee appointments—2, 332, 1634
Presented to the House the Honorable Louis A. Peterson, former member of the House—578
Presented to the House the Honorable Wendell Pellett, former member of the House—1054
Resolution offered—688
Subcommittee assignments—92, 93, 318, 333, 461, 687, 786, 1157, 1333, 1472
*****1992 Extraordinary Session*****
Amendment filed—34
*****1992 Second Extraordinary Session*****
Appointed to the Iowa Economic Development Board—7

BERNAU, BILL—Representative Story County
Amendments filed—338, 580, 592, 720, 756-757, 929, 1137, 1184, 1555, 1575, 1697-1698, 1902
Amendments offered—421, 597, 756, 972, 974, 1137
Bills introduced—37, 69, 97, 104, 111, 165, 166, 188, 209, 369, 480
Leave of absence—187, 930
Resolutions offered—438, 558, 1806
Subcommittee assignments—42, 72, 87, 158, 170, 171, 172, 203, 239, 248, 394, 411, 433, 444, 557, 657, 740, 759
*****1992 Extraordinary Session*****
Resolutions offered—5, 34

BILLS—
(See also action on HOUSE JOINT RESOLUTIONS, HOUSE FILES, SENATE JOINT RESOLUTIONS and SENATE FILES in LEGISLATIVE INDEX VOLUME)
Approved by governor—184, 220-221, 239, 444, 461, 524-525, 578, 785, 874, 926, 985, 1092, 1154-1155, 1202-1203, 1280-1281, 1298, 1331-1332, 1470-1471, 1514-1515, 1628, 1652, 1707-1708, 1746-1747, 1769-1770, 1834-1835, 1899, 1919, 1978-1979, 2253-2254
Approved, vetoed or item vetoed subsequent to adjournment—2530-2535
Consideration of—84, 106, 166, 176, 197, 213, 229, 257, 308, 325, 330, 343, 373, 378, 390, 391, 402, 416, 441, 450, 482, 488, 504, 512, 530, 548, 563, 570, 574, 583, 594, 636, 637, 643, 665, 668, 670, 693, 698, 703, 723, 726, 743, 745, 747, 749, 754, 765, 779, 783, 792, 814, 832, 838, 880, 900, 909, 930, 940, 970, 990, 1017, 1037, 1061, 1094, 1105, 1115, 1161, 1175, 1212, 1216, 1218, 1244, 1248, 1487, 1518, 1594, 1709, 1752, 1810, 1842, 1910, 2023
Consideration of resolution—1721
Deferred—354, 545
Deferred, retained on calendar—330, 421, 457, 490, 522, 569, 636, 654, 784, 793, 873, 883, 894, 941, 1202, 1214, 1279, 1297, 1330, 1619, 1648, 1753, 1794, 1863, 1896, 1909, 1912, 2037, 2194
Final disposition of motions to reconsider—2252
Introduction of—2-4, 24-25, 36-38, 44-46, 57-59, 64-65, 69-71, 76-77, 82-84, 89-91, 96-98, 103-105, 111-113, 147, 154-156, 163-165, 166, 175-176, 188-190, 194-195, 209, 210-213, 228-229, 237, 246, 254-255, 307-308, 315-316, 324, 341-342, 368-372, 387-388, 398-401, 406-407, 415, 422-423, 440-441, 449-450, 460, 469-471, 480-481, 490-491, 502-503, 528-529, 546-547, 561, 574, 593, 660-661, 690, 696, 725, 749, 779, 812, 840, 880, 925, 960, 988, 1058-1059, 1105, 1115, 1175, 1319, 1517, 1588, 1640, 1646, 1677, 1725, 1757, 1768, 1826, 1827, 1981, 1998, 2034, 2188
Item veto messages—523-524, 1983, 2541-2555
Passed on file—512
Referred to committees—825
Rereferred to committees—107, 308, 416, 908-909, 996, 1243
Resolutions adopted, not otherwise printed in journal—2517-2529
Sent to the governor—190, 408, 461, 472, 523, 739, 785, 1092, 1154, 1202, 1280, 1298, 1331, 1470, 1584-1585, 1628, 1652, 1707, 1746, 1768-1769, 1769, 1806, 1834, 1898, 1978, 2253
Sent to the secretary of state—461, 1769, 2253
Veto messages—1203, 1281-1283, 1298-1299, 1899-1900, 1981-1983, 2254-2256, 2535-2540
Withdrawn—38, 39, 40, 59, 65, 71, 84, 107, 113, 178, 313, 453, 613, 614, 627, 639, 641, 653, 700, 724, 824, 845, 891

*****1992 Extraordinary Session*****
Approved, vetoed or item vetoed subsequent to adjournment—38
Consideration of—8
Introduction of—4, 6, 12, 30
Veto message—38
*****1992 Second Extraordinary Session*****
Approved subsequent to adjournment—10
Consideration of—5
Introduction of—4

BILLS SENT TO GOVERNOR—
(See BILLS, subheading, Sent to the Governor)

BISIGNANO, TONY—Representative **Polk** County
Amendments filed—145, 207, 305, 338, 384, 499, 559, 658, 712-713, 721, 789, 929, 1056, 1132, 1137, 1158, 1181, 1269, 1473, 1555, 1562, 1587, 1929-1930, 2117
Amendments offered—1016, 1181, 1269, 1387, 1388, 1389, 1555, 2117
Bills introduced—4, 25, 45, 70, 83, 90, 237, 316, 388, 400
Committee appointment—1849
Leave of absence—1242
Petitions presented—253, 254, 341
Presented to the House Lisa Somodi, Miss Iowa—377
Presided at sessions of the House—625, 1018, 1218
Report—1986-1991
Resolution offered—558
Subcommittee assignments—54, 67, 92, 150, 171, 191, 221, 239, 240, 318, 433, 434, 461, 462, 591, 686, 718, 739, 758, 826, 1585, 1628, 2116
*****1992 Extraordinary Session*****
Resolution offered—5

BLACK, DENNIS H.—Representative **Jasper**-Marshall Counties
Amendments filed—448, 789, 928, 1057, 1205, 1473, 1555, 1748, 1929-1930
Amendments offered—914, 953, 1364, 1489, 1929
Bills introduced—69, 113, 154, 176, 194, 400
Committee appointment—1849
Leave of absence—487
Presented to the House the Honorable Robert Anderson, Executive Director, Iowa Peace Institute—1553
Presided at sessions of the House—770
Report—1986-1991
Resolutions offered—412, 438, 466
Subcommittee assignments—42, 54, 60, 72, 73, 142, 149, 172, 203, 233, 239, 333, 380, 434, 472, 687, 759
*****1992 Extraordinary Session*****
Resolution offered—5

BLANSHAN, EUGENE H.—Representative Boone-Carroll-**Greene** Counties
Amendments filed—193, 413, 592, 633, 658, 659, 689, 720, 735, 898, 929, 964, 987, 1011-1015, 1184, 1587, 1617-1618, 1736-1737
Amendments offered—510, 732, 733, 735, 1001, 1011, 1022, 1038, 1603, 1617, 1736
Amendments withdrawn—376, 670, 732, 733
Bills introduced—25, 45, 77, 316
Committee appointments—825, 1318

Presided at sessions of the House—567, 717, 1496, 1762, 2205, 2206
Reports—1652, 1657-1659
Ruling made—2205
Subcommittee assignments—41, 42, 67, 72, 73, 92, 142, 149, 150, 171, 172, 203, 221, 239, 248, 249, 318, 333, 359, 379, 380, 525, 657, 718, 739, 785, 826, 874, 1333, 1472, 1901

*****1992 Extraordinary Session*****

Resolution offered—5

BOARDS, COMMISSIONS, COMMITTEES AND/OR COUNCILS—
(See APPOINTMENTS and/or COMMUNICATIONS FROM, subheading Reports and/or INDIVIDUAL HEADINGS)

BRAMMER, PHILIP E.—Representative **Linn** County
Amendments filed—243, 251, 277, 580, 624, 720, 741, 1056, 1137, 1201, 1205, 1300, 1333, 1512, 1587
Amendments offered—530, 616, 1201, 1219, 1512
Bills introduced—57, 64, 65, 69, 97, 103, 166, 229, 316, 324, 369
Leave of absence—36, 187, 306, 1588
Petitions presented—322, 323, 439, 527
Resolutions offered—438, 1806
Subcommittee assignments—54, 60, 67, 150, 158, 171, 240, 380, 433, 687, 740, 758, 874, 895, 1585

*****1992 Extraordinary Session*****

Amendment filed—17
Amendment offered—17
Resolution offered—5

BRAND, WILLIAM J.—Representative **Benton**-Black Hawk Counties
Amendments filed—592, 633, 721, 964, 1056, 1137, 1158, 1184, 1272, 1587, 1728-1729
Amendments offered—1727, 1728
Appointed to the Advisory Council on Telecommunication Infrastructure—85
Bills introduced—69, 69-70, 90, 103, 164, 166, 209, 254, 316, 370, 371, 387
Leave of absence—69, 187, 227, 306, 2116
Petitions presented—339, 340
Presided at sessions of the House—1976
Subcommittee assignments—192, 203, 379, 433, 657, 718, 1472, 1585, 1628

BRANSTAD, CLIFFORD O.—Representative Hancock-Kossuth-**Winnebago** Counties
Amendments filed—101, 186, 243, 413, 477, 659, 763, 789, 829, 1056, 1748
Bills introduced—69, 82, 90, 96, 104, 113, 316, 400
Committee appointments—1632, 2257
Leave of absence—64, 660, 1757, 1773, 1983
Petitions presented—146, 187, 253, 307, 340, 386, 660
Resolutions offered—242, 688
Subcommittee assignments—60, 79, 87, 192, 203, 233, 248, 318, 461, 686, 687

BRANSTAD, GOVERNOR TERRY E.—
(See GOVERNOR BRANSTAD, TERRY E.)

BROWN, JOEL W.—Representative Clarke-Monroe-**Lucas**-Wayne Counties
Amendments filed—277, 286, 879, 929, 1129-1130, 1135, 1137, 1205, 1272, 1655, 1837, 1901, 1902, 1929-1930
Amendments offered—1605, 1606

Bills introduced—111, 112, 154, 166, 316, 324, 369, 370, 388, 400
Committee appointments—926, 1627, 1844, 2164
Leave of absence—367, 593, 1058, 1094
Reports—1867-1892, 2026-2033, 2224-2244
Resolutions offered—338, 558
Subcommittee assignments—42, 66, 158, 171, 233, 239, 333, 434, 462, 657, 719, 786, 986
*****1992 Extraordinary Session*****
Resolution offered—5

BUDGET MESSAGE—
(See STATE OF THE STATE AND BUDGET MESSAGES)

BURKE, GORDON B.—Representative **Marshall** County
Amendments filed—101, 305, 412, 633, 659, 706-707, 741, 789, 790, 879, 964, 1056, 1272, 1587
Amendments offered—958, 1272
Amendments withdrawn—887, 959
Appointed to the Advisory Commission On Intergovernmental Relations—13
Bills introduced—3, 25, 45, 69, 70, 90, 166, 229, 316
Leave of absence—24
Petition presented—1058
Resolutions offered—412, 438, 558
Subcommittee assignments—66, 93, 203, 461, 786, 1515
*****1992 Extraordinary Session*****
Resolution offered—5

CARPENTER, DOROTHY F.—Representative **Polk** County
Amendments filed—101, 281, 282-284, 288-289, 296-297, 305, 499, 659, 671, 688, 689, 929, 964, 965, 1011-1015, 1056, 1284, 1333, 1472, 1490-1493, 1516, 1617-1618, 1698-1699, 1738, 1748, 1860, 1912-1913, 2202-2203
Amendments offered—329, 670, 671, 705, 706, 884, 922, 1180, 1309, 1698, 1738, 1860, 1912
Amendments withdrawn—706, 1481
Appointed to the Commission On Interstate Cooperation—14
Bills introduced—25, 37, 69, 82, 89, 97-98, 104, 113, 211, 246, 324, 369
Committee appointments—825, 1632, 1844, 2164
Memorial resolution offered—1632
Presented to the House Karlos Kirby, Des Moines, member of 1992 Winter Olympics United States Bobsled Team—1515
Reports—1652, 1657-1659, 2026-2033
Resolutions offered—688, 1806
Subcommittee assignments—41, 42, 72, 73, 93, 149, 150, 171, 172, 203, 239, 318, 333, 394, 395, 525, 657, 718, 786, 826, 1901, 2116

CERTIFICATES OF RECOGNITION—
19-22, 86, 141, 191, 232, 317, 410, 492-494, 628-631, 759-760, 926-927, 1155-1157, 1332-1333, 1653, 1835-1836, 2256-2257
*****1992 Second Extraordinary Session*****
8-9

CHAPMAN, KAY—Representative **Linn** County
Amendments filed—338, 467, 789, 879, 987, 1034, 1056, 1184, 1194, 1196-1197, 1198, 1587, 2198

Amendments offered—534, 1034, 1196, 1198, 2198
Amendment withdrawn—1198
Appointed to the International Relations Committee—141
Bills introduced—2, 3, 25, 45, 69, 112, 147
Committee appointments—47, 1497, 2052
Escorted to the Speaker's station the People's Deputies of the Russian Federation in Moscow—364
Leave of absence—227, 306, 722, 742
Petition presented—439
Presided at sessions of the House—604, 977, 1993, 2033
Reports—2037-2050, 2149-2161
Resolutions offered—558, 1901
Ruling made—980
Subcommittee assignments—42, 60, 67, 142, 170, 171, 203, 333, 334, 434, 462, 657, 718, 719, 874

*****1992 Extraordinary Session*****

Resolution offered—5

CHIEF CLERK OF THE HOUSE, Joseph O'Hern
Communications received and on file—15-16, 65-66, 71-72, 85-86, 98-99, 107, 141, 149, 157-158, 170, 191, 221, 232, 317, 359, 409-410, 431-432, 461, 472, 557, 591, 656, 686, 718, 826, 963, 1054, 1203-1204, 1471, 1628, 1652-1653, 1770, 1900, 2019
Reports:
Certificates of recognition—19-22, 86, 141, 191, 232, 317, 410, 492-494, 628-631, 759-760, 926-927, 1155-1157, 1332-1333, 1653, 1835-1836, 2256-2257
Committee recommendations—23, 56, 74-75, 88, 94-95, 100, 109, 144, 151-152, 161, 173-174, 185-186, 206, 224-225, 241-242, 250-251, 256, 304-305, 320-321, 336-338, 361-362, 382-384, 396-397, 435-438, 445-448, 463-466, 473-477, 495-499, 525-526, 557-558, 579, 591-592, 631-632, 658, 687-688, 719, 740-741, 761, 787-788, 827-829, 875-878, 895-898, 928, 986, 1054-1055, 1091, 1115, 1157-1158, 1204-1205, 1299-1300, 1472, 1586, 1629, 1654-1655, 1691-1692, 1726-1727, 1747-1748, 1771-1772, 1836-1837, 1846, 1896-1897, 1916-1917, 1999, 2003, 2013, 2019, 2116-2117, 2190, 2245-2246, 2251-2252
Conference committee reports filed—412, 1652, 1768, 1805, 1806
Enrolled bills—190, 408, 461, 472, 523, 739, 785, 1092, 1154, 1202, 1280, 1298, 1331, 1470, 1584-1585, 1628, 1652, 1707, 1746, 1768-1769, 1769, 1806, 1834, 1898, 1978, 2253
Resolutions relating to:
House Concurrent Resolution 103—63, 73, 446
House Concurrent Resolution 106—174
House Concurrent Resolution 107—207
House Concurrent Resolution 110—243, 1721 adopted
House Concurrent Resolution 111—338, 359, 496
House Concurrent Resolution 112—384, 394
House Concurrent Resolution 118—1516
House Concurrent Resolution 121—1901, 2035 adopted
House Concurrent Resolution 122—2019, 2023 adopted, 2025
House Resolution 101—243
House Resolution 103—688
House Resolution 104—720, 722-723 adopted

*****1992 Extraordinary Session*****
Message to the Governor and to the Senate—33
Organization of the House—3
Reports:
Committee recommendations—4-5, 12-13, 14, 15-16, 19, 30-31, 33-34
*****1992 Second Extraordinary Session*****
Communications received and on file—7-8, 10, 11
Organization of the House—2-3
Reports:
Certificates of recognition—8-9
Committee recommendations—3
Resignations of Representatives received—10-11

CHIEF JUSTICE OF THE SUPREME COURT, The Honorable Arthur A. McGiverin
(See SUPREME COURT OF IOWA)

CHILDREN, YOUTH AND FAMILIES, COMMISSION ON—
Appointment to—13

CLAIMS—
(See CLAIMS FILED)
(See MANAGEMENT, DEPARTMENT OF)
(See STATE APPEAL BOARD)

CLAIMS FILED—
(See also MANAGEMENT, DEPARTMENT OF)
(See also STATE APPEAL BOARD)
Claims approved—118-140
Claims disapproved—114-118, 409
Claims filed—114-118
Communications from State Appeal Board—114-118, 409
Communications from Department of Management—66, 118

COHOON, DENNIS M.—Representative **Des Moines** County
Amendments filed—101, 152, 183, 397, 737, 929, 1158, 1205, 1283, 1284, 1324, 1473, 1606, 1754, 2020
Amendments offered—183, 403, 737, 1292, 1295, 1296, 1324, 1606, 1687, 1714
Bills introduced—255, 316, 324, 369
Committee appointment—1665
Leave of absence—82
Petitions presented—398, 831
Presented to the House the Honorable Jim Lykam, former member of the House—758
Reports—1805, 2007-2012
Resolution offered—558
Subcommittee assignments—42, 60, 79, 92, 149, 158, 203, 221, 233, 318, 359, 433, 434, 657, 786
*****1992 Extraordinary Session*****
Resolution offered—5

COLLEGE STUDENT AID COMMISSION—
Appointment to—13

COMMERCE, COMMITTEE ON—
Amendments filed—397, 478, 741, 829
Amendments offered—458, 530, 917
Bills introduced—254, 368, 369, 407, 449, 450, 480
Recommendations—250, 361, 396, 445-446, 473-474, 740-741, 827-828, 895-896
Subcommittee assignments—66, 67, 158, 159, 170, 171, 239, 333, 334, 380, 434, 462, 657, 718, 719, 874

COMMISSIONS, COMMITTEES, BOARDS AND/OR COUNCILS—
(See APPOINTMENTS and/or COMMUNICATIONS FROM, subheading Reports and/or INDIVIDUAL HEADINGS)

COMMITTEE RECOMMENDATIONS—
Administration—2251
Agriculture—94, 151-152, 173, 224, 241, 242, 336-337, 382, 435-436, 463, 495, 687, 827
Appropriations—242, 473, 591, 658, 740, 875, 928, 986, 1054-1055, 1115, 1157-1158, 1204-1205, 1586, 1629, 1654, 1726-1727, 1836, 2003, 2013, 2019, 2251-2252
Commerce—250, 361, 396, 445-446, 473-474, 740-741, 827-828, 895-896
Education—173, 224, 304, 337, 382, 436, 463-464, 495, 631, 688, 787, 828, 2245-2246
Energy and Environmental Protection—88, 173, 224-225, 242, 337, 383, 464, 495, 557, 631, 761, 875
Human Resources—161, 250, 361-362, 396, 446, 474, 496, 525-526, 558, 579, 719, 741, 786, 875-876, 896, 1999
Judiciary and Law Enforcement—74, 100, 161, 185, 225, 337, 396-397, 436, 474-475, 496-497, 526, 558, 579, 787, 897-898, 928, 1091, 1654, 1836-1837
Labor and Industrial Relations—144, 152, 174, 225, 251, 383, 437, 465, 761, 828-829
Local Government—100, 161, 206, 337-338, 397, 447, 475-476, 498, 719, 876
Natural Resources and Outdoor Recreation—185-186, 206, 251, 362, 447-448, 476, 498, 829
Rules—1896-1897
Small Business, Economic Development and Trade—397, 476, 498-499, 876, 898, 1846
State Government—56, 94-95, 109, 174, 225, 304-305, 383-384, 437, 465-466, 476, 499, 526, 632, 876-877, 898, 1299, 1691-1692, 2116-2117
Transportation—75, 109, 225, 251, 320-321, 384, 437-438, 466, 788, 877-878
Ways and Means—256, 362, 477, 558, 592, 761, 878, 986, 1055, 1158, 1300, 1472, 1586, 1629, 1654-1655, 1747-1748, 1771-1772, 1916-1917, 2190
*****1992 Extraordinary Session*****
Appropriations—4-5, 12-13, 14, 15-16, 19, 30-31, 33-34
Ethics—5
Ways and Means—5, 34
*****1992 Second Extraordinary Session*****
Appropriations—3

COMMITTEES, COMMISSIONS, BOARDS AND/OR COUNCILS—
(See APPOINTMENTS and/or COMMUNICATIONS FROM, subheading Reports and/or INDIVIDUAL HEADINGS)

COMMITTEES, SPECIAL—
Appointments—1, 26, 27, 46, 47
Escort Governor Terry E. Branstad—27, 33, 48, 53
From Senate—5, 2257
Notify Governor Terry E. Branstad—1, 8, 27, 2257
Notify Senate—1, 26, 27, 46, 2257
Reports—4, 26, 47, 2257-2258, 2258

COMMUNICATIONS FROM—
Appeal Board, State, Claims—114, 409
Management, Department of, Claims—66, 118
The governor—2258
Reports:
Agriculture and Land Stewardship, Department of—71, 78
Auditor of State—15, 1054
Blind, Department For The—15
Civil Rights Commission—170
College Student Aid Commission—157
Commerce, Department of—15, 65-66, 149, 591
Corrections, Department of—66
Cultural Affairs, Department of—2019
Drug Enforcement and Abuse Prevention—16
Economic Development, Department of—78, 157, 221
Education, Department of—15, 66, 107, 232, 409-410
Elder Affairs, Department of—66, 86
Emergency Response Commission—1054
Employment Services, Department of—431, 826
General Services, Department of—15, 141
Governor's Advisory Council On The Child Abuse Prevention Program—431
Governor's Alliance On Substance Abuse—79
Governor's Council On Physical Fitness and Sports—16
Health Data Commission—1900
Higher Education Strategic Planning Council—359
Human Rights, Department of—15, 157, 232
Human Services, Department of—15, 66
Inspections and Appeals, Department of—16
International Network on Trade—86
Iowa Citizen's Foster Care Review Board—963
Iowa Consortium for Substance Abuse Research and Evaluation—557
Iowa Energy Center—99
Iowa International Development Foundation—686
Iowa Public Employment Retirement System—16
Iowa State University, Ag. & Home Ec. Experiment Station—656
Iowa State University of Science and Technology—79, 158
Job Training Partnership—410, 432, 461, 472
Justice, Department of—66, 718
Law Enforcement Academy—16, 79
Natural Resources, Department of—16, 71, 78
Personnel, Department of—72, 86
Public Health, Department of—16, 72, 170, 191, 1203, 1471
Public Safety, Department of—72
Regents, Board of—15, 65, 85, 98, 232
Revenue and Finance, Department of—78, 86, 107
Transportation, Department of—16, 78-79, 86, 99, 157, 191, 317, 1770
Treasurer of State—79, 170, 359
University of Northern Iowa—656
Wallace Technology Transfer Foundation—16
Delaware, State of—1628
Virginia, State of—1204
Wisconsin, State of—1652-1653

*****1992 Extraordinary Session*****
From Governor—1-2
*****1992 Second Extraordinary Session*****
From Governor—1-2
Reports:
Public Health, Department of—7-8
Missouri, State of—8
Ohio, State of—8

COMPANION BILLS—
(See HOUSE and SENATE COMPANION BILLS listed in LEGISLATIVE INDEX VOLUME)

CONDITION OF THE STATE MESSAGE—
(See STATE OF THE STATE AND BUDGET MESSAGES)

CONFERENCE COMMITTEES—
Appointed—332, 825, 1318, 1497, 1575, 1627, 1665, 1828, 1844, 1849, 2035, 2052, 2119, 2164
Reports:
House File 2061—1657-1659
House File 2287—1702-1703
House File 2452—2165-2187
House File 2454—1864-1866
House File 2457—1799-1804
House File 2462—2091-2114
House File 2462, second conference cmte.—2123-2146
House File 2465—2037-2050
House File 2465, second conference cmte.—2149-2161
House File 2466—2026-2033
House File 2466, second conference cmte.—2224-2244
Senate File 2097—2120-2122
Senate File 2116—424-430
Senate File 2244—1766-1767
Senate File 2249—1986-1992
Senate File 2345—2007-2012
Senate File 2347—2060-2090
Senate File 2351—1932-1945
Senate File 2355—1867-1892
Reports filed:
House File 2061—1652
House File 2457—1768
Senate File 2116—412
Reports called up:
House File 2061—1656
House File 2287—1702
House File 2452—2165
House File 2454—1864
House File 2457—1799
House File 2462—2091
House File 2462, second conference cmte.—2123
House File 2465—2037
House File 2465, second conference cmte.—2149

House File 2466—2026
House File 2466, second conference cmte.—2224
Senate File 2097—2120
Senate File 2244—1766
Senate File 2249—1986
Senate File 2345—2007
Senate File 2347—2060
Senate File 2351—1932
Senate File 2355—1867
Reports adopted:
House File 2061—1657-1659 adopted
House File 2287—1702-1703 adopted
House File 2452—2165-2187 adopted
House File 2454—1864-1866 adopted
House File 2457—1799-1804 adopted
House File 2462—2091-2114 adopted
House File 2462, second conference cmte.—2123-2146 adopted
House File 2465—2037-2050 adopted
House File 2465, second conference cmte.—2149-2161 adopted
House File 2466—2026-2033 adopted
House File 2466, second conference cmte.—2224-2244 adopted
Senate File 2097—2120-2122 adopted
Senate File 2116—424-430 adopted
Senate File 2244—1766-1767 adopted
Senate File 2249—1986-1992 adopted
Senate File 2345—2007-2012 adopted
Senate File 2347—2060-2090 adopted
Senate File 2351—1932-1945 adopted
Senate File 2355—1867-1892 adopted

CONGRESS AND/OR PRESIDENT OF THE UNITED STATES—
(See PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES)

CONNORS, JOHN H.—Representative **Polk** County, Speaker Pro Tempore
Amendments filed—162, 174, 592, 965, 1333, 1473, 1655, 1748
Amendments offered—216, 514, 637, 1495, 1713
Bills introduced—25, 45, 166, 316, 369, 400
Committee appointment—1632
Conference committee appointment announced—1665
Invited to the well of the House for special recognition members who will be retiring or are candidates for the Senate—2021-2022
Petitions presented—253
Presentation of visitors—185, 656
Presented to the House sixteen guests from St. Petersburg and Moscow, Russia—46
Presented to the House Makoto Koshiishi, Yamanashi Prefectural Representative in Iowa—1303
Presided at sessions of the House—24, 26, 153, 166, 182, 326, 406, 418, 449, 583, 588, 641, 647, 749, 793, 813, 862, 881, 935, 940, 944, 980, 1000, 1065, 1089, 1102, 1108, 1176, 1323, 1336, 1337, 1494, 1651, 1664, 1671, 1731, 1826, 1827, 1910, 1920
Presentation of visitors—185, 656
Resolution offered—558

Rulings made—421, 863, 866, 949, 950, 983, 1178, 1179, 1930
Subcommittee assignments—42, 60, 72, 79, 87, 150, 171, 172, 185, 233, 379, 411, 444, 657, 686, 687, 740, 758
*****1992 Extraordinary Session*****
Presided at sessions of the House—27
Resolution offered—5

CORBETT, RON J.—Representative **Linn** County
Amendments filed—152, 186, 207, 391, 500, 559, 632, 658, 689, 741, 762, 790, 829, 928, 929, 964, 1198-1199, 1221, 1241, 1266-1268, 2200-2201, 2201
Amendments offered—644, 774, 817, 940, 1178, 1198, 1221, 1262, 1266
Amendments withdrawn—647, 775
Bills introduced—77, 82, 84, 90, 96, 97, 104, 113, 147, 212, 246, 371, 422
Committee appointments—1497, 2052
Leave of absence—175, 1656, 1864, 1910
Presented to the House a delegation from the People's Republic of China—221
Report—2149-2161
Resolutions offered—338, 688
Subcommittee assignments—66, 67, 158, 171, 221, 379, 433, 434, 472, 687

CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COUNCIL—
Appointment to—34

DAGGETT, HORACE C.—Representative **Adams**-Decatur-Ringgold-Taylor Counties
Amendments filed—145, 186, 526, 592, 624, 646, 761, 762, 763, 879, 1507-1509
Amendments offered—646, 1459, 1507
Bills introduced—82, 90, 104, 113, 189, 195, 316, 399, 406
Leave of absence—1160, 2117
Petitions presented—146, 153, 236, 468, 690, 1920
Presented to the House members of the Iowa High School Rodeo Association—536-537
Resolution offered—688
Subcommittee assignments—108, 171, 172, 303, 333, 334, 631, 687, 1157

DE GROOT, KENNETH R.—Representative **Lyon**-O'Brien-Osceola-Sioux Counties
Amendments filed—413, 477, 762, 829, 928, 929, 965
Bills introduced—37, 69, 70, 90, 98, 104, 113, 316, 324, 388
Committee appointments—27, 1634, 1665
Leave of absence—1, 479, 709, 1058, 1094, 1148, 1198, 1701, 2116
Petitions presented—146, 236, 253, 440, 561
Presentation of visitors—1515
Presided at sessions of the House—1511
Reports—40-41, 77-78, 1805, 2007-2012
Resolutions offered—438, 688
Subcommittee assignments—42, 72, 150, 318, 411, 579, 719, 758, 759, 874
*****1992 Second Extraordinary Session*****
Leave of absence—4

DICKINSON, RICK—Representative Dubuque-**Jackson** Counties
Amendments filed—174, 275-276, 448, 579, 580, 688, 829, 879, 1056, 1057, 1194, 1272, 1587, 1708, 1984
Amendments offered—275, 513, 575, 683, 1709, 1710, 1984
Amendments withdrawn—1075, 1110
Bills introduced—25, 45, 69, 91, 164, 316, 369

Committee appointment—26
Leave of absence—64, 398, 479, 593, 1809, 1916, 1920
Petitions presented—235, 387, 660
Presided at sessions of the House—706, 811, 1567, 2033
Subcommittee assignments—54, 66, 87, 93, 142, 149, 172, 203, 333, 433, 579, 718, 786, 1333, 1472
*****1992 Extraordinary Session*****
Presided at sessions of the House—10, 31

DIEMER, MARVIN E.—Representative **Black Hawk** County
Amendments filed—186, 763, 829, 929, 1057, 1284
Amendment offered—1330
Amendment withdrawn—1762
Bills introduced—37, 45, 69, 76, 82, 89, 90, 96, 103, 104, 113, 211, 228-229, 406
Committee appointment—1632
Leave of absence—110, 771, 838, 880, 1130
Resolution offered—688
Subcommittee assignments—54, 60, 87, 142, 149, 171, 172, 203, 239, 248, 303, 333, 657
*****1992 Second Extraordinary Session*****
Leave of absence—4

DODERER, MINNETTE—Representative **Johnson** County
Amendments filed—281-282, 338, 391, 526, 706-707, 716, 789, 929, 1132, 1137, 1473, 1555, 1606, 1901, 2202, 2202-2203
Amendments offered—391, 458, 535, 716, 857, 1132, 1172, 1476, 1606, 2202
Amendment withdrawn—1132
Appointed to the International Relations Committee (replacing Speaker Arnould)—248
Bills introduced—3, 69, 97, 147, 154, 166, 176, 324, 415, 480
Committee appointments—2, 1634
Petitions presented—153, 194, 634
Presented to the House Alexander Panov of Moscow—985
Presided at sessions of the House—954, 960
Report—4
Resolution relating to, HR 107—2189 adopted
Resolutions offered—338, 1806
Subcommittee assignments—67, 334, 432, 461, 578, 657, 687, 874, 1157, 1771
*****1992 Extraordinary Session*****
Resolution offered—5

DVORSKY, ROBERT E.—Representative Iowa-**Johnson** Counties
Amendments filed—384, 385, 438, 466, 560, 592, 633, 688, 720, 928, 929, 1056, 1093, 1137, 1184, 1205, 1473, 1587, 1655, 1748, 1902
Amendments offered—392, 453, 608, 668, 1661, 1668, 1671, 2190
Announcement as Speaker—1560
Bills introduced—3, 4, 69, 69-70, 89, 97, 103, 104, 111, 164, 166, 188, 195, 316, 369, 480
Committee appointments—1497, 2119
Leave of absence—479, 722
Petitions presented—367, 368, 561, 1335
Presided at sessions of the House—1130, 1319, 1560
Report—2091-2114
Resolutions offered—558, 1806
Subcommittee assignments—60, 73, 79, 158, 170, 171, 203, 239, 379, 432, 433, 1333, 1472, 2190
*****1992 Extraordinary Session*****
Resolution offered—5

EDDIE, RUSSELL J.—Representative **Buena Vista**-Pocahontas Counties
Amendments filed—186, 1057, 1183, 1197, 1205, 1235-1236, 1748
Amendments offered—1197, 1235
Amendments withdrawn—1220, 1232
Bills introduced—37, 69, 69-70, 82, 90, 104, 113, 154, 164, 228, 246, 316, 324, 368, 406
Committee appointment—1634
Leave of absence—730, 742, 771, 791, 1186, 1554
Petitions presented—24, 89, 102, 146, 147, 227, 228, 306, 323, 386, 414, 722, 966, 1058, 1094, 1207
Presented to the House the Honorable Vic Stueland, former member of the House—1747
Report—2123-2145
Resolutions offered—174, 438, 688
Subcommittee assignments—42, 79, 87, 158, 171, 203, 462, 657

EDUCATION, COMMITTEE ON—
Amendments filed—226, 384, 830
Amendments offered—345, 417, 516, 1100, 1453, 1463
Bills introduced—189, 211, 212, 341, 388, 422, 469, 490, 491, 503
Recommendations—173, 224, 304, 337, 382, 436, 463-464, 495, 631, 688, 787, 828, 2245-2246
Subcommittee assignments—54, 108, 149, 171, 172, 221, 233, 303, 333, 334, 359, 433, 434, 472, 631, 687, 786

ELDER AFFAIRS, DEPARTMENT OF—
Appointment to—13
Communications from—66, 86

EMPLOYEES—
(See OFFICERS AND EMPLOYEES)

ENERGY AND ENVIRONMENTAL PROTECTION, COMMITTEE ON—
Amendment filed—762
Amendment offered—972
Bills introduced—83, 188, 237, 246, 255, 307, 341, 342, 387, 401, 406, 469, 491, 502, 528, 529, 546
Recommendations—88, 173, 224-225, 242, 337, 382, 464, 495, 557, 631, 761
Subcommittee assignments—72, 73, 107, 170, 171, 248, 379, 411, 557, 758, 759

ENERGY FUND DISBURSEMENT COUNCIL—
Appointment to—13

ENROLLED BILLS—
(See BILLS, subheading, Sent to Governor and/or CHIEF CLERK OF THE HOUSE, Joe O'Hern, subheading, Reports and/or SPEAKER OF THE HOUSE, Robert C. Arnould, subheading, Bills signed by)

ETHICS, COMMITTEE ON—
*****1992 Extraordinary Session*****
Recommendation—5

EXPLANATIONS OF VOTE—
House Concurrent Resolution 110—Representative Shearer—1746
House File 646—Representative Daggett—1240
House File 681—Representative Millage—1706
House File 695—Representative Chapman—317
House File 695—Representative Hanson of Black Hawk—333
House File 2010—Representative Eddie—873
House File 2033—Representatives Hanson of Black Hawk & Gruhn—408
House File 2061—Representative Hatch—1706
House File 2080—Representative Gruhn—408
House File 2097—Representative Chapman—317
House File 2097—Representative Hanson of Black Hawk—333
House File 2165—Representative Gruhn—202
House File 2172—Representative Gruhn—202
House File 2181—Representative Bartz—460
House File 2185—Representative Beaman—590
House File 2194—Representative Eddie—873
House File 2195—Representative Daggett—1240
House File 2203—Representative Chapman—317
House File 2203—Representative Hanson of Black Hawk—333
House File 2205—Representative Dickinson—2018
House File 2206—Representative Gruhn—408
House File 2214—Representatives De Groot, Dickinson & Hansen of Woodbury—522
House File 2219—Representative Eddie—873
House File 2224—Representatives Dickinson & Fogarty—431
House File 2232—Representative Bartz—460
House File 2235—Representative Chapman—317
House File 2235—Representative Hanson of Black Hawk—333
House File 2241—Representatives De Groot, Dickinson & Hansen of Woodbury—522
House File 2243—Representative Shearer—1746
House File 2244—Representative Dickinson—656
House File 2245—Representative Chapman—317
House File 2245—Representative Hanson of Black Hawk—333
House File 2249—Representative Eddie—873
House File 2250—Representative Baker—578
House File 2256—Representative Baker—578
House File 2259—Representative Dickinson—656
House File 2274—Representative Gruhn—408
House File 2274—Representative Daggett—1240
House File 2275—Representative Gruhn—408
House File 2276—Representative Gruhn—408
House File 2277—Representative Adams—444
House File 2285—Representatives De Groot, Dickinson & Hansen of Woodbury—522
House File 2289—Representative Hansen of Woodbury—628
House File 2292—Representatives Dickinson & Fogarty—431
House File 2292—Representative Millage—1706
House File 2298—Representatives Dickinson & Fogarty—431
House File 2299—Representative Dickinson—656
House File 2322—Representative Hansen of Woodbury—628
House File 2323—Representative Beaman—590
House File 2323—Representatives Bartz & Hansen of Woodbury—628

House File 2325—Representative Bartz—460
House File 2327—Representative Gruhn—758
House File 2330—Representative Daggett—1240
House File 2335—Representative Beaman—590
House File 2335—Representatives Bartz & Hansen of Woodbury—628
House File 2343—Representatives De Groot, Dickinson & Hansen of Woodbury—522
House File 2343—Representative Dickinson—656
House File 2356—Representatives De Groot, Dickinson & Hansen of Woodbury—522
House File 2359—Representatives De Groot, Dickinson & Hansen of Woodbury—522
House File 2360—Representatives De Groot, Dickinson & Hansen of Woodbury—522
House File 2367—Representative Beaman—590
House File 2368—Representative Beaman—590
House File 2368—Representatives Bartz & Hansen of Woodbury—628
House File 2369—Representative Dickinson—656
House File 2372—Representative Eddie—873
House File 2376—Representative Bartz—825
House File 2376—Representative Eddie—873
House File 2377—Representative Hansen of Woodbury—628
House File 2378—Representative Baker—578
House File 2380—Representative Beaman—590
House File 2380—Representatives Bartz & Hansen of Woodbury—628
House File 2382—Representative Dickinson—656
House File 2382—Representative Millage—1706
House File 2385—Representative Beaman—590
House File 2385—Representatives Bartz & Hansen of Woodbury—628
House File 2385—Representative Shearer—1746
House File 2391—Representative Eddie—873
House File 2392—Representative Gruhn—758
House File 2394—Representative Hansen of Woodbury—628
House File 2394—Representative Daggett—1240
House File 2395—Representative Eddie—873
House File 2396—Representative Baker—578
House File 2399—Representative Dickinson—656
House File 2400—Representative Dickinson—1898
House File 2403—Representative Eddie—873
House File 2406—Representative Dickinson—656
House File 2407—Representatives Branstad, Weidman & Wissing—686
House File 2412—Representative Dickinson—656
House File 2414—Representative Dickinson—656
House File 2415—Representative Eddie—873
House File 2417—Representative Gruhn—758
House File 2417—Representative Eddie—873
House File 2426—Representative Dickinson—656
House File 2428—Representative Hansen of Woodbury—628
House File 2429—Representative Dickinson—656
House File 2436—Representative Eddie—873
House File 2436, motion to reconsider—Representative Eddie—873
House File 2437, H-5050—Representative Eddie—873
House File 2437, H-5434—Representative Eddie—873
House File 2437—Representative Eddie—873
House File 2439—Representative Eddie—873

House File 2440, H-5510 & H-5506, motion to suspend rules—Representative Bartz—825
House File 2440—Representative Eddie—873
House File 2440, motion to suspend rules, H-5373, H-5376, H-5506 & H-5510—Representative Eddie—873
House File 2441—Representative Eddie—873
House File 2443—Representative Dickinson—656
House File 2446—Representative Dickinson—2018
House File 2450—Representative Gruhn—758
House File 2450—Representative Eddie—873
House File 2450—Representative Millage—1706
House File 2452, H-5353—Representative Ollie—739
House File 2454—Representative Gruhn—758
House File 2457—Representative Bartz—825
House File 2457—Representative Eddie—873
House File 2459, motion to suspend rules, H-5419—Representative Eddie—873
House File 2464—Representative Peterson of Carroll—1092
House File 2467—Representative Millage—1706
House File 2471—Representative Millage—1706
House File 2471—Representative Poncy—1707
House File 2480—Representative Dickinson—1898
House File 2481—Representative Shearer—1746
House File 2482—Representative Shearer—1746
House File 2483—Representative Hansen of Woodbury—1768
House Joint Resolution 5, motion to withdraw—Representative Dickinson —2018
House Resolution 106—Representative Shearer—1746
Senate File 460—Representative Shearer—1746
Senate File 2010—Representative Chapman—317
Senate File 2010—Representative Hanson of Black Hawk—333
Senate File 2013—Representative Peterson of Carroll—1092
Senate File 2034, H-6084—Representative Dickinson—2018
Senate File 2034—Representative Dickinson—2018
Senate File 2061—Representative Millage—1706
Senate File 2063—Representative Royer—925-926
Senate File 2097—Representative Dickinson—2018
Senate File 2101—Representative Dickinson—656
Senate File 2114—Representative Peterson of Carroll—1092
Senate File 2117—Representative Mertz—1768
Senate File 2134—Representative Royer—925-926
Senate File 2138—Representatives Branstad, Weidman & Wissing—686
Senate File 2158—Representative Royer—925-926
Senate File 2162—Representative Peterson of Carroll—1092
Senate File 2163—Representative Royer—925-926
Senate File 2168—Representative Royer—925-926
Senate File 2186—Representative Peterson of Carroll—1092
Senate File 2197—Representative Daggett—1240
Senate File 2209—Representative Peterson of Carroll—1092
Senate File 2219—Representative Dickinson—656
Senate File 2233—Representative Royer—925-926
Senate File 2254—Representative Shearer—1746
Senate File 2254—Representatives Dickinson & Ollie—1898

Senate File 2266—Representative Peterson of Carroll—1092
Senate File 2272—Representative Dickinson—656
Senate File 2287—Representative Royer—925-926
Senate File 2294—Representative Daggett—1240
Senate File 2295—Representative Wissing—985
Senate File 2298—Representative Daggett—1240
Senate File 2301—Representative Peterson of Carroll—1092
Senate File 2338—Representative Ollie—1092
Senate File 2351, H-5728, H-5731, H-5740, H-5743A & motion to reconsider H-5751 to H-5726—Representative Bartz—1202
Senate File 2351—Representative Bartz—1202
Senate File 2351—Representative Dickinson—2018
Senate File 2355, H-5835—Representative Shoultz—1280
Senate File 2355, H-5848 & motion to suspend rules to consider, H-5827—Representative Bartz—1297
Senate File 2356—Representative Dickinson—2018
Senate File 2360—Representative Dickinson—1898
Senate File 2364—Representative Millage—1706
Senate File 2375—Representative Dickinson—2018
*****1992 Extraordinary Session*****
Senate File 2381—Representative Halvorson of Webster—33
*****1992 Second Extraordinary Session*****
Senate File 2393—Representatives Brown & Murphy—7

FEDERAL AGENCIES—
(See PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES)

FEDERAL CHILD CARE AND CHILD DEVELOPMENT BLOCK GRANT ADVISORY COMMITTEE—
Appointment to—14

FINAL DISPOSITION OF MOTIONS TO RECONSIDER—2252

FOGARTY, DANIEL P.—Representative Clay-**Palo Alto** Counties
Amendments filed—592, 929, 1056, 1057, 1137, 1184, 1300, 1340, 1587, 1630
Amendments offered—1184, 1673
Bills introduced—25, 45, 69, 77, 90, 97-98, 156, 188, 211, 316, 324
Committee appointment—1627
Leave of absence—398
Petitions presented—64, 69, 82, 102, 110, 146, 187, 227-228, 228, 244, 245, 322, 386, 440, 449, 1207
Presentation of visitors—578
Presented to the House Patrick J. Sheehan from Goleen, County Cork, Ireland, member of the Irish Parliament—637
Introduced Joyce Stowell, Queen of the St. Patrick's Celebration in Emmetsburg—637
Presided at sessions of the House—574, 1764
Report—1766
Resolution offered—174
Subcommittee assignments—42, 60, 79, 87, 92, 158, 172, 204, 239, 248, 303, 318, 333, 359, 432, 462, 657, 759

GARMAN, TERESA—Representative Boone-Story Counties, Assistant Minority Floor Leader
Amendments filed—186, 438, 720, 762, 763, 789, 829, 830, 1055, 1183, 1300, 1630, 1748, 2205
Amendments offered—855, 862, 910, 1321
Amendment withdrawn—1376
Appointed to the Energy Fund Disbursement Council—14
Bills introduced—37, 69, 82, 104, 113, 246, 316, 371, 408
Committee appointment—1849
Leave of absence—378
Petitions presented—235, 634
Resolutions offered—438, 688
Subcommittee assignments—41, 72, 150, 394, 411, 444, 657

GENERAL ASSEMBLY—HOUSE—
(See also ADMINISTRATION, RULES, COMMITTEE ON and/or HOUSE CONCURRENT RESOLUTIONS, HOUSE RESOLUTIONS and SENATE CONCURRENT RESOLUTIONS listed in LEGISLATIVE INDEX VOLUME)
Resolutions relating to:
House Concurrent Resolution 101, condition of the state and budget message—4, 5 adopted, 25-26
House Concurrent Resolution 102, condition of the judicial department message—5 adopted, 26
House Concurrent Resolution 104, support DOT in opposing the redesignation of I-80—144
House Concurrent Resolution 107, designate Council Bluffs, Ia., the Purple Martin Capital of Iowa—207
House Concurrent Resolution 112, designate Anamosa, Iowa, the Pumpkin Capital of Iowa—384, 394
House Concurrent Resolution 114, states need for adequate water flow in the Missouri River—412, 434, 476, 1985-1986 adopted & msgd.
House Concurrent Resolution 115, sale of WOI-TV, bd. of regents seek legislative approval—438, 461
House Concurrent Resolution 123, final adjournment—2247 adopted & msgd., 2253
House Resolution 107, honor Representatives Doderer & Harbor for twenty-five or more years of legislative service—2189 adopted
Senate Concurrent Resolution 113, continue cooperation and exchange info. between the Russian Parliament and the Iowa General Assembly—389, 393 adopted, 394
*****1992 Extraordinary Session*****
Resolutions relating to:
House Concurrent Resolution 124, Iowa's commitment to equality and justice—5
House Concurrent Resolution 125, investigate the sale of WOI-TV by the board of regents—34
House Concurrent Resolution 126, provide for adjournment sine die—34
Senate Concurrent Resolution 132, provide for adjournment sine die—32, 33 adopted & msgd.
*****1992 Second Extraordinary Session*****
Resolution relating to:
House Concurrent Resolution 127, provide for adjournment sine die—6 adopted

GIFTS—
(See AWARDS AND GIFTS)

GILL, PATRICK F.—Representative **Woodbury** County
Amendments filed—174, 186, 296-297, 633, 659, 688, 720, 761, 928, 929, 961, 1158, 1184, 1300, 1333, 1480
Amendments offered—892, 1019, 1050, 1052, 1479, 1480
Amendments withdrawn—892, 1052, 1297
Bills introduced—46, 90, 164, 166, 189, 316, 341
Committee appointments—1, 1665
Leave of absence—76
Presided at sessions of the House—505, 784, 1780
Reports—8, 1805, 2007-2012
Requested to be added as a sponsor of House File 2059—91
Subcommittee assignments—60, 67, 87, 203, 233, 248, 380, 687, 758, 786

GIPP, CHUCK—Representative Allamakee-**Winneshiek** Counties
Amendments filed—144, 186, 448, 499, 720, 761, 762, 763, 829, 1594-1596, 1722-1723
Amendment offered—504
Amendment withdrawn—504
Appointed to the Indigent Defense Advisory Commission—13
Bills introduced—69, 69-70, 82, 104, 113, 210, 316, 406
Resolution offered—688
Subcommittee assignments—60, 72, 158, 170, 248, 379, 432, 433, 557, 1333, 1585, 1628

GOVERNOR BRANSTAD, TERRY E.—
Addressed joint convention—27-33
Bills signed by—184, 220-221, 239, 444, 461, 524-525, 578, 785, 874, 926, 985, 1092, 1154-1155, 1202-1203, 1280-1281, 1298, 1331-1332, 1470-1471, 1514-1515, 1628, 1652, 1707-1708, 1746-1747, 1769-1770, 1834-1835, 1899, 1919, 1978-1979, 2253-2254, 2530-2535
Closing message—2256
Committees to escort—27, 33, 48, 53
Committees to notify—1, 8, 27, 2257
Communication from—2258
Delivered the Condition of the State and Budget Messages—27-33
Item veto messages—523-524, 1983, 2541-2555
Resolution relating to the Condition of the State and Budget Messages, HCR 101—4-5 adopted
Resolutions relating to:
House Concurrent Resolution 113—412
House Concurrent Resolution 114—412, 434, 476, 1985-1986 adopted & msgd.
House Concurrent Resolution 117—558, 686, 761, 1212 adopted, 1808
Senate Concurrent Resolution 112—503, 559, 960 adopted
Veto messages—1203, 1281-1283, 1298-1299, 1899-1900, 1981-1983, 2535-2540
*****1992 Extraordinary Session*****
Bills signed by—38
Communication from—1-2
Message to—33
Proclamation re the Extraordinary Session—2
Veto message—38

*****1992 Second Extraordinary Session*****
Bill signed by—10
Communication from—1-2
Message to—6
Proclamation re the Second Extraordinary Session—1-2
Resignations of Representatives—10-11

GRONINGA, JOHN—Representative **Cerro Gordo** County
Amendments filed—243, 258, 295-296, 300, 384, 580, 928, 964, 1158, 1272, 1284, 1858-1859, 1947-1960, 1961
Amendments offered—258, 295, 300, 832, 1322, 1644, 1858, 1947
Amendment withdrawn—1322
Committee appointments—2, 332
Petitions presented—306, 1920
Presented to the House Alison Ewing, Iowa's Young Woman of the Year—46
Presided at sessions of the House—330
Reports—412, 424-430
Resolution offered—558
Subcommittee assignments—66, 92, 93, 379, 433, 461, 525, 657, 687, 719, 758, 786, 874, 1157, 1333, 1472
*****1992 Extraordinary Session*****
Amendments filed—5, 9, 10
Amendment offered—9
Resolution offered—5

GRUBBS, STEVEN E.—Representative **Scott** County
Amendments filed—144, 186, 500, 689, 721, 762, 763, 829, 929, 964, 1056, 1135-1136, 1269, 1269-1270, 1494, 1863
Amendments offered—773, 1135, 1269, 1494, 1863
Amendment withdrawn—1269
Appointed to the Child Care and Child Development Block Grant Advisory Committee—14
Appointed to the Health Data Commission—13
Bills introduced—2, 3, 37, 82, 83, 89, 91, 96, 104, 113, 154, 212, 324, 369, 370, 399
Committee appointment—1627
Leave of absence—227, 581, 593, 634, 742, 880
Presented to the House Derek Cockrell, Davenport West High School representing Iowa at the National Forensics League National Conference, Fargo, North Dakota—1770
Resolutions offered—144, 688
Subcommittee assignments—54, 159, 248, 359, 657, 786
*****1992 Extraordinary Session*****
Leave of absence—18

GRUHN, JOSEPHINE—Representative **Dickinson**-Emmet Counties
Amendments filed—277, 592, 632, 720, 964, 1057, 1093, 1137, 1184, 1555, 1929-1930
Amendments offered—600, 1176
Amendments withdrawn—600, 754
Bills introduced—25, 45, 69, 90, 111, 164, 316, 324
Committee appointment—1627
Leave of absence—76, 197, 208, 367, 386, 722, 742, 831, 1066
Petitions presented—96, 208, 236, 306

Presented to the House the parents and very honored special students who were winners of 'Write Women Back Into History' essay contest—414
Presented to the House (for Representative Blanshan) Elley Schaffer, third place winner, essay on Patty Duke—415
Presented to the House Jennifer Neises, second place winner, essay on Louisa May Alcott—415
Presided at sessions of the House—535
Reports—1768, 1799-1804
Resolutions offered—174, 438
Ruling made—543
Subcommittee assignments—42, 60, 87, 107, 204, 233, 248, 249, 318, 334, 686, 758
*****1992 Extraordinary Session*****
Resolution offered—5

HAHN, JIM—Representative Louisa-**Muscatine** Counties
Amendments filed—144, 186, 413, 477, 762, 829, 1748
Bills introduced—37, 69, 82, 104, 113, 228, 246, 316, 406
Committee appointment—1497
Leave of absence—668, 1983
Petition presented—1656
Resolution offered—688
Subcommittee assignments—107, 158, 159, 171, 233, 248, 395, 557, 759

HALVORSON, RODNEY N.—Representative **Webster** County
Amendments filed—193, 207, 225, 226, 251, 466, 499, 632, 763, 789, 879, 1137, 1284, 1323, 1473, 1563-1567, 1587, 1697-1698, 2200-2201, 2201
Amendments offered—346, 520, 594, 815, 1556, 1557, 1558, 1563
Amendment withdrawn—814
Bills introduced—4, 25, 36, 37, 69, 237, 369, 406
Presented to the House Lindsey Reed, third place winner, essay on Jane Burleson—415
Request his name be added as a sponsor of House File 2025 & House File 2031—53
Resolutions offered—438, 558
Subcommittee assignments—42, 66, 72, 92, 142, 150, 159, 171, 192, 239, 248, 318, 394, 395, 444, 740, 758, 759, 986, 1240
*****1992 Extraordinary Session*****
Explanation of vote—33
Resolution offered—5

HALVORSON, ROGER A.—Representative Allamakee-**Clayton** Counties
Amendments filed—186, 189, 268, 276, 277, 277-278, 290-291, 720, 721, 762, 763, 829, 830, 948-949, 949-950, 964, 965, 1127-1128, 1132, 1138-1147, 1183, 1205, 1233, 1241, 1284, 1323, 1516, 1560, 1561, 1562, 1730, 1748, 1860, 1901, 2194-2197, 2220, 2221
Amendments offered—268, 276, 277, 814, 816, 822, 857, 919, 948, 949, 1127, 1132, 1138, 1233, 1297, 1314, 1316, 1320, 1323, 1560, 1561, 1649, 1650, 1730, 1860, 2194, 2220, 2221
Amendments withdrawn—857, 1322, 1562
Bills introduced—37, 69-70, 82, 89, 97, 98, 104, 113, 147, 166, 210, 228, 406
Committee appointments—332, 1318
Petition presented—175
Resolutions offered—558, 688
Subcommittee assignments—149, 158, 159, 191, 239, 240, 379, 433, 434, 461, 591, 686, 719, 758, 759, 785, 874, 1472, 1585, 1628

HAMMOND, JOHNIE—Representative **Story** County
Amendments filed—559, 560, 632, 689, 706-707, 830, 1093, 1132, 1137, 1148-1149, 1184, 1205, 1241, 1263, 1271-1272, 1272-1273, 1333, 1575, 1655, 1743, 1743-1744, 1744, 1748, 1837, 1858, 1861-1862, 1862, 1901, 1902, 2202, 2202-2203
Amendments offered—856, 900, 971, 1148, 1248, 1263, 1271, 1272, 1740, 1743, 1744, 1759, 1852, 1858, 1861, 1862
Amendment withdrawn—1481
Appointed to the Iowa State Human Investment Policy Council (SHIP)—85
Bills introduced—4, 58, 69, 97, 154, 164, 165, 166, 209, 369, 371, 812
Committee appointments—1, 1575, 1627
Escorted to the front of the Speaker's station and presented to the House, Tom Sutherland and his wife Jean—1069
Leave of absence—36, 510, 698
Report—1867-1892
Resolutions offered—242, 338, 438, 558, 1806
Subcommittee assignments—54, 73, 158, 159, 171, 203, 333, 359, 379, 432, 578, 579, 657, 787, 874, 1333, 1472
*****1992 Extraordinary Session*****
Amendments filed—19-27, 28
Amendment offered—19
Resolutions offered—5, 34

HANSEN, STEVEN D.—Representative **Woodbury** County
Amendments filed—174, 186, 296-297, 526, 560, 1056, 1158, 1205, 1562, 1757-1758
Amendments offered—450, 537, 538, 903, 917, 998, 1235, 1562, 1757
Amendments withdrawn—1343, 1759
Bills introduced—25, 45, 316
Committee appointments—1627, 2035
Leave of absence—479
Presentation of visitors—686
Presented to the House Alexis Fishbaugh, first place winner, essay on Ida Rubin—415
Presided at sessions of the House—672, 1270, 1642, 2035, 2198
Reports—2120-2122, 2165-2187
Rulings made—683, 2198, 2202, 2203
Subcommittee assignments—53, 54, 60, 66, 67, 87, 92, 159, 171, 204, 239, 333, 359, 380, 434, 462, 686, 687, 739, 786, 1585, 1771

HANSON, DARRELL R.—Representative Buchanan-**Delaware**-Linn Counties, Assistant Minority Floor Leader
Amendments filed—438, 499, 560, 632, 689, 721, 756-757, 762, 763, 829, 830, 856, 879, 1057, 1699, 1699-1701, 1901
Amendments offered—747, 856, 871, 1699, 1914
Amendments withdrawn—585, 586, 855, 1915
Bills introduced—77, 89, 104, 112, 113, 147, 165, 189, 209, 237, 254, 369, 406
Committee appointment—825
Leave of absence—82, 1606, 1903
Reports—1652, 1657-1659
Resolution offered—688
Subcommittee assignments—41, 42, 66, 92, 149, 150, 171, 172, 192, 239, 318, 359, 394, 444, 657, 686, 718, 739, 758, 759, 986, 1240

HANSON, DONALD E.—Representative **Black Hawk** County
Amendments filed—186, 500, 633, 689, 762, 763, 789, 829, 1057, 1137, 1472, 1511, 1748, 1929-1930
Appointed to the International Relations Committee—14
Appointed to the Iowa Peace Institute—14
Bills introduced—25, 37, 58, 69, 77, 82, 103, 104, 113, 228, 469
Committee appointments—1497, 1627, 2119
Escorted to the Speaker's station the People's Deputies of the Russian Federation in Moscow—364
Leave of absence—306
Petitions presented—880, 1207
Report—1702-1703
Resolutions offered—438, 688
Subcommittee assignments—54, 92, 158, 171, 172, 239, 333, 433, 786

HARBOR, WILLIAM H.—Representative **Mills**-Montgomery-Pottawattamie Counties
Amendments filed—186, 762, 763, 789, 790, 829, 830, 928, 948-949, 949-950, 964, 965, 1056, 1205, 1241, 1516, 1560, 1561, 1562, 1748, 1860
Amendments offered—1102, 1110, 1341, 1650
Amendments withdrawn—1110, 1562
Appointed to the International Relations Committee—14
Bills introduced—90, 97, 98, 104, 113, 147, 166, 210, 370
Committee appointments—1497, 1632, 1634, 1635, 2119, 2257
Escorted to the Speaker's station the People's Deputies of the Russian Federation in Moscow—364
Invited to the well of the House for special recognition members who will be retiring or are candidates for the Senate—2021-2022
Leave of absence—57, 64, 69, 208, 257, 479, 660, 716, 1160, 1781, 1809
Petitions presented—36, 110, 208, 228, 244, 306, 307, 387, 439, 791
Resolution relating to, HR 107—2189 adopted
Resolutions offered—558, 688
Subcommittee assignments—42, 54, 60, 67, 73, 107, 150, 233, 240, 411, 433, 434, 687, 718, 785

HATCH, JACK—Representative **Polk** County
Amendments filed—1056, 1057, 1133, 1137, 1148-1149, 1149, 1184, 1197-1198, 1205, 1837, 1858-1859, 1862, 1960-1961
Amendments offered—1116, 1133, 1197, 1862, 1960
Bills introduced—25, 38, 58, 69-70, 70, 71, 97, 111, 166, 176, 316, 369, 371, 400
Committee appointment—1318
Reports—1806, 1932-1945
Resolutions offered—558, 1205, 1516
Subcommittee assignments—60, 72, 73, 79, 92, 158, 192, 203, 239, 248, 380, 432, 433, 434, 578, 759, 786, 874, 1333

*****1992 Extraordinary Session*****

Amendment filed—19-27
Resolution offered—5

*****1992 Second Extraordinary Session*****

Resignation of—9

HAVERLAND, MARK A.—Representative **Polk** County
Amendments filed—321, 526, 559, 688, 987, 1035, 1057, 1472, 1587
Amendments offered—356, 357, 604, 605, 726, 1035, 1046, 1383, 1677
Amendment withdrawn—726
Appointed to the Healthy Iowans Consortium—85
Bills introduced—25, 45, 70, 156, 166
Committee appointments—1575, 1627
Escorted to the Speaker's station the People's Deputies of the Russian Federation in Moscow—364
Leave of absence—277, 414, 1094
Presented to the House Chairman Valentin A. Agafonov, People's Deputies of the Russian Federation in Moscow, who addressed the House—364
Presided at sessions of the House—1161
Report—1867-1892
Subcommittee assignments—159, 248, 333, 656, 657, 786, 874, 1916
*****1992 Extraordinary Session*****
Leave of absence—6

HEALTH DATA COMMISSION—
Appointment to—13
Communication from—1900

HEALTHY IOWANS CONSORTIUM—
Appointment to—85

HESTER, JOAN L.—Representative Harrison-**Pottawattamie** Counties
Amendments filed—186, 689, 720, 762, 763, 829, 928, 1271-1272, 1272-1273, 1760, 2221
Amendment offered—1760
Appointed to the Federal Child Care and Child Development Block Grant Advisory Committee—14
Bills introduced—82, 104, 113, 316, 406
Committee appointments—1627, 1635
Petitions presented—194, 236, 323, 340, 660, 791, 1058
Resolution offered—688
Subcommittee assignments—60, 79, 158, 185, 203, 239, 249, 333, 359, 379, 432, 578, 579, 657, 787, 874, 1333, 1472

HIBBARD, DAVID—Representative Adair-Dallas-Guthrie-**Madison** Counties
Amendments filed—281-282, 338, 632, 658, 720, 721, 763, 879, 898, 929, 964, 1056, 1057, 1149-1150, 1184, 1194, 1205, 1333, 1490-1493, 1555, 1764, 1860, 1901, 1902, 2192-2193
Amendments offered—354, 706, 779, 976, 994, 1149, 1194, 1389, 1490, 1762, 1764, 1860, 2192
Amendment withdrawn—1762
Bills introduced—2, 37, 38, 45, 46, 83, 90, 112, 154, 308, 316, 369, 388
Committee appointment—2035
Leave of absence—227, 534, 838
Petitions presented—479, 480, 527
Report—2120-2122
Requested to be added as a sponsor of House File 2025—303
Subcommittee assignments—42, 53, 54, 60, 66, 67, 72, 92, 93, 99, 107, 149, 159, 172, 191, 204, 248, 333, 379, 380, 433, 434, 444, 462, 687, 739, 786, 1157
*****1992 Extraordinary Session*****
Resolution offered—5

HOLVECK, JACK—Representative **Polk** County
Amendments filed—296-297, 592, 632, 689, 879, 965, 1055, 1093, 1384-1385, 2200-2201, 2201
Amendments offered—296, 888, 1041, 1384, 1487, 2200, 2201
Bills introduced—69, 388
Leave of absence—386, 1232, 1381, 1588
Reports—40-41, 77-78
Resolution offered—558
Subcommittee assignments—66, 72, 93, 150, 159, 170, 171, 248, 333, 379, 759

HOUSE CONCURRED—
House File 39, H-5041—327
House File 242, H-5963—1681
House File 547, H-5649, as amended—1576
House File 646, H-5708—1167
House File 681, H-5868—1647
House File 695, H-5078—313
House File 2025, H-5707—1339
House File 2061, H-5139, as amended—511
House File 2085, H-5824—1305
House File 2165, H-5757—1245
House File 2195, H-5710—1163
House File 2203, H-5648—1426
House File 2205, H-5889, as amended—1930
House File 2207, H-5762—1211
House File 2243, H-5978—1712
House File 2250, H-5957, as amended—1667
House File 2256, H-5866—1598
House File 2274, H-5647—1168
House File 2287, H-5916, as amended—1579
House File 2292, H-5965—1641
House File 2308, H-5758—1215
House File 2330, H-5662—1773
House File 2343, H-5865—1590
House File 2362, H-5867—1483
House File 2370, H-5709—1307
House File 2372, H-5964—1679
House File 2382, H-5951—1637
House File 2384, H-5765—1288
House File 2385, H-5759, as amended—1724
House File 2390, H-5659—1099
House File 2394, H-5621—1170
House File 2400, H-6027, as amended—1824, 1913
House File 2412, H-5924—1593
House File 2413, H-5803, as amended—1489
House File 2417, H-6077, as amended—1997
House File 2428, H-5693—1246
House File 2435, H-5720—1478
House File 2439, H-6018—1778
House File 2450, H-5834, as amended—1638
House File 2454, H-5909, as amended—1739
House File 2455, H-5818, as amended—1381

House File 2459, H-5825—2017
House File 2467, H-6042—1844
House File 2471, H-6034, as amended—1847
House File 2475, H-6059, as amended—1895
House File 2481, H-6083, as amended—1984
House File 2484, H-6100—2148
House File 2486, H-6098, as amended—2222
Senate File 260, H-5864—1467
Senate File 2011, H-5804—1289
Senate File 2036, H-5952—1626
Senate File 2061, H-5958—1635
Senate File 2117, H-5857—1750
Senate File 2254, H-6035—1828
Senate File 2290, H-6020—1796
Senate File 2316, H-5969—1686
Senate File 2360, H-6036—1832
Senate File 2366, H-6028—1795
Senate File 2367, H-6037—1841
Senate File 2373, H-6096—2162

HOUSE INSISTS—
House File 2061—825
House File 2287—1626
House File 2454—1828
Senate File 2097—2035
Senate File 2116—332
Senate File 2249—1849
Senate File 2307—1574
Senate File 2347—1497
Senate File 2351—1318

HOUSE REFUSED TO CONCUR—
House File 2126, H-5706—1166
House File 2334, H-5917—1751
House File 2452, H-5870—1453
House File 2457, H-5805—1574
House File 2462, H-5890—1400
House File 2465, H-5885—1425
House File 2466, H-6022—1792
House File 2477, H-6033—1830
Senate File 2034, H-6092—2002
Senate File 2244, H-5856—1336
Senate File 2257, H-5855—1475
Senate File 2345, H-5945—1621
Senate File 2355, H-5910—1584
Senate File 2367, H-6037—1918
*****1992 Extraordinary Session*****
Senate File 2385, H-6131—30

HOUSE RULES—
(See RULES, COMMITTEE ON)

HUMAN RESOURCES, COMMITTEE ON—
Amendments filed—162, 448, 720, 741, 789, 879, 898, 899
Amendments offered—356, 489, 922, 971, 1046, 1066, 1095, 1164, 1382, 1689, 1690
Bills introduced—371, 372, 423, 480, 502, 528, 574
Recommendations—161, 250, 361-362, 396, 446, 474, 496, 525-526, 558, 579, 719, 741, 787, 875-876, 896, 1999
Subcommittee assignments—73, 159, 203, 204, 248, 249, 333, 359, 656, 657, 718, 786, 787, 874

HURLEY, CHARLES—Representative Chickasaw-Fayette Counties
Amendments filed—101, 145, 152, 186, 592, 632, 658, 659, 762, 763, 829, 830, 1057, 1205, 1333, 1630, 1748, 2205
Amendments offered—182, 650, 711, 862
Amendments withdrawn—182
Bills introduced—37, 82, 104, 113, 195, 212, 228, 246, 324, 369, 370, 371, 388, 398, 399, 406
Committee appointment—1575
Petition presented—1160
Resolutions offered—412, 688
Subcommittee assignments—54, 67, 172, 191, 204, 248, 333, 359, 433, 434, 579, 739, 786

INDIGENT DEFENSE ADVISORY COMMISSION—
Appointment to—13

INTERIM COMMITTEES—
(See also LEGISLATIVE COUNCIL and/or STUDY COMMITTEES)
Appointments to—13-15
Resolution relating to:
House Concurrent Resolution 105, replace property tax with net worth tax—161

INTERNATIONAL RELATIONS COMMITTEE—
Appointments to—14, 248

INTERSTATE COOPERATION, COMMISSION ON—
Appointments to—14

INTRODUCTION OF BILLS—
(See BILLS, subheading, Introduction of and/or INDIVIDUAL HEADINGS)

IOWA COMPREHENSIVE HEALTH INSURANCE ASSOCIATION—
Appointment to—78

IOWA ECONOMIC DEVELOPMENT BOARD—
*****1992 Second Extraordinary Session*****
Appointment to—7

IOWA PEACE INSTITUTE—
Appointment to—14

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM—
Communication from—16

IOWA STATE HUMAN INVESTMENT POLICY COUNCIL (SHIP)—
Appointment to—85

IPERS—
(See IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM)

IVERSON, STEWART E., JR.—Representative Franklin-Hancock-**Wright** Counties
Amendments filed—162, 174, 186, 207, 276, 526, 560, 580, 592, 632, 646, 658, 714-715, 762, 763, 829, 879, 987, 1158, 1201-1202, 1206, 1748, 1901, 2205
Amendments offered—219, 610, 677, 714, 1201, 1212, 1454, 1458, 2205
Amendments withdrawn—219, 1202
Bills introduced—24, 37, 38, 82, 96, 104, 112, 113, 165, 166, 176, 229, 237, 316, 398, 406
Committee appointments—1632, 1633
Memorial resolutions offered—1631, 1633
Petitions presented—82, 146, 235, 236, 306, 307, 322, 323, 439, 468, 501, 1749
Resolutions offered—438, 688
Subcommittee assignments—60, 79, 92, 158, 221, 239, 333, 433, 434, 1333, 1472

JAY, DANIEL J.—Representative **Appanoose**-Davis-Wapello Counties
Amendments filed—101, 109, 174, 658, 688, 712-713, 761, 763, 790, 830, 1055, 2203
Amendments offered—167, 167-168, 198, 771, 794, 1965
Amendment withdrawn—1977
Bills introduced—25, 45, 69, 103, 112, 154, 155, 156, 165, 400
Committee appointments—47, 1627, 2035
Leave of absence—593, 1058, 1160, 1207
Reappointed to the State Government Committee, replacing Representative Sherzan—1706
Reports—2120-2122, 2165-2187
Subcommittee assignments—54, 73, 92, 99, 149, 150, 159, 172, 191, 203, 239, 248, 249, 359, 379, 380, 433, 687, 739, 785, 874, 1585
*****1992 Second Extraordinary Session*****
Resignation of—10

JESSE, GLEN D.—Representative **Jasper**-Marion-Polk-Warren Counties
Amendments filed—277, 286, 526, 554-555, 555, 592, 633, 706-707, 789, 1056, 1137, 1555, 1655, 1837, 1858-1859, 1901, 1902
Amendments offered—286, 551, 554, 602
Amendments withdrawn—277, 301
Bills introduced—69, 69-70, 103, 166, 324, 369, 388, 399, 400
Leave of absence—76, 527, 593
Resolutions offered—438, 558
Subcommittee assignments—42, 72, 170, 248, 394, 433, 786
*****1992 Extraordinary Session*****
Amendment filed—34
Resolution offered—5

JOCHUM, THOMAS J.—Representative **Dubuque** County
Amendments filed—280-281, 293-295, 384, 560, 1181, 1269, 1284, 1323, 1334, 1555, 1562, 1730, 1947-1960, 2208-2220, 2220-2221, 2222
Amendments offered—280, 293, 1315, 2208, 2220, 2222
Bills introduced—97-98, 155, 166, 388
Committee appointments—332, 2052
Leave of absence—306
Reports—412, 424-430, 2149-2161
Subcommittee assignments—60, 158, 191, 239, 240, 379, 433, 434, 461, 591, 758, 759, 874, 1472, 1585, 1628
*****1992 Extraordinary Session*****
Amendment filed—34
Amendment offered—16
Resolution offered—5

JOHNSON, ROBERT—Representative Cedar-**Clinton** Counties
Amendments filed—144, 186, 413, 477, 658, 762, 789, 790, 1284, 1748
Appointed to the Renewable Fuel Advisory Committee—14
Bills introduced—37, 69, 82, 89, 104, 113, 228, 316, 406
Committee appointment—1627
Leave of absence—69, 1517
Petitions presented—368, 398, 1903
Report—1766
Requested to be added as a sponsor of House File 2038—53
Resolutions offered—174, 688
Subcommittee assignments—42, 72, 203, 204, 394, 657

JOINT CONVENTIONS—
Condition of the Judicial Department Message—48-52
Condition of the State and Budget Messages—27-34
Resolutions relating to:
House Concurrent Resolution 101, condition of the state and budget messages—4-5 adopted
House Concurrent Resolution 102, condition of the judicial department message—5 adopted

JOINT RULES—
Rule 13.3 (conference cmte. report):
Senate File 2249—1992
Rule 17 (fiscal notes):
House File 2206—354
Senate File 2286—918
Senate File 2355, H-5819—1265
Rule 32 (refer to committee):
House Joint Resolution 2010—836

JUDICIARY AND LAW ENFORCEMENT, COMMITTEE ON—
Amendments filed—101, 162, 397, 477, 499, 789, 898, 929
Amendments offered—180, 198, 450, 903, 938, 976, 977, 998, 1497, 1965
Amendment withdrawn—1977
Bills introduced—77, 104, 156, 188, 369, 399, 423, 440, 441, 481, 491, 502, 528, 529, 561, 574
Recommendations—74, 100, 161, 185, 225, 337, 396-397, 436, 474-475, 496-497, 526, 558, 579, 787-788, 897-898, 928, 1091, 1654, 1836-1837
Resolution offered—579
Subcommittee assignments—53, 54, 60, 66, 67, 72, 73, 92, 99, 149, 150, 159, 172, 191, 203, 204, 240, 248, 249, 359, 379, 380, 433, 434, 462, 579, 686, 687, 739, 740, 785, 786, 874, 895, 1585, 1771

KISTLER, ROBERT L.—Representative **Jefferson**-Keokuk-Wapello Counties
Amendments filed—145, 186, 762, 763, 1283, 1748
Amendments offered—1342, 1599
Bills introduced—37, 69, 82, 90, 96, 104, 113, 228, 324
Committee appointment—1497
Leave of absence—779

Petitions presented—44, 235, 245, 307, 831
Presented to the House the Honorable George Swearingen and his wife, Marian former member of the House—1585
Resolution offered—688
Subcommittee assignments—54, 60, 87, 221, 333, 434, 462, 631
*****1992 Second Extraordinary Session*****
Leave of absence—4

KNAPP, DONALD J.—Representative **Dubuque**-Jones Counties
Amendments filed—288, 338, 964, 1057, 1184
Amendments offered—288, 343, 1061, 1097
Bills introduced—69, 316, 324
Committee appointment—825
Reports—1652, 1657-1659
Subcommittee assignments—54, 72, 73, 92, 93, 150, 171, 172, 221, 333, 395, 411, 433, 444, 462, 579, 657, 687, 739, 1333, 1515

KOENIGS, DEO A.—Representative Chickasaw-Howard-**Mitchell** Counties
Amendments filed—226, 448, 526, 579, 879, 928, 1057, 1158, 1184, 1241, 1334, 1587
Amendments offered—452, 955, 956, 1344
Amendments withdrawn—1322
Bills introduced—38, 69-70
Committee appointments—1627, 1828
Petitions presented—36, 102, 208, 253, 660
Presided at sessions of the House—1998
Reports—1766, 1864-1866
Resolutions offered—438, 1806
Subcommittee assignments—42, 60, 72, 171, 221, 318, 432, 433, 758, 759

KREBSBACH, SCOTT L.—Representative Cerro Gordo-Floyd-**Mitchell** Counties
Amendments filed—186, 762, 829, 830, 1057, 1205, 1341, 1699, 1699-1701, 1748
Appointed to the Prevention of Disabilities Policy Council—14
Bills introduced—37, 58, 69, 82, 89, 90, 91, 97, 103, 104, 112, 113, 165, 228, 246, 315, 324, 369, 370
Committee appointment—1849
Petitions presented—57, 64, 153, 163, 340, 387, 480, 501, 527
Presented to the House Lynne Petefish, first place essay winner, essay on Norma Jaeger—415
Resolution offered—688
Subcommittee assignments—41, 72, 150, 192, 203, 239, 249, 318, 394, 411, 432, 444, 657, 786, 1240

KREMER, JOSEPH M.—Representative Black Hawk-**Buchanan** Counties
Amendments filed—186, 526, 559, 592, 632, 694, 741, 762, 763, 789, 829, 830, 987, 1130-1131, 1134-1135, 1300, 1473, 1772
Amendments offered—703, 711, 822, 881, 1130, 1134, 1849
Amendments withdrawn—1000, 1305, 1849, 2017
Bills introduced—2, 37, 69-70, 77, 82, 90, 96, 104, 113, 211, 246, 316, 324, 398
Committee appointment—2035
Petitions presented—1, 146, 187, 235, 368, 634, 742, 1903
Resolution offered—688
Subcommittee assignments—54, 67, 150, 159, 171, 191, 203, 687, 718, 739, 758, 785, 826

LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ON—
Amendments filed—152, 384, 438, 467
Amendments offered—213, 482, 773
Bills introduced—155, 188, 213, 307, 387, 400, 470, 471
Recommendations—144, 152, 174, 225, 251, 383, 437, 465, 761, 828-829
Subcommittee assignments—60, 79, 87, 203, 233, 248, 686, 687, 758, 826

LAGESCHULTE, RAYMOND—Representative Black Hawk-Bremer-Butler Counties
Amendments filed—186, 225, 762, 763, 829, 928, 948-949, 949-950, 956, 964, 1472, 1511, 1701, 1901
Amendments offered—956, 1511, 2036
Amendment withdrawn—956
Announced as Speaker the reappointment of Representative Jay to the State Government Committee, replacing Representative Sherzan—1706
Bills introduced—69, 82, 104, 113, 228, 316
Committee appointments—1, 1497, 1632, 2052
Leave of absence—105, 391, 398, 479, 1797, 1809, 2116
Petitions presented—153, 194, 235, 253, 660, 831
Presentation of visitors—1708
Presided at sessions of the House—1704
Report—2037-2050
Resolutions offered—438, 688
Subcommittee assignments—60, 149, 203, 248, 318, 687
*****1992 Extraordinary Session*****
Leave of absence—3, 6

LEAVE OF ABSENCE—
1, 24, 36, 44, 57, 64, 69, 76, 82, 102, 105, 110, 163, 175, 187, 197, 208, 210, 227, 257, 277, 306, 339, 367, 378, 386, 391, 398, 414, 439, 449, 479, 487, 510, 527, 534, 561, 569, 572, 581, 593, 634, 642, 650, 660, 668, 698, 699, 709, 716, 722, 726, 730, 736, 737, 742, 753, 771, 779, 782, 791, 814, 831, 838, 880, 930, 1038, 1058, 1066, 1087, 1094, 1115, 1130, 1148, 1160, 1186, 1198, 1207, 1232, 1242, 1261-1262, 1269, 1381, 1517, 1554, 1588, 1606, 1631, 1648, 1656, 1701, 1709, 1728, 1757, 1773, 1781, 1797, 1809, 1864, 1903, 1910, 1916, 1920, 1983, 1986, 2116, 2117
*****1992 Extraordinary Session*****
3, 6, 18
*****1992 Second Extraordinary Session*****
4

LEGISLATIVE COUNCIL—
(See also INTERIM COMMITTEES and STUDY COMMITTEES)
Resolution relating to:
House Concurrent Resolution 105—161

LEGISLATIVE EMPLOYEES—
(See OFFICERS AND EMPLOYEES)

LOCAL GOVERNMENT, COMMITTEE ON—
Amendments filed—162, 448, 477, 499, 720
Amendments offered—216, 514, 914
Bills introduced—103, 209, 399, 449, 450, 470, 491, 546, 547
Recommendations—100, 161, 206, 337-338, 397, 447, 475-476, 498, 719, 876
Subcommittee assignments—60, 79, 92, 158, 159, 171, 172, 185, 203, 239, 303, 333, 359, 379, 380, 433, 657, 740, 786

LUNDBY, MARY A.—Representative **Linn** County, Assistant Minority Floor Leader
Amendments filed—144, 500, 526, 559, 689, 762, 763, 829, 898, 1341, 1929-1930
Amendments offered—729, 1341
Amendment withdrawn—1387
Appointed to the Advisory Council On Telecommunication Infrastructure—85
Bills introduced—25, 82, 104, 113, 147, 212, 422
Resolutions offered—338, 688
Subcommittee assignments—41, 72, 73, 92, 150, 171, 172, 318, 394, 395, 657, 739, 740, 826
*****1992 Second Extraordinary Session*****
Appointed to the Statewide Fire and Police Retirement System Board of Trustees—7

MAJORITY FLOOR LEADER, Wayne McKinney, Jr.—Representative **Dallas** County
(See McKINNEY, WAYNE, Jr.—Representative **Dallas** County, Majority Floor Leader)

MANAGEMENT, DEPARTMENT OF—
Claims approved—118-140
Claims filed—114-118
Communications from—66, 118

MAULSBY, RUHL—Representative **Calhoun**-Sac-Webster Counties
Amendments filed—186, 762, 763, 829, 929, 964, 1241, 1284, 1334, 1748
Amendments offered—1296, 1674
Appointed to the Administrative Rules Review Committee—13
Bills introduced—37, 69, 82, 90, 104, 113, 188, 189, 246, 316, 399
Committee appointments—1634, 1828
Memorial resolution offered—1633
Petitions presented—244, 245, 764, 765
Presented to the House the Honorable Opal Miller, former member of the House—1204
Presented to the House the Honorable Mike Oxley, former member of the House—1283
Report—1864-1866
Resolutions offered—161, 174, 688
Subcommittee assignments—42, 99, 233, 432, 444

McKEAN, ANDREW J. (ANDY)—Representative **Jones**-Linn Counties
Amendments filed—168, 186, 632, 689, 707-708, 720, 721, 761, 762, 763, 790, 829, 965, 1057, 1241, 1748
Amendments offered—168, 707, 796, 807, 841, 1843
Amendment withdrawn—811
Bills introduced—69, 69-70, 82, 89, 90, 104, 113, 228-229, 324, 370, 371, 398, 400, 406
Committee appointments—47, 926
Leave of absence—386
Petition presented—1335
Resolutions offered—384, 688
Subcommittee assignments—54, 60, 66, 92, 739, 758, 986

McKINNEY, WAYNE H., JR.—Representative **Dallas** County, Majority Floor Leader
Appointed to the International Relations Committee—141
Bills introduced—696, 925, 1175, 1517, 1981, 2034
Bills referred to committees—825

Bills rereferred to committees—908-909
Invited to the Speaker's station for a special presentation and presented with a plaque in appreciation of his service and dedication to the House—2022
Remarks by—5-7, 2248-2249
Resolutions offered—4-5, 5, 2247
*****1992 Extraordinary Session*****
Organization of the House—3
Resolutions offered—5, 34
Rules suspended—4, 9, 11, 12, 13, 14, 16, 19, 30, 31
*****1992 Second Extraordinary Session*****
Organization of the House—2-3
Resolution offered—6
Rules suspended—3

McNEAL, CLARK E.—Representative Franklin-**Hardin**-Hamilton Counties
Amendments filed—109, 162, 186, 243, 251, 252, 413, 632, 689, 720, 741, 761, 762, 763, 790, 829, 879, 1334, 1480
Amendments offered—180, 181, 347, 350, 723, 784
Amendments withdrawn—352, 1645
Bills introduced—2, 24, 25, 37, 69, 69-70, 104, 113
Committee appointments—1627, 1632, 1633
Petitions presented—593, 634, 1656
Presented to the House the Honorable Richard Welden, former member of the House—985
Resolutions offered—438, 688
Subcommittee assignments—53, 54, 60, 66, 67, 79, 87, 149, 158, 192, 204, 233, 239, 359, 380, 434, 462, 686, 687, 739, 786, 1472

MEMORIALS—
Committees appointed—1631-1632, 1632, 1632-1633, 1633, 1633-1634, 1634, 1634-1635
In Memoriam List—2556
Memorials—2557-2563
Resolutions relating to—1631-1632, 1632, 1632-1633, 1633, 1633-1634, 1634, 1634-1635

MERTZ, DOLORES M.—Representative Humboldt-**Kossuth**-Palo Alto-Pocahontas Counties
Amendments filed—162, 174, 207, 243, 338, 413, 477, 580, 592, 720, 721, 763, 789, 830, 929, 964, 987, 1056, 1057, 1136-1137, 1137, 1184, 1194, 1333, 1340, 1341, 1555, 1587, 1630, 1929-1930, 2052-2057, 2205
Amendments offered—599, 961, 1020, 1109, 1380
Bills introduced—3, 69, 83, 90, 104, 154, 155, 165, 316, 324, 341, 369, 460
Committee appointments—26, 1627
Leave of absence—227, 737, 1242
Petitions presented—187, 236, 254, 387, 414, 1058
Presided at sessions of the House—2005
Reports—26, 1766
Resolutions offered—174, 438
Subcommittee assignments—60, 87, 158, 159, 203, 248, 249, 303, 318, 359, 758, 786

MESSAGES—
(See also COMMUNICATIONS FROM)
From Senate—25-26, 105, 147-148, 165-166, 190, 196, 229, 238, 246-247, 303, 316-317, 324-325, 332, 342-343, 358, 373, 389, 394, 401-402, 415-416, 471, 482, 503-504, 529-530, 561-563, 583, 594, 635-636, 641-642, 654-655, 664-665, 667-668, 669, 685, 692-693, 697-698, 718, 725, 738, 744-745, 749, 753-754, 778-779, 782, 813, 832, 839-840, 868, 895, 900, 939, 966-970, 988-990, 1038, 1053, 1059-1061, 1094, 1161, 1174, 1175, 1207-1210, 1217, 1240, 1242-1243, 1247-1248, 1285-1286, 1301-1302, 1318-1319, 1325-1326, 1335, 1366, 1469, 1474, 1486, 1501, 1557, 1568-1570, 1584, 1588-1589, 1610-1611, 1628, 1639-1640, 1682-1683, 1706, 1718, 1725, 1745, 1752, 1756, 1767, 1773, 1794, 1805, 1808-1809, 1825-1826, 1826-1827, 1827, 1833, 1838, 1842, 1848, 1851, 1898, 1903-1904, 1946-1947, 1963, 1981, 1999-2000, 2007, 2022-2023, 2025, 2059, 2115-2116, 2119-2120, 2147, 2164, 2189, 2206, 2223, 2247, 2252-2253
From governor—2256
Immediate messages—5, 107, 169, 180, 302, 332, 394, 431, 512, 534, 537, 551, 667, 694, 697, 698, 699, 702, 718, 724, 727, 728, 731, 737, 738, 744, 746, 748, 751, 755, 758, 769, 771, 773, 784, 793, 812, 825, 836, 838, 843, 845, 869, 872, 880, 888, 889, 963, 984, 993, 996, 1000, 1017, 1020, 1022, 1037, 1048, 1062, 1068, 1069, 1070, 1097, 1100, 1105, 1114, 1154, 1168, 1171, 1217, 1237, 1239, 1245, 1291, 1325, 1366, 1382, 1390, 1425, 1453, 1462, 1463, 1466, 1468, 1477, 1483, 1484, 1485, 1486, 1490, 1495, 1501, 1514, 1568, 1576, 1584, 1597, 1610, 1627, 1636, 1639, 1644, 1646, 1648, 1651, 1660, 1663, 1665, 1667, 1677, 1680, 1685, 1687, 1688, 1691, 1702, 1704, 1705, 1713, 1717, 1720, 1731, 1740, 1745, 1751, 1753, 1756, 1764, 1765, 1767, 1779, 1782, 1792, 1796, 1797, 1798, 1805, 1811, 1826, 1829, 1830, 1833, 1840, 1844, 1845, 1848, 1851, 1867, 1896, 1898, 1914, 1916, 1918, 1919, 1931, 1932, 1946, 1963, 1978, 1985, 1986, 1993, 1998, 1999, 2002, 2007, 2013, 2014, 2018, 2025, 2034, 2035, 2059, 2091, 2118, 2123, 2146, 2148, 2162, 2163, 2188, 2204, 2206, 2224, 2245, 2247
Item veto messages—523-524, 1983, 2541-2555
Senate messages considered—105, 156, 190, 209, 237, 246, 255, 324, 342, 372, 389, 401, 407, 423, 492, 529, 547, 581, 594, 635, 661, 690, 696, 722, 742, 746, 749, 765, 792, 812, 813, 831, 840, 868, 906, 930, 1059, 1068, 1217, 1242, 1286, 1303, 1319, 1427, 1474, 1517, 1685, 1718, 1726, 1755, 1827, 1839, 1846, 1864, 2025, 2119, 2163
Veto messages—1203, 1281-1283, 1298-1299, 1899-1900, 1981-1983, 2535-2540
*****1992 Extraordinary Session*****
From Senate—3, 6-7, 11, 15, 18, 29, 33
Immediate messages—9, 11, 14, 15, 18, 30, 32
Senate messages considered—7, 12, 18, 29
To governor and Senate—33
Veto message—38
*****1992 Second Extraordinary Session*****
From Senate—3, 4, 7
Immediate message—6
Senate message considered—4

METCALF, JANET S.—Representative **Polk** County
Amendments filed—186, 282-284, 284-285, 288-289, 296-297, 500, 678-682, 763, 790, 829, 830, 879, 898, 1056, 1197-1198, 1200, 1559, 1587, 1701
Amendments offered—282, 284, 288, 678, 931, 1107, 1200, 1559, 1683, 1701
Amendments withdrawn—997, 1684

Appointed to the Commission On Interstate Cooperation—14
Bills introduced—37, 69, 69-70, 82, 89, 104, 113, 324, 406
Resolution offered—688
Subcommittee assignments—66, 67, 79, 149, 170, 171, 203, 239, 334, 380, 433, 657, 740, 874, 1515, 1916

MILEAGE, COMMITTEE ON—
Supplemental report—40-41, 77
Supplemental report adopted—77-78, 91

MILLAGE, DAVID—Representative **Scott** County
Amendments filed—186, 243, 279, 289, 412, 413, 560, 688, 689, 721, 762, 763, 790, 829, 879, 928, 929, 1056, 1241, 1559, 1585, 1901
Amendments offered—279, 704, 866, 978, 1218, 1265, 2036
Amendments withdrawn—602, 814
Bills introduced—3, 25, 36, 37, 82, 89, 90, 91, 96, 104, 112, 113, 154, 164, 165, 211, 212, 246, 315, 324, 370
Committee appointment—1627
Leave of absence—102, 227, 306, 1094, 1631
Resolutions offered—144, 688
Subcommittee assignments—53, 54, 60, 66, 150, 159, 172, 191, 203, 204, 333, 380, 433, 434, 462, 687, 739, 758

MILLER, TOM H.—Representative **Cherokee**-Clay-O'Brien Counties
Amendments filed—186, 762, 789, 790, 829, 928, 929, 1129, 1132, 1137, 1748
Amendments offered—940, 1129
Bills introduced—37, 69, 70, 82, 104, 112, 113, 228, 246, 316, 406
Committee appointments—1318, 1634
Leave of absence—398, 1066
Memorial resolution offered—1634
Presented plaques to candidates who are retiring or are candidates for the Senate—2021-2022
Reports—1806, 1932-1945
Resolutions offered—438, 688
Subcommittee assignments—171, 239, 434, 874
*****1992 Second Extraordinary Session*****
Leave of absence—4

MINORITY FLOOR LEADER, Harold G. Van Maanen—Representative Keokuk-**Mahaska**-Wapello Counties
(See VAN MAANEN, HAROLD G.— Representative Keokuk-**Mahaska**-Wapello Counties, Minority Floor Leader)

MOTIONS TO RECONSIDER—
Filed:
House File 52—460
House File 2028—358
House File 2058—655
House File 2089—184
House File 2184, H-5134—359
House File 2206—379
House File 2224—408
House File 2341—522

House File 2343—492
House File 2369—556, 655
House File 2370—1331
House File 2377—556, 557
House File 2384—655
House File 2406—627
House File 2410—685
House File 2412—627
House File 2436—758
House File 2437—785
Senate File 390—963
Senate File 2134—925
Senate File 2216—655, 656
Senate File 2249—1053, 1054
Senate File 2276—656
Prevailed:
House File 2341—648
House File 2343—600
House File 2369—615-616
House File 2377—588
House File 2410—699
House File 2436—770
Ruled out of order:
House File 2377—588
Withdrawn:
House File 52—471
House File 2028—391
House File 2089—332
House File 2224—460
House File 2369—667
House File 2370—1580
House File 2384—750, 753
House File 2412—685
Senate File 390—1069
Senate File 2134—960
Senate File 2216—685
Senate File 2249—1068
Senate File 2276—1069
Motions to reconsider (filed from the floor):
House File 2343—1651
House File 2400—1896
House File 2400, H-6027—1896
House File 2400, H-6031—1904
House File 2400, H-6032A—1904
House File 2417, H-5408—729
House File 2436, H-5308—770
House File 2462—2119
House File 2462, conference cmte. report adopted—2119
House File 2465, H-5792—1202
House File 2465—2051
House File 2465, conference cmte. report adopted—2051
House File 2480—1794

Senate File 2061, H-5470B—995
Senate File 2116, H-5110—299
Senate File 2244—1468
Senate File 2271—1580
Senate File 2290—1717
Senate File 2367—1918
Senate File 2367, H-6037—1918
Lost:
House File 2343—1652
House File 2465, H-5792—1212
Senate File 2244—1469
Senate File 2271—1580
Senate File 2290—1717
Prevailed:
House File 2400—1896
House File 2400, H-6027—1896
House File 2400, H-6031—1904
House File 2400, H-6032A—1904
House File 2417, H-5408—729
House File 2436, H-5308—770
House File 2462—2119
House File 2462, conference cmte. report adopted—2051
House File 2465—2051
House File 2465, conference cmte. report adopted—2051
House File 2480—1794
Senate File 2061, H-5470B—995
Senate File 2116, H-5110—300
Senate File 2367—1948
Ruled out of order:
Senate File 2244—1469
Final dispositions of motions to reconsider:
Pursuant to Rule 73.g:
House File 2058—2252
House File 2206—2252
House File 2406—2252
House File 2437—2252

MUHLBAUER, LOUIS J.—Representative **Crawford**-Shelby Counties, Assistant Majority Floor Leader
Amendments filed—413, 477, 592, 899, 928, 964, 1056, 1184, 1630
Amendments offered—731, 944
Bills introduced—58, 104, 316, 324
Committee appointment—1497
Leave of absence—1631
Petitions presented—236, 245, 449
Presided at sessions of the House—1045
Report—2060-2090
Resolutions offered—174, 1516
Subcommittee assignments—42, 60, 92, 159, 172, 203, 239, 248, 249, 318, 333, 411, 433, 687

MURPHY, PAT—Representative **Dubuque** County
Amendments filed—592, 632, 879, 964, 1056, 1057, 1587, 1655, 1901, 1902, 1980
Amendments offered—775, 993, 1015, 1095
Amendments withdrawn—1186, 1384
Bills introduced—25, 38, 111, 155, 166, 175, 316, 369, 399, 400, 480
Committee appointments—27, 1627
Leave of absence—57, 163, 642
Petitions presented—102, 153, 175, 323, 690, 1160
Presided at sessions of the House—1466
Reports—1768, 1799-1804
Resolution offered—558
Subcommittee assignments—42, 66, 72, 149, 150, 203, 233, 249, 318, 333, 379, 579, 657, 686, 718, 786, 874, 1157, 1771
*****1992 Extraordinary Session*****
Resolution offered—5

NATURAL RESOURCES, COMMITTEE ON—
Amendments filed—207, 251, 499, 830
Amendments offered—575, 870, 909
Amendment withdrawn—754
Bills introduced—188, 255, 370, 388, 469
Recommendations—185-186, 206, 362, 447-448, 476, 498, 829
Resolution offered—207
Subcommittee assignments—54, 87, 92, 142, 149, 150, 171, 172, 203, 221, 318, 334, 432, 433, 434, 462, 472

NEUHAUSER, MARY C.—Representative **Johnson** County, Assistant Majority Floor Leader
Amendments filed—145, 152, 234, 559, 560, 579, 632, 658, 659, 688, 720, 789, 1034-1035, 1056, 1093, 1199-1200, 1333, 1516, 1859, 2202, 2202-2203, 2203
Amendments offered—585, 670, 1108, 1164, 1199, 1463, 1554, 1642, 1762, 1859, 2202, 2203
Amendment withdrawn—1387
Bills introduced—69, 69-70, 76, 97, 111, 147, 154, 164, 166, 195, 316, 369, 480
Committee appointments—926, 1497, 1844, 2164
Leave of absence—736
Presided at sessions of the House—352, 894
Reports—2026-2033, 2037-2050, 2224-2244
Resolutions offered—1806, 1901, 2019
Rulings made—354, 355
Subcommittee assignments—73, 159, 170, 203, 233, 248, 333, 657, 687, 786, 986
*****1992 Extraordinary Session*****
Resolution offered—5

NIELSEN, JOYCE—Representative **Linn** County
Amendments filed—145, 152, 225, 226, 251, 338, 466, 632, 1056, 1057, 1384-1385, 1587, 1697-1698
Amendments offered—345, 1382, 1387
Bills introduced—69, 83, 97, 212, 229, 315, 316, 324, 471
Committee appointment—47
Leave of absence—227
Petitions presented—439

Requested to be added as a sponsor of House File 2025—65
Requested to be added as a sponsor of House File 2238—303
Resolutions offered—63, 242, 558
Subcommittee assignments—54, 203, 249, 333, 359, 432, 433, 631, 657, 786, 787
*****1992 Extraordinary Session*****
Resolution offered—5

OBJECTION TO UNANIMOUS CONSENT—
House File 2061, change of vote, Representative Hatch—1705
House File 2483, voting, Representative Hansen of Woodbury—1756

OBJECTIONS—
Raised—292, 545, 736, 867, 1277, 1365, 1456, 1567, 1705, 1738, 1756

OFFICERS AND EMPLOYEES—
Employees of the House—16-19
Pages—18-19
Pay grades and steps, list of—16-18, 231-232, 628, 826
Resignations—19, 826
Special presentation to House Pages—440, 1475
*****1992 Second Extraordinary Session*****
Resignations—9, 10, 11

OLLIE, C. ARTHUR—Representative **Clinton** County
Amendments filed—338, 559, 579, 580, 741, 1129-1130, 1135, 1149, 1151-1153, 1310-1314, 1502-1507, 1655, 1697-1698
Amendments offered—610, 646, 773, 776, 1129, 1135, 1149, 1151, 1310, 1502-1507, 1666
Bills introduced—2, 25, 45, 189, 316
Committee appointments—332, 1627, 2052
Petitions presented—96, 227, 387
Presided at sessions of the House—1184, 1724
Reports—412, 424-430, 1702-1703, 2149-2161
Resolution offered—1806
Subcommittee assignments—54, 60, 108, 171, 172, 203, 233, 248, 303, 334, 631, 687, 786
*****1992 Extraordinary Session*****
Resolution offered—5

ORGANIZATION OF THE HOUSE—
*****1992 Extraordinary Session*****
Re the Extraordinary Session—3
*****1992 Second Extraordinary Session*****
Re the Second Extraordinary Session—2-3

OSTERBERG, DAVID—Representative Cedar-**Linn** Counties
Amendments filed—281-282, 385, 560, 624, 632, 659, 716, 720, 721, 729, 790, 865-866, 879, 964, 965, 1055, 1056, 1057, 1093, 1137, 1159, 1575, 1594-1596, 1697-1698, 1722-1723, 1894-1895, 1902, 1997, 2200-2201
Amendments offered—281, 565, 624, 716, 728, 747, 864, 865, 869, 1164, 1165, 1594, 1894, 1997
Amendment withdrawn—729, 747, 1043
Bills introduced—3, 4, 24, 58, 59, 65, 69, 69-70, 70, 97, 112, 166, 316, 324, 369, 480
Committee appointment—1575
Leave of absence—227

Petitions presented—110, 439, 440
Resolution offered—438
Subcommittee assignments—73, 107, 248, 379, 758, 759, 786, 874, 1771, 1916
*****1992 Extraordinary Session*****
Resolution offered—5

PAGES—
Appointment of—18-19
Special presentation to—440, 1475

PAVICH, EMIL S.—Representative **Pottawattamie** County
Amendments filed—243, 385, 499, 559, 761, 762, 928, 1184
Amendments offered—573, 960
Bills introduced—25, 90, 103, 154, 316, 388, 812
Committee appointment—1665
Petitions presented—387, 634
Reports—1805, 2007-2012
Resolutions offered—338, 412, 466, 558
Subcommittee assignments—42, 60, 73, 150, 172, 192, 203, 233, 239, 318, 334, 394, 434, 444, 462, 472, 687, 758, 759, 786, 826

PERSONNEL COMMITTEE—
(See ADMINISTRATION, COMMITTEE ON)

PETERSEN, DANIEL F.—Representative **Muscatine**-Scott Counties
Amendments filed—68, 144, 186, 413, 477, 632, 721, 762, 829, 1056, 1183, 1334, 1340, 1748, 1929-1930
Amendments offered—648, 1183
Amendment withdrawn—1176
Bills introduced—37, 44, 45, 69, 82, 89, 104, 112, 113, 188, 228, 316, 324, 988
Committee appointments—47, 1627, 1633
Leave of absence—1130, 1983
Petition presented—1656
Presided at sessions of the House—1690
Report—1766
Resolutions offered—144, 174, 688
Subcommittee assignments—87, 204, 249, 333, 379, 411, 758, 759, 1771

PETERSON, MICHAEL K.—Representative Audubon-**Carroll**-Shelby Counties
Amendments filed—289, 658, 689, 721, 788, 928, 987, 1055, 1093, 1232-1233, 1334, 1472, 1516, 1553, 1692-1694, 1694-1697, 1847
Amendments offered—793, 855, 941, 990, 991, 1232, 1518, 1552, 1553, 1556, 1649, 1692, 1694, 1847
Amendments withdrawn—1196, 1198
Bills introduced—25, 45, 69-70, 104, 111, 147, 316, 324
Committee appointments—1844, 2164
Leave of absence—930, 1517
Petitions presented—235, 245, 1474
Presided at sessions of the House—695, 2057
Reports—2026-2033, 2224-2244
Ruling made—2057
Subcommittee assignments—42, 53, 54, 66, 67, 72, 92, 142, 150, 158, 172, 191, 203, 204, 239, 240, 318, 379, 380, 394, 411, 433, 434, 444, 462, 657, 718, 739, 740, 758, 986, 1240, 1472
*****1992 Extraordinary Session*****
Resolution offered—5

PETITIONS—
(See also INDIVIDUAL HEADINGS)
Filed—1, 24, 36, 44, 57, 64, 69, 76, 82, 89, 96, 102, 110-111, 146-147, 153, 163, 175, 187, 194, 208-209, 227-228, 235-237, 244-245, 253-254, 306-307, 322-323, 339-341, 367-368, 386-387, 398, 414, 439-440, 449, 468, 479-480, 501, 527, 561, 581, 593, 634, 660, 690, 722, 742, 764, 791, 831, 880, 930, 966, 1058, 1094, 1160, 1207, 1335, 1474, 1517, 1631, 1656, 1709, 1749, 1903, 1920
*****1992 Extraordinary Session*****
Filed—1

PLASIER, LEE J.—Representative Plymouth-Sioux Counties
Amendments filed—560, 721, 762, 763, 789, 790, 879, 1179, 1384, 1858, 1901
Amendments offered—1179, 1384, 1858, 1910
Amendment withdrawn—1237
Appointed to the Commission On Children, Youth and Families—13
Bills introduced—69, 89, 90, 96, 104, 113
Committee appointments—1575, 1634
Leave of absence—487, 650, 699, 1186
Resolutions offered—438, 688
Subcommittee assignments—60, 73, 87, 159, 203, 656, 758, 786, 826, 874

POINTS OF ORDER RAISED—
House File 2085, H-5145A—Representative Petersen of Muscatine—355
House File 2139, H-5174—Representative Garman—421
House File 2205, H-6081—Representative Shoultz—1930
House File 2206—Representative Carpenter—354
House File 2270—Representative Halvorson of Clayton—393
House File 2341, H-5220—Representative Jay—519
House File 2369, H-5229—Representative Brammer—543
House File 2369, H-5273—Representative Van Maanen—625
House File 2400, H-5306—Representative Bennett—683
House File 2434, H-5340—Representative Banks—701
House File 2440, H-5510—Representative Jay—795
House File 2440, H-5506—Representative Jay—801
House File 2440, H-5376—Representative Jay—806
House File 2440, H-5373—Representative Jay—810
House File 2446, H-6044—Representative Hansen of Woodbury—1860
House File 2452, H-5333—Representative Hanson of Delaware—710
House File 2452, H-5349—Representative Hansen of Woodbury—711
House File 2452, H-5336—Representative Hansen of Woodbury—712
House File 2455, H-5477, as amended—Representative Beatty—854
House FIle 2455, H-5511, as amended—Representative Halvorson of Clayton—863
House File 2455, H-5546—Representative Iverson—866
House File 2456, H-5618—Representative Halvorson of Webster—949
House File 2456, H-5625—Representative Muhlbauer—950
House File 2459, H-5464—Representative Halvorson of Clayton—822
House File 2459, H-5419—Representative Connors—823
House File 2463, H-5525—Representative Bisignano—920
House File 2465, H-5704—Representative Millage—1178
House File 2465, H-5768—Representative Plasier—1179
House File 2465, H-5784B—Representative Schrader—1186
House File 2465, H-5770—Representative Wise—1197

House File 2465, H-5782—Representative Corbett—1198
House File 2466, H-5934—Representative Jochum—1567
House File 2471, H-5915—Representative Peterson of Carroll—1649
House File 2483, H-6014—Representative Groninga—1754
House File 2486, H-6039—Representative Wise—2037
House File 2486, H-6095—Representative Wise—2057
House File 2490, H-6107—Representative Halvorson of Clayton—2198
House File 2490, H-6108—Representative Millage—2202
House File 2490, H-6116—Representative Halvorson of Webster—2203
House Joint Resolution 2010, invoked Joint Rule 32, refer to Ways & Means Committee—Representative Petersen of Muscatine—836
Senate File 2061, H-5470—Representative Halvorson of Webster—994
Senate File 2108, H-5184—Representative Schrader—912
Senate File 2116, H-5119—Representative Jochum—273
Senate File 2116, H-5116—Representative Jochum—277
Senate File 2116, H-5099—Representative Jochum—279
Senate File 2116, H-5104—Representative Connors—281
Senate File 2116, H-5123A—Representative Connors—284
Senate File 2116, H-5129—Representative Jochum—292
Senate File 2187, H-5535—Representative Poncy—924
Senate File 2190, H-5565—Representative Wise—1456
Senate File 2190, H-5561—Representative Wise—1459
Senate File 2190, H-5562—Representative Wise—1460
Senate File 2238, H-5622—Representative Shoultz—1675
Senate File 2267, H-5558—Representative Brammer—980
Senate File 2267, H-5559—Representative Brammer—982
Senate File 2286, H-5517—Representative Renken—917
Senate File 2286—Representative Halvorson of Clayton—918
Senate File 2316, H-5475, as amended—Representative Corbett—1389
Senate File 2343, H-5576—Representative McKean—1603
Senate File 2343, H-5713—Representative Koenigs—1605
Senate File 2343, H-5549B—Representative McKean—1605
Senate File 2343, H-5962—Representative Weidman—1606
Senate File 2345, H-5669—Representative Hibbard—1321
Senate File 2345, H-5875—Representative Svoboda—1323
Senate File 2347, H-5752B—Representative Hansen of Woodbury—1343
Senate File 2347, H-5893—Representative Shoultz—1365
Senate File 2348, H-5672—Representative Eddie—1218
Senate File 2348, H-5812—Representative Sherzan—1231
Senate File 2348, H-5811—Representative Eddie—1234
Senate File 2348, H-5673—Representative Eddie—1235
Senate File 2351, H-5748—Representative Hatch—1135
Senate File 2351, H-5750—Representative Hatch—1136
Senate File 2351, H-5751—Representative Hatch—1137
Senate File 2351, H-5744—Representative Van Maanen—1137
Senate File 2351, H-5743B—Representative Wise—1149
Senate File 2351, H-5755—Representative Hatch—1153
Senate File 2351, H-5726, as amended—Representative Halvorson of Clayton—1153
Senate File 2355, H-5819—Representative Wise—1265
Senate File 2355, H-5845—Representative Millage—1276
Senate File 2355, H-5827—Representative Jochum—1279
Senate File 2378, H-6115—Representative Dvorsky—2205
*****1992 Extraordinary Session*****
Senate File 2383, H-6129—Representative Jay—27

PONCY, CHARLES N.—Representative **Wapello** County
Amendments filed—305, 328, 632, 1057, 1272
Amendments offered—180, 328, 751, 883, 1497, 1499
Appointed to the College Student Aid Commission—13
Bills introduced—2, 25, 90, 104, 176, 400
Committee appointments—1497, 2119
Leave of absence—1648
Petitions presented—245, 561
Reports—2091-2114, 2123-2145
Resolution offered—558
Subcommittee assignments—54, 60, 67, 72, 92, 99, 142, 159, 171, 172, 203, 221, 318, 333, 395, 579, 686, 758, 759, 826

PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES—
Resolutions relating to:
House Concurrent Resolution 103, establish benefit levels for ADC—63, 73, 446
House Concurrent Resolution 106, support establishment in Iowa of a national Swine-Pork Research Center of Ag. Research Service of the U.S. Dept. of Ag.—174
House Concurrent Resolution 108, continue financial support for the Missouri River Fish and Wildlife Mitigation Project—207
House Concurrent Resolution 110, study initiatives & adopt measurers necessary to ensure land in the fed. Conservation Reserve Program remain protected & ensure protection does not jeopardize the ec. stability of the American farmer—243, 1721 adopted
House Concurrent Resolution 111, enact legislation to ensure adequate funds to find cure and effective preventive measures for breast cancer—338, 359, 496
House Concurrent Resolution 116, assure adequate water flow in the Missouri River—466, 472, 476, 1932 adopted & msgd.
House Concurrent Resolution 118, support the ethanol fuel industry by ensuring the proper implementation of the fed. Clean Air Act—1516
House Resolution 101, exempt from taxes small issue private activity bonds (aggie bonds) used to support loans made to beginning farmers—243
House Resolution 103, request the United States House of Representatives disclose info relating to overdrafts written at the United States House of Representatives bank—688
House Resolution 104, pay tribute to the economic, cultural, and social contributions of farmers and agribusiness as in Iowa and the United States—720, 722-723 adopted
Senate Concurrent Resolution 103, establish benefit levels for ADC —503, 558, 657, 1999 adopted & msgd.
Senate Concurrent Resolution 109, continue financial support for the Missouri River Fish & Wildlife Mitigation Project—238, 251, 318, 334, 447-448, 1756 adopted
Senate Concurrent Resolution 110, promote early detection of effective treatment for breast cancer, enact legislation to ensure adequate funds to find cure & effective prevention for breast cancer—503, 558, 832 adopted

PRESS, MEMBERS OF—
Assignment of seats in press gallery—41

PREVENTION OF DISABILITIES POLICY COUNCIL—
Appointment to—14

PROCLAMATION—
*****1992 Extraordinary Session*****
Re the Extraordinary Session—2
*****1992 Second Extraordinary Session*****
Re the Second Extraordinary Session—1-2

PROOF OF PUBLICATION—
House File 2097—91
Senate File 2356—1745

QUORUM CALLS—
98, 378, 424, 487, 569, 669, 702, 704, 744, 753, 782, 838, 892, 909, 939, 1017, 1037, 1089, 1115, 1175, 1185, 1214, 1319, 1367, 1486, 1502, 1558, 1640, 1648, 1683, 1718, 1726, 1752, 1756, 1757, 1809, 1827, 1848, 1864, 1912, 1914, 1918, 1983, 1986, 1993, 2021, 2025, 2035, 2059, 2116, 2120, 2165
*****1992 Extraordinary Session*****
3, 6, 15, 18

RAFFERTY, BOB—Representative **Scott** County
Amendments filed—152, 186, 297-298, 500, 592, 658, 659, 689, 762, 763, 829, 964, 1034-1035, 1277-1278, 1284, 1698-1699, 1754-1755, 1857-1858
Amendments offered—297, 712, 1034, 1277, 1296, 1754, 1857
Amendments withdrawn—714, 745, 1035
Appointed to the Criminal and Juvenile Justice Planning Advisory Council (replacing Representative Plasier)—34
Appointed to the Workers' Compensation Second Injury Fund Task Force—14
Bills introduced—37, 82, 91, 104, 113, 154, 228-229, 324, 369, 469
Committee appointment—1828
Leave of absence—57, 306
Presented to the House Kyle Thomas, winner of the Edith Sackett Memorial Award for his essay on his great grandma Bert—415
Report—1864-1866
Resolutions offered—144, 688
Subcommittee assignments—60, 158, 203, 233, 248

REGENTS, BOARD OF—
Communications from—15, 65, 85, 98, 232
Resolution relating to:
House Concurrent Resolution 115, sale of WOI-TV, seek legislative approval—438, 461
*****1992 Extraordinary Session*****
Resolution relating to:
House Concurrent Resolution 125, attorney general investigate the sale of WOI-TV—34

RENAUD, DENNIS L.—Representative **Polk** County
Amendments filed—234, 243, 289, 499, 658, 830, 1184, 1272, 1273-1276, 1480, 1555, 1587
Amendments offered—482, 1273
Announcement as Speaker—1088
Bills introduced—25, 45, 70, 90, 166, 316, 400
Committee appointment—825

Leave of absence—593
Petitions presented—306, 398
Presided at sessions of the House—1084
Resolution offered—558
Subcommittee assignments—72, 142, 150, 171, 172, 203, 318, 433, 494, 657, 686, 687, 739, 786, 826, 2116
*****1992 Extraordinary Session*****
Petition presented—1

RENEWABLE FUEL ADVISORY COMMITTEE—
Appointments to—13, 14

RENKEN, ROBERT H.—Representative Butler-Grundy Counties
Amendments filed—186, 559, 560, 741, 762, 763, 789, 829, 898, 961, 1034, 1748
Amendments offered—643, 749, 893
Amendment withdrawn—961
Appointed to the Advisory Commission On Intergovernmental Relations—13
Bills introduced—69, 82, 90, 104, 113, 246, 324
Committee appointments—1632, 1634
Memorial resolution offered—1632, 1634
Resolution offered—688
Subcommittee assignments—41, 42, 66, 92, 93, 142, 150, 171, 192, 221, 239, 318, 333, 394, 395, 444, 462, 578, 657, 759, 1240, 1771

REPORTS—
(See CHIEF CLERK, COMMUNICATIONS FROM and/or INDIVIDUAL HEADINGS)

RESIGNATIONS—
(See also OFFICERS AND EMPLOYEES)
Employees—19, 826
*****1992 Second Extraordinary Session*****
Representative Hatch—9
Representative Jay—10
Representative Svoboda—10-11
Representative Sherzan—11

RESOLUTIONS FILED—
Laid over under Rule 25:
House Concurrent Resolution 103—446
House Concurrent Resolution 108—207
House Concurrent Resolution 109—243
House Concurrent Resolution 110—243
House Concurrent Resolution 111—496
House Concurrent Resolution 113—412
House Concurrent Resolution 114—476
House Concurrent Resolution 116—476
House Concurrent Resolution 117—761
House Concurrent Resolution 118—1516
House Concurrent Resolution 119—1806
House Concurrent Resolution 120—1901
House Concurrent Resolution 121—1901
House Concurrent Resolution 122—2019

House Resolution 101—243
House Resolution 102—579
House Resolution 103—688
House Resolution 104—720
House Resolution 105—1205
House Resolution 106—1516
Senate Concurrent Resolution 102—241
Senate Concurrent Resolution 108—337
Senate Concurrent Resolution 109—447
Senate Concurrent Resolution 110—559
Senate Concurrent Resolution 112—559
Senate Concurrent Resolution 114—592
Senate Concurrent Resolution 115—878
Senate Concurrent Resolution 116—787
Senate Concurrent Resolution 117—1846
Senate Concurrent Resolution 118—1629
Senate Concurrent Resolution 121—2020
Senate Concurrent Resolution 124—2020
Referred to committees:
House Concurrent Resolution 103—63
House Concurrent Resolution 104—144
House Concurrent Resolution 105—161
House Concurrent Resolution 106—174
House Concurrent Resolution 107—207
House Concurrent Resolution 111—338
House Concurrent Resolution 112—384
House Concurrent Resolution 114—412
House Concurrent Resolution 115—438
House Concurrent Resolution 116—466
House Concurrent Resolution 117—558
Senate Concurrent Resolution 101—207
Senate Concurrent Resolution 102—192
Senate Concurrent Resolution 103—558
Senate Concurrent Resolution 108—243
Senate Concurrent Resolution 109—251
Senate Concurrent Resolution 115—559
Senate Concurrent Resolution 116—559
Senate Concurrent Resolution 117—1241
*****1992 Extraordinary Session*****
Laid over under Rule 25:
House Concurrent Resolution 124—5
House Concurrent Resolution 126—34
Referred to committees:
House Concurrent Resolution 125—34
Senate Concurrent Resolution 131—7

RETIRING MEMBERS AND LEADERS—
Presentation to—2021-2022

ROYER, WILLIAM D. (BILL)—Representative Fremont-Mills-Page Counties
Amendments filed—186, 762, 829, 928, 1748
Bills introduced—82, 104, 111, 113, 154, 210, 212, 228, 246, 400
Leave of absence—210, 227, 660, 726, 1160, 1262, 2116
Petitions presented—82, 146, 208, 209, 254, 322, 340, 479, 1160
Resolutions offered—412, 466, 688
Subcommittee assignments—42, 60, 72, 92, 171, 172, 203, 239, 303, 334, 380, 432, 433, 434, 472

RULES—
Motions to suspend:
House File 2341, H-5220—519
House File 2369, H-5273—625
House File 2440, H-5510—795
House File 2440, H-5506—801
House File 2440, H-5376—806
House File 2440, H-5373—810
House File 2452, H-5333—710
House File 2455, H-5411, as amended—863
House File 2455, H-5477—867
House File 2456, H-5625—950
House File 2459, H-5419—823
House File 2463, H-5525—920
House File 2466, H-5934—1567
House File 2486, H-6095—2057
Senate File 2061, H-5470, as amended—994
Senate File 2108, H-5184—912
Senate File 2116—257
Senate File 2116, H-5119—273
Senate File 2116, H-5099—279
Senate File 2116, H-5129—292
Senate File 2190, H-5565—1456
Senate File 2190, H-5562—1460
Senate File 2267, H-5558—981
Senate File 2267, H-5559—983
Senate File 2345, H-5669—1321
Senate File 2347, H-5752B—1343
Senate File 2348, H-5812—1231
Senate File 2348, H-5811—1234
Senate File 2351, H-5748—1135
Senate File 2351, H-5744—1138
Senate File 2351, H-5751—1150
Senate File 2355, H-5845—1277
Senate File 2355, H-5827—1279
Rule 31.8 (filing of amendments):
Senate File 2116—257
Lost:
House File 2341, H-5220—519
House File 2440, H-5510—795
House File 2440, H-5506—802
House File 2440, H-5376—807
House File 2440, H-5373—811

House File 2455, H-5477—867
House File 2456, H-5625—951
House File 2459, H-5419—824
House File 2463, H-5525—921
House File 2466, H-5934—1567
House File 2486, H-6095—2058
Senate File 2108, H-5184—913
Senate File 2116, H-5119—274
Senate File 2116, H-5099—280
Senate File 2116, H-5129—293
Senate File 2190, H-5565—1456
Senate File 2190, H-5562—1461
Senate File 2267, H-5558—981
Senate File 2267, H-5559—983
Senate File 2345, H-5669—1322
Senate File 2348, H-5812—1232
Senate File 2351, H-5748—1135
Senate File 2351, H-5751—1151
Senate File 2355, H-5827—1279
Prevailed:
House File 2369, H-5273—625
House File 2452, H-5333—710
House File 2455, H-5511, as amended—863
Senate File 2061, H-5470, as amended—995
Senate File 2116—257
Senate File 2347, H-5752B—1344
Senate File 2348, H-5811—1234
Senate File 2351, H-5744—1138
Senate File 2355, H-5845—1277
Rule 31.8 (filing of amendments):
Senate File 2116—257
Rules invoked:
Rule 32 (commitment of appropriation and revenue bills):
House File 2270—393
Rule 60 (withdrawal of bills from committee):
House Joint Resolution 5—1963
Rule 75 (duty of voting):
House File 2058, H-5297—651
House File 2058—651
House File 2206—378
House File 2219, H-5434—776
House File 2343, motion to reconsider—600
House File 2400, H-5360—682
House File 2439—757
House File 2440, H-5376—806
House File 2440, H-5373—810
House File 2446, H-6044—1861
House File 2446, H-6062, as amended—1863
House File 2446, H-6052—1911
House File 2446—1915
House File 2452—717, 2188

House File 2454, H-5997—1738
House File 2456, H-5580A—951
House File 2456—951
House File 2462, H-5497—1102
House File 2462, H-5508—1108
House File 2462—1114, 2114
House File 2466, H-5911—1556
House File 2466, H-5939—1559
House File 2466—1567
House File 2480, H-6015—1760
House File 2480—1761
House Joint Resolution 5—1964
Senate File 2116, H-5109—278
Senate File 2116, H-5122—285
Senate File 2218, H-5584—940
Senate File 2267—984
Senate File 2271—1482, 1580
Senate File 2290—1717
Senate File 2329—1850
Senate File 2351, H-5726—1131
Senate File 2351, H-5743A—1147
Senate File 2355, H-5844—1264
Senate File 2355, H-5819—1265
Senate File 2355—1892
Senate File 2360—1701
Senate File 2367, H-6002B—1729
Senate File 2378, H-6101A—2193
Senate File 2378—2205
Rules suspended:
House Concurrent Resolution 122—2023
House File 2133—105
House File 2387—894
House File 2456—882
House File 2464—894
House File 2465—890
House File 2465, H-5704—1216
House File 2474—1692
House File 2477—1648
House File 2478—1704
House File 2481—1709
House File 2483—1754
House File 2484—1764
House File 2485—1779
House File 2487—2013
House File 2488—2023
House File 2489—2117
House File 2490—2194
House Joint Resolution 2015—1839
House Resolution 107—2189
Senate Concurrent Resolution 103—1999
Senate Concurrent Resolution 117—1846
Senate File 506—1090

Senate File 2097—1091
Senate File 2238, H-5622—1675
Senate File 2298—1089
Senate File 2320—1502
Senate File 2345, H-5875—1323
Senate File 2348, H-5672—1218
Senate File 2348, H-5673—1235
Senate File 2351—1115
Senate File 2355—1248
Senate File 2356—1931
Senate File 2365—1797
Senate File 2366—1740
Senate File 2367—1727
Senate File 2371—2246
Senate File 2372—1793
Senate File 2373—2003
Senate File 2375—1917
Senate File 2378—2190
Senate Joint Resolution 2009—1897
Administration committee meeting—2034
Appropriations committee meeting—1986, 2164
Education committee meeting—2034
Ethics committee meeting—1248
Human Resources committee meeting—1993
Rules committee meeting—1893
Small Business, Economic Development and Trade committee meeting—1842
State Government committee meeting—1682, 2059
Ways and Means committee meeting—1910, 2164
Rule 31.8 (filing of amendments):
House File 2033, H-5163—391
House File 2133—105
House File 2437, H-5484—781
House File 2452—705
Senate File 2133, H-5637—961
Rule 57 (committee notice & agenda):
Committee meetings—13
Energy and Environmental Protection committee meeting—40, 59
Judiciary and Law Enforcement committee meeting—471, 1037, 1089
State Government committee meeting—59
Pursuant to Rule 31.7 (first reading, commitment and amendment):
House File 2210—475
House File 2324—498
Senate File 2116—242
Senate File 2298—827
Under provisions of Rule 76 (limitation on right to vote):
House File 2362—1036, 1483
House File 2465—2162
Senate File 446—975

*****1992 Extraordinary Session*****
Motion to suspend:
Senate File 2383, H-6129—27
Prevailed:
Senate File 2383, H-6129—27
Rules invoked:
Rule 75 (duty of voting):
Senate File 2383, motion to suspend rules—27
Rules suspended:
Appropriations committee meetings—4, 11, 12, 30
House File 2491—9
House File 2492—7
House Study Bill 745—4
House Study Bill 746—11
Senate Concurrent Resolution 131—14
Senate File 2383—19
Senate File 2384—13
Senate File 2385—16
Senate File 2388—31
Under provisions of Rule 76 (limitation on right to vote):
Senate File 2381—11, 33
Senate File 2388—32
*****1992 Second Extraordinary Session*****
Rules suspended:
Appropriations committee meeting—3

RULES, COMMITTEE ON—
Recommendations—1896-1897

SCHRADER, DAVID—Representative **Marion** County, Assistant Majority Floor Leader
Amendments filed—207, 226, 412, 413, 448, 477, 499, 689, 720, 789, 1181, 1269, 1708
Amendments offered—419, 504, 513, 843, 909, 1850
Bills introduced—69, 103, 111, 154, 163, 164, 176, 211, 316, 779, 812
Committee appointments—1497, 2257
Escorted to the front of the Speaker's station and presented to the House Betsy Brandl, queen of the 1992 Pella Tulip Festival—1336
Presided at sessions of the House—314, 391, 939, 1175, 1556, 1667, 1752, 1754, 2120
Report—2060-2090
Ruling made—1754
Subcommittee assignments—54, 171, 172, 233, 248, 395, 411, 462, 759
*****1992 Extraordinary Session*****
Resolution offered—5

SEATS—
Assignment of seats in press gallery—41

SECRETARY OF STATE, Elaine Baxter—
House Joint Resolutions sent to—461, 1769, 2253

SEVENTY-FOURTH GENERAL ASSEMBLY—
(See GENERAL ASSEMBLY-HOUSE)

SHEARER, MARK S.—Representative Des Moines-**Louisa**-Washington Counties
Amendments filed—226, 413, 499, 580, 632, 659, 1056, 1137, 1158, 1186, 1333, 1334, 1655, 1664, 1821-1824, 1824, 1901
Amendments offered—672, 678, 889, 1186, 1663, 1664, 1821, 1824, 1904
Amendments withdrawn—1186, 1824, 1904
Bills introduced—25, 45, 69, 89, 90, 97, 164, 166, 195, 316, 324, 369, 400
Committee appointments—1633, 2257
Leave of absence—593, 742, 1709
Memorial resolution offered—1632
Petitions presented—110, 387, 468, 1517
Presentation of visitors—525
Presented plaques to members who are retiring or are candidates for the Senate—2021-2022
Presided at sessions of the House—520
Reports—16-19, 628, 825-826
Resolution offered—438
Subcommittee assignments—107, 158, 171, 359, 379, 433, 434, 557, 786
*****1992 Extraordinary Session*****
Resolution offered—5

SHERZAN, GARY—Representative **Polk** County
Amendments filed—338, 384, 560, 658, 964, 977-978, 1055, 1205, 1555, 1587, 1929-1930, 2202
Amendments offered—977, 1218, 1220, 2202
Amendment withdrawn—1500
Appointed to replace Representative Dan Jay on the State Government Committee—1298
Bills introduced—25, 45, 154, 316, 400
Committee appointments—1298, 1627
Leave of absence—1631
Presided at sessions of the House—374, 584, 1131, 1384
Replaced on the State Government Committee by reappointment of Representative Jay—1706
Report—2165-2187
Resolution offered—558
Subcommittee assignments—54, 60, 79, 87, 159, 191, 233, 379, 686, 687, 719, 739, 758, 786
*****1992 Extraordinary Session*****
Resolution offered—5
*****1992 Second Extraordinary Session*****
Resignation of—11

SHONING, DON—Representative **Woodbury** County
Amendments filed—762, 763, 829, 1333
Bills introduced—37, 69-70, 82, 90, 96, 97-98, 104, 113, 316
Committee appointment—1665
Leave of absence—44, 197, 208, 561, 593, 634, 726, 753, 814, 838, 880, 1038, 1087, 1115, 1728, 1986
Petition presented—1749
Subcommittee assignments—41, 42, 66, 67, 72, 142, 221, 239, 240, 318, 394, 433, 657, 740, 785, 1722-1723

SHOULTZ, DON—Representative **Black Hawk** County
Amendments filed—289, 300, 477, 499, 526, 560, 580, 592, 659, 790, 830, 879, 928, 1205, 1284, 1334, 1490-1493, 1575, 1594-1596, 1655, 1919, 1922-1929
Amendments offered—300, 505, 572, 754, 1043, 1326, 1343, 1364, 1575, 1721, 1722, 1922
Amendments withdrawn—601, 1671, 1922
Bills introduced—4, 25, 45, 69-70, 103, 111, 113, 166, 209, 316
Committee appointment—1497
Leave of absence—1087
Report—2060-2090
Resolutions offered—1806
Subcommittee assignments—54, 87, 92, 149, 171, 221, 248, 333, 433, 434, 472, 557, 631, 687

*****1992 Extraordinary Session*****

Resolution offered—5

SIEGRIST, BRENT—Representative **Pottawattamie** County, Assistant Minority Floor Leader
Amendments filed—144, 152, 193, 385, 413, 500, 560, 658, 659, 689, 762, 763, 790, 829, 830, 879, 928, 1772
Amendments offered—518, 707, 711, 794, 802, 923, 1106, 1196, 1237, 1793
Amendment withdrawn—793
Bills introduced—70, 82, 104, 112, 113, 212, 237, 324, 369
Committee appointments—1627, 2035
Petition presented—660
Report—1702-1703
Resolutions offered—207, 558, 688
Subcommittee assignments—54, 72, 73, 149, 150, 170, 171, 203, 233, 248, 249, 379, 380, 631, 874, 1771

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TRADE, COMMITTEE ON—
Amendment filed—898
Amendment offered—1050
Bills introduced—406, 502, 528
Recommendations—397, 476, 498-499, 876, 898, 1846
Subcommittee assignments—192, 432, 433, 461, 657, 687, 786

SPEAKER OF THE HOUSE—Robert C. Arnould, Representative **Scott** County
Addressed the House—8-12, 2249-2251
Announcement—1202
Appointed to the International Relations Committee—141
Appointments announced:
Advisory Council On Telecommunication Infrastructure—85
Healthy Iowans Consortium—85
International Relations Committee—141, 248
Iowa Comprehensive Health Insurance Association—78
State Human Investment Policy Council (SHIP)—85
Bill passed on file—512
Bills rereferred to committees—107, 308, 416
Bills signed by—190, 408, 461, 472, 523, 739, 785, 1092, 1154, 1202, 1280, 1298, 1331, 1470, 1584-1585, 1628, 1652, 1707, 1746, 1768-1769, 1806, 1834, 1898, 1978, 2253
Committees appointed by—26, 46, 926
Communication received—2256

Conference committees appointed—332, 825, 1318, 1497, 1575, 1627, 1628, 1844, 1849, 2035, 2052, 2119, 2164
Final adjournment—2258
Final adjournment, 1992 Second Session of the Seventy-fourth General Assembly, HCR 123—2247 adopted
Invited to the Speaker's station for a special presentation and presented with a plaque in appreciation of service and dedication to the House—2022
Memorial committees appointed—1632, 1633, 1634, 1635
Presentation of visitors—19, 34, 394, 432, 461, 557, 591, 874, 895, 963, 985-986, 1054, 1092-1093, 1155, 1204, 1240, 1283, 1299, 1332, 1471-1472, 1585, 1747, 1770-1771, 1806, 1900-1901, 1919, 1979, 2019
Presented to House Pages certificates of excellence for serving with with honor and distinction—440, 1475
Presented to the House three Asia Foundation Legislative Fellows who will be working in the legislature this session—148-149
Presided at sessions of the House—1, 26, 34, 36, 44, 46, 53, 57, 64, 69, 76, 82, 89, 96, 98, 102, 105, 110, 146, 163, 166, 175, 187, 194, 197, 208, 210, 227, 231, 235, 238, 244, 247, 253, 257, 287, 306, 322, 329, 330, 331, 339, 364, 377, 386, 391, 398, 414, 422, 439, 444, 468, 479, 487, 501, 512, 527, 545, 548, 561, 569, 581, 589, 593, 600, 610, 615, 634, 641, 660, 667, 669, 690, 697, 702, 704, 711, 717, 718, 722, 724, 742, 744, 753, 764, 778, 782, 784, 791, 802, 813, 814, 823, 831, 838, 866, 880, 892, 894, 900, 909, 930, 935, 940, 951, 962, 966, 985, 988, 1017, 1034, 1037, 1052, 1058, 1064, 1069, 1090, 1094, 1105, 1113, 1131, 1153, 1160, 1169, 1175, 1179, 1184, 1197, 1207, 1212, 1214, 1217, 1219, 1239, 1242, 1247, 1265, 1266, 1270, 1276, 1285, 1291, 1297, 1301, 1314, 1319, 1325, 1335, 1342, 1367, 1382, 1427, 1468, 1474, 1484, 1486, 1495, 1496, 1502, 1517, 1518, 1556, 1557, 1562, 1567, 1588, 1594, 1631, 1638, 1640, 1646, 1648, 1650, 1656, 1673, 1683, 1692, 1694, 1709, 1718, 1725, 1726, 1738, 1749, 1752, 1756, 1768, 1773, 1808, 1809, 1827, 1838, 1842, 1845, 1848, 1864, 1893, 1903, 1912, 1914, 1918, 1920, 1932, 1946, 1947, 1960, 1962, 1964, 1981, 1986, 1992, 1993, 1998, 1999, 2003, 2006, 2021, 2025, 2033, 2034, 2036, 2037, 2051, 2059, 2115, 2116, 2120, 2163, 2164, 2190, 2203, 2206, 2224, 2244, 2248
Remarks by—8-12, 2249-2251
Resolution relating to:
House Concurrent Resolution 101—4-5 adopted
Rulings made—273, 277, 279, 281, 282, 284, 292, 393, 519, 625, 701, 710, 711, 712, 795, 801, 806, 810, 836, 854, 912, 917, 994, 1135, 1136, 1137, 1138, 1149, 1153, 1186, 1198, 1218, 1231, 1234, 1235, 1265, 1279, 1321, 1323, 1343, 1365, 1389, 1456, 1459, 1460, 1567, 1603, 1605, 1606, 1649, 1675, 1992, 2036
Special presentation to House Pages—440, 1475
Standing committee appointed—1298

*****1992 Extraordinary Session*****

Communication from governor—1-2
Final adjournment—34
Final adjournment, 1992 Extraordinary Session of the Seventy-fourth General Assembly, Senate Concurrent Resolution 132—33 adopted
Presided at sessions of the House—1, 3, 4, 6, 10, 12, 15, 17, 18, 29, 30, 32
Proclamation re the Extraordinary Session—1-2
Resolution offered—5
Ruling made—27

*****1992 Second Extraordinary Session*****
Final adjournment—9
Communication from governor—1
Proclamation re the Second Extraordinary Session—1-2
Presided at sessions of the House—1, 3, 4, 7
Resignation of Representative Hatch—9

SPEAKER PRO TEMPORE, John H. Connors—Representative **Polk** County
(See CONNORS, JOHN H.—Representative **Polk** County, Speaker Pro Tempore)

SPEAR, CLAY R.—Representative **Des Moines**-Lee Counties
Amendments filed—101, 161, 162, 174, 192, 193, 207, 225, 226, 234, 243, 251, 252, 357, 363, 397, 412, 448, 499, 516, 555, 559, 560, 579, 580, 592, 632, 689, 709, 721, 741, 761, 763, 789, 879, 928, 964, 1057, 1182, 1340, 1473, 1737-1738, 1754, 2020, 2199-2200
Amendments offered—182, 352, 375, 376, 512, 513, 516, 517, 532, 550, 555, 577, 605, 606, 653, 694, 695, 709, 737, 752, 765, 774, 870, 871, 905, 1182, 1456, 1671, 1715, 1737, 2199
Amendments withdrawn—314, 375, 402, 516, 517, 577, 609, 695, 1182, 1183, 1715
Bills introduced—2, 24, 45, 76, 77, 83, 97, 112, 175, 255
Leave of absence—414, 439, 449
Petition presented—227
Subcommittee assignments—150, 171, 185, 221, 239, 318, 333, 334, 433
*****1992 Extraordinary Session*****
Amendment filed—34

SPECIAL COMMITTEES—
(See COMMITTEES, SPECIAL)

SPECIAL PRESENTATION—
Representative Groninga presented to the House Alison Ewing, Iowa's Young Woman of the Year—46
Representative Connors presented to the House sixteen guests from St. Petersburg and Moscow, Russia—46
Speaker Arnould presented to the House three Asia Foundation Fellows who will be working in the legislature this session—148-149
Representatives Haverland, Harbor, Chapman and Hanson of Black Hawk escorted to the Speaker's station and introduced the People's Deputies of the Russian Federation in Moscow—364
Representative Bisignano presented to the House Lisa Somodi, Miss Iowa—377
Representative Gruhn presented to the House parents and very honored special students, winners of "Write Women Back Into History" essay contest—414
Representative Hansen of Woodbury presented Alexis Fishbaugh, first place winner, essay on Ida Rubin—415
Representative Weidman presented Kathie Trede, second place winner, essay on Clara Burton—415
Representative Gruhn (for Representative Blanshan) presented Elley Schaffer, third place winner, essay on Patty Duke—415
Representative Krebsbach presented Lynne Petefish, first place winner, essay on Norma Jaeger—415
Representative Gruhn presented Jennifer Neises, second place winner, essay on Louisa May Alcott—415

Representative Halvorson of Webster presented Lindsey Reed, third place winner, essay on Jane Burleson—415
Representative Rafferty presented Kyle Thomas, winner of the Edith Sackett Memorial Award, essay on his great grandma Bert—415
House Pages—440, 1475
Representative Baker presented to the House the Lithuanian delegation—501
Representative Daggett presented to the House members of the Iowa High School Rodeo Association—536-537
Representative Fogarty presented to the House Patrick J. Sheehan from Goleen County Cork, Ireland, member of the Irish Parliament—637
Representative Fogarty also introduced Joyce Stowell, Queen of the St. Patrick's celebration in Emmetsburg—637
Representatives Weidman & Hammond escorted to the front of the Speaker's station and presented to the House Tom Sutherland & his wife Jean—1069
Representative Connors escorted to the front of the Speaker's station and presented Makoto Koshiishi, Yamanaski Prefectural Representative in Iowa—1303
Representative Schrader escorted to the front of the Speaker's station and presented to the House Betsy Brandl, queen of the 1992 Pella Tulip Festival—1336
Representative Black presented to the House the Honorable Robert Anderson, Executive Director, Iowa Peace Institute—1553
Representative Baker presented to the House visitors from Africa who are in the United States on an African Peace Tour—1931
To Retiring Members and Leaders—2021-2022

SPENNER, GREGORY A.—Representative Des Moines-Henry Counties
Amendments filed—186, 297-298, 500, 658, 689, 761, 762, 763, 829, 1183, 1222-1231, 1263-1264, 1334, 1340, 1473, 1655, 1754, 2020, 2198
Amendments offered—783, 1222, 1263, 1340, 1754, 2023, 2198
Amendments withdrawn—1340, 2017
Bills introduced—37, 69, 69-70, 82, 90, 96, 104, 113, 211, 228, 324
Committee appointments—1627, 1633
Petitions presented—102, 110, 111, 153, 187, 208, 307, 340, 634, 1335
Requested to be added as a sponsor of House File 2030 and House File 2038—53
Requested to be added as a sponsor of House File 2025—40
Resolution offered—688
Subcommittee assignments—41, 42, 92, 172, 203, 248, 379, 394, 686, 759, 786

SPONSORS—
Added:
House File 2021—Representative Bartz—40
House File 2025—Representative Spenner—40
House File 2025—Representative Halvorson of Webster—53
House File 2025—Representative Nielsen—65
House File 2025—Representative Hibbard—91
House File 2030—Representative Spenner—53
House File 2031—Representative Halvorson of Webster—53
House File 2038—Representatives Johnson & Spenner—53
House File 2043—Representative Bartz—53
House File 2044—Representative Bartz—53
House File 2059—Representative Gill—91
House File 2060—Representative Bartz—71
House File 2062—Representative Bartz—71

House File 2238—Representative Nielsen—303
House File 2253—Representative Svoboda—238
House File 2455, H-5477—Representative Bartz—825
House Joint Resolution 2010—Representative Nielsen—332
Withdrawn:
House File 2116—Representative Fogarty—149
House File 2321—Representative Hammond—394

STANDING COMMITTEES—
Appointed to—926, 1298, 1706

STATE APPEAL BOARD
(Richard D. Johnson, Chairman)
Claims approved—118-140
Claims disapproved—114-118, 409
Communications from, stating claims filed with—114-118, 409

STATE GOVERNMENT, COMMITTEE ON—
Amendments filed—384, 467, 477, 632, 878, 879, 1300, 1708
Amendments offered—594, 883, 941, 990, 1001, 1038, 1061, 1309, 1518, 2117
Appointed—926, 1298, 1706
Bills introduced—58, 91, 105, 212, 324, 341, 470, 471, 480, 491, 502, 529, 547
Recommendations—56, 94-95, 109, 174, 225, 304-305, 383-384, 437, 465-466, 476, 499, 526, 632, 876-877, 898, 1299, 1691-1692, 2116-2117
Subcommittee assignments—41, 42, 72, 73, 92, 142, 149, 150, 171, 172, 192, 221, 239, 318, 333, 359, 394, 395, 411, 444, 494, 657, 686, 739, 740, 758, 759, 826, 986, 1240, 1901, 2116

STATE OF THE STATE AND BUDGET MESSAGES—
Delivered by Governor Terry E. Branstad—27-33
Resolution relating to, HCR 101—4-5, adopted & msgd., 25-26

STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM BOARD OF TRUSTEES—
*****1992 Second Extraordinary Session*****
Appointment to—7

STUDY BILL COMMITTEE ASSIGNMENTS—
Agriculture—43, 81, 94, 151, 185, 204, 205, 222, 223, 319, 381, 411, 657
Commerce—62, 81, 93, 94, 143, 223, 336
Education—23, 34, 35, 63, 68, 108, 143, 160, 161, 223, 303, 319, 381, 395, 411, 435
Energy and Environmental Protection—34, 43, 62, 68, 74, 80, 88, 94, 143, 160, 161, 205, 240, 241, 411, 412, 445
Human Resources—62, 63, 143, 144, 151, 205, 223, 319, 320, 335, 336, 411, 445
Judiciary and Law Enforcement—55, 61, 74, 94, 99, 173, 205, 304, 318, 319, 320, 335, 336, 360, 361, 381, 435, 445, 463, 472
Labor and Industrial Relations—43, 61, 62, 81, 88, 100, 108, 143, 173, 192, 205, 223, 241, 411
Local Government—23, 43, 100, 160, 192, 205, 320, 336, 381, 411, 435, 963
Natural Resources and Outdoor Recreation—87, 99, 151, 205, 206
Small Business, Economic Development and Trade—160, 206, 222, 223, 320, 395
State Government—22, 34, 55, 62, 68, 74, 88, 99, 100, 108, 151, 160, 223, 234, 320, 336, 361, 445, 472

Transportation—23, 80, 88, 151, 240, 319
Ways and Means—68, 335, 495, 826, 827, 875, 964, 986, 1093, 1157, 1241, 1283, 1472, 1585, 1629
*****1992 Extraordinary Session*****
Ways and Means—3, 4, 11

STUDY BILL SUBCOMMITTEE—
Assignments—23, 35, 43, 55, 60-61, 67, 73-74, 80, 87, 93, 99, 108, 142-143, 150-151, 159-160, 172, 192, 204, 221-222, 233-234, 240, 249-250, 303, 334-335, 359-360, 380-381, 395, 434-435, 444-445, 462, 472, 494, 525, 874-875, 895, 986, 1054, 1204, 1283, 1333, 1516, 1628, 1654

STUDY COMMITTEES—
(See also LEGISLATIVE COUNCIL)
Resolution relating to:
House Concurrent Resolution 105—161

SUBCOMMITTEE ASSIGNMENTS—41-42, 53-54, 60, 66-67, 72-73, 79, 87, 92-93, 99, 107-108, 142, 149-150, 158-159, 170-172, 185, 191-192, 203-204, 221, 233, 239-240, 248-249, 303, 318, 333-334, 359, 379-380, 394-395, 411, 432, 444, 461-462, 472, 525, 557, 578-579, 591, 631, 656-657, 686-687, 718-719, 739-740, 758-759, 785-787, 826, 874, 895, 986, 1157, 1240, 1333, 1472, 1515, 1585, 1771, 1901, 1916, 2116, 2190
Reassigned—42, 54, 60, 66, 72, 73, 79, 93, 142, 149, 191, 333, 379, 432, 494, 557, 591, 657, 739, 786, 874, 1628

SUPREME COURT OF IOWA—
(Chief Justice Arthur A. McGiverin)
Delivered the Condition of the Judicial Departments' Message—48-52
Resolution relating to, HCR 102—5 adopted, 26

SVOBODA, E. JANE—Representative Black Hawk-Marshall-**Tama** Counties
Amendments filed—243, 706-707, 789, 830, 929, 964, 987, 1056, 1057, 1136-1137, 1137, 1158, 1184, 1272, 1340, 1341, 1587, 1630, 1859, 2052-2057
Amendments offered—706, 845, 854, 1136, 1184, 1185, 1859, 2052
Amendments withdrawn—822, 1183, 1185, 1200
Appointed to the Renewable Fuel Advisory Committee—13
Bills introduced—3, 25, 37, 45, 59, 69, 70, 83, 90, 104, 154, 155, 163, 176, 246, 316
Committee appointment—46
Leave of absence—24, 36, 1207
Petitions presented—57, 153, 194, 228, 322, 501, 764, 1160
Presided at sessions of the House—1992
Report—47
Requested to be added as a sponsor of House File 2253—338
Resolution offered—438
Subcommittee assignments—42, 87, 204, 248, 249, 395, 786
*****1992 Second Extraordinary Session*****
Resignation of—10-11

TEAFORD, JANE—Representative **Black Hawk** County
Amendments filed—466, 478, 499, 763, 928, 1132, 1241, 1587
Amendments offered—489, 490, 767, 1271, 1689
Bills introduced—25, 45, 58, 69, 103, 154, 166, 316, 369, 812
Committee appointment—1627
Leave of absence—378, 1588

Petition presented—153
Presided at sessions of the House—1857, 1914
Reports—1768, 1799-1804
Resolutions offered—558, 1806
Ruling made—1860
Subcommittee assignments—41, 42, 60, 72, 87, 92, 142, 150, 158, 192, 203, 204, 221, 239, 248, 318, 333, 394, 432, 444, 579, 656, 657, 718, 739, 786, 874, 1240, 1472, 1901
*****1992 Extraordinary Session*****
Resolution offered—5

TRANSPORTATION, COMMITTEE ON—
Amendments filed—788, 878, 879
Amendments offered—955, 993, 1599, 1687
Bills introduced—83, 111, 112, 212, 307, 341, 387, 388, 400, 406, 423, 469, 470, 481, 490
Recommendations—75, 109, 225, 251, 320-321, 384, 437-438, 466, 788, 877-878
Subcommittee assignments—42, 60, 72, 73, 107, 142, 203, 233, 248, 318, 379, 411, 686, 687, 758, 759, 786

TYRRELL, PHIL—Representative **Iowa**-Poweshiek Counties
Amendments filed—63, 68, 186, 226, 338, 526, 632, 741, 762, 763, 790, 829, 879, 1057, 1748
Amendments offered—354, 980, 981
Amendments withdrawn—550, 1563
Bills introduced—37, 44, 45, 65, 69, 82, 90, 104, 113, 228, 246, 316, 370, 406
Committee appointments—1844, 2164
Petitions presented—76, 82, 89, 227, 235, 245, 340, 341, 386
Presented to the House Danko, Plevnik, a columnist with Slobodna Dalmacija, a newspaper in Karlovac, Croatia—1747
Report—2224-2244
Resolution offered—688
Subcommittee assignments—41, 87, 92, 171, 221, 318, 333, 395, 986

UNANIMOUS CONSENT—
Daily debate calendar—302

UNANIMOUS CONSENT TO VOTE—
*****1992 Extraordinary Session*****
Senate File 2384, Halvorson of Webster—15

UNFINISHED BUSINESS CALENDAR—
839, 841, 873, 881, 882, 883, 891, 894, 993, 1000, 1018, 1044, 1045, 1046, 1049, 1053, 1061, 1062, 1063, 1064, 1065, 1066, 1068, 1089, 1090, 1091, 1092, 1314, 1317

VAN MAANEN, HAROLD G.—Representative Keokuk-**Mahaska**-Wapello Counties, Minority Floor Leader
Amendments filed—560, 720, 762, 763, 829, 1629
Amendment offered—1660
Announced appointment to the Advisory Council On Telecommunication Infrastructure—85
Bills introduced—2, 104, 113, 165, 211, 246, 415, 925, 1517
Interim committee appointments announced—85
Invited to the Speaker's station for a special presentation and presented with plaque in appreciation of his service and dedication to the House—2022
Leave of absence—2116

Petitions presented—96, 153, 245, 341
Presented to the House Pages certificate of excellence for serving with honor and distinction—440, 1475
Remarks by—7-8, 2249
Resolutions offered—4-5, 5, 688, 2247
Special presentation to House Pages—440, 1475
*****1992 Extraordinary Session*****
Resolution offered—34
*****1992 Second Extraordinary Session*****
Resolution offered—6

VISITORS—
Presentation of—19, 34, 185, 221, 394, 432, 461, 525, 557, 578, 591, 656, 686, 718, 758, 874, 895, 963, 985-986, 1054, 1092-1093, 1155, 1204, 1240, 1283, 1299, 1332, 1471-1472, 1515, 1585, 1708, 1747, 1770-1771, 1806, 1900-1901, 1919, 1979, 2019

VOTES (Roll Call)—
Non-record—98, 168, 182, 257, 295, 297, 352, 376, 378, 421, 424, 459, 487, 569, 573, 585, 586, 588, 600, 608, 615, 625, 646, 648, 654, 669, 678, 695, 699, 702, 704, 709, 716, 744, 753, 770, 781, 782, 814, 821, 835, 838, 856, 863, 864, 867, 887, 892, 905, 909, 939, 940, 951, 961, 994, 1017, 1034, 1035, 1037, 1089, 1108, 1115, 1129, 1130, 1135, 1138, 1149, 1153, 1175, 1179, 1185, 1186, 1196, 1200, 1201, 1214, 1234, 1277, 1296, 1297, 1319, 1320, 1324, 1341, 1342, 1343, 1344, 1367, 1384, 1386, 1456, 1486, 1496, 1502, 1513, 1556, 1558, 1560, 1563, 1567, 1580, 1606, 1640, 1648, 1652, 1671, 1683, 1699, 1717, 1718, 1726, 1738, 1752, 1756, 1757, 1758, 1762, 1778, 1793, 1794, 1809, 1827, 1832, 1841, 1848, 1850, 1858, 1863, 1864, 1892, 1896, 1912, 1914, 1915, 1918, 1983, 1986, 1992, 1993, 2005, 2021, 2025, 2035, 2050, 2051, 2059, 2114, 2116, 2120, 2165, 2187, 2201, 2202
Record—273, 275, 278, 279, 285, 286, 287, 289, 292, 298, 299, 300, 329, 510, 519, 650, 677, 682, 705, 708, 710, 713, 715, 774, 776, 795, 801, 806, 810, 823, 857, 912, 918, 920, 947, 950, 981, 1042, 1088, 1102, 1103, 1104, 1106, 1107, 1109, 1111, 1112, 1128, 1131, 1132, 1147, 1150, 1180, 1181, 1183, 1194, 1195, 1199, 1213, 1221, 1231, 1233, 1237, 1262, 1264, 1265, 1268, 1270, 1279, 1315, 1316, 1317, 1321, 1338, 1342, 1461, 1468, 1481, 1509, 1511, 1555, 1559, 1561, 1607, 1608, 1675, 1729, 1758, 1760, 1780, 1861, 1911, 1961, 1964, 2005, 2057, 2193, 2199
*****1992 Extraordinary Session*****
Change of vote—15
Non-record—3, 6, 15, 18, 27
Record—27

WALLACE TECHNOLOGY TRANSFER FOUNDATION—
Appointment to—14

WAYS AND MEANS, COMMITTEE ON—
Amendments filed—258-268, 761, 1055, 1472
Amendments offered—258, 832, 1172, 1644, 2190
Bills introduced—369, 480, 547, 660, 840, 988, 1058, 1115, 1319, 1588, 1640, 1646, 1725, 1757, 1768
Recommendations—256, 362, 477, 558, 592, 761, 878, 986, 1055, 1158, 1300, 1472, 1586, 1629, 1654-1655, 1747-1748, 1771-1772, 1916-1917, 2190
Subcommittee assignments—66, 67, 92, 93, 149, 150, 333, 379, 461, 462, 525, 578, 579, 718, 719, 874, 1157, 1333, 1472, 1515, 1771, 1916, 2190
*****1992 Extraordinary Session*****
Bills introduced—4, 12
Recommendations—5, 34

WEIDMAN, DICK—Representative **Cass**-Harrison-Pottawattamie-Shelby Counties
Amendments filed—186, 500, 689, 763, 729, 928, 1057, 1748, 1929-1930
Bills introduced—82, 90, 104, 113, 228-229
Committee appointment—1635
Escorted to the front of the Speaker's station and presented to the House Tom Sutherland and his wife Jean—1069
Leave of absence—660
Memorial resolution offered—1634
Petitions presented—110, 146, 147, 163, 175, 208, 235, 236, 237, 254, 339, 1160
Presented to the House Kathie Trede, second place winner, essay on Clara Bartow—415
Resolution offered—688
Subcommittee assignments—42, 248, 318, 334, 433, 786

WISE, PHILIP L.—Representative **Lee**-Van Buren Counties
Amendments filed—289, 290-291, 466, 633, 659, 688, 720, 741, 761, 1056, 1272, 1579, 1655, 2004-2005
Amendments offered—290, 417, 700, 723, 1073, 1075, 1085, 1087, 1110, 1579, 1738, 2003, 2004
Amendment withdrawn—289
Bills introduced—4, 25, 37, 90, 164, 165, 175, 212, 316, 434
Committee appointments—1318, 1497, 1627, 1828, 1849, 2119
Petitions presented—227, 228, 323, 791
Presided at sessions of the House—918, 1262, 1638, 1650, 1992, 2050, 2244
Reports—1702-1703, 1806, 1864-1866, 1932-1945, 1986-1991, 2091-2114, 2123-2145
Resolution offered—558
Rulings made—918, 920, 924
Subcommittee assignments—158, 192, 333, 379, 631, 1333
*****1992 Extraordinary Session*****
Presided at sessions of the House—17

WISSING, MATTHEW—Representative **Scott** County
Amendments filed—251, 592, 632, 633, 647, 658, 712-713, 987, 1205, 1587
Amendments offered—309, 310, 709, 712, 1066, 1100, 1238, 1453, 1457
Appointed to the Commission of Elder Affairs—13
Bills introduced—38, 64, 111, 316, 324, 369
Leave of absence—660
Petition presented—323
Resolutions offered—144, 438
Subcommittee assignments—54, 60, 79, 87, 108, 171, 172, 203, 204, 233, 303, 334, 359, 433, 434, 631, 657, 686, 687, 718, 739, 786, 826
*****1992 Extraordinary Session*****
Resolution offered—5

WORKER' COMPENSATION SECOND INJURY FUND TASK FORCE—
Appointment to—14