

State of Iowa

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**1986**

**REGULAR SESSION  
SEVENTY-FIRST  
GENERAL ASSEMBLY**

**Convened January 13, 1986**

**Adjourned May 2, 1986**

**Volume II**

**May 2**

**ROBERT T. ANDERSON, President of the Senate  
DONALD D. AVENSON, Speaker of the House**

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# JOURNAL OF THE SENATE

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ONE HUNDRED TENTH CALENDAR DAY  
SEVENTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Friday, May 2, 1986

The Senate met in regular session at 8:00 a.m., Senator Coleman presiding.

Prayer was offered by the Honorable Jim Lind, member of the Senate from Black Hawk County, Waterloo, Iowa.

The Journal of Thursday, May 1, 1986, was approved.

## QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 27 present, 23 absent and a quorum present.

## CONSIDERATION OF BILL (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2483.

### House File 2483

On motion of Senator Carr, House File 2483, a bill for an act relating to administration and benefits for public retirement systems in this state and making an appropriation, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Carr offered amendment S—5939 filed by the committee on State Government on May 1, 1986, to pages 1, 2, 5, 6 and 11 through 17 of the bill and moved its adoption.

Amendment S—5939 was adopted by a voice vote.

Senator Dieleman withdrew amendment S—5914 filed by him on April 30, 1986, to page 10 of the bill.

Senator Nystrom asked and received unanimous consent to withdraw amendment S—5899 filed by Senator Holden on April 30, 1986, to page 12 of the bill.

Senator Nystrom withdrew amendment S—5941 filed by him on May 1, 1986, to page 17 of the bill.

Senator Hultman offered amendment S—5942 filed by him from the floor to page 17 of the bill and moved its adoption.

Amendment S—5942 was adopted by a voice vote.

Senator Carr moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2483) the vote was:

Ayes, 40:

Boswell	Bruner	Carr	Colton
Corning	Deluhery	Dieleman	Drake
Fraise	Gettings	Goodwin	Gratias
Gronstal	Hall	Hannon	Hester
Holt	Horn	Hultman	Husak
Hutchins	Jensen	Lind	Mann
Miller, A.V.	Murphy	Nystrom	Peterson
Priebe	Rife	Riordan	Ritsema
Schwengels	Small	Taylor	Tieden
Vande Hoef	Waldstein	Wells	Welsh

Nays, 1:

Gentleman

Voting present, 2:

Coleman	Doyle
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Absent or not voting, 7:

Brown	Holden	Kinley	Miller, C.P.
Palmer	Readinger	Soorholtz	

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

**CONSIDERATION OF BILL**  
(Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2481.

**House File 2481**

On motion of Senator Lind, House File 2481, a bill for an act relating to the size of a board of review for property tax assessments, with report of committee recommending passage, was taken up for consideration.

Senator Lind moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2481) the vote was:

Ayes, 34:

Boswell	Bruner	Carr	Coleman
Colton	Corning	Deluhery	Dieleman
Drake	Gentleman	Gettings	Goodwin
Gratias	Gronstal	Hall	Hester
Holt	Horn	Hultman	Husak
Hutchins	Jensen	Mann	Miller, A.V.
Murphy	Nystrom	Rife	Ritsema
Schwengels	Small	Taylor	Tieden
Vande Hoef	Welsh		

Nays, 8:

Doyle	Fraise	Hannon	Peterson
Priebe	Riordan	Waldstein	Wells

Voting present, 1:

Lind

Absent or not voting, 7:

Brown	Holden	Kinley	Miller, C.P.
Palmer	Readinger	Soorholtz	

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

Senator Hutchins asked and received unanimous consent that **House File 2481** be **immediately messaged** to the House.

UNFINISHED BUSINESS  
(Deferred April 3, 1986)

**House File 2065**

The Senate resumed consideration of House File 2065, a bill for an act relating to nonsubstantive Code corrections, deferred on April 3, 1986.

The Chair ruled amendment S—5781 filed by Senator Bruner on April 29, 1986, to page 16 of the bill, out of order under Joint Rule 11.

Senator Doyle moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2065) the vote was:

Ayes, 44:

Boswell	Bruner	Carr	Coleman
Colton	Corning	Deluhery	Dieleman
Doyle	Drake	Fraise	Gentleman
Gettings	Goodwin	Gratias	Gronstal
Hall	Hannon	Hester	Holt
Horn	Hultman	Husak	Hutchins
Jensen	Kinley	Lind	Mann
Miller, A.V.	Murphy	Nystrom	Peterson
Priebe	Rife	Riordan	Ritsema
Schwengels	Small	Taylor	Tieden
Vande Hoef	Waldstein	Wells	Welsh

Nays, none.

Absent or not voting, 6:

Brown	Holden	Miller, C.P.	Palmer
Readinger	Soorholtz		

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

### PAGES RECOGNITION

The Senate Pages appeared in the well of the Senate and President Anderson presented each Page with a Certificate of Excellence from the Senate in appreciation for his or her service during the 1986 session of the Seventy-first General Assembly.

### HOUSE AMENDMENT CONSIDERED (Deferred May 1, 1986)

#### **Senate File 97**

The Senate resumed consideration of Senate File 97, a bill for an act establishing the legal age for the purpose of laws relating to beer and alcoholic beverages at twenty-one years and House amendment S—5776 as amended, deferred on May 1, 1986.

Senator Mann called up the motion to reconsider the vote by which amendment S—5896 to House amendment S—5776 to Senate File 97 was adopted by the Senate on May 1, 1986, filed by him on May 1, 1986, found on page 1503 of the Senate Journal and moved its adoption.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 23, nays 20.

The motion prevailed and amendment S—5896 by Senator Ritsema to page 1 of House amendment S—5776, was taken up for reconsideration.

President Anderson took the chair at 9:10 a.m.

Senator Ritsema moved the adoption of amendment S—5896 to House amendment S—5776.

A record roll call was requested.

On the question "Shall amendment S—5896 to House amendment S—5776 be adopted?" (S.F. 97) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Boswell	Corning	Deluhery	Dieleman
Drake	Gentleman	Goodwin	Gratias
Hester	Holt	Hultman	Jensen
Kinley	Nystrom	Peterson	Ritsema
Schwengels	Small	Taylor	Tieden
Vande Hoef	Waldstein		

Nays, 24:

Bruner	Carr	Coleman	Colton
Doyle	Fraise	Gettings	Gronstal
Hall	Hannon	Horn	Husak
Hutchins	Lind	Mann	Miller, A. V.
Murphy	Palmer	Priebe	Readinger
Rife	Riordan	Wells	Welsh

Absent or not voting, 4:

Brown	Holden	Miller, C.P.	Soorholtz
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Amendment S—5896 lost.

Senator Mann withdrew amendment S—5918 filed by him on May 1, 1986, to page 1 of the bill.

Senator Mann moved that the Senate concur in the House amendment as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

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

On the question "Shall the bill pass?" (S.F. 97) the vote was:

Ayes, 37:

Boswell	Carr	Coleman	Colton
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Goodwin	Gronstal
Hannon	Hester	Holt	Horn
Hultman	Husak	Hutchins	Jensen
Kinley	Mann	Miller, A.V.	Miller, C.P.
Murphy	Nystrom	Palmer	Priebe
Readinger	Riordan	Schwengels	Small
Taylor	Tieden	Vande Hoef	Wells
Welsh			

Nays, 10:

Bruner	Gentleman	Gettings	Gratias
Hall	Lind	Peterson	Rife
Ritsema	Waldstein		

Absent or not voting, 3:

Brown	Holden	Soorholtz
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 97** and **House File 2065** be **immediately messaged** to the House.

### BILLS REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent to refer the following bills to committee:

**Senate Concurrent Resolution 126** from the Unfinished Business Calendar to the committee on **Appropriations**.

**House File 656** from the Unfinished Business Calendar to the committee on **Agriculture**.

**House File 2386** from the Unfinished Business Calendar to the committee on **Human Resources**.

**House File 2441** from the Unfinished Business Calendar to the committee on **State Government**.

**Senate File 2287** from the Regular Calendar to the committee on **State Government**.

**Senate File 2306** from the Ways and Means Calendar to the committee on **Ways and Means**.

**CONSIDERATION OF BILL**  
(Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2491.

**House File 2491**

On motion of Senator Boswell, House File 2491, a bill for an act relating to limiting the amount of taxes owed and excluding under certain conditions income or loss from certain transactions for purposes of determining the state individual income tax and providing a retroactive effective date, with report of committee recommending passage, was taken up for consideration.

Senator Dieleman offered amendment S—5938 filed by him on May 1, 1986, to page 2 of the bill and moved its adoption.

President pro tempore Wells took the chair at 9:45 a.m.

Amendment S—5938 was adopted by a voice vote.

Senator Boswell moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2491) the vote was:

Ayes, 44:

Boswell	Brown	Bruner	Carr
Coleman	Colton	Corning	Deluhery
Dieleman	Doyle	Fraise	Gentleman
Gettings	Goodwin	Gratias	Hall
Hannon	Hester	Holt	Horn
Husak	Hutchins	Jensen	Kinley
Lind	Mann	Miller, A.V.	Miller, C.P.

Murphy	Nystrom	Palmer	Peterson
Priebe	Readinger	Rife	Riordan
Ritsema	Schwengels	Small	Taylor
Vande Hoef	Waldstein	Wells	Welsh

Nays, none.

Absent or not voting, 6:

Drake	Gronstal	Holden	Hultman
Soorholtz	Tieden		

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

Senator Hutchins asked and received unanimous consent that **House File 2491** be **immediately messaged** to the House.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 30, 1986, adopted the following concurrent resolution in which the concurrence of the House was asked:

**Senate Concurrent Resolution 125**, a resolution honoring and congratulating Jennifer J. Demmon, an Iowan who won the 1986 American Legion National Oratorical Contest.

ALSO: That the House has on May 1, 1986, passed the following bill in which the concurrence of the Senate is asked:

**House File 2492**, a bill for an act relating to compensation for department directors and other public officials by specifying salary ranges, providing for compensation adjustments, and making corresponding amendments to the Code.

Read first time and assigned to the committee on **Appropriations**.

### ADOPTION OF RESOLUTION

Senator Hutchins asked and received unanimous consent to take up the following resolution:

1                   SENATE RESOLUTION 105  
 2           BY COMMITTEE ON RULES AND ADMINISTRATION  
 3 A Senate Resolution honoring Senator Joe Brown.  
 4   WHEREAS, Senator Joe Brown is retiring from  
 5 legislative office after completing two terms in  
 6 office as a state senator; and  
 7   WHEREAS, Senator Brown's service as chairperson of  
 8 the education committee is well recognized; and  
 9   WHEREAS, Senator Brown has served on many standing  
 10 committees and appropriations subcommittees throughout  
 11 his years of legislative service and has been a hard-  
 12 working legislator; and  
 13   WHEREAS, Senator Brown is also well known for his  
 14 sense of humor and entertaining personality; NOW  
 15 THEREFORE,  
 16 BE IT RESOLVED BY THE SENATE, That the senate pay  
 17 tribute to Senator Joe Brown for his service to the  
 18 Iowa General Assembly and the citizens of this state  
 19 and wish him the very best in the years ahead; and  
 20 BE IT FURTHER RESOLVED, That an official copy of  
 21 this resolution be prepared and presented to Senator  
 22 Joe Brown.

Senator Murphy moved the adoption of Senate Resolution 105, which motion prevailed by a voice vote.

The Senate rose and expressed its tribute to Senator Brown and he was presented an enrolled copy of Senate Resolution 105.

### HOUSE AMENDMENT CONSIDERED (Deferred April 29, 1986)

#### Senate File 2084

The Senate resumed consideration of Senate File 2084, a bill for an act prohibiting price discrimination in the sale or lease of motor vehicles by motor vehicle manufacturers, distributors, or wholesalers and providing for enforcement and penalties and House amendment S—5757 as amended, deferred on April 29, 1986.

Senator Colton took the chair at 10:10 a.m.

Senator Coleman called up the motion to reconsider the vote by which amendment S—5773 to House amendment S—5757 was adopted by the Senate on April 29, 1986, filed by him on April

29, 1986, found on page 1437 of the Senate Journal and moved its adoption.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2084) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Coleman	Corning	Dieleman	Doyle
Goodwin	Hall	Hester	Holt
Hutchins	Jensen	Lind	Miller, A.V.
Miller, C.P.	Nystrom	Peterson	Rife
Schwengels	Small	Taylor	Waldstein
Wells			

Nays, 24:

Boswell	Brown	Bruner	Carr
Colton	Deluhery	Drake	Fraise
Gentleman	Gettings	Gratias	Gronstal
Hannon	Horn	Kinley	Mann
Murphy	Palmer	Readinger	Ritsema
Soorholtz	Tieden	Vande Hoef	Welsh

Absent or not voting, 5:

Holden	Hultman	Husak	Priebe
Riordan			

The motion lost.

Senator Coleman moved that the Senate concur in the House amendment as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

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

On the question "Shall the bill pass?" (S.F. 2084) the vote was:

Ayes, 42:

Boswell	Brown	Bruner	Carr
Coleman	Colton	Corning	Deluhery
Dieleman	Doyle	Drake	Fraise
Gentleman	Gettings	Goodwin	Gratias
Gronstal	Hall	Hannon	Hester
Holt	Horn	Hutchins	Jensen
Kinley	Lind	Miller, A. V.	Miller, C. P.
Murphy	Nystrom	Palmer	Peterson
Readinger	Schwengels	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Waldstein
Wells	Welsh		

Nays, 2:

Rife	Ritsema
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Absent or not voting, 6:

Holden	Hultman	Husak	Mann
Priebe	Riordan		

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

Senator Hutchins asked and received unanimous consent that **Senate File 2084** be **immediately messaged** to the House.

## ADOPTION OF RESOLUTION

Senator Hutchins asked and received unanimous consent to take up the following resolution:

1                   SENATE RESOLUTION 110  
 2           BY COMMITTEE ON RULES AND ADMINISTRATON  
 3 A Senate Resolution honoring Senator Arthur L. Gratias.  
 4   WHEREAS, Senator Arthur "Art" Gratias is retiring  
 5 from legislative office after completing two terms in  
 6 office as a state senator; and  
 7   WHEREAS, Senator Gratias' service as both  
 8 chairperson and ranking member of the education  
 9 committee is well recognized; and  
 10   WHEREAS, Senator Gratias has served on many  
 11 standing committees and appropriations subcommittees  
 12 throughout his years of legislative service and has  
 13 been a devoted legislator; and  
 14   WHEREAS, Senator Gratias' expertise in education

15 and tax issues has earned him much respect; and  
16 WHEREAS, Senator Gratias is well known for his  
17 honesty and integrity; NOW THEREFORE,  
18 BE IT RESOLVED BY THE SENATE, That the senate pay  
19 tribute to Senator Arthur L. Gratias for his devoted  
20 service to the Iowa General Assembly and the citizens  
21 of this state and wish him the very best in the years  
22 ahead; and  
23 BE IT FURTHER RESOLVED, That an official copy of  
24 this resolution be prepared and presented to Senator  
25 Arthur Gratias.

President Anderson took the chair at 10:35 a.m.

Senator Jensen moved the adoption of Senate Resolution 110, which motion prevailed by a voice vote.

The Senate rose and expressed its tribute to Senator Gratias and he was presented with an enrolled copy of Senate Resolution 110.

### HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 1986, amended and passed the following bills in which the concurrence of the Senate is asked:

**Senate File 2296**, a bill for an act relating to the movement of vehicles of excessive size and weight (S—5943).

**Senate File 2304**, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants (S—5944).

### INTRODUCTION OF RESOLUTIONS

**Senate Concurrent Resolution 137**, by Kinley, a resolution relating to an interim study of the Codes of Ethics of the Senate and House of Representatives.

Read first time and assigned to the committee on **Rules and Administration**.

**Senate Concurrent Resolution 138**, by Hutchins and Murphy, a resolution calling for an interim study of school finance.

Read first time and assigned to the committee on **Rules and Administration**.

CONSIDERATION OF BILL  
(Appropriations Calendar)

**House File 2476**

On motion of Senator Small, House File 2476, a bill for an act relating to public financing of political campaigns and providing penalties, with report of committee on State Government recommending passage, was taken up for consideration (divisions S—5698B, S—5698C and S—5698D, pending on April 23, 1986).

Senator Hultman asked and received unanimous consent that action on divisions S—5698B, S—5698C and S—5698D be deferred.

Senator Taylor withdrew amendment S—5765 filed by him on April 28, 1986, to pages 1 through 6 of the bill.

Senator Gentleman offered amendment S—5766 filed by her on April 28, 1986, to page 1 of the bill.

Senator Hutchins asked and received unanimous consent that action on **House File 2476** be **deferred** (Amendment S—5766 pending).

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 1, 1986, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 2208**, a bill for an act providing that the geographic limitation on locations where a financial institution may establish an electronic funds-transfer satellite terminal does not apply to certain satellite terminals (S—5945).

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Wells presiding.

### RECESS

On motion of Senator Hutchins, the Senate recessed at 11:58 a.m., until 1:00 p.m.

## APPENDIX

### REPORT OF COMMITTEE MEETING

#### STATE GOVERNMENT

**Convened:** May 1, 1986, 7:57 p.m.

**Members Present:** Carr, Chair; Dieleman, Vice Chair; Nystrom, Ranking Member; Rife, Corning, Welsh, Mann, Drake, Schwengels, Horn, Gentleman and Bruner.

**Members Absent:** Coleman and C. Miller (excused).

**Committee Business:** Recommended passage of House File 2483 as amended.

**Adjourned:** 8:35 p.m.

#### COMMITTEE REPORTS

##### APPROPRIATIONS

**Final Bill Action:** HOUSE FILE 2489, a bill for an act relating to the issuance of bonds by the state conservation commission for the acquisition of real property for the development and enhancement of wildlife lands and habitat areas.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Welsh, Small, Tieden, Colton, Deluhery, Dieleman, Gettings, Gronstal, Holt, Horn, Husak, Lind, Murphy and Schwengels. Nays, 4: Gentleman, C. Miller, Readinger and Ritsema.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2492, a bill for an act relating to compensation for department directors and other public officials by specifying salary ranges, providing for compensation adjustments, and making corresponding amendments to the Code.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5954.

**Final Vote:** Ayes, 13: Welsh, Small, Tieden, Colton, Dieleman, Gettings, Gronstal, Horn, Husak, C. Miller, Murphy, Readinger and Schwengels. Nays, 5: Deluhery, Gentleman, Holt, Lind and Ritsema.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### AMENDMENTS FILED

S—5942	H.F.	2483	Calvin O. Hultman
S—5943	S.F.	2296	House
S—5944	S.F.	2304	House
S—5945	S.F.	2208	House
S—5946	S.F.	2208	Berl E. Priebe
S—5947	S.F.	2208	John A. Peterson
S—5948	S.F.	2208	John A. Peterson
S—5949	S.F.	2208	John A. Peterson
S—5950	H.F.	2492	Ray Taylor
S—5951	S.F.	2304	Charles Bruner
S—5952	H.F.	2492	Douglas Ritsema
S—5953	S.F.	2208	George R. Kinley
S—5954	H.F.	2492	Appropriations

## AFTERNOON SESSION

The Senate reconvened at 1:04 p.m., Senator Husak presiding.

## QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 32 present, 18 absent and a quorum present.

## ADOPTION OF RESOLUTION

Senator Hutchins asked and received unanimous consent to take up the following resolution:

1                   SENATE RESOLUTION 107  
2           BY COMMITTEE ON RULES AND ADMINISTRATION  
3 A Senate Resolution honoring Senator Milo Colton.  
4    WHEREAS, Senator Milo Colton is retiring from  
5 legislative office after completing one term in office  
6 as a state senator; and  
7    WHEREAS, Senator Colton's service as chairperson of  
8 the health and human rights appropriaticns  
9 subcommittee and as vice-chairperson of the energy and  
10 environment standing committee is well recognized; and  
11   WHEREAS, Senator Colton has been a concerned  
12 legislator; and  
13   WHEREAS, Senator Colton is well known for his wit;  
14 NOW THEREFORE,  
15   BE IT RESOLVED BY THE SENATE, That the senate pay  
16 tribute to Senator Milo Colton for his service to the  
17 Iowa General Assembly and the citizens of this state  
18 and wish him the very best in the years ahead; and  
19   BE IT FURTHER RESOLVED, That an official copy of  
20 this resolution be prepared and presented to Senator  
21 Milo Colton.

Senator Doyle moved the adoption of Senate Resolution 107, which motion prevailed by a voice vote.

The Senate rose and expressed its tribute to Senator Colton and he was presented with an enrolled copy of Senate Resolution 107.

## BILLS REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent to refer **Senate File 2289** from the Senate Files Amended by the House Calendar to the committee on **State Government** and **Senate Files 2293** and **2300** from the Ways and Means Calendar to the committee on **Ways and Means**.

## HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

### House File 2066

Senator Doyle called up for consideration House File 2066, a bill for an act relating to Code corrections which adjust and correct earlier omissions and inaccuracies, remove inconsistencies, and reflect current practices, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5937 to Senate amendment H—5822 filed May 1, 1986.

President Anderson took the chair at 1:35 p.m.

Senator Carr asked and received unanimous consent that action on the motion to concur in House amendment S—5937 and **House File 2066** be **deferred**.

## MOTION TO RECONSIDER ADOPTED

Senator Welsh called up the motion to reconsider House File 466 filed by him on April 1, 1986, found on page 941 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 466) the vote was:

Ayes, 39:

Boswell	Brown	Bruner	Carr
Coleman	Colton	Corning	Deluhery
Dieleman	Doyle	Drake	Gettings
Goodwin	Gratias	Gronstal	Hall
Hester	Holt	Horn	Hultman
Husak	Hutchins	Lind	Mann

Murphy	Palmer	Peterson	Priebe
Readinger	Rife	Riordan	Ritsema
Schwengels	Soorholtz	Taylor	Vande Hoef
Waldstein	Wells	Welsh	

Nays, none.

Absent or not voting, 11:

Fraise	Gentleman	Hannon	Holden
Jensen	Kinley	Miller, A.V.	Miller, C.P.
Nystrom	Small	Tieden	

The motion prevailed.

Senator Welsh moved to reconsider the vote by which House File 466 went to its last reading, which motion prevailed by a voice vote.

### House File 466

On motion of Senator Welsh, House File 466, a bill for an act to establish a program for the coordination of media services at the capitol complex in the Department of General Services, was taken up for reconsideration.

Senator Welsh asked and received unanimous consent that action on **House File 466** be deferred.

## HOUSE AMENDMENTS CONSIDERED

### Senate File 2304

Senator Bruner called up for consideration Senate File 2304, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants, amended by the House in House amendment S—5944 filed May 2, 1986.

Senator Bruner offered amendment S—5951 filed by him from the floor to page 1 of House amendment S—5944 and moved its adoption.

Amendment S—5951 was adopted by a voice vote.

Senator Bruner moved that the Senate concur in the House amendment as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

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

On the question "Shall the bill pass?" (S.F. 2304) the vote was:

Ayes, 44:

Brown	Bruner	Carr	Coleman
Colton	Corning	Deluhery	Dieleman
Doyle	Drake	Fraise	Gentleman
Gettings	Goodwin	Gratias	Gronstal
Hall	Hannon	Hester	Holt
Horn	Hultman	Husak	Hutchins
Jensen	Kinley	Lind	Mann
Murphy	Nystrom	Palmer	Peterson
Priebe	Readinger	Rife	Riordan
Ritsema	Schwengels	Small	Soorholtz
Taylor	Waldstein	Wells	Welsh

Nays, none.

Absent or not voting, 6:

Boswell	Holden	Miller, A.V.	Miller, C.P.
Tieden	Vande Hoef		

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

Senator Hutchins asked and received unanimous consent that **Senate File 2304** be **immediately messaged** to the House.

### Senate File 2291

Senator Welsh called up for consideration Senate File 2291, a bill for an act creating an Iowa economic development bond bank program within the Iowa finance authority to provide financing

for economic development and making an appropriation, amended by the House, and moved that the Senate concur in House amendment S—5934 filed May 1, 1986.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2291) the vote was:

Ayes, 36:

Brown	Bruner	Carr	Coleman
Colton	Corning	Deluhery	Dieleman
Doyle	Drake	Fraise	Gettings
Goodwin	Gratias	Gronstal	Hall
Hannon	Hester	Holt	Horn
Hultman	Husak	Hutchins	Kinley
Lind	Mann	Murphy	Nystrom
Palmer	Readinger	Schwengels	Small
Soorholtz	Taylor	Wells	Welsh

Nays, 8:

Gentleman	Jensen	Peterson	Priebe
Riordan	Ritsema	Vande Hoef	Waldstein

Absent or not voting, 6:

Boswell	Holden	Miller, A.V.	Miller, C.P.
Rife	Tieden		

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

### Senate File 2296

Senator Riordan called up for consideration Senate File 2296, a bill for an act relating to the movement of vehicles of excessive size and weight, amended by the House, and moved that the Senate concur in House amendment S—5943 filed May 2, 1986.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 2296) the vote was:

Ayes, 44:

Boswell	Brown	Bruner	Carr
Coleman	Colton	Corning	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Goodwin	Gratias	Gronstal
Hall	Hannon	Hester	Holt
Horn	Husak	Hutchins	Jensen
Kinley	Lind	Mann	Murphy
Nystrom	Palmer	Peterson	Priebe
Readinger	Rife	Riordan	Ritsema
Schwengels	Small	Soorholtz	Taylor
Tieden	Waldstein	Wells	Welsh

Nays, 1:

Gentleman

Absent or not voting, 5:

Holden	Hultman	Miller, A.V.	Miller, C.P.
Vande Hoef			

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

## BUSINESS PENDING

### House File 2476

The Senate resumed consideration of House File 2476 and amendment S—5766 by Senator Gentleman to page 1 of the bill, previously deferred.

Senator Gentleman moved the adoption of amendment S—5766, which motion prevailed by a voice vote.

Senator Waldstein offered amendment S—5739 filed by him on April 24, 1986, to pages 2, 3, and 5 of the bill and called for a division: lines 3 through 6 as division S—5739A and line 7 as division S—5739B.

Senator Waldstein moved the adoption of division S—5739A, which motion lost by a voice vote.

Senator Holt took the chair at 2:08 p.m.

Senator Waldstein moved the adoption of amendment S—5739B, which motion prevailed by a voice vote.

Senator Hutchins asked and received unanimous consent that action on **House File 2476** be **deferred**.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2208

Senator Deluhery called up for consideration Senate File 2208, a bill for an act providing that the geographic limitation on locations where a financial institution may establish an electronic funds-transfer satellite terminal does not apply to certain satellite terminals, amended by the House in House amendment S—5945 filed May 2, 1986.

Senator Peterson offered amendment S—5949 filed by him from the floor to page 1 of House amendment S—5945 and the title page of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5949 to House amendment S—5945 be adopted?” (S.F. 2208) the vote was:

Ayes, 15:

Corning	Goodwin	Hannon	Hester
Murphy	Peterson	Priebe	Rife
Riordan	Ritsema	Schwengels	Soorholtz
Tieden	Waldstein	Wells	

Nays, 29:

Boswell	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Fraise	Gentleman
Gettings	Gronstal	Hall	Holt
Horn	Hultman	Husak	Hutchins
Jensen	Kinley	Lind	Nystrom
Palmer	Readinger	Small	Taylor
Vande Hoef			

Absent or not voting, 6:

Gratias	Holden	Mann	Miller, A.V.
Miller, C.P.	Welsh		

Amendment S—5949 lost.

Senator Kinley offered amendment S—5953 filed by him from the floor to pages 1 through 5 and lines 9 through 24 of House amendment S—5945 and called for a division:

Division S—5953A: page 1, lines 4 and 19 through 22.

Division S—5953B: page 1, lines 5, 8 and 10.

Division S—5953C: page 1, lines 6 and 9.

Division S—5953D: page 1, lines 17 and 18.

Division S—5953E: page 1, lines 7, 44 and 50; page 2, lines 10, 11, 17 and 18.

Division S—5953F: page 1, line 11.

Division S—5953G: page 1, lines 12 and 13.

Division S—5953H: page 1, line 14.

Division S—5953I: page 1, lines 15 and 16.

Division S—5953J: page 1, lines 23 through 33.

Division S—5953K: page 1, line 34.

Division S—5953L: page 1, line 35.

Division S—5953M: page 1, lines 36 through 40.

Division S—5953N: page 1, line 41.

Division S—5953O: page 1, lines 42 and 43.

Division S—5953P: page 1, line 45.

Division S—5953Q: page 1, lines 46 and 47; page 2, lines 1 through 5.

Division S—5953R: page 1, line 48.

Division S—5953S: page 1, line 49.

Division S—5953T: page 2, line 6.

Division S—5953U: page 2, line 7.

Division S—5953V: page 2, lines 8 and 9.

Division S—5953W: page 2, lines 12 through 14 and line 16.

Division S—5953X: page 2, line 15.

Division S—5953Y: page 2, lines 19 and 20.

Senator Hutchins asked and received unanimous consent that action on **Senate File 2208** be **deferred** (divisions S—5953A through S—5953Y, pending).

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 1986, refused to concur in the Senate amendment to the House amendment in the following bill in which the concurrence of the House was asked:

**Senate File 97**, a bill for an act establishing the legal age for the purpose of laws relating to beer and alcoholic beverages at twenty-one years.

ALSO: That the House has on May 2, 1986, adopted the conference committee report and passed House File 2412, a bill for an act relating to the allocation of lottery funds and programs for which the funds may be used and providing an effective date.

ALSO: That the House has on May 2, 1986, passed the following bill in which the concurrence of the Senate is asked:

**House File 2493**, a bill for an act relating to criminal penalties arising from the operation of motor vehicles.

This bill was read first time and assigned to the committee on **Judiciary**.

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 139**, by Priebe, a resolution requesting an interim study committee to examine title problems caused by the transfer of mineral rights.

Read first time and assigned to the committee on **Rules and Administration**.

President Anderson took the chair at 2:55 p.m.

### SENATE INSISTS

#### **Senate File 97**

Senator Mann called up for consideration Senate File 97, a bill for an act establishing the legal age for the purpose of laws relating to beer and alcoholic beverages at twenty-one years, amended by the House, further amended by the Senate and moved that the Senate insists on its amendment.

A non record roll call was requested.

The ayes were 28, nays 17.

The motion prevailed and the Senate **insisted on** its amendment.

### CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 447)

A conference committee report signed by the following Senate and House members was filed May 2, 1986, on Senate File 447, a bill for an act to license operators of radiation emitting equipment:

## On the Part of the Senate:

BOB CARR, Chair  
 WILLIAM W. DIELEMAN  
 WALLY HORN  
 DOUGLAS RITSEMA  
 FORREST SCHWENGELS

## On the Part of the House:

GENE BLANSHAN, Chair  
 DALE COCHRAN  
 JANE TEAFORD  
 DARRELL HANSON  
 BOB RENKEN

## CONFERENCE COMMITTEE REPORT ADOPTED

**Senate File 447**

Senator Carr called up the conference committee report on Senate File 447, a bill for an act to license operators of radiation emitting equipment, filed May 2, 1986, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Carr moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 447) the vote was:

Ayes, 40:

Boswell	Bruner	Carr	Coleman
Colton	Corning	Deluhery	Dieleman
Doyle	Drake	Fraise	Gettings
Goodwin	Gratias	Gronstal	Hall
Hannon	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kinley
Lind	Mann	Miller, A.V.	Miller, C.P.
Murphy	Nystrom	Palmer	Priebe
Rife	Riordan	Ritsema	Schwengels
Small	Tieden	Wells	Welsh

Nays, 4:

Gentleman	Peterson	Taylor	Vande Hoef
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Absent or not voting, 6:

Brown	Holden	Holt	Readerger
Soorholtz	Waldstein		

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

### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 97** on the part of the Senate: Senators Doyle, Chair; Mann, Small, Ritsema and Drake.

### IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent to send an immediate message on **Senate Files 97** and **447** to the House.

### CONFERENCE COMMITTEE REPORT ADOPTED

#### House File 2412

Senator Bruner called up the conference committee report on House File 2412, a bill for an act relating to the allocation of lottery funds and programs for which the funds may be used and providing an effective date filed April 29, 1986, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Bruner moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2412) the vote was:

Ayes, 34:

Boswell	Bruner	Carr	Coleman
Colton	Corning	Deluhery	Dieleman
Doyle	Drake	Gentleman	Gettings
Gratias	Gronstal	Hall	Horn
Hultman	Husak	Hutchins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Murphy
Nystrom	Palmer	Priebe	Readinger
Riordan	Schwengels	Taylor	Tieden
Wells	Welsh		

Nays, 10:

Goodwin	Hester	Holt	Jensen
Lind	Peterson	Rife	Ritsema
Vande Hoef	Waldstein		

Absent or not voting, 6:

Brown	Fraise	Hannon	Holden
Small	Soorholtz		

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

### HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 1986, refused to concur in the Senate amendment in the following bill in which the concurrence of the House was asked:

**House File 2491**, a bill for an act relating to limiting the amount of taxes owed and excluding under certain conditions income or loss from certain transactions for purposes of determining the state individual income tax and providing a retroactive effective date.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2492.

#### **House File 2492**

On motion of Senator Welsh, House File 2492, a bill for an act relating to compensation for department directors and other public officials by specifying salary ranges, providing for compensation adjustments, and making corresponding amendments to the Code, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Welsh offered amendment S—5954 filed by the committee on Appropriations from the floor to pages 1 and 2 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 30, nays 9.

Amendment S—5954 was adopted.

Senator Ritsema offered amendment S—5952 filed by him from the floor to pages 2 and 3 of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5952 be adopted?” (H.F. 2492) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 30:

Boswell	Corning	Deluhery	Dieleman
Fraise	Gentleman	Goodwin	Gratias
Hall	Hannon	Hester	Holt
Hultman	Husak	Jensen	Lind
Miller, A. V.	Miller, C. P.	Peterson	Readinger
Rife	Riordan	Ritsema	Schwengels
Small	Soorholtz	Taylor	Tieden
Vande Hoef	Waldstein		

Nays, 18:

Bruner	Carr	Coleman	Colton
Doyle	Drake	Gettings	Gronstal
Horn	Hutchins	Kinley	Mann
Murphy	Nystrom	Palmer	Priebe
Wells	Welsh		

Absent or not voting, 2:

Brown	Holden
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Amendment S—5952 was adopted.

With the adoption of amendment S—5952, the Chair ruled the following amendments out of order:

S—5965 filed by Senator Gentleman from the floor to page 3 of the bill.

S—5955 filed by Senator Brown from the floor to page 2 of the bill.

Senator Taylor offered amendment S—5950 filed by him from the floor to page 3 of the bill.

Senator Husak raised the point of order that amendment S—5950 was not germane to the bill.

Senator Husak withdrew his point of order.

Senator Taylor moved the adoption of amendment S—5950.

A record roll call was requested.

On the question “Shall amendment S—5950 be adopted?” (H.F. 2492) the vote was:

Ayes, 21:

Boswell	Carr	Dieleman	Gentleman
Goodwin	Gratias	Hester	Holt
Horn	Hultman	Hutchins	Jensen
Lind	Murphy	Nystrom	Readinger
Schwengels	Soorholtz	Taylor	Tieden
Welsh			

Nays, 24:

Bruner	Coleman	Colton	Corning
Deluhery	Doyle	Fraise	Gettings
Gronstal	Hall	Hannon	Husak
Kinley	Mann	Miller, A.V.	Palmer
Peterson	Priebe	Riordan	Ritsema
Small	Vande Hoef	Waldstein	Wells

Absent or not voting, 5:

Brown	Drake	Holden	Miller, C.P.
Rife			

Amendment S—5950 lost.

Senator Carr offered amendment S—5964 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5964 was adopted by a voice vote.

Senator Small offered amendment S—5966 filed by him from the floor to page 3 of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5966 be adopted?” (H.F. 2492) the vote was:

Ayes, 17:

Bruner	Carr	Coleman	Colton
Doyle	Gettings	Gronstal	Horn
Hutchins	Mann	Miller, A.V.	Murphy
Nystrom	Schwengels	Small	Wells
Welsh			

Nays, 29:

Boswell	Corning	Deluhery	Dieleman
Drake	Fraise	Gentleman	Goodwin
Gratias	Hall	Hannon	Hester
Holt	Hultman	Husak	Jensen
Kinley	Lind	Palmer	Peterson
Priebe	Rife	Riordan	Ritsema
Soorholtz	Taylor	Tieden	Vande Hoef
Waldstein			

Absent or not voting, 4:

Brown	Holden	Miller, C.P.	Readinger
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Amendment S—5966 lost.

Senator Hutchins asked and received unanimous consent that action on **House File 2492** be **deferred**.

## SENATE RECEDES

### House File 2491

Senator Boswell called up for consideration House File 2491, a bill for an act relating to limiting the amount of taxes owed and excluding under certain conditions income or loss from certain transactions for purposes of determining the state individual income tax and providing a retroactive effective date, amended

by the Senate and moved that the Senate recedes from its amendment.

The motion prevailed by a voice vote and the Senate **receded from** its amendment.

Senator Boswell moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2491) the vote was:

Ayes, 44:

Boswell	Brown	Bruner	Carr
Coleman	Colton	Corning	Deluhery
Dieleman	Doyle	Drake	Fraise
Gentleman	Gettings	Goodwin	Gratias
Gronstal	Hall	Hannon	Hester
Holt	Horn	Husak	Hutchins
Jensen	Kinley	Lind	Mann
Miller, A.V.	Murphy	Nystrom	Palmer
Priebe	Rife	Riordan	Ritsema
Schwengels	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Wells	Welsh

Nays, 1:

Peterson

Absent or not voting, 5:

Holden	Hultman	Miller, C.P.	Readinger
Waldstein			

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

### ADOPTION OF RESOLUTION

Senator Hutchins asked and received unanimous consent to take up the following resolution:

- 1 SENATE RESOLUTION 109
- 2 BY COMMITTEE ON RULES AND ADMINISTRATION
- 3 A Senate Resolution honoring Senator Arne Waldstein.
- 4 WHEREAS, Senator Arne Waldstein is retiring from

5 legislative office after completing two terms in  
6 office as a state senator; and  
7 WHEREAS, Senator Waldstein's service as the  
8 chairperson of the social services appropriations  
9 subcommittee and as vice-chairperson and ranking  
10 member of the county government and local government  
11 committees is well recognized; and  
12 WHEREAS, Senator Waldstein has served on many  
13 standing committees and appropriations subcommittees  
14 throughout his years of legislative service and has  
15 been a devoted legislator; and  
16 WHEREAS, Senator Waldstein is well known for his  
17 knowledge in the agricultural area and for his fiscal  
18 responsibility; NOW THEREFORE,  
19 BE IT RESOLVED BY THE SENATE, That the senate pay  
20 tribute to Senator Arne Waldstein for his devoted  
21 service to the Iowa General Assembly and the citizens  
22 of this state and wish him the very best in the years  
23 ahead; and  
24 BE IT FURTHER RESOLVED, That an official copy of  
25 this resolution be prepared and presented to Senator  
26 Arne Waldstein.

Senator Hultman moved the adoption of Senate Resolution 109, which motion prevailed by a voice vote.

The Senate rose and expressed its tribute to Senator Waldstein and he was presented with an enrolled copy of Senate Resolution 109.

Senator Waldstein addressed the Senate with brief remarks.

### MOTION TO RECONSIDER WITHDRAWN

Senator Riordan withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which House File 2491 passed the Senate on May 2, 1986.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Anderson presiding.

**IMMEDIATELY MESSAGED**

Senator Hutchins asked and received unanimous consent that **House File 2483** be **immediately messaged** to the House.

**HOUSE MESSAGES RECEIVED**

The following messages were received from the Chief Clerk of the House:

**MR. PRESIDENT:** I am directed to inform your honorable body that the members of the **conference committee**, appointed May 2, 1986, on **Senate File 97**, a bill for an act establishing the legal age for the purpose of laws relating to beer and alcoholic beverages at twenty-one years, on the part of the House, are: The Representative from Appanoose, Mr. Jay, chair; the Representative from Webster, Mr. Halvorson, the Representative from Johnson, Mr. Varn, the Representative from Scott, Mr. Hermann, and the Representative from Scott, Mr. Van Camp.

**ALSO:** That the House has on May 2, 1986, concurred in the Senate amendment as amended and passed the following bill in which the concurrence of the Senate is asked:

**House File 2473**, a bill for an act relating to farm crisis relief, by providing for a legal assistance to farmers program, providing for the cure of a default, the appointment of a receiver, and the separate redemption of a homestead in relation to a foreclosure on agricultural land, providing a procedure for the waiver of homestead exemption, providing for the ownership of agricultural land by certain nonresident aliens, providing for a farm mediation program, designating a farm crisis program coordinator, and providing an effective date (S—5968 to H—2473).

**BUSINESS PENDING****House File 2492**

The Senate resumed consideration of House File 2492, a bill for an act relating to compensation for department directors and other public officials by specifying salary ranges, providing for compensation adjustments, and making corresponding amendments to the Code, previously deferred.

Senator Priebe offered amendment S—5967 filed by him from the floor to page 3 of the bill and moved its adoption.

Amendment S—5967 was adopted by a voice vote.

Senator Welsh moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2492) the vote was:

Ayes, 41:

Boswell	Brown	Bruner	Carr
Colton	Corning	Deluhery	Dieleman
Doyle	Drake	Gentleman	Gettings
Goodwin	Gratias	Hall	Hannon
Hester	Holt	Horn	Hultman
Hutchins	Jensen	Kinley	Lind
Mann	Miller, A.V.	Murphy	Palmer
Peterson	Priebe	Readinger	Rife
Ritsema	Schwengels	Small	Soorholtz
Tieden	Vande Hoef	Waldstein	Wells
Welsh			

Nays, 1:

Taylor

Absent or not voting, 8:

Coleman	Fraise	Gronstal	Holden
Husak	Miller, C.P.	Nystrom	Riordan

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

Senator Hutchins asked and received unanimous consent that **House File 2492** be **immediately messaged** to the House.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fraise for the remainder of the session on request of Senator Hutchins.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2489.

**House File 2489**

On motion of Senator Welsh, House File 2489, a bill for an act relating to the issuance of bonds by the state conservation commission for the acquisition of real property for the development and enhancement of wildlife lands and habitat areas, with report of committee recommending passage, was taken up for consideration.

Senator Schwengels offered amendment S—5956 filed by Senators Schwengels, et al., from the floor to page 1 of the bill and moved its adoption.

Amendment S—5956 was adopted by a voice vote.

Senator Welsh offered amendment S—5961 filed by him from the floor to pages 2, 4, 6 and 7 of the bill and moved its adoption.

Amendment S—5961 was adopted by a voice vote.

Senator Hester offered amendment S—5927 filed by Senators Hester, Tieden and Husak on May 1, 1986, to page 9 of the bill.

Senator Welsh raised the point of order that amendment S—5927 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5927 out of order.

Senator Welsh moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2489) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Boswell	Brown	Bruner	Carr
Coleman	Colton	Corning	Deluhery
Dieleman	Gettings	Gronstal	Hannon
Hester	Horn	Hultman	Husak
Hutchins	Mann	Miller, A.V.	Murphy
Nystrom	Priebe	Riordan	Schwengels
Small	Tieden	Wells	Welsh

Nays, 18:

Doyle	Drake	Gentleman	Goodwin
Gratias	Hall	Holt	Jensen
Kinley	Lind	Palmer	Peterson
Rife	Ritsema	Soorholtz	Taylor
Vande Hoef	Waldstein		

Absent or not voting, 4:

Fraise	Holden	Miller, C.P.	Readinger
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hutchins asked and received unanimous consent that **House File 2489** be **immediately messaged** to the House.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Readinger for the remainder of the session on request of Senator Hultman.

### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### **House File 2473**

Senator Husak called up for consideration House File 2473, a bill for an act relating to farm crisis relief, by providing for a legal assistance to farmers program, providing for the cure of a default, the appointment of a receiver, and the separate redemption of a homestead in relation to a foreclosure on agricultural land, providing a procedure for the waiver of

homestead exemption, providing for the ownership of agricultural land by certain nonresident aliens, providing for a farm mediation program, designating a farm crisis program coordinator, and providing an effective date, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5968 to Senate amendment H—6112 filed May 2, 1986.

A record roll call was requested.

On the question “Shall the motion to concur be adopted?” (H.F. 2473) the vote was:

Ayes, 29:

Coleman	Colton	Corning	Drake
Gentleman	Gettings	Goodwin	Gratias
Gronstal	Hall	Hannon	Hester
Holt	Horn	Hultman	Husak
Hutchins	Lind	Miller, A.V.	Nystrom
Ritsema	Schwengels	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Waldstein
Wells			

Nays, 16:

Boswell	Brown	Bruner	Carr
Deluhery	Dieleman	Doyle	Kinley
Mann	Murphy	Palmer	Peterson
Priebe	Rife	Riordan	Welsh

Absent or not voting, 5:

Fraise	Holden	Jensen	Miller, C.P.
Readinger			

The motion prevailed and the Senate concurred in the House amendment.

Senator Husak moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2473) the vote was:



11 WHEREAS, Senator Ritsema has served on many  
12 standing committees and appropriations subcommittees  
13 throughout his years of legislative service and has  
14 been a devoted legislator; and

15 WHEREAS, Senator Ritsema is highly respected for  
16 his extensive knowledge of parliamentary procedure;  
17 and

18 WHEREAS, Senator Ritsema is well known for his  
19 honesty, integrity, and attention to detail; NOW

20 THEREFORE,

21 BE IT RESOLVED BY THE SENATE, That the senate pay  
22 tribute to Senator Douglas Ritsema for his devoted  
23 service to the Iowa General Assembly and the citizens  
24 of this state and wish him the very best in the years  
25 ahead; and

26 BE IT FURTHER RESOLVED, That an official copy of  
27 this resolution be prepared and presented to Senator  
28 Douglas Ritsema.

Senator Holt moved the adoption of Senate Resolution 106, which motion prevailed by a voice vote.

The Senate rose and expressed its tribute to Senator Ritsema and he was presented with an enrolled copy of Senate Resolution 106.

Senator Ritsema address the Senate with brief remarks.

## INTRODUCTION OF RESOLUTIONS

**Senate Resolution 111**, by Committee on Rules and Administration, a resolution relating to daily operations of the Senate.

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

**Senate Resolution 112**, by Committee on Rules and Administration, a resolution to amend the permanent Rules of the Senate for the Seventy-first General Assembly.

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

## COMMITTEE REPORT

## RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 111, a resolution relating to daily operations of the Senate.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 4: Hutchins, Hultman, Gettings and Jensen. Nays, none. Absent or not voting, 2: Gronstal and Kinley.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 16.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 111.

**Senate Concurrent Resolution 111**

On motion of Senator Hultman, Senate Concurrent Resolution 111, a resolution relating to daily operations of the Senate, was taken up for consideration.

Senator Hultman moved the adoption of Senate Concurrent Resolution 111, which motion prevailed by a voice vote.

## PROOF OF PUBLICATION

Published copy of House File 2485 and verified proof of publication of said bill in the Davis County Republican, a newspaper published in Bloomfield, Iowa, on April 15, 1986, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in Senate.

## COMMITTEE REPORT

## JUDICIARY

**Final Bill Action:** HOUSE FILE 2485, a bill for an act to legalize the proceedings of the city council of Bloomfield, Iowa, to transfer certain moneys to the general fund of the city.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Doyle, Mann, Ritsema, Carr, Coleman, Deluhery, Dieleman, Gentleman, Hester, Holt, Horn, Small and Taylor. Nays, none. Absent or not voting, 1: Drake.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## CONSIDERATION OF BILL (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2485.

### House File 2485

On motion of Senator Dieleman, House File 2485, a bill for an act to legalize the proceedings of the city council of Bloomfield, Iowa, to transfer certain moneys to the general fund of the city, with report of committee recommending passage, was taken up for consideration.

Senator Dieleman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2485) the vote was:

Ayes, 45:

Boswell	Brown	Bruner	Carr
Coleman	Colton	Corning	Deluhery
Dieleman	Doyle	Drake	Gentleman
Gettings	Goodwin	Gratias	Gronstal
Hall	Hannon	Hester	Holt
Horn	Hultman	Husak	Hutchins
Jensen	Kinley	Lind	Mann
Miller, A.V.	Murphy	Nystrom	Palmer
Peterson	Priebe	Riordan	Ritsema
Schwengels	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Waldstein	Wells
Welsh			

Nays, none.

Absent or not voting, 5:

Fraise	Holden	Miller, C.P.	Readinger
Rife			

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

Senator Hutchins asked and received unanimous consent that **House File 2485** be **immediately messaged** to the House.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Anderson presiding.

#### COMMITTEE REPORT

##### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 112, a resolution to amend the permanent Rules of the Senate for the Seventy-first General Assembly.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 4: Hutchins, Hultman, Gettings and Jensen. Nays, none. Absent or not voting, 2: Kinley and Gronstal.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate Resolution 112.

##### Senate Resolution 112

On motion of Senator Hultman, Senate Resolution 112, a resolution to amend the permanent Rules of the Senate for the Seventy-first General Assembly, was taken up for consideration.

A non record roll call was requested.

The ayes were 43, nays none.

The resolution was adopted.

#### ADOPTION OF RESOLUTION

Senator Hutchins asked and received unanimous consent to take up the following resolution:

## 1                   SENATE RESOLUTION 108

## 2           BY COMMITTEE ON RULES AND ADMINISTRATION

3 A Senate Resolution honoring Senator Arthur A. Small, Jr.

4   WHEREAS, Senator Art Small is retiring from  
5 legislative office after completing two terms in  
6 office as a state senator and four terms as a member  
7 of the house of representatives; and8   WHEREAS, Senator Small's service as chairperson of  
9 the small business and economic development committee,  
10 the appropriations committee, and the claims  
11 appropriations subcommittee is well recognized; and12   WHEREAS, Senator Small has served on many standing  
13 committees and appropriations subcommittees throughout  
14 his years of legislative service and has been a  
15 devoted legislator; and16   WHEREAS, Senator Small is well known for his  
17 abilities as a thespian, displayed both within the  
18 Senate chamber and at other locations; and19   WHEREAS, Senator Small is also well known as the  
20 benefactor of many important causes, including the  
21 care of the late Mr. Ozzie Kincaid; NOW THEREFORE,22   BE IT RESOLVED BY THE SENATE, That the senate pay  
23 tribute to Senator Arthur A. Small, Jr. for his  
24 devoted service to the Iowa General Assembly and the  
25 citizens of this state and wish him the very best in  
26 the years ahead; and27   BE IT FURTHER RESOLVED, That an official copy of  
28 this resolution be prepared and presented to Senator  
29 Art Small.

Senator Hutchins moved the adoption of Senate Resolution 108, which motion prevailed by a voice vote.

The Senate rose and expressed its tribute to Senator Small and he was presented with an enrolled copy of Senate Resolution 108.

Senator Small address the Senate with brief remarks.

### HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 1986, adopted the second conference committee report and passed House File 665, a bill for an act relating to the operation of motorboats.

ALSO: That the House has on May 2, 1986, concurred in the Senate amendment as amended and passed the following bill in which the concurrence of the Senate is asked:

**House File 2484**, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government and making certain provisions retroactive (S—5971 to H—6103).

#### COMMITTEE REPORT

#### APPROPRIATIONS

**Final Bill Action:** HOUSE FILE 2490, a bill for an act to appropriate moneys to the department of justice for farm mediation services and the judicial department to fund a tort liability litigation study for the fiscal year beginning July 1, 1985 and ending June 30, 1986.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5970.

**Final Vote:** Ayes, 14: Welsh, Small, Tieden, Colton, Deluhery, Dieleman, Gentleman, Gettings, Gronstal, Holt, Horn, Husak, Lind and Schwengels. Nays, none. Absent or not voting, 4: C. Miller, Murphy, Readinger and Ritsema.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2490.

#### House File 2490

On motion of Senator Husak, House File 2490, a bill for an act to appropriate moneys to the department of justice for farm mediation services and the judicial department to fund a tort liability litigation study for the fiscal year beginning July 1, 1985 and ending June 30, 1986, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Husak offered amendment S—5970 filed by the committee on Appropriations from the floor to page 1 of the bill and moved its adoption.

Amendment S—5970 was adopted by a voice vote.

Senator Husak moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2490) the vote was:

Ayes, 39:

Boswell	Brown	Bruner	Carr
Colton	Corning	Deluhery	Dieleman
Doyle	Drake	Gettings	Goodwin
Gratias	Gronstal	Hall	Hannon
Hester	Holt	Horn	Husak
Hutchins	Jensen	Kinley	Lind
Miller, A.V.	Murphy	Nystrom	Palmer
Peterson	Priebe	Riordan	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Waldstein	Wells	Welsh	

Nays, 3:

Gentleman	Rife	Ritsema
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Absent or not voting, 8:

Coleman	Fraise	Holden	Hultman
Mann	Miller, C.P.	Readinger	Schwengels

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

Senator Hutchins asked and received unanimous consent that **House File 2490 be immediately messaged to the House.**

#### COMMITTEE REPORT

#### JUDICIARY

**Final Bill Action:** HOUSE FILE 2493, a bill for an act relating to criminal penalties arising from the operation of motor vehicles.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5969.

**Final Vote:** Ayes, 8: Doyle, Mann, Coleman, Deluhery, Drake, Holt, Horn and Small. Nays, 6: Ritsema, Carr, Dieleman, Gentleman, Hester and Taylor.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**CONSIDERATION OF BILL  
(Regular Calendar)**

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2493.

**House File 2493**

On motion of Senator Doyle, House File 2493, a bill for an act relating to criminal penalties arising from the operation of a motor vehicle, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Doyle offered amendment S—5969 filed by the committee on Judiciary from the floor to strike everything after the enacting clause of the bill.

Senator Lind asked and received unanimous consent that action on amendment S—5969 and **House File 2493** be **deferred**.

**HOUSE AMENDMENT TO  
SENATE AMENDMENT CONSIDERED**

**House File 2484**

Senator Welsh called up for consideration House File 2484, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government and making certain provisions retroactive, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5971 to Senate amendment H—6103 filed May 2, 1986.

A non record roll call was requested.

The ayes were 26, nays 19.

The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

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

On the question "Shall the bill pass?" (H.F. 2484) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Boswell	Brown	Bruner	Carr
Coleman	Deluhery	Gettings	Goodwin
Gratias	Gronstal	Hannon	Hester
Holt	Hultman	Husak	Hutchins
Mann	Miller, A.V.	Murphy	Nystrom
Priebe	Riordan	Small	Tieden
Waldstein	Wells	Welsh	

Nays, 19:

Colton	Corning	Dieleman	Doyle
Drake	Gentleman	Hall	Horn
Jensen	Kinley	Lind	Palmer
Peterson	Rife	Ritsema	Schwengels
Soorholtz	Taylor	Vande Hoef	

Absent or not voting, 4:

Fraise	Holden	Miller, C.P.	Readinger
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that House Files 2484 and 2412 be immediately messaged to the House.

## MOTION TO RECONSIDER WITHDRAWN

### **Senate File 2175**

Senator Hutchins withdrew the motion to reconsider Senate File 2175, a bill for an act relating to the organization and structure of state government, including the areas of education, personnel, management, natural resources, agriculture, cultural affairs, public services, corrections, public defense, public safety, general services, commerce, audits and appeals, economic development, labor, and transportation; altering the duties and powers of certain executive branch agencies and positions; establishing, altering, and repealing agencies in the legislative and judicial branches; making specified coordinating amendments to the Code; subjecting certain violators to certain penalties; abolishing and creating certain state agencies and repealing and modifying provisions of law relating to such agencies; and providing transition principles, directions, and procedures related to state government organization and structure, filed by him on April 24, 1986, and found on page 1368 of the Senate Journal.

Senator Hutchins asked and received unanimous consent that **Senate File 2175** be **immediately messaged** to the House.

## INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 141**, by Carr, a resolution relating to the bill of rights interim study committee duties.

Read first time and assigned to the committee on **Rules and Administration**.

## CONFERENCE COMMITTEE REPORT RECEIVED

(Senate Joint Resolution 1)

A conference committee report signed by the following Senate and House members was filed May 2, 1986, on Senate Joint Resolution 1, a resolution proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor:

On the Part of the Senate:

BILL HUTCHINS, Chair  
BOB CARR  
MICHAEL E. GRONSTAL  
CALVIN HULTMAN  
JOHN JENSEN

On the Part of the House:

JEAN LLOYD-JONES, Chair  
ROD HALVORSON  
HORACE DAGGETT  
DON SHONING

## CONFERENCE COMMITTEE REPORT ADOPTED

### Senate Joint Resolution 1

Senator Hutchins called up the conference committee report on Senate Joint Resolution 1, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor, filed May 2, 1986.

Senator Hutchins moved the adoption of the conference committee report.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Hutchins moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

Senate Joint Resolution 1, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor.

**BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:**

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

1. Section 2 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 2. The governor and the lieutenant governor shall be elected by the qualified electors at the time and place of voting for members of the general assembly. Each of them shall hold office for four years from the time of installation in office and until a successor is elected and qualifies.

2. Section 3 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 3. The electors shall designate their selections for governor and lieutenant governor as if these two offices were one and the same. The names of nominees for the governor and the lieutenant governor shall be grouped together in a set on the ballot according to which nominee for governor is seeking office with which nominee for lieutenant governor, as prescribed by law. An elector shall cast only one vote for both a nominee for governor and a nominee for lieutenant governor. The returns of every election for governor and lieutenant governor shall be sealed and transmitted to the seat of government of the state, and directed to the speaker of the house of representatives who shall open and publish them in the presence of both houses of the general assembly.

3. Section 4 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1952, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 4. The nominees for governor and lieutenant governor jointly having the highest number of votes cast for them shall be declared duly elected. If two or more sets of nominees for governor and lieutenant governor have an equal and the highest number of votes for the offices jointly, the general assembly shall by joint vote proceed, as soon as is possible, to elect one set of nominees for governor and lieutenant governor. If, upon the completion by the general assembly of the canvass of votes for governor and lieutenant governor, it appears that the nominee for governor in the set of nominees for governor and lieutenant governor receiving the highest number of votes has since died or resigned, is unable to qualify, fails to qualify, or is for any other reason unable to assume the duties of the office of governor for the ensuing term, the powers and duties shall devolve to the

nominee for lieutenant governor of the same set of nominees for governor and lieutenant governor, who shall assume the powers and duties of governor upon inauguration and until the disability is removed. If both nominees for governor and lieutenant governor are unable to assume the duties of the office of governor, the person next in succession shall act as governor.

4. Section 5 of Article IV of the Constitution of the State of Iowa is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 5. Contested elections for the offices of governor and lieutenant governor shall be determined by the general assembly as prescribed by law.

Sec. 2. The following amendment to the Constitution of the State of Iowa is proposed:

1. Section 15 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

SEC. 15. The official terms of the governor and lieutenant governor shall commence on the Tuesday after the second Monday of January next after their election and shall continue until their successors are elected and qualify. The governor and lieutenant governor shall be paid compensation and expenses as provided by law. The lieutenant governor, while acting as governor, shall be paid the compensation and expenses prescribed for the governor.

2. Section 18 of Article IV of the Constitution of the State of Iowa is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

SEC. 18. The lieutenant governor shall have the duties provided by law and those duties of the governor assigned to the lieutenant governor by the governor.

3. Section 19 of Article IV of the Constitution of the State of Iowa as amended by amendment number 2 of the amendments of 1952 is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

SEC. 19. If there be a vacancy in the office of the governor and the lieutenant governor shall by reason of death, impeachment, resignation, removal from office, or other disability become incapable of performing the duties pertaining to the office of governor, the president of the senate shall act as governor until the vacancy is filled or the disability removed; and if the president of the senate, for any of the above causes, shall be incapable of performing the duties pertaining to the office of governor the same shall devolve upon the speaker of the house of representatives; and if the speaker of the house of representatives, for any of the above causes, shall be incapable of performing the duties of the office of governor, the justices of the supreme court shall convene the general assembly by proclamation and the general assembly shall organize by the election of a president by the senate and a speaker by the house of representatives. The general assembly shall thereupon immediately proceed to the election of a governor and lieutenant governor in joint convention.

Sec. 3. The foregoing proposed amendments to the Constitution of the State of Iowa are referred to the general assembly to be chosen at the next general election for members of the general assembly and the secretary of state is directed to cause them to be published for three consecutive months before the date of that election as provided by law.

On the question "Shall the resolution be adopted?" (S.J.R. 1) the vote was:

Yeas, 37:

Boswell	Bruner	Carr	Coleman
Colton	Corning	Deluhery	Dieleman
Doyle	Drake	Gettings	Goodwin
Gratias	Gronstal	Hall	Hannon
Hester	Holt	Horn	Hultman
Husak	Hutchins	Jensen	Lind
Mann	Miller, A. V.	Murphy	Palmer
Peterson	Rife	Riordan	Ritsema
Schwengels	Small	Soorholtz	Wells
Welsh			

Nays, 7:

Gentleman	Nystrom	Priebe	Taylor
Tieden	Vande Hoef	Waldstein	

Voting present, 1:

Kinley

Absent or not voting, 5:

Brown  
Readinger

Fraise

Holden

Miller, C.P.

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

Senator Hutchins asked and received unanimous consent that **Senate Joint Resolution 1** be **immediately messaged** to the House.

## BUSINESS PENDING

### House File 2493

The Senate resumed consideration of House File 2493, a bill for an act relating to criminal penalties arising from the operation of a motor vehicle, and amendment S—5969 by the committee on Judiciary to strike everything after the enacting clause of the bill, previously deferred.

Senator Lind withdrew amendment S—5973 filed by him from the floor to page 20 of amendment S—5969.

Senator Ritsema raised the point of order that amendment S—5969 was not germane to the bill.

Senator Ritsema withdrew his point of order.

Senator Doyle moved the adoption of amendment S—5969, which motion prevailed by a voice vote.

With the adoption of amendment S—5969, the Chair ruled amendment S—5963 filed by Senator Lind from the floor to page 25 of the bill, out of order.

Senator Doyle moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2493) the vote was:

Ayes, 33:

Boswell	Bruner	Coleman	Colton
Deluhery	Dieleman	Doyle	Drake
Gettings	Goodwin	Gratias	Hester
Holt	Horn	Hultman	Husak
Hutchins	Jensen	Kinley	Mann
Miller, A.V.	Murphy	Nystrom	Palmer
Priebe	Riordan	Schwengels	Small
Soorholtz	Taylor	Waldstein	Wells
Welsh			

Nays, 12:

Carr	Corning	Gentleman	Gronstal
Hall	Hannon	Lind	Peterson
Rife	Ritsema	Tieden	Vande Hoef

Absent or not voting, 5:

Brown	Fraise	Holden	Miller, C.P.
Readinger			

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

Senator Hutchins asked and received unanimous consent that **House File 2493** be **immediately messaged** to the House.

President pro tempore Wells took the Chair at 8:45 p.m.

**SECOND CONFERENCE COMMITTEE  
REPORT RECEIVED  
(House File 665)**

A second conference committee report signed by the following Senate and House members was filed May 2, 1986, on House File 665, a bill for an act relating to the operation of motorboats:

On the Part of the Senate:

BERL E. PRIEBE, Chair  
EMIL J. HUSAK  
JAMES RIORDAN  
FORREST V. SCHWENGELS

On the Part of the House:

DENNIS BLACK, Chair  
MARVIN DIEMER  
MARK HAVERLAND  
DONALD PAULIN  
RICHARD VARN

**SECOND CONFERENCE COMMITTEE  
REPORT ADOPTED**

**House File 665**

Senator Priebe called up the second conference committee report on House File 665, a bill for an act relating to the operation of motorboats, filed May 2, 1986, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Priebe moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 665) the vote was:

Ayes, 35:

Boswell	Carr	Coleman	Colton
Corning	Deluhery	Dieleman	Doyle
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holt	Horn
Hultman	Husak	Hutchins	Jensen
Kinley	Miller, A.V.	Murphy	Palmer
Priebe	Rife	Riordan	Ritsema
Schwengels	Small	Soorholtz	Taylor
Vande Hoef	Wells	Welsh	

Nays, 9:

Bruner	Drake	Gentleman	Gratias
Lind	Mann	Nystrom	Peterson
Tieden			

Absent or not voting, 6:

Brown	Fraise	Holden	Miller, C.P.
Readinger	Waldstein		

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

**CONFERENCE COMMITTEE REPORT RECEIVED**  
(Senate File 97)

A conference committee report signed by the following Senate and House members was filed May 2, 1986, on Senate File 97, a bill for an act establishing the legal age for the purpose of laws relating to beer and alcoholic beverages at twenty-one years:

On the Part of the Senate:

DONALD V. DOYLE, Chair  
TOM MANN, JR.  
ARTHUR A. SMALL, JR.  
RICHARD F. DRAKE

On the Part of the House:

DANIEL J. JAY, Chair  
ROD HALVORSON  
RICHARD J. VARN  
DONALD F. HERMANN  
MIKE VAN CAMP

**CONFERENCE COMMITTEE REPORT ADOPTED**

**Senate File 97**

Senator Doyle called up the conference committee report on Senate File 97, a bill for an act establishing the legal age for the purpose of laws relating to beer and alcoholic beverages at twenty-one years, filed May 2, 1986, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Doyle moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 97) the vote was:

Ayes, 38:

Boswell	Carr	Coleman	Colton
Corning	Deluhery	Dieleman	Doyle
Drake	Gettings	Goodwin	Gratias
Gronstal	Hall	Hannon	Hester
Holt	Hultman	Husak	Hutchins
Jensen	Kinley	Lind	Mann
Miller, A.V.	Murphy	Nystrom	Palmer
Peterson	Priebe	Rife	Riordan

Schwengels  
TiedenSmall  
Wells

Soorholtz

Taylor

Nays, 4:

Bruner

Gentleman

Ritsema

Vande Hoef

Absent or not voting, 8:

Brown  
Miller, C.P.Fraise  
ReadingerHolden  
WaldsteinHorn  
Welsh

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

### IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 97** and **House File 665** be immediately messaged to the House.

### HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 1986, refused to concur in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

**Senate File 2084**, a bill for an act prohibiting price discrimination in the sale or lease of motor vehicles by motor vehicle manufacturers, distributors, or wholesalers and providing for enforcement and penalties.

### SENATE RECEDES

#### Senate File 2084

Senator Coleman called up for consideration Senate File 2084, a bill for an act prohibiting price discrimination in the sale or lease of motor vehicles by motor vehicle manufacturers, distributors, or wholesalers and providing for enforcement and penalties, amended by the House, further amended by the Senate and moved that the Senate insists on its amendment.

A non record roll call was requested.

The ayes were 15, nays 31.

The motion lost and the Senate **receded from** its amendment.

Senator Coleman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2084) the vote was:

Ayes, 34:

Boswell	Carr	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Gettings	Goodwin	Hall	Hester
Holt	Hultman	Husak	Hutchins
Jensen	Lind	Miller, A.V.	Miller, C.P.
Murphy	Nystrom	Peterson	Priebe
Rife	Riordan	Schwengels	Small
Taylor	Tieden	Vande Hoef	Waldstein
Wells	Welsh		

Nays, 9:

Bruner	Colton	Gentleman	Gronstal
Hannon	Horn	Kinley	Mann
Ritsema			

Absent or not voting, 7:

Brown	Fraise	Gratias	Holden
Palmer	Readinger	Soorholtz	

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

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 2, 1986, adopted the following concurrent resolutions in which the concurrence of the Senate is asked:

**House Concurrent Resolution 128**, a resolution relating to the Iowa General Assembly urging support of the Civil Rights Restoration Act of 1985.

This resolution was read first time and assigned to the committee on **Rules and Administration**.

**House Concurrent Resolution 132**, a resolution relating to teaching of global studies and conflict resolution in elementary and secondary schools.

This resolution was read first time and assigned to the committee on **Rules and Administration**.

ALSO: That the House on on May 2, 1986, concurred in the Senate amendments as amended and passed the following bills in which the concurrence of the Senate is asked:

**House File 2483**, a bill for an act relating to administration and benefits for public retirement systems in this state and making an appropriation (S—5972 to H—6139).

**House File 2490**, a bill for an act to appropriate moneys to the department of justice for farm mediation services and the judicial department to fund a tort liability litigation study for the fiscal year beginning July 1, 1985, and ending June 30, 1986 (S—5974 to H—6145).

HOUSE AMENDMENT TO  
SENATE AMENDMENT CONSIDERED

**House File 2483**

Senator Carr called up for consideration House File 2483, a bill for an act relating to administration and benefits for public retirement systems in this state and making an appropriation, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5972 to Senate amendment H—6139 filed May 2, 1986.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

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

On the question "Shall the bill pass?" (H.F. 2483) the vote was:

Ayes, 44:

Boswell	Bruner	Carr	Coleman
Colton	Corning	Deluhery	Dieleman
Doyle	Drake	Gentleman	Gettings
Goodwin	Gronstal	Hall	Hannon
Hester	Holt	Horn	Hultman
Husak	Hutchins	Jensen	Kinley
Lind	Mann	Miller, A.V.	Miller, C.P.
Murphy	Nystrom	Palmer	Peterson
Priebe	Rife	Riordan	Ritsema
Schwengels	Small	Soorholtz	Taylor
Tieden	Waldstein	Wells	Welsh

Nays, none.

Absent or not voting, 6:

Brown	Fraise	Gratias	Holden
Readinger	Vande Hoef		

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

Senator Hutchins asked and received unanimous consent that **House File 2483 be immediately messaged** to the House.

President Anderson took the chair at 9:15 p.m.

## BUSINESS PENDING

### House File 2066

The Senate resumed consideration of House File 2066, a bill for an act relating to Code corrections which adjust and correct earlier omissions and inaccuracies, remove inconsistencies, and reflect current practices, and the motion to concur by Senator Doyle in House amendment S—5937 to Senate amendment H—5822, previously deferred.

Senator Doyle renewed his motion to concur in House amendment S—5937 to Senate amendment H—5822.

A record roll call was requested.

On the question “Shall the motion to concur be adopted?” (H.F.2066) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 16:

Boswell	Bruner	Carr	Colton
Deluhery	Dieleman	Drake	Gettings
Gronstal	Hultman	Hutchins	Palmer
Schwengels	Small	Tieden	Welsh

Nays, 28:

Coleman	Corning	Doyle	Gentleman
Goodwin	Hall	Hannon	Hester
Holt	Horn	Husak	Jensen
Kinley	Lind	Mann	Miller, A. V.
Miller, C.P.	Murphy	Nystrom	Peterson
Priebe	Rife	Riordan	Ritsema
Soorholtz	Taylor	Waldstein	Wells

Absent or not voting, 6:

Brown	Fraise	Gratias	Holden
Readinger	Vande Hoef		

The motion lost and the Senate **refused to concur** in the House amendment to the Senate amendment.

Senator Murphy filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which the Senate refused to concur in House amendment S—5937 to Senate amendment H—5822 to House File 2066 on May 2, 1986.

A non record roll call was requested.

The ayes were 25, nays 17.

The motion prevailed.

Senator Doyle moved that the Senate concur in House amendment S—5937 to Senate amendment H—5822, which motion prevailed by a voice vote.

Senator Doyle moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2066) the vote was:

Ayes, 34:

Boswell	Bruner	Carr	Colton
Corning	Deluhery	Dieleman	Drake
Gentleman	Gettings	Goodwin	Gronstal
Hall	Hester	Holt	Horn
Hultman	Husak	Hutchins	Kinley
Lind	Miller, A.V.	Murphy	Nystrom
Palmer	Priebe	Rife	Riordan
Schwengels	Small	Soorholtz	Tieden
Wells	Welsh		

Nays, 9:

Coleman	Doyle	Hannon	Jensen
Mann	Peterson	Ritsema	Taylor
Waldstein			

Absent or not voting, 7:

Brown	Fraise	Gratias	Holden
Miller, C.P.	Readinger	Vande Hoef	

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

Senator Hutchins asked and received unanimous consent that **House File 2066** be **immediately messaged** to the House.

**HOUSE AMENDMENT TO  
SENATE AMENDMENT CONSIDERED**

**House File 2490**

Senator Husak called up for consideration House File 2490, a bill for an act to appropriate moneys to the department of justice for farm mediation services and the judicial department to fund a tort liability litigation study for the fiscal year beginning July 1, 1985, and ending June 30, 1986, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5974 to Senate amendment H—6145 filed May 2, 1986.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Husak moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2490) the vote was:

Ayes, 38:

Boswell	Bruner	Carr	Coleman
Colton	Corning	Deluhery	Dieleman
Doyle	Drake	Gettings	Goodwin
Gronstal	Hall	Hannon	Hester
Holt	Horn	Hultman	Husak
Hutchins	Kinley	Lind	Mann
Miller, A.V.	Murphy	Nystrom	Palmer
Priebe	Rife	Riordan	Schwengels
Small	Soorholtz	Taylor	Tieden
Wells	Welsh		

Nays, 5:

Gentleman	Jensen	Peterson	Ritsema
Waldstein			

Absent or not voting, 7:

Brown	Fraise	Gratias	Holden
Miller, C.P.	Readinger	Vande Hoef	

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

CONFERENCE COMMITTEE REPORT RECEIVED  
(House File 2454)  
(Failed to Reach Agreement)

A conference committee report signed by the following Senate and House members was filed May 2, 1986, on House File 2454, a bill for an act relating to a child in need of services, volunteer guardians ad litem, detention of juveniles for simple misdemeanors, detention of juveniles in adult detention facilities, and state reimbursement for certain juvenile justice costs, (the Senate and House conferees failed to reach an agreement):

On the Part of the Senate:

JOE WELSH, Chair  
WILLIAM W. DIELEMAN  
FORREST V. SCHWENGELS  
JAMES D. WELLS

On the Part of the House:

AL STURGEON, Chair  
THOMAS H. FEY  
SUE MULLINS  
RALPH ROSENBERG

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform you that the first conference committee on **House File 2454** was unable to reach an agreement and a second conference committee appointed. The **second conference committee**, appointed May 2, 1986, on House File 2454, a bill for an act relating to a child in need of services, volunteer guardians ad litem, detention of juveniles for simple misdemeanors, detention of juveniles in adult detention facilities, and state reimbursement for certain juvenile justice costs, and providing an effective date, and the members of the second conference committee, on the part of the House, are: The Representative from Woodbury, Mr. Sturgeon, chair; the Representative from Poweshiek, Mrs. Carl, the Representative from Polk, Mr. Connors, the Representative from Ida, Mr. Bennett, and the Representative from Scott, Mr. Hermann.

## APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the following second conference committee on **House File 2454** on the part of the Senate: Senators Welsh, Chair; Dieleman, Wells, Gentleman and Schwengels.

Senator Riordan took the chair at 10:00 p.m.

## LEADERSHIP RECOGNITION

Senators Coleman and Tieden escorted Lieutenant Governor Anderson to the rostrum and presented him with an engraved plaque on behalf of the members of the Senate in recognition of his service as President of the Senate during the Seventy-first General Assembly.

President Anderson addressed the Senate with brief remarks.

President Anderson took the chair at 10:07 p.m.

Senators Gronstal and Schwengels escorted President pro tempore Wells to the rostrum and presented him with an engraved plaque on behalf of the members of the Senate in recognition of his service as President pro tempore during the 1986 session of the Seventy-first General Assembly.

President pro tempore Wells addressed the Senate with brief remarks.

Senators Jensen and Small escorted Senator Hultman to the rostrum and presented him with an engraved plaque on behalf of the members of the Senate in recognition of his service as Senate Minority Leader during the Seventy-first General Assembly.

Senator Hultman addressed the Senate with brief remarks.

Senators Husak and Drake escorted Senator Hutchins to the rostrum and presented him with an engraved plaque on behalf of the members of the Senate in recognition of his service as Senate Majority Leader during the 1986 session of the Seventy-first General Assembly.

Senator Hutchins addressed the Senate with brief remarks.

The Senate stood at ease until the fall of the gavel

The Senate resumed session, Senator Hannon presiding.

### IMMEDIATELY MESSAGED

Senator Husak asked and received unanimous consent that **House File 2490** be immediately messaged to the House.

The Senate stood at ease until the fall of the gavel

The Senate resumed session, Senator Jensen presiding.

### QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 31 present, 19 absent and a quorum present.

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 140**, a concurrent resolution to provide for adjournment sine die.

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

### COMMITTEE REPORT

#### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 140, a bill for an act to provide for adjournment sine die.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 4: Hutchins, Gettings, Hultman and Jensen. Nays, none. Absent or not voting, 2: Kinley and Gronstal.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 140.

**Senate Concurrent Resolution 140**

On motion of Senator Hutchins, Senate Concurrent Resolution 140, a resolution to provide for adjournment sine die, was taken up for consideration.

Senator Hutchins moved the adoption of Senate Concurrent Resolution 140, which motion prevailed by a voice vote.

Senator Hutchins asked and received unanimous consent that **Senate Concurrent Resolution 140** be **immediately messaged** to the House.

## APPENDIX

### BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 2, 1986, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 2268 — Relating to the industrial loan thrift guaranty corporation of Iowa.

SENATE FILE 2283 — Relating to employer charges for benefits involving the transfer of a clearly segregable and identifiable part of a business or enterprise, relating to voluntary contributions by special zero-rated employers to meet the applicable percentage of excess requirement of the unemployment compensation contribution law, relating to contribution rates and schedules for special zero-rated employers, and establishing a special unemployment compensation rate for certain expanding employers.

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

One hundred thirty fifth grade students from Washington Elementary School, Red Oak, Iowa, accompanied by Bob Van Wyk. Senator Hultman.

Thirty-two sixth grade students from Boyden Elementary School, Boyden, Iowa, accompanied by Marcene Cox and Vince Huls. Senators Ritsema and Vande Hoef.

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

**Convened:** May 2, 1986, 11:11 a.m.

**Members Present:** Welsh, Chair; Small, Vice Chair; Tieden, Ranking Member; Colton, Deluhery, Dieleman, Gentleman, Gettings, Gronstal, Holt, Horn, Husak, Lind, C. Miller, Murphy, Readinger, Ritsema and Schwengels.

**Members Absent:** none.

**Committee Business:** Recommended passage of House File 2492 as amended and recommended passage of House File 2489.

**Adjourned:** 12:00 noon.

## **RULES AND ADMINISTRATION**

**Convened:** May 2, 1986, 4:30 p.m.

**Members Present:** Hutchins, Chair; Gettings, Vice Chair; Hultman, Ranking Member and Jensen.

**Members Absent:** Gronstal and Kinley.

**Committee Business:** Approved proposed resolutions.

**Adjourned:** 4:35 p.m.

## **MOTION TO RECONSIDER**

MR. PRESIDENT: I move to reconsider the vote by which division S—5698A to House File 2476 was adopted by the Senate on April 23, 1986.

ARTHUR A. SMALL, JR.

## **SECOND CONFERENCE COMMITTEE REPORT RECEIVED (House File 2454)**

A second conference committee report signed by the following Senate and House members was filed May 2, 1986, on House File 2454, a bill for an act relating to a child in need of services, volunteer guardians ad litem, detention of juveniles for simple misdemeanors, detention of juveniles in adult detention facilities, and state reimbursement for certain juvenile justice costs, and providing an effective date:

On the Part of the Senate:

JOE WELSH, Chair  
WILLIAM W. DIELEMAN  
FORREST V. SCHWENGELS  
JAMES D. WELLS

On the Part of the House:

AL STURGEON, Chair  
JANET CARL  
JOHN CONNORS  
DONALD HERMANN

## AMENDMENTS FILED

S—5955	H.F.	2492	Joe Brown
S—5956	H.F.	2489	Forrest V. Schwengels Julia Gentleman Dale L. Tieden Hurley W. Hall
S—5957	H.F.	2476	Calvin O. Hultman
S—5958	H.F.	2476	Calvin O. Hultman
S—5959	H.F.	2476	Calvin O. Hultman
S—5960	S.F.	2208	William D. Palmer Wally E. Horn Arthur A. Small, Jr.
S—5961	H.F.	2489	Joe Welsh
S—5962	S.F.	2208	Patrick J. Deluhery
S—5963	H.F.	2493	Jim Lind
S—5964	H.F.	2492	Bob Carr
S—5965	H.F.	2492	Julia Gentleman
S—5966	H.F.	2492	Arthur A. Small, Jr.
S—5967	H.F.	2473	Berl E. Priebe
S—5968	H.F.	2473	House
S—5969	H.F.	2493	Judiciary
S—5970	H.F.	2490	Appropriations
S—5971	H.F.	2484	House
S—5972	H.F.	2483	House
S—5973	H.F.	2493	Jim Lind
S—5974	H.F.	2490	House

On motion of Senator Hutchins, the Senate stood at ease at 11:20 p.m., until the fall of the gavel.

The Senate resumed session, President pro tempore Wells presiding.

## HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 28, 1986, passed the following joint resolution in which the concurrence of the House was asked:

**Senate Joint Resolution 2003**, a joint resolution to nullify an administrative rule on required permit application for certain feedlots.

ALSO: That the House has on May 1, 1986, adopted the conference committee report and passed Senate File 2052, a bill for an act relating to contributions by judges to the judicial retirement fund, and providing an effective date.

ALSO: That the House has on May 1, 1986, concurred in the Senate amendment to the House amendment and passed the following bill in which the concurrence of the House was asked:

**Senate File 2305**, a bill for an act relating to the use and appropriation of oil overcharge funds and the establishment of an energy conservation trust fund and an agricultural energy management fund.

ALSO: That the House has on May 2, 1986, adopted the following concurrent resolutions in which the concurrence of the House was asked:

**Senate Concurrent Resolution 134**, a resolution relating to interim studies.

**Senate Concurrent Resolution 140**, a resolution providing for the adjournment of the 1986 Session of the Seventy-first General Assembly.

ALSO: That the House has on May 2, 1986, adopted the conference committee report and adopted Senate Joint Resolution 1, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor.

ALSO: That the House has on May 2, 1986, adopted the conference committee report and passed Senate File 97, a bill for an act establishing the legal age for the purpose of laws relating to beer and alcoholic beverages at twenty-one years.

ALSO: That the House has on May 2, 1986, adopted the conference committee report and passed Senate File 447, a bill for an act to license operators of radiation emitting equipment.

ALSO: That the House has on May 2, 1986, failed to adopt the conference committee report on House File 2454, a bill for an act relating to a child in need of services, volunteer guardians ad litem, detention of juveniles for simple misdemeanors, detention of juveniles in adult detention facilities, and state reimbursement for certain juvenile justice costs, and providing an effective date.

ALSO: That the House has on May 2, 1986, concurred in the Senate amendments and passed the following bills in which the concurrence of the House was asked:

**House File 2489**, a bill for an act relating to the issuance of bonds by the state conservation commission for the acquisition of real property for the development and enhancement of wildlife lands and habitat areas.

**House File 2492**, a bill for an act relating to compensation for department directors and other public officials by specifying salary ranges, providing for compensation adjustments, and making corresponding amendments to the Code.

**House File 2493**, a bill for an act relating to criminal penalties arising from the operation of motor vehicles.

ALSO: That the House has on May 2, 1986, concurred in the Senate amendments to the House amendments and passed the following bills in which the concurrence of the House was asked:

**Senate File 2270**, a bill for an act relating to real estate, by providing for the payment of property tax installments, the eligibility of certain types of real estate for a foreclosure continuance, time limits for applying for a foreclosure continuance and the distribution of income under a foreclosure continuance.

**Senate File 2304**, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants.

## FINAL DISPOSITION OF MOTIONS TO RECONSIDER

Pursuant to Senate Rule 24, the following motions to reconsider which remained on the Senate Calendar upon the adjournment of the 1986 Regular Session of the Seventy-first General Assembly, will be considered to have **failed**:

**SENATE JOINT RESOLUTION 2002**, a joint resolution proposing an amendment to the Constitution of the State of Iowa regarding the political affiliation of members of judicial nominating commissions (Senate concurred in House amendment and passed April 25, 1986). Motions filed by Senators Horn and Waldstein on April 25, 1986.

**SENATE FILE 2190**, a bill for an act relating to the removal of trees, brush, and underbrush, and other growth within the highway right-of-way (Senate amended and passed April 3, 1986). Motions filed by Senators Jensen and Dieleman on April 3, 1986.

**HOUSE FILE 102**, a bill for an act relating to smoking in public places and public meetings and applying penalties (Senate amended and passed April 23, 1986). Motions filed by Senators Coleman and Hannon on April 23, 1986.

**HOUSE FILE 2459**, a bill for an act to establish an Iowa environmental improvement and energy resources authority (failed to pass April 17, 1986). Motion to reconsider filed by Senator Bruner on April 17, 1986.

## HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on February 6, 1986, passed the following bill in which the concurrence of the House was asked:

**Senate File 314**, a bill for an act to repeal the rebuttable presumption of negligence on the part of persons operating electrical transmission lines for injuries to person or property.

ALSO: That the House has on February 18, 1986, amended and passed the following bill in which the concurrence of the House was asked:

**Senate File 421**, a bill for an act to require the director of the Iowa beer and liquor control department to suspend rather than dismiss vendors who are convicted of selling alcohol to minors (S—5976).

ALSO: That the House has on March 21, 1986, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

**House File 2229**, a bill for an act relating to hospitals by permitting the sale or lease of property owned by the hospital upon approval by the board of trustees.

ALSO: That the House has on April 1, 1986, failed to pass the following bill in which the concurrence of the House was asked:

**Senate File 2167**, a bill for an act relating to the liability of social hosts for injuries to persons as a result of intoxication.

ALSO: That the House has on April 2, 1986, amended and passed the following bill in which the concurrence of the House was asked:

**Senate File 2231**, a bill for an act relating to the right to first refusal allowed to immediately prior owners of agricultural land held by state banks (S—5975).

ALSO: That the House has on April 2, 1986, failed to pass the following bill in which the concurrence of the House was asked:

**Senate File 2063**, a bill for an act relating to loans for ethanol production.

ALSO: That the House has on April 14, 1986, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

**House File 2067**, a bill for an act relating to the use of financial instruments and providing penalties.

ALSO: That the House has on May 2, 1986, adopted the conference committee report and passed Senate File 2175, a bill for an act relating to the reorganization and structure of state government.

AMENDMENTS FILED

S—5975	S. F.	2231	House
S—5976	S. F.	421	House

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 2nd day of May, 1986:

Senate Files 97, 106, 293, 314, 447, 2052, 2084, 2097, 2175, 2210, 2242, 2248, 2265, 2270, 2284, 2291, 2294, 2295, 2296, 2302, 2303, 2304 and 2305.

K. MARIE THAYER  
Secretary of the Senate

RESOLUTIONS ENROLLED, SIGNED AND SENT TO THE SECRETARY OF STATE

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following resolutions have been enrolled, signed by the President of the Senate and the Speaker of the House, and submitted to the Secretary of State's office this 2nd day of May, 1986:

Senate Joint Resolutions 1, 2002 and 2003.

K. MARIE THAYER  
Secretary of the Senate

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 447, the following technical correction was made to House amendment S—5254 to the bill:

1. Page 1, lines 13 through 19, the language from “, or’ to ‘humans’” was corrected by underscoring.

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2305, the following technical corrections were made:

1. Page 4, line 24, "476E.1" was changed to "467E.1".
2. Page 7, line 8, "divsion" was changed to "division".
3. Page 8, line 2, "13." was changed to "9.".

K. MARIE THAYER  
Secretary of the Senate

### COMMITTEE TO NOTIFY THE GOVERNOR

Senator Hutchins moved that a committee be appointed to notify the Governor that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 140.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Gronstal, Chair; Jensen and Coleman.

### COMMITTEE TO NOTIFY THE HOUSE

Senator Hutchins moved that a committee be appointed to notify the House that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 140.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Gettings, Chair; Hultman and Hannon.

### COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to adjourn sine die.

### REPORT OF COMMITTEE TO NOTIFY THE HOUSE

Senator Gettings reported that the committee appointed to notify the House that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee discharged.

## REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

Senator Gronstal reported that the committee appointed to notify the Governor that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee discharged.

## FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 140, duly adopted, the day of May 2, 1986, having arrived, President pro tempore Wells declared the 1986 Regular Session of the Seventy-first General Assembly adjourned sine die.

## COMMUNICATION FROM THE GOVERNOR

May 29, 1986

The Honorable Robert T. Anderson  
President of the Senate  
State Capitol Building  
L O C A L

Dear Bob:

In 1986, the General Assembly faced significant challenges. I am pleased that through hard work and bipartisan cooperation lawmakers made historic changes in the size of government. Yet other challenges remain unmet, leaving this General Assembly with a mixed record.

In January, I expressed my priorities for this session. To build a stronger Iowa, we need a government that fits the times and avoids tax increases; an economic development effort that is second to no other state's; and, a renewed commitment to quality in education.

Through cooperation and a commitment to avoid tax increases, this General Assembly completed the most comprehensive restructuring of state government in modern times. The effort not only prevented tax increases but also laid the groundwork for a government of the future that will do fewer things better.

One more step should have been taken. County governments in Iowa need to be free to reorganize for efficiency and better management as well.

While we prevented tax increases at the state level, I am disappointed that this legislature failed to take action on my recommendation for a property tax freeze. This freeze would have prevented property tax increases.

I am pleased with some positive actions taken to improve Iowa's tourism, marketing and export financing efforts. These investments will pay large dividends for Iowans. Unfortunately, a tremendous opportunity to make Iowa second to none in job incentives was lost with the failure to authorize economic development areas. And, ignoring the uncompetitive features of Iowa's unemployment and workers compensation systems will cost Iowa jobs.

The General Assembly did not go far enough to set meaningful limits in our tort liability system to protect Iowa governments and private companies from skyrocketing insurance costs. Some individuals and businesses cannot even get insurance because of the liability crisis. Iowa needs to set reasonable limits on liability claims that will both protect the public and keep people in business.

This General Assembly increased funding for education and created incentives for efficiency in the administration of our schools. But, the legislature failed to build on our strengths by rewarding quality. The General Assembly did not pass my recommendation to increase beginning teachers' salaries and for the second

year, ignored my recommendations to establish a career ladder to keep our best teachers in the classrooms.

Next March, private business will take over the state's liquor stores. The state will continue to control wholesaling of liquor. Under this system, the state still receives revenue but allows the business of liquor sales to be in the hands of the private sector. Government needs to be performing its appropriate role more efficiently and should leave the role of liquor sales to private business. Though this is a historic change, the public will see an orderly transition from public to private sales.

Iowa's farmers received help from state government this year through the Iowa Agricultural Loan Assistance Program, extension of the moratorium on foreclosures, establishment of a mediation service, and incentives for diverse farm crops. The state is doing what it can to keep farmers on the land and to help them get through tough financial times.

Iowa is taking one more step to make our streets safer by lowering the blood alcohol content measurement used to presume intoxication. It is a step to curb drunk drivers. We should have done more, including a 30 day loss of license for the first offense of drunk driving and prohibiting deferred sentences for drunk driving convictions.

The General Assembly approved my recommendation to appropriate funds from the oil overcharge account to encourage safer use of agricultural chemicals so that we can protect our water supplies from contaminants. This is an important step to maintain the quality of our water.

This has not been an easy session. An incident occurred this session which raised serious ethical questions about the relationships between some lobbyists and some legislators. That incident and the ethics involved must be thoroughly investigated and resolved to assure Iowans that, in the future, they will have the clean and responsible legislature they deserve.

The General Assembly spent \$12 million more than I recommended but we avoided a major tax increase. We will have to review carefully the appropriations to insure a balanced budget. Our challenge in implementing the reorganization of state government will be to achieve even greater savings to assure a balanced budget and a leaner, more efficient and more accountable state government to serve the people of Iowa.

Very truly yours,  
TERRY E. BRANSTAD  
Governor



**SUPPLEMENT  
TO THE  
SENATE JOURNAL**

**Seventy-first General Assembly  
• 1986 Regular Session**

## SENATE BILLS APPROVED OR VETOED SUBSEQUENT TO ADJOURNMENT

The following is a record of action on Senate bills by the Governor and transmitted to the Secretary of State after the close of the 1986 Regular Session:

- 97 — Establishing the legal age for the purpose of laws relating to beer and alcoholic beverages at twenty-one years. Approved May 27.
- 106 — Providing a specific exemption to the sales and use tax relative to gross receipts from the sale of automotive fluids and providing retroactive effect. Approved May 7.
- 293 — Creating a fire service institute. Approved May 7.
- 314 — Repealing the rebuttable presumption of negligence on the part of persons operating electrical transmission lines for injuries to person or property. Approved May 21.
- 447 — Relating to the minimum training standards imposed upon operators of radiation emitting equipment. Approved May 23.
- 2084 — Prohibiting price discrimination in the sale or lease of motor vehicles by motor vehicle manufacturers, distributors, or wholesalers and providing for enforcement and penalties. Approved May 28.
- 2097 — Relating to agricultural economic diversification. Approved May 20.
- 2175 — Relating to the organization and structure of state government, including the areas of education, personnel, management, natural resources, agriculture, cultural affairs, public services, corrections, public defense, public safety, general services, commerce, audits and appeals, economic development, labor, and transportation; altering the duties and powers of certain executive branch agencies and positions; establishing, altering, and repealing agencies in the legislative and judicial branches; making specified coordinating amendments to the Code; subjecting certain violators to certain penalties; abolishing and creating certain state agencies and repealing and modifying provisions of law relating to such agencies; and providing transition principles, directions, and procedures related to state government organization and structure.
- 2210 — Requiring insurance companies to lower automobile liability insurance premiums to reflect the reduction in annual losses occasioned by the enactment of the mandatory seat belt bill. Approved May 23.

- 2242 — Establishing incentives to encourage certain state and local government employees to retire or terminate employment by receiving monetary and insurance payment incentives and to provide that the act takes effect upon its publication. Approved May 20.
- 2248 — Relating to the acquisition costs between a drug prescribed by a physician, dentist, podiatrist, or veterinarian and the drug substituted by a pharmacist. Approved May 23.
- 2265 — Relating to liability and liability insurance, providing penalties, and providing for publication and effective dates. Approved May 22.
- 2270 — Relating to certain loans, debts and obligations, by providing for the separate redemption of a homestead, delaying the enforceability of certain deficiency judgments or general executions relating to obligations secured by agricultural land, providing for certain exemptions from execution and garnishment, providing for the eligibility of certain types of real estate for a foreclosure continuance, providing time limits for applying for a foreclosure continuance and for the term of a foreclosure continuance, providing immediate foreclosure continuance eligibility to real estate used for small business, providing an extension of time under the current declaration of economic emergency, extending the period for grants under the agricultural assistance program, and providing an effective date. Approved May 23.
- 2284 — Exempting trailers and semitrailers registered under chapter 326 and ships, barges, and waterborne vessels used primarily for transporting property or cargo for hire from the state use tax. Approved May 7.
- 2291 — Creating an Iowa economic development bond bank program within the Iowa Finance Authority to provide financing for economic development and making an appropriation. Approved May 22.
- 2294 — Relating to the state individual and corporate income tax by limiting, modifying, eliminating, and changing certain deductions and credits in computing the tax liability, and providing an effective date. Approved May 28.
- 2295 — Increasing snowmobile fees and providing an effective date. Approved May 28.
- 2296 — Relating to the movement of vehicles of excessive size and weight. Approved May 22.
- 2302 — Relating to the local option taxes and providing effective dates. Approved May 21.
- 2303 — Relating to restoring provisions of legislation relating to appropriations which had been removed from the comprehensive legislation on the subject of state government reorganization. Approved May 29.

- 2304 — Appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date. Approved May 27.
- 2305 — Relating to the use and appropriation of oil overcharge funds and the establishment of an energy conservation trust fund and an agricultural energy management fund. Approved May 22.

## GOVERNOR'S VETO MESSAGE

May 30, 1986

The Honorable Mary Jane Odell  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

Senate File 2052, an act relating to contributions by judges to the judicial retirement fund, and providing an effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

In 1985 the legislature passed a law which would have required judges to pay a larger percentage of their salaries to the judicial retirement system. At the same time the legislature froze all judicial salaries. I exercised my item veto on this provision indicating that the judges were unfairly singled out for a cut in pay which would harm the quality of judges in Iowa. I stand by my decision.

The legislature sued over my exercise of the item veto alleging it was unconstitutional. The legislature has passed Senate File 2052 which purports not to take effect until a final decision is reached in the legal case. The legislature is trying to have it both ways. The legislature is attempting to preserve the legal issue of whether my item veto was constitutional while resolving the question of whether judges should contribute more than four percent for retirement. This is an inappropriate legal maneuver and should not be allowed to occur. Furthermore, this provision raises legal questions about whether the effective date of the legislation can be dependent upon a decision in a lawsuit.

With my veto, judges will continue to be protected pending the outcome of the suit. Once it is decided legislative redress, if needed, can be addressed.

Therefore, for the above reasons, I hereby disapprove of Senate File 2052.

Sincerely,  
TERRY E. BRANSTAD  
Governor

COMMUNICATIONS FROM THE SECRETARY OF STATE  
SUBSEQUENT TO ADJOURNMENT OF THE 1986 REGULAR SESSION

May 15, 1986

Ms. K. Marie Thayer  
Secretary of the Senate  
Senate Chamber  
L O C A L

Dear Ms. Thayer:

I hereby certify that Senate File 2083 was published in the Altoona Herald-Mitchellville Index, Altoona, Iowa, on May 1, 1986, and in The Record-Herald & Indianola Tribune, Indianola, Iowa, on May 6, 1986.

ALSO:

May 27, 1986

I hereby certify that Senate File 2116 was published in the Marshalltown Times-Republican, Marshalltown, Iowa, on May 2, 1986, and in The Belle Plaine Union, Belle Plaine, Iowa, on May 14, 1986.

ALSO:

June 4, 1986

I hereby certify that Senate File 2302 was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, on May 28, 1986, and in the West Des Moines Express, Des Moines, Iowa, on May 30, 1986.

I further certify that Senate File 2242 was published in the Muscatine Journal, Muscatine, Iowa, on May 27, 1986, and in The Messenger, Fort Dodge, Iowa, on May 27, 1986.

ALSO:

June 6, 1986

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, because of inherent and immediate need, I hereby designate that Senate File 2270 be published in the Kossuth County Advance, a newspaper published in Algona, Iowa.

I hereby certify Senate File 2270 was published in the Audubon News-Advocate, Audubon, Iowa, on May 28, 1986, and in the Kossuth County Advance, Algona, Iowa, on May 31, 1986.

ALSO:

June 11, 1986

I hereby certify that Senate File 2265 was published in the Ad-Express and Daily Iowegian and Citizen, Centerville, Iowa, on May 28, 1986, and in The Sioux City Journal, Sioux City, Iowa, on June 7, 1986.

I further certify that Senate File 2304 was published in the Grinnell Herald-Register, Grinnell, Iowa, on June 2, 1986, and in the Ames Daily Tribune, Ames, Iowa, on June 6, 1986.

Respectfully submitted,  
MARY JANE ODELL  
Secretary of State

## COMMUNICATIONS

The following communications were received and placed on file in the office of the Secretary of the Senate subsequent to adjournment of the 1986 Regular Session:

### DEPARTMENT OF PUBLIC INSTRUCTION AND DEPARTMENT OF HUMAN SERVICES

A copy of the Proposed Model Policy Relating to Abuse of Students by School Employees prepared by the Department of Public Instruction and the Department of Human Services pursuant to Chapter 173, Sec. 35, 1985 Acts of the Seventy-first General Assembly.

### DEPARTMENT OF HUMAN SERVICES

A copy of the Proposed Social Services Block Grant Pre-expenditure Report prepared by the Department of Human Services for the 1987 fiscal year.

### STATE LIBRARY OF IOWA

A copy of the Iowa Public Library Statistics for 1984-1985 prepared by the State Library of Iowa reporting a summarization of the statistics of all libraries by size and by region.

## DEPARTMENT OF TRANSPORTATION

A copy of the 1985 Iowa Aviation System Plan Executive Report and Technical Supplement which is a guide to development of aviation service and facilities for the next twenty years, prepared by the Department of Transportation.

## DEPARTMENT OF JOB SERVICE

A copy of the annual report of the fiscal year 1985 for the Job Service of Iowa.

## COMMERCE COMMISSION

A copy of the annual report of the Iowa State Commerce Commission for the year 1984 pursuant to Sec. 476.16, Code of Iowa.

## DEPARTMENT OF REVENUE

A copy of the Department of Revenue's 1984 Individual Income Tax Annual Statistical Report reflecting data obtained from 1.6 million tax returns filed during the calendar year 1985.

DEPARTMENT OF WATER,  
AIR AND WASTE MANAGEMENT

A copy of the annual report for the fiscal year 1985 covering the department's activities and responsibilities in preserving and protecting Iowa's environment and natural resources prepared by the Department of Water, Air and Waste Management.

A copy of "A Plan for Mapping Iowa Flood Plains" adopted by the Department of Water, Air and Waste Management on February 18, 1986, pursuant to Sec. 455B.262, 1985 Code Supplement.

## DEPARTMENT OF HUMAN SERVICES

A copy of the annual report for 1985 prepared by the Iowa Department of Human Services pursuant to Sec. 217.21, Code of Iowa.

## AUDITOR OF STATE

A copy of the Audit Report for the Iowa Lottery Commission prepared on March 31, 1986, by the office of Auditor of State.

## CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued certificates of recognition as follows subsequent to adjournment of the 1986 Regular Session:

C.W. Callison, Burlington, Iowa — For serving eighteen years as Superintendent of Southeastern Community College. Senator C. Miller (May 9, 1986).

Les Schoffelman, Mount Pleasant, Iowa — For serving nineteen years with the Des Moines Henry County Extension Service and especially for his outstanding youth leadership. Senator C. Miller (May 12, 1986).

Wilfred White, Honorary Parade Marshal, 1986 Burlington Steamboat Days — For serving as a longtime educator in the Burlington area. Senator C. Miller (June 21, 1986).

Lyle E. Ebner, Burlington, Iowa — For serving thirty-three years as a teacher, coach and administrator in the Burlington Community School District. Senator C. Miller (June 30, 1986).

Jim Hodges, Burlington, Iowa - For serving nearly thirty-five years as Des Moines County Extension Director. Senator C. Miller (June 30, 1986).

## IN MEMORIAM

### Senate

Bellman, G.D. "Don" .....	September 19, 1894—September 27, 1985
Jacobson, Arthur H .....	June 24, 1910—February 21, 1986
Lind, Thomas .....	June 29, 1918—January 1, 1986
Myrland, Eli C .....	June 5, 1892—November 16, 1985
Neighbour, John A .....	June 15, 1919—November 3, 1985
Risk, Don A .....	January 22, 1896—June 6, 1985
Van Patten, Loyd H .....	February 19, 1897—February 13, 1986

## DONALD BELLMAN

MR. PRESIDENT: G. D. "Don" Bellman was born September 19, 1894, at Melrose, Iowa. He passed away September 27, 1985, in Vinton, Iowa at the age of 91.

Mr. Bellman attended rural schools and Simpson College. He was owner of a dairy farm. He was married to Margaret Glascock on January 16, 1918, and they had three children, Irene (Mrs. Kenneth B. Kramer) of Vinton, Iowa, Kathryn (Mrs. Eugene A. Braught) of Weslaco, Texas, and Robert E. of Wilmore, Kentucky.

Senator Bellman was elected to serve in the Iowa Senate in the 1952 election. He served two terms in the Senate during the 55th (1953-1954) and 56th (1955-1956) General Assemblies.

Mr. Bellman was long an advocate of crop rotation, soil conservation and good farming practices. He was host to the All Iowa Soil Conservation Field Day in 1947. He was a member of the Methodist Church, Farm Bureau, Warren County Fair Board, Treasurer of the School Board, Director of the Des Moines Cooperative Dairy, Director and Vice President of the Central Iowa Production Credit Association, Director and Vice President of the Warren County Oil Company, Master Farmer 1946, a Mason of Eastern Star, and Consistory of Shrine and Rotary Clubs.

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable G. D. Bellman, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate, by this resolution, expresses its appreciation of his service to his community, state and nation and tenders its sympathy and kindest regards to members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

DONALD DOYLE, Chair  
JULIA GENTLEMAN  
GEORGE R. KINLEY

Committee

## ARTHUR H. JACOBSON

MR. PRESIDENT: Arthur H. Jacobson was born June 24, 1910, at Waukon, Iowa, and was a lifelong resident of that community. He passed away February 21, 1986, at the age of 75 years.

Mr. Jacobson attended Waukon public schools, and the University of Iowa, where he received B.A. and J.D. degrees, and was a member of the Order of the Coif. He married Isabel Chafer of Clinton in 1934 and they were the parents of a daughter, Sibly Jacobson of New York, New York, and a son, Ethan of Lakewood, Colorado, and have two grandchildren.

Senator Jacobson was elected to the Iowa Senate in November, 1944 and served for eight years in the 51st, 52nd, 52nd Extra, 53rd and 54th General Assemblies.

Mr. Jacobson was co-founder of the Jacobson, Bristol, Thomson, Bauercamper and Garrett law firm. He was president of Farmers and Merchants Savings Bank of Waukon. He was Allamakee county attorney from 1937 to 1945. He was a delegate to the 1944 Republican National Convention, a member of the county and state Bar Associations, where he served on the board of governors, and was a member of the county and state Trial Lawyers Associations. Mr. Jacobson had served as Fourth District Chairman of the Young Republican League of Iowa and was state chairman from 1941 to 1944.

A member of St. John's Lutheran Church in Waukon, he served on the local and national boards of directors of the Good Samaritan Society, was a member of the National Church Council of the American Lutheran Church and the LCUSA, and was a former state president of Lutheran Social Services.

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Arthur H. Jacobson, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate, by this resolution, expresses its appreciation of his service to his community, state and nation and tenders its sympathy and kindest regards to members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

DALE L. TIEDEN, Chair  
HURLEY W. HALL  
LARRY MURPHY

Committee

THOMAS A. LIND

MR. PRESIDENT: Thomas Lind was born June 29, 1918, in Burlington, Iowa, son of John Albert and Amanda America Lind. He passed away January 1, 1986 in Waterloo, Iowa, at the age of 67.

Mr. Lind graduated from the University of Iowa. He was a member of the University of Iowa men's basketball team from 1937 to 1940, lettered for three years and was named captain in 1940. He served in the army in World War II and in the European Operations Theater before being discharged in 1945. Mr.

Lind earned his Master's degree at the University of Iowa in 1947 and he held a permanent professional teacher's certificate.

Mr. Lind was married to Barbara Schupp on July 18, 1944 and they had six children, Tom, Tim and Jim, all of Waterloo, Peter of Edina, Minnesota, Patrick of Iowa City and Marijo Petullo of Northbrook, Illinois; and 18 grandchildren.

Mr. Lind was elected to the Iowa House of Representatives in 1977. After serving two and one-half terms, he was elected in 1981 to the Iowa Senate. Senator Lind served three years for the 13th Senatorial district. During the years he served the Iowa Legislature, Senator Lind represented his constituents in the interests of education as Chair of the Education Appropriations Subcommittee and also as a ranking member of the Education standing committee.

Senator Lind was a member of St. Joseph's Catholic Church and was a member of the Holy Name Society; a former officer and board member of both the Black Hawk Officials Association and Big Five Athletic Conference as well as the Iowa High School Athletic Directors. While at Iowa he was a member of the Beta Theta Pi fraternity. Senator Lind was a past vice-president of the board of directors of the Waterloo Community Schools, a former member of the AEA VII board of directors, and a director of Lind Brothers Motor Corporation Limited. He also served on the Waterloo School Board, Education Agency Board and was a former Summer Recreation Program coordinator for the Waterloo Recreation Commission. He was a member of Knights of Columbus and recently was elected to the Columbus High School Hall of Fame and the University of Iowa National Letterman's Advisory Council.

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Thomas A. Lind, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate, by this resolution, expresses its appreciation of his service to his community, state and nation and tenders its sympathy and kindest regards to members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

JIM LIND, Chair  
EMIL J. HUSAK  
LARRY MURPHY

Committee

ELI C. MYRLAND

MR. PRESIDENT: Eli C. Myrland was born June 5, 1892, at La Crosse, Wisconsin, son of Eli P. Myrland and Julia Nessa. He passed away November 16, 1985, in Indianola, Iowa, at the age of 93.

Mr. Myrland graduated from Onawa High School in 1910 and attended South Dakota State College in 1914 for one year. He enlisted in World War I December 12, 1918, and was discharged November 13, 1919. He engaged in farming and in 1924 entered the oil business in Onawa. He married Gertrude Blewett August 3, 1927, who passed away November 13, 1963. They had a daughter, Julia Ann, on January 4, 1937. He then married Gladys Martin February 22, 1968. She passed away April 23, 1983.

Mr. Myrland was a State Senator for Crawford, Monona and Harrison counties from 1947 to 1954. He served four General Assemblies in the Iowa Senate. He served as mayor of Onawa from 1937 to 1947 and from 1954 to 1964.

Mr. Myrland was a member of the Masonic Lodge in Onawa, Sioux City Consistory and Abu Bekr Shrine at Sioux City, charter member of the American Legion and Kiwanis Club in Onawa, a member and on the Board of Trustees of the Congregational Church in Onawa and Monona County Bond chairman during World War II.

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Eli C. Myrland, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate, by this resolution, expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

DONALD V. DOYLE, Chair  
JACK W. HESTER  
DOUGLAS RITSEMA

Committee

#### JOHN A. NEIGHBOUR

MR. PRESIDENT: John A. Neighbour was born June 15, 1919, at Buxton, Iowa, son of Alfred and Margaret (Hunter) Neighbour. He passed away November 3, 1985 in Chariton, Iowa, at the age of 65.

Mr. Neighbour graduated from Williamson High School and attended night school at Iowa Success in Ottumwa while working for John Morrell Packing Company. On November 6, 1942 he was united in marriage to Elva Van Zee. To this union was born a daughter, Sue Ellen Eikenberry of Clarion, and a son, John Warren, of Urbandale.

He was employed by Beatrice Foods 1941-1950, Hy-Vee Food Stores 1950-1970 as a buyer and warehouse superintendent. He then served eight years as a member of the Lucas County Board of Supervisors. Senator Neighbour was serving his first term as District 34 State Senator in the Seventy-first General Assembly at the time of his death.

Mr. Neighbour was a member of the Rotary Club and had served as its president, Disciples of Christ Christian Church, Chariton Chamber of Commerce, and the Farm Bureau. He was past president of the Iowa Saddle Horse Association, served five years as president of Family Planning, two years as president of the 5th District Department of Court Services, and president of Community Mental Health Centers Association of Iowa, Inc.

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable John A. Neighbour, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate, by this resolution, expresses its appreciation of his service to his community, state and nation and tenders its sympathy and kindest regards to members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

JOHN A. PETERSON, Chair  
LEONARD L. BOSWELL  
DON E. GETTINGS

Committee

#### DON A. RISK

MR. PRESIDENT: Don A. Risk was born January 22, 1896, in Fayette County. He passed away June 6, 1985, in Independence, Iowa, at the age of 89.

Mr. Risk graduated from Aurora High School and attended Upper Iowa University. He served in the Navy in World War I. He and Lydia Biedermann of Guttenberg were married in 1926 and moved to Independence. They had two sons, Donald, of Phoenix, Arizona, and Malcolm, of Independence. He and his second wife Ruth have a stepdaughter, Patricia Rand, of Balboa, Panama.

Senator Risk served in the Senate for four terms, in the 53rd (1949-1950), 54th (1951-1952), 55th (1953-1954) and the 56th (1955-1956) General Assemblies. Before being elected to the Senate, Mr. Risk was Buchanan County Treasurer for five years and mayor of Independence for six years. He played semi-professional baseball for 25 years.

After leaving the Senate, Mr. Risk continued his business interests in real estate and insurance and also owned and operated the Rush Park Motel in Independence. He was treasurer of the Independence Savings and Loan Association for 26 years, a member of the Lions Club and the Sheehan Tidball American Legion Post #30.

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Don A. Risk, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate, by this resolution, expresses its appreciation of his service to his community, state and nation and tenders its sympathy and kindest regards to members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

LARRY MURPHY, Chair  
HURLEY HALL  
DALE TIEDEN

Committee

LOYD H. VAN PATTEN

MR. PRESIDENT: Loyd H. Van Patten was born on a farm eight miles east of New Virginia, Iowa, on February 19, 1897. He died of cancer on February 13, 1986, at the age of 88.

Mr. Van Patten attended rural schools through eighth grade, high school at New Virginia and graduated from a two-year course in agriculture at Iowa State College in 1916.

He was married to the former Ethel M. Henry, who preceded him in death. Mr. Van Patten is survived by three children, sons Lynn and Duane and a daughter, Barbara Jean Weist. His other survivors include three grandchildren and four great-grandchildren. Mr. Van Patten and his family moved from the farm to Indianola in 1937 where he resided the rest of his life.

Loyd Van Patten served as Dairy and Food Inspector for the Department of Agriculture from 1939-1942; Assistant Secretary-Treasurer for the Newton Production Credit Association from 1942-1947; Secretary-Treasurer of National Farm Loan Association from January 1947 to September, 1948. Mr. Van Patten also served the Secretary of Agriculture from 1951-1961. He was the State Senator from Warren and Clarke counties in the 53rd and 54th General Assemblies from 1949-1952. He was an unsuccessful candidate for Iowa Secretary of Agriculture in the 1962 Republican primary.

In addition to his public service, Mr. Van Patten was a World War I veteran, a member of the Lions Club, Izaak Walton League, a fifty-year member of the Warren Masonic Lodge No. 53, and American Legion Post No. 165. He was a member of the First United Methodist Church in Indianola.

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF THE SEVENTY-FIRST GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Loyd H. Van Patten, the State has lost an honored citizen, a faithful and useful public servant and a special friend of Iowa agriculture, and that the Senate, by this resolution, expresses its appreciation of his service to the state and renders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

JAMES RIORDAN  
WILLIAM W. DIELEMAN  
JULIA GENTLEMAN

Committee

**AMENDMENTS FILED**

**During The**  
**Seventy-first General Assembly**  
**1986 Regular Session**

S-5001

1 Amend Senate Resolution 101 as follows:

## DIVISION S-5001A

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

4 "Rule 12  
5 Form and Withdrawal of Motions, Amendments and Signatures

6 Motions need not be in writing unless required by  
7 the president or by the senate. No motion requires a  
8 second. Any amendment, motion (including a motion to  
9 reconsider), or resolution may be withdrawn by the  
10 mover if it has not been amended by the senate and if  
11 no amendment is pending. All amendments to bills,  
12 resolutions, and reports shall be in writing and filed  
13 before being acted upon by the senate.

14 No amendment, resolution, bill, or conference  
15 committee report shall be considered by the senate  
16 without a copy of the amendment, resolution, bill, or  
17 conference committee report being on the desks of the  
18 entire membership of the senate prior to  
19 consideration.

20 All amendments, reports, petitions or other  
21 documents requiring a signature shall have the name  
22 typed under the place for the signature. Once a  
23 signature is affixed and the document containing the  
24 signature filed with the recording clerk in the well,  
25 that signature shall not be removed.

26 When an amendment to a main amendment is filed that  
27 would negate the effect of the main amendment and  
28 thereby leave the bill unchanged, the presiding  
29 officer shall have the authority to declare the  
30 amendment to the main amendment out of order, subject  
31 to an appeal to the full senate.

32 When a ruling on germaneness is issued by the  
33 presiding officer, it shall be accompanied by an  
34 explanation of the ruling."

## DIVISION S-5001B

35 2. Page 2, by inserting after line 13, the  
36 following:

37 "Rule 38  
38 First Reading and Commitment

39 Upon the first reading of an individual bill or  
40 resolution, or a house committee bill or resolution,  
41 the president shall refer the bill or resolution to an  
42 appropriate standing committee unless otherwise

43 ordered by the senate. If the bill or resolution is a  
 44 senate committee bill or resolution, the president  
 45 shall place it on the calendar after its first  
 46 reading. If the subject of the bill or resolution is  
 47 not germane to the title of the committee presenting  
 48 it, the president or the senate may refer it to a  
 49 committee deemed appropriate.  
 50 All bills carrying an appropriation for any purpose

**Page 2**

## DIVISION S-5001B (cont'd.)

1 or involving the expenditure of state funds shall be  
 2 referred to the committee on appropriations.  
 3 All bills pertaining to the levy, assessment or  
 4 collection of taxes or fees shall be referred to the  
 5 committee on ways and means.  
 6 Any bill which provides for a new state board,  
 7 commission, agency or department or makes separate or  
 8 autonomous an existing state board, commission, agency  
 9 or department, shall be referred to the committee on  
 10 state government. This rule shall also apply when  
 11 such a provision is added to a bill or resolution by  
 12 amendment adopted by the senate. If the bill or  
 13 resolution is so referred after being sponsored or  
 14 reported out by another committee, and if the  
 15 committee on state government does not report out the  
 16 bill or resolution within ten legislative days after  
 17 referral, the bill or resolution shall automatically  
 18 be restored to the calendar with the same priority it  
 19 had immediately before referral."

EDGAR H. HOLDEN

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO HOUSE FILE 244

## S-5002

1 Amend the Senate amendment H-4267 to House File 244  
 2 as amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. Page 1, by inserting after line 2 the  
 5 following:  
 6 "\_\_\_ . Page 1, line 9, by striking the word "The"  
 7 and inserting the following: "Notwithstanding section  
 8 123.53, subsection 8, the"."  
 9 2. Page 1, by inserting after line 6 the

10 following:

11 " \_\_\_\_ . Page 10, by striking lines 12 through 17 and  
12 inserting in lieu thereof the following:

13 "Sec. \_\_\_\_ . The commission on substance abuse shall  
14 disburse the following money in the exact order which  
15 follows:

16 1. To each county the amount the county has  
17 expended and the commission has verified for substance  
18 abuse treatment in a facility defined in section  
19 125.2, subsection 2, between July 1, 1985 and the  
20 effective date of this Act.

21 2. Increase the contract grants awarded by the  
22 commission on May 30, 1985 to facilities pursuant to  
23 section 125.44 by the amount expended by the facility  
24 for substance abuse treatment and not reimbursed by a  
25 county, state, or other organization between July 1,  
26 1985 and the effective date of this Act. In no event  
27 shall the increase exceed one third of the original  
28 grant less the three point eighty-five percent budget  
29 cut divided by twelve and multiplying that quotient by  
30 the number of completed calendar months between July  
31 1, 1985 and the effective date of this Act. If the  
32 grantee expended less than such amount, the grantee  
33 shall receive an increase of only the amount expended.

34 3. Increase the grants awarded by the commission  
35 on May 30, 1985 to facilities pursuant to section  
36 125.44 by the amount determined after dividing one  
37 third of the original grant less the three point  
38 eighty-five percent budget cut by twelve and  
39 multiplying that quotient by the number of calendar  
40 months of the 1986 fiscal year not included in  
41 subsection 2 ending no later than June 30, 1986. In  
42 no event shall the increase exceed such amount.

43 Any funds left after subtracting subsections 1, 2,  
44 and 3 from one million eight hundred forty-six  
45 thousand, eight hundred seventy-nine dollars shall not  
46 be expended by the commission or the department and  
47 shall be reverted to the general fund of the state.

48 Sec. \_\_\_\_ . This Act, being deemed of immediate  
49 importance, takes effect from and after its  
50 publication in The Boone News-Republican, a newspaper

**Page 2**

1 published in Boone, Iowa, and in The Cascade Pioneer-  
2 Advertiser, a newspaper published in Cascade, Iowa."

3 \_\_\_\_ . Title page, line 1, by inserting after the  
4 word "abuse" the following: "and providing an effec-  
5 tive date".

S-5003

- 1 Amend Senate Joint Resolution 2 as follows:
- 2 1. Page 1, by striking lines 34 and 35 and
- 3 inserting the following: "Ohio on May 6, 1873;
- 4 Wyoming on March 3, 1978; Maine on April 27, 1983;
- 5 Colorado on April 18, 1984; South Dakota on February
- 6 21, 1985; New Hampshire on March 7, 1985; Arizona on
- 7 April 3, 1985; and Oklahoma on July 10, 1985; and".
- 8 2. Page 2, lines 33 and 34, by striking the words
- 9 "secretary of state of the United States" and
- 10 inserting the words "the United States senators and
- 11 representatives from Iowa".

RAY TAYLOR

S-5004

- 1 Amend House File 2017 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by inserting after line 35 the
- 4 following:
- 5 "Sec. \_\_\_\_ . NEW SECTION. 99E.21 SOLICITATION FOR
- 6 PURCHASE OF LOTTERY TICKETS OR SHARES.
- 7 A person licensed to sell lottery tickets or shares
- 8 under this chapter shall not require the person's
- 9 employees to solicit customers for the purchase of
- 10 lottery tickets or shares. However, this section does
- 11 not apply to the Iowa beer and liquor control
- 12 department."
- 13 2. Renumber as necessary.

EDGAR H. HOLDEN  
LEE W. HOLT  
DALE TIEDEN  
WILLIAM W. DIELEMAN  
ALVIN V. MILLER  
NORMAN J. GOODWIN  
RICHARD VANDE HOEF  
JACK W. HESTER  
JOHN W. JENSEN  
FORREST V. SCHWENGELS  
ARNE WALDSTEIN  
JOHN E. SOORHOLTZ  
EUGENE FRAISE  
JULIA GENTLEMAN  
BERL E. PRIEBE  
DAVID READINGER  
RAY TAYLOR

S-5005

- 1 Amend Senate File 2043 as follows:
- 2 1. Page 1, line 15, by inserting after the word
- 3 "the" the words "commissioner of the".

COMMITTEE ON JUDICIARY  
DONALD V. DOYLE, Chairperson

S-5006

- 1 Amend Senate Concurrent Resolution 101 as follows:
- 2 1. Page 1, by inserting after line 23 the following:
- 3 "BE IT FURTHER RESOLVED, HOWEVER, That the Iowa
- 4 General Assembly and the people of the state of Iowa
- 5 will not, and cannot, accept the murder of other
- 6 individuals as a response to a person's stress
- 7 resulting from the farm crisis. An inability to
- 8 cope with one's own stressful situation may lead to
- 9 unfortunate, and sometimes tragic, personal decisions.
- 10 A decision to murder other individuals, however, is
- 11 not an inevitable consequence of bad economic times
- 12 and will never be condoned nor anticipated by the
- 13 people of Iowa."

DOUGLAS RITSEMA

S-5007

- 1 Amend Senate File 2049 as follows:

DIVISION S-5007A

- 2 1. Page 1, line 8, by inserting after the word
- 3 "manufactured" the words "or assembled".
- 4 2. Page 1, lines 9 and 10, by striking the words
- 5 "at least seventy percent of the value of" and
- 6 inserting the words "a majority of the parts used in
- 7 assembling".
- 8 3. Page 1, line 10, by inserting after the word
- 9 "manufactured" the words "or assembled".

DIVISION S-5007B

- 10 4. Page 1, line 11, by striking the words "North
- 11 America" and inserting the words "the United States or
- 12 Canada".

## DIVISION S-5007D

13 5. Page 1, line 12, by striking the words "North  
14 America" and inserting the words "the United States or  
15 Canada".

## DIVISION S-5007C

16 6. Page 1, line 17, by inserting after the word  
17 "first." the words "For purposes of this unnumbered  
18 paragraph, "motor vehicle" means a motor vehicle  
19 subject to registration in this state."

JOHN W. JENSEN

## S-5008

1 Amend Senate File 2050 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 554.9307, subsection 1, Code  
5 Supplement 1985, is amended by striking the subsection  
6 and inserting in lieu thereof the following:  
7 1. A buyer in ordinary course of business as  
8 defined in section 554.1201, subsection 9, takes free  
9 of a security interest created by that person's seller  
10 even though the security interest is perfected and  
11 even though the buyer knows of its existence. For  
12 purposes of this section, a buyer or buyer in ordinary  
13 course of business includes any commission merchant,  
14 selling agent, or other person engaged in the business  
15 of receiving livestock as defined in section 189A.2 on  
16 commission for or on behalf of another.  
17 Sec. 2. Section 554.9307, subsection 4, Code  
18 Supplement 1985, is amended by striking the subsection  
19 and inserting the following:  
20 4. A secured party may request the buyer to issue  
21 any check for payment or partial payment of a good  
22 subject to a security interest jointly in the name of  
23 both the seller and the secured party only if the  
24 secured party has included in the documents creating  
25 the security interest a written provision that a joint  
26 check would be requested or required and if the  
27 provision has been specifically signed and dated by  
28 the person granting the security interest.  
29 Sec. 3. This Act, being deemed of immediate  
30 importance, takes effect from and after its  
31 publication in the Kossuth County Advance, a newspaper

32 published in Algona, Iowa, and in the Lake Mills  
 33 Graphic, a newspaper published in Lake Mills, Iowa.”

BERL E. PRIEBE  
 EMIL HUSAK  
 DALE TIEDEN

S-5009

1 Amend Senate File 469 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 “Section 1. Section 4.1, subsection 11, Code 1985,  
 5 is amended by striking the subsection.  
 6 Sec. 2. Section 4.1, Code 1985, is amended by  
 7 adding the following new subsections after subsection  
 8 33:  
 9 NEW SUBSECTION. 33A. “Calendar day” or “day”  
 10 means the twenty-four consecutive hour period from  
 11 12:01 a.m. through 12:00 p.m.  
 12 NEW SUBSECTION. 33B. “Fiscal day” means any  
 13 twenty-four consecutive hour period.  
 14 Sec. 3. Section 4.1, subsection 34, Code 1985, is  
 15 amended by striking the subsection and inserting the  
 16 following:  
 17 34. “Calendar week” or “week” means any seven  
 18 consecutive days.  
 19 NEW SUBSECTION. 34A. “Fiscal week” means any  
 20 seven consecutive fiscal day period.  
 21 NEW SUBSECTION. 34B. “Month” means a calendar  
 22 month.  
 23 NEW SUBSECTION. 34C. “Fiscal month” means any  
 24 twenty-eight, twenty-nine, thirty, or thirty-one day  
 25 period.  
 26 Sec. 4. Section 4.1, subsection 35, Code 1985, is  
 27 amended by striking the subsection and inserting in  
 28 lieu thereof the following:  
 29 35. “Calendar year” or “year” means the twelve  
 30 consecutive month period from 12:01 a.m. January 1  
 31 through 12:00 p.m. December 31.  
 32 NEW SUBSECTION. 35A. “Fiscal year” means any  
 33 twelve consecutive months or fiscal months.  
 34 NEW SUBSECTION. 35B. ATTAINMENT OF AGE. An  
 35 individual attains a specific age on the day before  
 36 the individual’s birthday.”

WILLIAM W. DIELEMAN

S-5010

- 1 Amend Senate File 397 as follows:
- 2 1. Page 1, lines 23 and 24, by striking the words
- 3 "which is equipped with a seat belt for the driver's
- 4 seat".

JOY CORNING  
RAY TAYLOR

S-5011

- 1 Amend Senate File 2051 as follows:
- 2 1. Page 1, by striking lines 5 and 6, and
- 3 inserting the following: "district courts of this
- 4 state ~~or in the circuit or district court of the~~
- 5 ~~United States within this state~~ and".
- 6 2. Page 1, line 9, by striking the word
- 7 "defendant" and inserting the following: "defendant
- 8 judgment debtor".
- 9 3. Page 1, line 11, by striking the word
- 10 "defendant" and inserting the following: "defendant
- 11 judgment debtor".
- 12 4. Page 1, by striking lines 28 and 29, and
- 13 inserting the following: "of the district court of
- 14 this state ~~or of the circuit or district courts of the~~
- 15 ~~United States~~ was entered in the".

DONALD V. DOYLE

S-5012

- 1 Amend Senate File 400 as follows:
- 2 1. By striking page 1, line 32 through page 2,
- 3 line 17 and inserting the following: "liable for the
- 4 violation if reasonable cause exists to believe that
- 5 the owner was operating the vehicle at the time of the
- 6 violation."

COMMITTEE ON EDUCATION  
LARRY MURPHY, Chairperson

S-5013

- 1 Amend Senate File 2054 as follows:
- 2 1. Page 1, lines 5 and 6, by striking the words
- 3 "law contained in chapter 321J" and inserting in lieu
- 4 thereof the word "laws".

DOUGLAS RITSEMA

S-5014

- 1 Amend Senate File 2064 as follows:
- 2 1. Page 1, line 4, by striking the words "or a"
- 3 and inserting the words "or an irrevocable".
- 4 2. Page 1, by inserting after line 10 the
- 5 following:
- 6 "Sec. \_\_\_\_ . Section 542.4, Code 1985, is amended to
- 7 read as follows:
- 8 542.4 BOND REQUIRED.
- 9 An applicant for a license to operate as a grain
- 10 dealer shall, as a condition to the granting of the
- 11 license, file with the commission a bond payable to
- 12 the state of Iowa with a corporate surety approved by
- 13 the commission conditioned that the applicant will pay
- 14 to the producer the purchase price of any grain ~~to the~~
- 15 ~~producer; provided that, However,~~ the aggregate
- 16 liability of the surety to ~~such persons shall in no~~
- 17 ~~event producers shall not~~ exceed the sum of ~~such the~~
- 18 bond. The bond for each class 1 license shall be in
- 19 the penal sum of fifty thousand dollars. The bond for
- 20 each class 2 license shall be in the penal sum of
- 21 twenty-five thousand dollars. One bond, cumulative as
- 22 to minimum requirements, shall be required ~~where if a~~
- 23 person has more than one license, but ~~in no event~~
- 24 ~~shall~~ the total amount of bond required by this
- 25 section ~~shall not~~ exceed three hundred thousand
- 26 dollars for a class 1 licensee, or one hundred fifty
- 27 thousand dollars for a class 2 licensee. ~~No A~~ bond
- 28 shall ~~not~~ be canceled by a surety before at least
- 29 ~~sixty ninety~~ days' notice by certified mail to the
- 30 commission and the grain dealer. The liability of the
- 31 surety ~~shall cover covers~~ purchases made by the grain
- 32 dealer during the time the bond is in force. A grain
- 33 dealer's bond filed with ~~this the~~ commission shall be
- 34 in continuous force until canceled by the surety. The
- 35 liability of the surety on ~~any a~~ bond required by the
- 36 ~~provisions~~ of this chapter shall not accumulate for
- 37 each successive license period during which the bond
- 38 is in force."

39 3. Page 1, line 14, by striking the words "or a"  
40 and inserting the words "or an irrevocable".  
41 4. Page 1, line 34, by striking the word "five"  
42 and inserting the words "~~five~~ thirty".  
43 5. Page 3, by inserting after line 9 the  
44 following:  
45 "Sec. \_\_\_\_ . Section 543.13, unnumbered paragraph  
46 one, is amended to read as follows:  
47 Each bond required under section 543.12 shall be in  
48 ~~such~~ the form and shall contain ~~such~~ reasonable terms  
49 and conditions for the protection of the public as  
50 prescribed by the commission ~~shall prescribe~~, and

## Page 2

1 shall be endorsed as surety by a bonding company  
2 authorized to do business in this state. No bond  
3 shall be canceled by the surety on less than ~~ninety~~  
4 one hundred twenty days' notice by certified mail to  
5 the commission and the principal. ~~In no event, shall~~  
6 ~~the~~ The liability of the surety on ~~any a~~ bond required  
7 by section 543.12 does not accumulate for each  
8 successive license period during which the bond is in  
9 force. The liability of the surety ~~shall be is~~  
10 limited in the aggregate to the face amount of the  
11 bond.  
12 Sec. \_\_\_\_ . Section 543.15, unnumbered paragraph 1,  
13 Code 1985, is amended to read as follows:  
14 All agricultural products in storage in a licensed  
15 warehouse; or in a warehouse operated under temporary  
16 permit as provided in this chapter, and all  
17 agricultural products which have been deposited  
18 temporarily in a licensed warehouse pending storage or  
19 for purposes other than storage, shall be kept fully  
20 insured by the warehouse operator for the current  
21 value of ~~such the~~ agricultural products against loss  
22 by fire, inherent explosion, or windstorm. ~~Such The~~  
23 insurance shall be carried in an insurance company or  
24 companies authorized to do business in this state, and  
25 evidence of ~~such the~~ insurance coverage in a form ~~to~~  
26 ~~be~~ approved by the commission shall be filed with the  
27 commission. ~~No An~~ insurance policy shall ~~not~~ be  
28 canceled by the insurance company on less than ~~fifteen~~  
29 sixty days' notice by certified mail to the commission  
30 and the principal unless ~~such the~~ policy is being  
31 replaced with another policy and evidence of the new  
32 policy is filed with the commission at the time of  
33 cancellation of the policy on file. ~~Such The~~  
34 insurance shall be provided by, and carried in the  
35 name of, the warehouse operator. Claimants against

36 ~~such the~~ insurance shall have precedence in the  
37 following order:"

EMIL HUSAK  
EUGENE FRAISE  
JOHN SOORHOLTZ

S-5015

1 Amend Senate File 2064 as follows:  
2 1. Page 3, by inserting before line 10 the  
3 following:  
4 "Sec. \_\_\_\_ . This bill, being deemed of immediate  
5 importance, applies to sureties which have not issued  
6 a notice of cancellation before the effective date of  
7 this Act."

EMIL J. HUSAK

HOUSE AMENDMENT TO SENATE FILE 590

S-5016

1 Amend Senate File 590 as amended, passed, and re-  
2 printed by the Senate as follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. Section 48.27, subsection 1, Code  
6 1985, is amended to read as follows:  
7 1. Mobile deputy registrars shall be appointed by  
8 the county commissioner of registration ~~not more than~~  
9 ~~one hundred eighty days prior to any general election~~  
10 ~~or not more than one hundred twenty days prior to any~~  
11 ~~primary, or partisan city election, or any election~~  
12 ~~held pursuant to section 69.14, at any time in~~  
13 accordance with the following guidelines:  
14 a. ~~Mobile Partisan mobile~~ deputy registrars shall  
15 be selected from lists of nominees submitted to the  
16 county commissioner of registration by the county  
17 chairperson of ~~the two a political parties receiving~~  
18 ~~the highest number of votes in that county in the last~~  
19 ~~preceding general election party as defined in section~~  
20 ~~43.2. The county chairperson of a political party may~~  
21 ~~submit lists of nominees at any time.~~  
22 b. ~~Each political party shall submit a list of~~  
23 ~~nominees and may request not more than one person for~~  
24 ~~each one thousand one hundred residents or major~~  
25 ~~fraction thereof in the county to be appointed as~~

26 mobile deputy registrars. Volunteer mobile deputy  
27 registrars shall be selected from among citizens who  
28 are not affiliated with a political party as defined  
29 in section 43.2 and who apply to the county commis-  
30 sioner. The application shall be on forms provided by  
31 the county commissioner and shall include the  
32 applicant's name, address, age and a statement  
33 indicating that the applicant is not a candidate for  
34 an office to be filled by the voters at any election  
35 and is not affiliated with a political party.  
36 c. The county commissioner of registration shall  
37 make the requested number of appointments from the  
38 lists submitted by the county chairpersons and  
39 applications submitted by citizens not more than  
40 thirty days from the date the lists of nominees were  
41 submitted. If unless the persons listed by the county  
42 chairperson cannot serve or are disqualified, the  
43 county chairperson may add additional names to the  
44 list. The additional persons shall be appointed within  
45 five days if the next election is to be held within  
46 ninety-five days.  
47 d. The appointment of mobile deputy registrars  
48 from one political party shall not be contingent upon  
49 the other political party submitting a list of  
50 nominees.

Page 2

1 e. The fact that any political party does not  
2 submit a list including the full number of names which  
3 may be appointed shall not preclude the appointment of  
4 the full number of persons to which any other  
5 political party is entitled.  
6 f. The term of office of mobile deputy registrars  
7 appointed under the provisions of this subsection  
8 shall expire at five o'clock p.m. on the day  
9 registration closes prior to the general election on  
10 December 31 of that year or at the time the mobile  
11 deputy registrar resigns and returns the supplies to  
12 the county commissioner of registration, whichever  
13 occurs first.  
14 g. When an election has been called pursuant to  
15 section 69.14, mobile deputy registrars shall be  
16 appointed within three days after submission of a list  
17 of nominees by the county chairperson of either of the  
18 two political parties whose candidates for president  
19 of the United States or for governor, as the case may  
20 be, received the largest and next largest number of  
21 votes in the county at the last general election.  
22 Sec. 2. Section 48.27, subsection 2, Code 1985, is

23 amended by striking the subsection.

24 Sec. 3. Section 48.27, subsection 5, Code 1985, is

25 amended to read as follows:

26 5. Each mobile deputy registrar shall be  
 27 responsible to the county commissioner of registration  
 28 for properly registering electors in accordance with  
 29 the requirements and the restrictions of this chapter.  
 30 The commissioner may terminate the appointment of a  
 31 mobile deputy registrar who is not properly  
 32 registering electors, and shall immediately terminate  
 33 the appointment upon the written request of the county  
 34 chairperson of the party from whose list of nominees  
 35 the mobile deputy registrar was selected. When an  
 36 appointment is terminated the county commissioner of  
 37 registration shall promptly notify the county  
 38 chairperson of the political party which nominated the  
 39 mobile deputy registrar whose appointment has been  
 40 terminated; ~~and shall appoint another person within~~  
 41 ~~five days from a list of substitute nominees provided~~  
 42 ~~by that county chairperson.~~ A mobile deputy registrar  
 43 who resigns or whose appointment is terminated shall  
 44 immediately return all supplies to the county  
 45 commissioner of registration. ~~If a mobile deputy~~  
 46 ~~registrar's appointment is terminated within thirty~~  
 47 ~~days of an election, other than by request of the~~  
 48 ~~county chairperson of the party from whose list of~~  
 49 ~~nominees the mobile deputy registrar was appointed, a~~  
 50 ~~replacement shall be appointed within twenty-four~~

**Page 3**

1 ~~hours from a list of substitute nominees provided by~~  
 2 ~~the appropriate county chairperson.~~

3 Sec. 4. This Act, being deemed of immediate  
 4 importance, shall take effect from and after its  
 5 publication in The Daily Nonpareil, a newspaper  
 6 published in Council Bluffs, Iowa, and in The  
 7 Fairfield Ledger, a newspaper published in Fairfield,  
 8 Iowa."

9 2. Amend the title by striking lines 1 and 2 and  
 10 inserting the words "An Act relating to mobile deputy  
 11 registrars."

S-5017

1 Amend Senate File 184 as follows:

2 1. Page 1, lines 6 and 7, by striking the words  
 3 "two hundred fifty" and inserting the words "one  
 4 hundred".

5 2. Amend the title, lines 1 and 2, by striking  
6 the words "two hundred fifty" and inserting the words  
7 "one hundred".

EDGAR H. HOLDEN

HOUSE AMENDMENT TO SENATE FILE 2064

S-5018

1 Amend Senate File 2064 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 5, by striking lines 6 through 8, and  
4 inserting the following:  
5 "Sec. 7. The legislature finds that there is an  
6 emergency condition confronting grain dealers and  
7 warehouse operators, as the availability of the  
8 bonding necessary for licensure has become extremely  
9 limited. However, it is also necessary for the  
10 protection of the public that there is no lapse in  
11 coverage of a grain dealer or warehouse operator.  
12 Therefore, due to the crisis situation facing grain  
13 dealers and warehouse operators who are attempting to  
14 procure bonding in this state, the provisions of this  
15 bill are made retroactive to January 1, 1986. Notices  
16 of cancellation of bond made on or after January 1,  
17 1986, are deemed to be one hundred twenty day notices  
18 in the case of warehouse operators, and ninety days  
19 notices in the case of grain dealers. Warehouse  
20 operators whose sureties give notice of cancellations  
21 of bond on or after January 1, 1986, are given sixty  
22 days until their license is suspended."  
23 2. Page 5, line 13, by inserting after the word  
24 "Iowa" the words ", and is retroactive to January 1,  
25 1986".

S-5019

1 Amend House File 656 as passed by the House as  
2 follows:  
3 1. Page 1, by striking lines 5 and 6, and  
4 inserting the following: "gothic caps on the  
5 principal label of meat food products, as defined in  
6 section 189A.2, which".  
7 2. Page 1, by striking lines 11 through 13.

JAMES WELLS

S-5020

1 Amend House File 656 as passed by the House as  
2 follows:

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

5 "Section 1. Section 191.1, Code 1985, is amended  
6 by adding the following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. In addition to the items  
8 required on the principle label in section 189.9, all  
9 food, as defined in section 190.1, which is offered  
10 for sale or sold in package form shall indicate in  
11 legible letters of not less than eight-point heavy  
12 gothic caps the date on which the food was packaged."

13 2. Page 1, by inserting before line 1 the  
14 following:

15 "Sec. 2. Section 191.3, Code 1985, is amended by  
16 adding the following new unnumbered paragraph after  
17 unnumbered paragraph two:

18 NEW UNNUMBERED PARAGRAPH. A person shall not serve  
19 meat food products as defined in section 189A.2, at a  
20 public eating place unless a notice is displayed  
21 stating the grade, the percentage of lean, the  
22 percentages of ingredients other than muscle and  
23 tallow, and the country of original production for  
24 each meat food product served. The notice shall be  
25 displayed prominently and conspicuously in a place and  
26 manner which will render it likely to be read and  
27 understood by the ordinary individual being served in  
28 the eating place or shall be printed on the menu  
29 provided to persons being served in type or lettering  
30 not smaller than that normally used to designate the  
31 serving of other food items. However, the notice is  
32 not required if each separate serving is accompanied  
33 by labeling containing the required information."

34 3. Title page, line 3, by inserting after the  
35 word "production" the words ", the date of packaging,  
36 and a description of the ingredients, and making a  
37 penalty applicable".

JIM RIORDAN  
LEONARD L. BOSWELL

S-5021

1 Amend Senate File 195 as follows:

- 2 1. Page 1, line 5, by striking the word "may" and  
3 inserting the following: "shall".

EDGAR H. HOLDEN  
DALE TIEDEN  
BERL E. PRIEBE

S-5022

1 Amend Senate File 84 as follows:

- 2 1. Page 1, line 3, by striking the words "shall  
3 not" and inserting the word "may".  
4 2. Page 1, by striking lines 8 and 9 and  
5 inserting the following: "state only by referendum at  
6 a regularly scheduled election. An ordinance existing  
7 on or after the effective date of this Act which was  
8 not enacted by referendum at a regularly scheduled  
9 election is void."

ARNE WALDSTEIN

S-5023

1 Amend Senate File 2029 as follows:

- 2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 233.1, subsection 2, Code  
5 1985, is amended by striking the subsection and  
6 inserting the following new subsection:  
7 NEW SUBSECTION. 2. To knowingly send, cause to be  
8 sent, or induce to go, any child under the age of  
9 eighteen to any of the following:  
10 a. A brothel or other premises used for the  
11 purposes of prostitution, with the intent that the  
12 child engage the services of a prostitute.  
13 b. An unlicensed premises where alcoholic liquor,  
14 wine, or beer is unlawfully sold or kept for sale.  
15 c. Any premises the use of which constitutes a  
16 violation of sections 725.5, 725.10, or 725.11.  
17 Sec. 2. Section 725.3, Code 1985, is amended by  
18 striking the section and inserting the following new  
19 section:  
20 725.3 PANDERING  
21 1. A person who persuades, arranges, coerces, or

22 otherwise causes another, not a minor, to become a  
 23 prostitute, to return to the practice of prostitution  
 24 after having abandoned it, or keeps or maintains any  
 25 premises for the purposes of prostitution or takes a  
 26 share in the income from such premises knowing the  
 27 character and content of such income, commits a class  
 28 "D" felony.

29 2. A person who persuades, arranges, coerces, or  
 30 otherwise causes a minor to become a prostitute, to  
 31 return to the practice of prostitution after having  
 32 abandoned it, or keeps or maintains any premises for  
 33 the purpose of prostitution involving minors or  
 34 knowingly shares in the income from such premises  
 35 knowing the character and content of such income,  
 36 commits a class "C" felony."

COMMITTEE ON JUDICIARY  
 DONALD V. DOYLE, Chairperson

S-5024

1 Amend Senate File 2025 to read as follows:  
 2 1. Page 1, line 1, by striking the figure  
 3 "135B.33" and inserting the following: "142A.11".  
 4 2. Page 1, line 3, by striking the word and  
 5 figure "chapter 142A" and inserting the following:  
 6 "this chapter".  
 7 3. Page 1, line 11, by striking the words  
 8 "commissioner of public health" and inserting the  
 9 following: "department of health".  
 10 4. Page 1, line 14, by striking the word  
 11 "commissioner" and inserting the following:  
 12 "department".  
 13 5. Page 1, line 18, by inserting after the word  
 14 "circumstances." the following: "The rules shall  
 15 include an exception to this section when the donation  
 16 would not be suitable for use based on medical  
 17 criteria."

ARTHUR L. GRATIAS

S-5025

1 Amend Senate File 2049 as follows:  
 2 1. Page 1, by striking lines 1 through 17 and  
 3 inserting the following:

4 "Section 1. Section 18.3, subsection 1, Code 1985,  
5 is amended by striking unnumbered paragraphs 2 and 3."

JOHN W. JENSEN  
DALE TIEDEN

S-5026

1 Amend the House amendment S-5018 to Senate File  
2 2064 as amended, passed, and reprinted by the Senate  
3 as follows:  
4 1. Page 1, by striking lines 9 through 25, and  
5 inserting the following: "limited. Therefore, this  
6 bill applies to sureties which issue a notice of  
7 cancellation of a grain dealer's or warehouse  
8 operator's bond on or after the effective date of this  
9 Act, and applies to licensed grain dealers and  
10 licensed warehouse operators whose sureties issue a  
11 notice of bond cancellation on or after the effective  
12 date of this Act."

EMIL J. HUSAK  
EUGENE FRAISE  
JOHN SOORHOLTZ

S-5027

1 Amend Senate File 2051 as follows:  
2 1. By striking page 1, line 1 through page 2,  
3 line 6 and inserting the following:  
4 "Section 1. Section 624.23, subsection 1,  
5 unnumbered paragraph 2, Code Supplement 1985, is  
6 amended by striking the unnumbered paragraph.  
7 Sec. 2. Section 624.24, Code Supplement 1985, is  
8 amended by striking the section and inserting in lieu  
9 thereof the following:  
10 624.24 WHEN JUDGMENT LIEN ATTACHES.  
11 When the real estate lies in the county wherein the  
12 judgment of the district court of this state or of the  
13 circuit or district courts of the United States was  
14 entered in the judgment docket and lien index kept by  
15 the clerk of the court having jurisdiction, the lien  
16 shall attach from the date of such entry of judgment,  
17 but if in another it will not attach until an attested  
18 copy of the judgment is filed in the office of the  
19 clerk of the district court of the county in which the  
20 real estate lies."

DONALD V. DOYLE

S-5028

- 1 Amend House File 102 as amended, passed, and  
 2 reprinted by the House as follows:
- 3 1. Page 1, line 12, by inserting after the word  
 4 "to," the following: "churches,"
- 5 2. Page 2, line 11, by striking the words "except  
 6 in a designated smoking area".
- 7 3. Page 2, by striking lines 20 through 35.
- 8 4. Page 3, line 6, by striking the word "by:" and  
 9 inserting the following: "by posting appropriate no-  
 10 smoking signs."
- 11 5. By striking page 3, line 7 through page 4,  
 12 line 3.
- 13 6. Page 4, by striking lines 7 through 14 and  
 14 inserting the following:
- 15 "A person who smokes in those areas covered by  
 16 section 98A.2 ~~or who violates section 98A.4~~ shall pay  
 17 a civil fine of five dollars for the first violation  
 18 and not less than ten nor more than one hundred  
 19 dollars for each subsequent violation.  
 20 Judicial magistrates shall hear and determine  
 21 violations of this chapter. The civil fines paid  
 22 pursuant to this chapter shall be deposited in the  
 23 county treasury."
- 24 7. Page 4, by inserting before line 15 the  
 25 following:
- 26 "Sec. \_\_\_\_ . Sections 98A.4 and 98A.5, Code 1985,  
 27 are repealed."

EDGAR H. HOLDEN

S-5029

- 1 Amend Senate File 2051 as follows:
- 2 1. By striking page 1, line 1 through page 2,  
 3 line 11 and inserting the following:
- 4 "Section 1. Section 624.23, subsection 1,  
 5 unnumbered paragraph 2, Code Supplement 1985, is  
 6 amended by striking the unnumbered paragraph.  
 7 Sec. 2. Section 624.24, Code Supplement 1985, is  
 8 amended by striking the section and inserting in lieu  
 9 thereof the following:
- 10 624.24 WHEN JUDGMENT LIEN ATTACHES.  
 11 When the real estate lies in the county wherein the  
 12 judgment of the district court of this state or of the  
 13 circuit or district courts of the United States was  
 14 entered in the judgment docket and lien index kept by  
 15 the clerk of the court having jurisdiction, the lien

16 shall attach from the date of such entry of judgment,  
17 but if in another it will not attach until an attested  
18 copy of the judgment is filed in the office of the  
19 clerk of the district court of the county in which the  
20 real estate lies.

21 Sec. 3. It is the intent of the general assembly  
22 that liens against real estate for child or spousal  
23 support shall only attach against real estate located  
24 in the county in which the judgment was entered and  
25 against real estate located in another county if an  
26 attested copy of the judgment was filed in the office  
27 of the clerk of the district court of that other  
28 county.

29 Sec. 4. This Act takes effect from and after its  
30 publication in The Sioux City Journal, a newspaper  
31 published in Sioux City, Iowa, and in The Iowegian and  
32 Citizen, a newspaper published in Centerville, Iowa,  
33 and is retroactive to July 1, 1985."

DONALD V. DOYLE

S-5030

1 Amend House File 656 as passed by the House as  
2 follows:

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

5 "Section 1. Section 191.1, Code 1985, is amended  
6 by adding the following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. In addition to the items  
8 required on the principle label in section 189.9, all  
9 meat food products, as defined in section 189A.2,  
10 which are offered for sale or sold in package form  
11 shall indicate in legible letters of not less than  
12 eight-point heavy gothic caps the date on which the  
13 food was packaged."

14 2. Page 1, by inserting before line 1 the  
15 following:

16 "Sec. 2. Section 191.3, Code 1985, is amended by  
17 adding the following new unnumbered paragraph after  
18 unnumbered paragraph two:  
19 NEW UNNUMBERED PARAGRAPH. A person shall not serve  
20 meat food products as defined in section 189A.2, at a  
21 public eating place unless a notice is displayed  
22 stating the grade, the percentage of lean, the  
23 percentages of ingredients other than muscle and  
24 tallow, and the country of original production for  
25 each meat food product served. The notice shall be  
26 displayed prominently and conspicuously in a place and

27 manner which will render it likely to be read and  
 28 understood by the ordinary individual being served in  
 29 the eating place or shall be printed on the menu  
 30 provided to persons being served in type or lettering  
 31 not smaller than that normally used to designate the  
 32 serving of other food items. However, the notice is  
 33 not required if each separate serving is accompanied  
 34 by labeling containing the required information.”  
 35 3. Title page, line 3, by inserting after the  
 36 word “production” the words “, the date of packaging,  
 37 and a description of the ingredients, and making a  
 38 penalty applicable”.

JIM RIORDAN  
 LEONARD L. BOSWELL

HOUSE AMENDMENT TO  
 SENATE FILE 499

S-5031

1 Amend Senate File 499 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, line 10, by inserting after the word  
 4 “bicycles,” the words and figure “1966 model year or  
 5 newer”.  
 6 2. Page 1, line 27, by striking the words “motor  
 7 vehicle” and inserting the words “type of motor  
 8 vehicle which is”.  
 9 3. Page 2, by striking lines 21 through 23.  
 10 4. Page 2, by inserting before line 24 the  
 11 following:  
 12 “\_\_\_ . Front seat occupants of an authorized  
 13 emergency vehicle while they are being transported in  
 14 an emergency. However, this exemption does not apply  
 15 to the driver of the authorized emergency vehicle.”  
 16 5. Page 2, line 24, by striking the figure “1985”  
 17 and inserting the figure “1986”.  
 18 6. Page 2, line 25, by striking the figure “1985”  
 19 and inserting the figure “1986”.  
 20 7. By striking page 2, line 34 through page 3,  
 21 line 1.  
 22 8. Page 3, by striking lines 18 through 31.  
 23 9. Title page, lines 4 and 5, by striking the  
 24 words “providing a penalty” and inserting the words  
 25 “making penalties applicable”.

S-5032

- 1 Amend the House amendment S-5031 to Senate File 499 as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 20 through 21 and inserting
- 4 in lieu thereof the following:
- 5 "7. Page 2, line 35, by striking the word "not"."

JULIA B. GENTLEMAN

S-5033

- 1 Amend Senate amendment S-5031 to Senate File 499 as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking lines 20 and 21.
- 5 2. By renumbering as necessary.

DONALD V. DOYLE

S-5034

- 1 Amend the House amendment S-5031, to Senate File
- 2 499 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by inserting after line 8 the following:
- 5 " \_\_\_\_ . Page 1, line 35, by inserting after the word
- 6 "vehicle" the words "which is not a passenger car and".
- 7 " \_\_\_\_ . Page 2, line 3, by inserting after the word
- 8 "vehicle" the words " , which is not a passenger car ,".
- 9 " \_\_\_\_ . Page 2, line 8, by inserting after the word
- 10 "vehicle" the word " , which is not a passenger car ,"."
- 11 2. Page 1, line 22, by striking the words and
- 12 figures "by striking lines 18 through 31" and inserting
- 13 in lieu thereof the words and figures "line 31, by
- 14 striking the word "ten" and inserting in lieu thereof
- 15 the word "twenty-five"."

DOUGLAS RITSEMA

S-5035

- 1 Amend the House amendment, S-5031, to Senate File
- 2 499 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by inserting after line 22, the
- 5 following:

6 " \_\_\_\_ . Page 3, by inserting after line 31, the  
7 following:  
8 "Sec. \_\_\_\_ . This Act is repealed effective July 1,  
9 1991. It is the intent of the general assembly that  
10 the state department of transportation prepare for the  
11 general assembly statistics prior to this repeal so  
12 that the general assembly can determine if this Act  
13 has saved lives or is otherwise effective."

TOM MANN, Jr.

S-5036

1 Amend the House amendment, S-5031, to Senate File  
2 499 as amended, passed and reprinted by the Senate as  
3 follows:  
4 1. Page 1, by inserting after line 22 the  
5 following:  
6 " \_\_\_\_ . Page 3, by inserting after line 31 the  
7 following:  
8 "Sec. \_\_\_\_ . This Act is repealed if and on the date  
9 when 49 C.F.R. § 571.208 S4.1.5.1 is repealed or is  
10 finally invalidated by a court."

TOM MANN, Jr.

S-5037

1 Amend Senate File 2042 as follows:  
2 1. Page 1, by inserting before line 1, the  
3 following:  
4 "Section 1. Section 598.22, unnumbered paragraph  
5 2, Code Supplement 1985, is amended to read as  
6 follows:  
7 Upon a finding of previous failure to pay child  
8 support, the court may order the person obligated for  
9 permanent child support to make an assignment of  
10 periodic earnings or trust income to the clerk of  
11 court for the use of the person for whom the  
12 assignment is ordered. The assignment of earnings  
13 ordered by the court shall not exceed the amounts set  
14 forth in 15 U.S.C. §1673(b)(1982). The assignment is  
15 binding on the employer, trustee, or other payor of  
16 the funds two weeks after service upon that person of  
17 notice that the assignment has been made. The payor  
18 shall withhold from the earnings or trust income  
19 payable to the person obligated the amount specified  
20 in the assignment and shall transmit the payments to

21 the clerk. However, for trusts governed by the  
22 federal Retirement Equity Act of 1984, Pub. L. No. 98-  
23 397, the payor shall transmit the payments to the  
24 alternate payee in accordance with the federal Act.  
25 The payor may deduct from each payment a sum not  
26 exceeding ~~two~~ four dollars as a reimbursement for  
27 costs. An employer who dismisses an employee due to  
28 the entry of an assignment order commits a simple  
29 misdemeanor.

30 Sec. 2. Section 598.23, subsection 2, paragraph a,  
31 Code Supplement 1985, is amended to read as follows:

32 a. Directs the defaulting party to assign trust  
33 income, or a sufficient amount in salary or wages due  
34 or to become due in the future from an employer or  
35 successor employers, to the clerk of the court where  
36 the order or judgment was granted for the purpose of  
37 paying the sums in default as well as the payments to  
38 be made in the future. However, for trusts governed  
39 by the federal Retirement Equity Act of 1984, Pub. L.  
40 No. 98-397, payments shall be made to the alternate  
41 payee in accordance with the federal Act. If the  
42 assignment is of salary or wages due, the amount  
43 assigned shall not exceed the amount set forth in 15  
44 U.S.C. §1673(b)(1982) and the assignment order is  
45 binding upon the employer only for those amounts that  
46 represent child support and only upon receipt by the  
47 employer of a copy of the order, signed by the  
48 employee. For each payment deducted in compliance  
49 with the direction, the payor may deduct a sum not  
50 exceeding ~~two~~ four dollars as a reimbursement for

**Page 2**

1 costs. Compliance by a payor with the court's order  
2 shall operate as a discharge of the payor's liability  
3 to the payee as to the affected portion of the payee's  
4 wages or trust income. An employer who dismisses an  
5 employee due to the entry of an assignment order  
6 commits a simple misdemeanor."

7 2. By renumbering as necessary.

TOM MANN, Jr.

S-5038

1 Amend the House amendment, S-5031, to Senate File  
2 499 as amended, passed, and reprinted by the Senate as

3 follows:

4 1. Page 1, by striking line 9.

C. JOSEPH COLEMAN

S-5039

1 Amend Senate File 2116 as follows:

2 1. Page 1, line 15, by inserting after the word

3 "facilities" the words "or equipment".

4 2. Page 8, by inserting after line 25 the  
5 following:

6 "Sec. \_\_\_\_ . NEW SECTION. 542B.1 DEFINITIONS.

7 As used in this chapter, unless the context  
8 otherwise requires:

9 1. "Commission" means the Iowa state commerce  
10 commission.

11 2. "Grain" means any grain for which the United  
12 States department of agriculture has established  
13 standards including, but not limited to, corn, wheat,  
14 oats, soybeans, rye, barley, grain sorghum, flaxseeds,  
15 sunflower seed, spelt [emmer] and field peas.

16 3. "Truck dealer" means a person who buys during  
17 any calendar month five hundred bushels of grain or  
18 more from the producers of the grain for purposes of  
19 resale, milling, or processing, and whose grain  
20 dealing facilities and equipment are not principally  
21 stationary.

22 4. "Producer" means the owner, tenant, or operator  
23 of land in this state who has an interest in and  
24 receives all or a part of proceeds from the sale of  
25 grain produced on that land.

26 5. "Credit-sale contract" means a contract for the  
27 sale of grain pursuant to which the sale price is to  
28 be paid more than thirty days after the delivery of  
29 the grain to the buyer, and includes but is not  
30 limited to those contracts commonly referred to as  
31 deferred payment contracts, deferred pricing  
32 contracts, and price-later contracts.

33 Sec. \_\_\_\_ . NEW SECTION. 542B.2 DUTIES AND POWERS  
34 OF THE COMMISSION.

35 The commission may exercise general supervision  
36 over the business operations of truck dealers. The  
37 supervisory and regulatory powers authorized by this  
38 chapter shall be the responsibility of the warehouse  
39 division of the commission. The commission may  
40 inspect or cause to be inspected any truck dealer  
41 operating in this state and may require the filing of  
42 reports pertaining to the operation of the dealer's

43 business. The commission shall adopt rules to provide  
44 for the efficient administration and regulation of the  
45 provisions of this chapter, and may designate an  
46 employee of the commission to act for the commission  
47 in any details connected with such administration,  
48 including the issuance of licenses and approval of  
49 truck dealers' bonds in the name of the commission.  
50 Sec. — . NEW SECTION. 542B.3 LICENSE REQUIRED -

**Page 2**

1 - FINANCIAL RESPONSIBILITY.

2 1. A person shall not engage in the business of a  
3 truck dealer in this state without having obtained a  
4 license issued by the commission.  
5 2. The type of license required shall be  
6 determined as follows:  
7 a. A class 1 license is required if the truck  
8 dealer purchases any grain by credit-sale contract, or  
9 if the value of grain purchased by the truck dealer  
10 from producers during the truck dealer's previous  
11 fiscal year exceeds five hundred thousand dollars.  
12 Any other truck dealer may elect to be licensed as a  
13 class 1 truck dealer.  
14 b. A class 2 license is required for any truck  
15 dealer not holding a class 1 license. A class 2  
16 licensee whose purchases from producers during a  
17 fiscal year exceed a limit of five hundred thousand  
18 dollars in value shall file within thirty days of the  
19 date the limit is reached a complete application for a  
20 class 1 license. If a class 1 license is denied, the  
21 person immediately shall cease doing business as a  
22 truck dealer.  
23 3. An application for a license to engage in  
24 business as a truck dealer shall be filed with the  
25 commission and shall be in a form prescribed by the  
26 commission. The application shall include the name of  
27 the applicant, its principal officers if the applicant  
28 is a corporation or the active members of a  
29 partnership if the applicant is a partnership and the  
30 location of the principal office or place of business  
31 of the applicant. A separate license shall be  
32 required for each location at which records are  
33 maintained for transactions of the truck dealer. The  
34 application shall be accompanied by a complete  
35 financial statement of the applicant setting forth the  
36 assets, liabilities and the net worth of the  
37 applicant. The financial statement must be prepared  
38 according to generally accepted accounting principles.  
39 Assets shall be shown at original cost less

40 depreciation. Upon a written request filed with the  
41 commission, the commission or a designated employee  
42 may allow asset valuations in accordance with a  
43 competent appraisal. Unpriced contracts shall be  
44 shown as a liability and valued at the applicable  
45 current market price of grain as of the date the  
46 financial statement is prepared.

47 4. In order to receive and retain a class 1  
48 license the following conditions must be satisfied:  
49 a. The truck dealer shall have and maintain a net  
50 worth of at least fifty thousand dollars, or maintain

**Page 3**

1 a bond in the amount of two thousand dollars for each  
2 one thousand dollars or fraction thereof of net worth  
3 deficiency. However, a person shall not be licensed  
4 as a class 1 truck dealer if the person has a net  
5 worth of less than twenty-five thousand dollars. A  
6 bond submitted for purposes of this paragraph shall be  
7 in addition to any bond otherwise required under this  
8 chapter.

9 b. The truck dealer shall submit, as required by  
10 the commission, a financial statement that is  
11 accompanied by an unqualified opinion based upon an  
12 audit performed by a certified public accountant  
13 licensed in this state. However, the commission may  
14 accept a qualification in an opinion that is  
15 unavoidable by any audit procedure that is permitted  
16 under generally accepted accounting principles. An  
17 opinion that is qualified because of a limited audit  
18 procedure or because the scope of an audit is limited  
19 shall not be accepted by the commission. The truck  
20 dealer may elect, however, to submit a financial  
21 statement satisfying the requirements of subsection 5,  
22 paragraph "b," in lieu of the audited financial  
23 statement specified in this paragraph, and if a truck  
24 dealer makes this election the commission shall cause  
25 the truck dealer to be inspected not less than twice  
26 during each twelve-month period, but not more than  
27 five times in a twenty-four month period without good  
28 cause, in the manner provided in section 542B.9.

29 c. The truck dealer shall have and maintain  
30 current assets equal to at least ninety percent of  
31 current liabilities or provide bond under the  
32 following conditions:

33 (1) A truck dealer with current assets equal to at  
34 least forty-five percent of current liabilities may  
35 provide bond of two thousand dollars for each one  
36 thousand dollars or fraction of one thousand dollars

37 of current assets that the truck dealer is lacking to  
38 meet the minimum requirement. However, the bond shall  
39 not be used for longer than six consecutive months in  
40 a twelve-month period.

41 (2) A truck dealer with current assets equal to  
42 less than forty-five percent of current liabilities  
43 may provide bond of two thousand dollars for each one  
44 thousand dollars or fraction of one thousand dollars  
45 of current assets that the truck dealer is lacking to  
46 meet the minimum requirement. However, the bond shall  
47 not be used for longer than thirty consecutive days in  
48 a twelve-month period.

49 A bond submitted for purposes of this paragraph  
50 shall be in addition to any other bond permitted or

#### Page 4

1 required under this chapter.

2 5. In order to receive and retain a class 2

3 license the following conditions must be satisfied:

4 a. The truck dealer shall have and maintain a net

5 worth of at least twenty-five thousand dollars, or

6 maintain a bond in the amount of two thousand dollars

7 for each one thousand dollars or fraction thereof of

8 net deficiency. However, a person shall not be

9 licensed as a class 2 truck dealer if the person has a

10 net worth of less than ten thousand dollars. A bond

11 submitted for purposes of this paragraph shall be in

12 addition to any bond otherwise required under this

13 chapter.

14 b. The truck dealer shall submit, as required by

15 the commission, a financial statement that is

16 accompanied by the report of a certified public

17 accountant licensed in this state that is based upon a

18 review performed by the certified public accountant.

19 c. The truck dealer shall have and maintain

20 current assets equal to at least ninety percent of

21 current liabilities or provide bond under the

22 following conditions:

23 (1) A truck dealer with current assets equal to at

24 least forty-five percent of current liabilities may

25 provide bond of two thousand dollars for each one

26 thousand dollars or fraction of one thousand dollars

27 of current assets that the truck dealer is lacking to

28 meet the minimum requirement. However, the bond shall

29 not be used for longer than six consecutive months in

30 a twelve-month period.

31 (2) A truck dealer with current assets equal to

32 less than forty-five percent of current liabilities

33 may provide bond of two thousand dollars for each one

34 thousand dollars or fraction of one thousand dollars  
 35 of current assets that the truck dealer is lacking to  
 36 meet the minimum requirement. However, the bond shall  
 37 not be used for longer than thirty consecutive days in  
 38 a twelve-month period.

39 A bond submitted for purposes of this paragraph  
 40 shall be in addition to any other bond permitted or  
 41 required under this chapter.

42 6. The commission shall adopt rules relating to  
 43 the form and time of filing of financial statements.  
 44 The commission may require additional information or  
 45 verification with respect to the financial resources  
 46 of the applicant and the applicant's ability to pay  
 47 producers for grain purchased from them.

48 7. a. When the net worth or current ratio of a  
 49 licensee in good standing is less than that required  
 50 by this section, the truck dealer shall correct the

**Page 5**

1 deficiency or file the necessary additional bond  
 2 within thirty days of written notice by the  
 3 commission. Unless the deficiency is corrected or the  
 4 additional bond filed within thirty days, the truck  
 5 dealer license shall be suspended.

6 b. If the commission finds that the welfare of  
 7 grain producers requires emergency action, and  
 8 incorporates a finding to that effect in its order,  
 9 immediate suspension of the license may be ordered  
 10 notwithstanding the thirty-day period otherwise  
 11 allowed by paragraph "a" of this subsection.

12 Sec. \_\_\_\_ . **NEW SECTION. 542B.4 BOND REQUIRED.**

13 An applicant for a license to operate as a truck  
 14 dealer shall, as a condition to the granting of the  
 15 license, file with the commission a bond payable to  
 16 the state of Iowa with a corporate surety approved by  
 17 the commission conditioned that the applicant will pay  
 18 the purchase price of any grain to the producer;  
 19 provided that the aggregate liability of the surety to  
 20 such persons shall in no event exceed the sum of such  
 21 bond. The bond for each class 1 license shall be in  
 22 the penal sum of fifty thousand dollars. The bond for  
 23 each class 2 license shall be in the penal sum of  
 24 twenty-five thousand dollars. One bond, cumulative as  
 25 to minimum requirements, shall be required where a  
 26 person has more than one license, but in no event  
 27 shall the total amount of bond required by this  
 28 section exceed three hundred thousand dollars for a  
 29 class 1 licensee, or one hundred fifty thousand  
 30 dollars for a class 2 licensee. No bond shall be

31 canceled by a surety before at least sixty days'  
32 notice by certified mail to the commission and the  
33 truck dealer. The liability of the surety shall cover  
34 purchases made by the truck dealer during the time the  
35 bond is in force. A truck dealer's bond filed with  
36 this commission shall be in continuous force until  
37 canceled by the surety. The liability of the surety  
38 on any bond required by the provisions of this chapter  
39 shall not accumulate for each successive license  
40 period during which the bond is in force.

41 Sec. \_\_\_\_ . NEW SECTION. 542B.5 LICENSE.

42 Upon the filing of the application and compliance  
43 with the terms and conditions of this chapter and  
44 rules of the commission, the commission shall issue a  
45 license to the applicant. The license shall terminate  
46 on the thirtieth of June of each year. A truck  
47 dealer's license may be renewed annually by the filing  
48 of a renewal fee and a renewal application on a form  
49 prescribed by the commission. An application for  
50 renewal shall be received by the commission before the

**Page 6**

1 thirtieth of June. A truck dealer license which has  
2 terminated may be reinstated by the commission upon  
3 receipt of a proper renewal application, the renewal  
4 fee, and the reinstatement fee as provided in section  
5 542B.6 if filed within thirty days from the date of  
6 termination of the grain dealer license. The  
7 commission may cancel a license upon request of the  
8 licensee unless a complaint or information is filed  
9 against the licensee alleging a violation of a  
10 provision of this chapter.

11 If an applicant has had a license under chapter  
12 542, 542A, 542B, or 543 revoked for cause within the  
13 past three years, or has been convicted of a felony  
14 involving violations of chapter 542, 542A, 542B, or  
15 543, or is owned or controlled by a person who has had  
16 a license so revoked or who has been so convicted, the  
17 commission may deny a license to the applicant.

18 Sec. \_\_\_\_ . NEW SECTION. 542B.6 FEES.

19 The commission shall charge the following fees for  
20 deposit in the general fund:

21 1. For the issuance or renewal of a license for a  
22 truck dealer and for any inspection of a truck dealer,  
23 the fee shall be determined on the basis of dollar  
24 volume of all grain purchased the previous calendar  
25 year as follows:

26 a. If the total purchased is one hundred thousand  
27 dollars or less, the license fee is forty dollars and

28 the inspection fee is fifty dollars.

29 b. If the total purchased is more than one hundred  
30 thousand dollars, but not more than seven hundred  
31 fifty thousand dollars, the license fee is seventy  
32 dollars and the inspection fee is seventy-five  
33 dollars.

34 c. If the total purchased is more than seven  
35 hundred fifty thousand dollars, but not more than one  
36 million five hundred thousand dollars, the license fee  
37 is one hundred dollars and the inspection fee is one  
38 hundred fifteen dollars.

39 d. If the total purchased is more than one million  
40 five hundred thousand dollars, but not more than three  
41 million dollars, the license fee is one hundred  
42 seventy-five dollars and the inspection fee is one  
43 hundred fifty dollars.

44 e. If the total purchased is more than three  
45 million dollars, but not more than four million seven  
46 hundred fifty thousand dollars, the license fee is  
47 three hundred dollars and the inspection fee is one  
48 hundred eighty-five dollars.

49 f. If the total purchased is more than four  
50 million seven hundred fifty thousand dollars, but not

**Page 7**

1 more than nine million five hundred thousand dollars,  
2 the license fee is four hundred twenty-five dollars  
3 and the inspection fee is two hundred twenty-five  
4 dollars.

5 g. If the total purchased is more than nine  
6 million five hundred thousand dollars, the license fee  
7 is five hundred seventy-five dollars and the  
8 inspection fee is two hundred sixty-five dollars.

9 If the applicant did not purchase grain the  
10 previous calendar year, the applicant will pay the fee  
11 specified in paragraph "a". If during the license  
12 period the total grain actually purchased exceeds one  
13 hundred thousand dollars, the licensee shall notify  
14 the commission and the license and inspection fee  
15 shall be adjusted accordingly. Subsequent adjustments  
16 shall be made as necessary. An applicant may elect  
17 licensing in any category of this subsection. New  
18 licenses issued for less than a full year shall be  
19 prorated from the date of application.

20 2. For an amendment to a license, the fee is ten  
21 dollars.

22 3. For a duplicate license, the fee is five  
23 dollars.

24 4. For reinstatement of a license the fee is fifty

25 dollars.

26 Sec. \_\_\_\_ . NEW SECTION. 542B.7 POSTING OF  
27 LICENSE.

28 The truck dealer's license shall be posted in a  
29 conspicuous location in the place of business. A  
30 truck dealer's license is not transferable.

31 Sec. \_\_\_\_ . NEW SECTION. 542B.8 PAYMENT.

32 A person licensed as a truck dealer shall pay the  
33 purchase price to the owner or the owner's agent for  
34 grain upon delivery or demand of the owner or agent,  
35 but not later than thirty days after delivery by the  
36 owner or agent unless in accordance with the terms of  
37 a credit-sale contract that satisfies the requirements  
38 of this chapter.

39 As used in this section, "delivery" means the  
40 transfer of title to and possession of grain by the  
41 seller to the truck dealer or to another person in  
42 accordance with the agreement of the seller and the  
43 truck dealer; and "payment" means the actual payment  
44 or tender of payment by the truck dealer to the seller  
45 of the agreed purchase price, or in the case of  
46 disputes as to sales of grain, the undisputed portion  
47 of the purchase price without reduction for any  
48 separate claim of the truck dealer against the seller.

49 Sec. \_\_\_\_ . NEW SECTION. 542B.9 INSPECTION OF  
50 PREMISES, BOOKS AND RECORDS.

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1 The commission may inspect the premises used by any  
2 truck dealer in the conduct of the dealer's business  
3 at any time, and the books, accounts, records and  
4 papers of every grain dealer which pertain to grain  
5 purchases are subject to inspection by the commission  
6 during ordinary business hours. The commission shall  
7 cause the business premises and books, accounts,  
8 records and papers of every truck dealer to be  
9 inspected not less than once during each twelve-month  
10 period, but not more than three times in a twenty-four  
11 month period without good cause. However, if a class  
12 1 grain dealer elects to submit the unaudited  
13 financial statement under section 542B.3, subsection  
14 4, paragraph "b," the commission shall cause the grain  
15 dealer to be inspected not less than twice during each  
16 twelve-month period, but not more than five times in a  
17 twenty-four month period without good cause. The  
18 transporter of grain in transit shall possess bills of  
19 lading or other documents covering the grain, and  
20 shall present them to any law enforcement officer or  
21 to a person designated as an enforcement officer under

22 section 542B.13 on demand. If there is good cause to  
 23 believe that a person is engaged without a license in  
 24 the business of a truck dealer in this state, the  
 25 commission may inspect the books, papers, and records  
 26 of the person which pertain to grain purchases.

27 If the truck dealer does not maintain a place of  
 28 business in this state, inspect the business premises  
 29 of the truck dealer, and the truck dealer shall submit  
 30 all books, records and papers relating to grain  
 31 transactions occurring within this state to the  
 32 commission for purposes of an inspection required or  
 33 permitted under this section at any reasonable time  
 34 and place, including the offices of the commission  
 35 during regular business hours, as ordered by the  
 36 commission or the director of the warehouse division.

37 Sec. \_\_\_\_ . NEW SECTION. 542B.10 SUSPENSION OR  
 38 REVOCATION OF LICENSE.

39 The commission may after hearing and upon  
 40 information being filed with the commission by the  
 41 head of the warehouse division of the commission or  
 42 upon complaint filed by any person, suspend or revoke  
 43 the license of any person licensed under this chapter  
 44 for the violation of or failure to comply with the  
 45 provisions of this chapter or any rule adopted under  
 46 this chapter. An information or a verified complaint  
 47 stating the grounds for suspension or revocation shall  
 48 be filed with the commission in triplicate. The  
 49 commission shall notify the licensee of the complaint  
 50 and furnish the licensee with a copy of the

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1 information or the complaint and a copy of the order  
 2 of the commission fixing the time for a hearing, which  
 3 time shall be at least five days from the date of  
 4 notification. If the commission determines that the  
 5 public good requires immediate action, the commission  
 6 may, upon the filing of the information or the  
 7 complaint and without hearing, temporarily suspend a  
 8 license pending the determination by it of the  
 9 complaint. Judicial review of the actions of the  
 10 commission may be sought in accordance with the terms  
 11 of the Iowa administrative procedure Act.

12 The commission may revoke a truck dealer's license  
 13 upon information without hearing if a grain dealer  
 14 fails to have sufficient bond on file with the  
 15 commission, or if a grain dealer fails to submit to  
 16 inspection.

17 Sec. \_\_\_\_ . NEW SECTION. 542B.11 PENALTIES --  
 18 INJUNCTIONS.

19 1. A person who knowingly submits false  
20 information to or knowingly withholds information from  
21 the commission or any of its employees when required  
22 to be submitted or maintained under this chapter,  
23 commits a fraudulent practice.

24 2. A person who engages in business as a truck  
25 dealer without obtaining a license, or who refuses to  
26 permit inspection of licensed premises, or books,  
27 accounts, records, or other documents required by this  
28 chapter, or who uses a scale ticket, or credit-sale  
29 contract that fails to satisfy requirements  
30 established by the commission commits a serious  
31 misdemeanor, except that a person who commits any of  
32 these offenses after having been found guilty of the  
33 same offense commits an aggravated misdemeanor.

34 3. Except as provided in subsections 1 and 2, a  
35 person who violates any provision of this chapter  
36 commits a simple misdemeanor. With respect to a  
37 continuing violation, each day that the violation  
38 continues is a separate offense.

39 4. A violation of this chapter, or a violation of  
40 chapter 714 or 715 involving the business of a truck  
41 dealer, may be restrained by an injunction in an  
42 action brought by the commerce commission.

43 Sec. \_\_\_\_ . NEW SECTION. 542B.12 CLAIMS -- NOTICE.

44 Upon revocation, termination or cancellation of a  
45 truck dealer license, any claim for the purchase price  
46 of grain against the truck dealer shall be made in  
47 writing and filed with the truck dealer and with the  
48 surety on the truck dealer bond within one hundred  
49 twenty days after revocation, termination or  
50 cancellation. Failure to make this timely claim shall

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1 relieve the surety of all obligations to the claimant.  
2 However, this section shall not be construed to reduce  
3 below the face amount of the bond then in effect the  
4 aggregate liability of the surety to other claimants.

5 Upon revocation of a truck dealer license, the  
6 commission shall cause notice of such revocation to be  
7 published once each week for two consecutive weeks in  
8 a newspaper of general circulation within the state of  
9 Iowa and in a newspaper of general circulation within  
10 the county of the truck dealer's principal place of  
11 business when that dealer's principal place of  
12 business is located in the state of Iowa. The notice  
13 shall state the name and address of the truck dealer,  
14 the effective date of revocation, and the name and  
15 address of the surety on the truck dealer bond. The

16 notice shall also state that any claims against the  
 17 truck dealer shall be made in writing and sent by  
 18 ordinary mail or delivered personally within one  
 19 hundred twenty days after revocation to the truck  
 20 dealer and the surety on the truck dealer bond.

21 Sec. \_\_\_\_ . NEW SECTION. 542B.13 ENFORCEMENT  
 22 OFFICERS.

23 The commission may designate by resolution certain  
 24 of its employees in the warehouse division to be  
 25 enforcement officers. Each person so designated shall  
 26 have the authority of a peace officer to make arrests  
 27 for violations of this chapter.

28 Sec. \_\_\_\_ . NEW SECTION. 542B.14 NO OBLIGATION OF  
 29 STATE.

30 Nothing in this chapter shall be construed to imply  
 31 any guarantee or obligation on the part of the state  
 32 of Iowa, or any of its agencies, employees or  
 33 officials, either elective or appointive, in respect  
 34 to any agreement or undertaking to which the  
 35 provisions of this chapter relate.

36 Sec. \_\_\_\_ . NEW SECTION. 542B.15 CREDIT-SALE  
 37 CONTRACTS.

38 1. A truck dealer shall not purchase grain by a  
 39 credit-sale contract except as provided in this  
 40 section.

41 2. A truck dealer shall give written notice to the  
 42 commission prior to engaging in the purchase of grain  
 43 by credit-sale contracts. Notice shall be on forms  
 44 provided by the commission. The notice shall contain  
 45 information required by the commission.

46 3. All credit-sale contract forms in the  
 47 possession of a truck dealer shall have been  
 48 permanently and consecutively numbered at the time of  
 49 printing of the forms. A truck dealer shall maintain  
 50 an accurate record of all credit-sale contract forms

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1 and numbers obtained by that dealer. The record shall  
 2 include the disposition of each numbered form, whether  
 3 by execution, destruction, or otherwise.

4 4. A truck dealer who purchases grain by credit-  
 5 sale contracts shall maintain books, records and other  
 6 documents as required by the commission to establish  
 7 compliance with this section.

8 5. In addition to other information as may be  
 9 required, a credit-sale contract shall contain or  
 10 provide for all of the following:

- 11 a. The seller's name and address.
- 12 b. The conditions of delivery.

- 13 c. The amount and kind of grain delivered.  
14 d. The price per bushel or basis of value.  
15 e. The date payment is to be made.  
16 f. The duration of the credit-sale contract, which  
17 shall not exceed twelve months from the date the  
18 contract is executed.
- 19 6. Title to all grain sold by a credit-sale  
20 contract is in the purchasing dealer as of the time  
21 the contract is executed, unless the contract provides  
22 otherwise. The contract must be signed by both  
23 parties and executed in duplicate. One copy shall be  
24 retained by the truck dealer and one copy shall be  
25 delivered to the seller. Upon revocation,  
26 termination, or cancellation of a truck dealer  
27 license, the payment date for all credit-sale  
28 contracts shall be advanced to a date not later than  
29 thirty days after the effective date of the  
30 revocation, termination, or cancellation, and the  
31 purchase price for all unpriced grain shall be  
32 determined as of the effective date of revocation,  
33 termination, or cancellation in accordance with all  
34 other provisions of the contract. However, if the  
35 business of the truck dealer is sold to another  
36 licensed grain dealer, credit-sale contracts may be  
37 assigned to the purchaser of the business.
- 38 7. A truck dealer shall not purchase grain on  
39 credit during any time period in which the truck  
40 dealer's current assets are less than forty-five  
41 percent of current liabilities.

42 Sec. \_\_\_\_ . NEW SECTION. 542B.16 CONFIDENTIALITY  
43 OF RECORDS.

44 Notwithstanding chapter 22, all financial  
45 statements of truck dealers under this chapter shall  
46 be kept confidential by the commission and its agents  
47 and employees and are not subject to disclosure except  
48 as follows:

- 49 1. Upon waiver by the licensee.  
50 2. In actions or administrative proceedings

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- 1 commenced under this chapter or chapter 543.  
2 3. When required by subpoena or court order.  
3 4. Disclosure to law enforcement agencies in  
4 regard to the detection and prosecution of public  
5 offenses.  
6 5. When released to a bonding company approved by  
7 the commission, or released to the United States  
8 department of agriculture or any of its divisions.  
9 6. Where released at the request of the Iowa board

10 of accountancy for licensee review and discipline in  
 11 accordance with chapters 116 and 258A and subject to  
 12 the confidentiality requirements of section 258A.6.  
 13 Sec. \_\_\_\_ . NEW SECTION. 542B.17 STANDARDIZATION  
 14 OF RECORDS AND DOCUMENTS.

15 1. The commission may adopt rules specifying the  
 16 form, content and use of scale tickets, and credit-  
 17 sale contracts. All scale ticket forms in the  
 18 possession of a truck dealer shall have been  
 19 permanently and consecutively numbered at the time of  
 20 printing. A truck dealer shall maintain an accurate  
 21 record of all scale ticket numbers. The record shall  
 22 include the disposition of each numbered form, whether  
 23 issued, destroyed, or otherwise disposed of.

24 2. A licensed truck dealer shall keep complete and  
 25 accurate records of all grain transactions. Records  
 26 for the previous six years shall be made available for  
 27 inspection by the commission.

28 Sec. \_\_\_\_ . NEW SECTION. 542B.18 SHRINKAGE  
 29 ADJUSTMENTS --DISCLOSURES -- PENALTIES.

30 1. A person who, in connection with the receipt of  
 31 corn or soybeans for storage, processing, or sale,  
 32 adjusts the scale weight of the grain to compensate  
 33 for the moisture content of the grain shall compute  
 34 the amount of the adjustment by multiplying the scale  
 35 weight of the grain by that factor which results in a  
 36 rate of adjustment of one and eighteen hundredths  
 37 percent of weight per one percent of moisture content.  
 38 The use of any rate of weight adjustment for moisture  
 39 content other than the one prescribed by this  
 40 subsection is a fraudulent practice. The person shall  
 41 post on the business premises in a conspicuous place  
 42 notice of the rate of adjustment for moisture content  
 43 that is prescribed by this subsection. Failure to  
 44 make this disclosure is a simple misdemeanor.

45 2. A person who, in connection with the receipt of  
 46 grain for storage, processing or sale, adjusts the  
 47 quantity of the grain received to compensate for  
 48 losses to be incurred during the handling, processing,  
 49 or storage of the grain shall post on the business  
 50 premises in a conspicuous place notice of the rate of

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1 adjustment to be made for this shrinkage. Failure to  
 2 make the required disclosure is a simple misdemeanor.  
 3 3. A person who adjusts the scale weight of corn  
 4 or soybeans both for moisture content and for  
 5 handling, processing, or storage losses may combine  
 6 the two adjustment factors into a single factor and

7 may use this resulting factor to compute the amount of  
 8 weight adjustment in connection with storage,  
 9 processing, or sale transactions, provided that the  
 10 person shall post on the business premises in a  
 11 conspicuous place a notice that discloses the moisture  
 12 shrinkage factor prescribed by subsection 1, the  
 13 handling shrinkage factor to be imposed, and the  
 14 single factor that results from combining these  
 15 factors. Failure to make the required disclosure is a  
 16 simple misdemeanor."

CALVIN HULTMAN  
 EMIL HUSAK  
 EUGENE FRAISE  
 JOHN SOORHOLTZ

S-5040

- 1 Amend Senate File 2116 as follows:  
 2 1. Page 1, by striking lines 1 through 16.  
 3 2. Page 24, by striking lines 24 through 29.

COMMITTEE ON WAYS AND MEANS  
 WILLIAM D. PALMER, Chairperson

S-5041

- 1 Amend Senate File 2116 as follows:  
 2 1. Page 21, line 18, by inserting after the word  
 3 "chapter." the following: "However, if for any fiscal  
 4 year after the fiscal year ending June 30, 1987 the  
 5 administrative costs of this chapter exceed sixty  
 6 thousand dollars, the commission shall apply to the  
 7 executive council for authorization to use moneys in  
 8 excess of sixty thousand dollars."

RICHARD VANDE HOEF

S-5042

- 1 Amend the House amendment, S-5031, to Senate File  
 2 499 as amended, passed and reprinted by the Senate as  
 3 follows:  
 4 1. Page 1, by striking lines 16 through 19 and  
 5 inserting the following:  
 6 "\_\_\_ . Page 2, by striking lines 24 through 28."  
 7 2. Page 1, by inserting after line 22 the follow-

8 ing:

9 " \_\_\_\_ . Page 3, by inserting after line 31 the  
10 following:  
11 "Sec. \_\_\_\_ . This Act takes effect only at such time  
12 as state mandatory safety belt usage laws have been  
13 enacted that meet the federal minimum criteria for  
14 state mandatory safety belt usage laws under 49 Fed.  
15 Reg. 29,010 (1984) (to be codified at 49 C.F.R.  
16 §571.208 S4.1.5.2) which are applicable to at least  
17 sixty-five and one-half percent of the total  
18 population of the fifty states and the District of  
19 Columbia based on the most recent Estimates of the  
20 Resident Population of States, by Age, Current  
21 Population Reports, Series P-25, published by the  
22 bureau of the census, United States department of  
23 commerce.""  
24 3. Page 1, line 25, by inserting after the word  
25 "applicable" the words "and providing an effective  
26 date".

EDGAR H. HOLDEN

S-5043

1 Amend the House amendment, S-5031, to Senate File  
2 499 as amended, passed and reprinted by the Senate as  
3 follows:  
4 1. Page 1, by striking lines 16 through 19 and  
5 inserting the following:  
6 " \_\_\_\_ . Page 2, by striking lines 24 through 28."  
7 2. Page 1, by inserting after line 22 the  
8 following:  
9 " \_\_\_\_ . Page 3, by inserting after line 31 the  
10 following:  
11 "Sec. \_\_\_\_ . This Act takes effect upon the  
12 effective date that 23 U.S.C. § 154 (1976) is repealed  
13 or amended so that Iowa may enact a maximum speed  
14 limit of at least sixty-five miles per hour on  
15 interstate roads and still be eligible to receive  
16 approval of federal aid road projects under 23 U.S.C.  
17 § 106 (1976).""  
18 3. Page 1, line 25, by inserting after the word  
19 "applicable" the words "and providing an effective  
20 date".

EDGAR H. HOLDEN

S-5044

1 Amend the House amendment, S-5031, to Senate File  
2 499 as amended, passed and reprinted by the Senate as  
3 follows:

4 1. Page 1, by striking line 22 and inserting the  
5 following:

6 "\_\_\_\_. Page 3, by striking line 31 and inserting  
7 the following: "scheduled fine is fifty dollars,  
8 however, if the offender produces in court proof that  
9 the offender is currently unemployed or had an annual  
10 adjusted gross income of ten thousand dollars or less  
11 the previous tax year, the scheduled fine is ten  
12 dollars. As used in this paragraph, "adjusted gross  
13 income" means as properly computed for federal income  
14 tax purposes under the Internal Revenue Code of 1954  
15 as defined in section 422.3.""

JIM LIND

S-5045

1 Amend House File 497, as passed by the House, as  
2 follows:

3 1. Page 1, by inserting after line 24 the  
4 following:

5 "Sec. 2. Section 427.1, subsection 36, Code  
6 Supplement 1985, is amended by adding the following  
7 new unnumbered paragraph:  
8 NEW UNNUMBERED PARAGRAPH. Notwithstanding other  
9 requirements under this subsection, the owner of any  
10 property lying between a river or stream and a dike  
11 which is required to be set back three hundred feet or  
12 less from the river or stream shall automatically be  
13 granted an exemption for that property upon submission  
14 of an application accompanied by an affidavit signed  
15 by the applicant that if the exemption is granted the  
16 property will not be used for economic gain during the  
17 period of exemption. The exemption shall continue  
18 from year to year for as long as the property  
19 qualifies and is not used for economic gain, without  
20 need for filing additional applications or affidavits.  
21 Property exempted pursuant to this paragraph is in  
22 addition to the maximum acreage applicable to other  
23 exemptions under this subsection."

FORREST SCHWENGELS

S-5046

- 1 Amend Senate File 2116 as follows:
- 2 1. Page 15, by inserting after line 27 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 543.13, unnumbered paragraph 1,
- 5 Code 1985, is amended by striking the paragraph."
- 6 2. Page 15, line 31, by striking the word
- 7 "nonbulk" and inserting the words "agricultural
- 8 products other than bulk".
- 9 3. Page 16, line 1, by striking the word
- 10 "nonbulk" and inserting the words "agricultural
- 11 products other than bulk".
- 12 4. Page 16, line 4, by striking the word
- 13 "nonbulk" and inserting the words "agricultural
- 14 products other than bulk".
- 15 5. Page 16, line 13, by striking the word
- 16 "nonbulk" and inserting the words "agricultural
- 17 products other than bulk".
- 18 6. Page 16, line 16, by striking the word
- 19 "nonbulk" and inserting the words "agricultural
- 20 products other than bulk".
- 21 7. Page 16, line 17, by striking the word
- 22 "nonbulk" and inserting the words "agricultural
- 23 products other than bulk".
- 24 8. Page 16, line 18, by striking the word
- 25 "nonbulk" and inserting the words "agricultural
- 26 products other than bulk".
- 27 9. Page 16, line 22, by striking the word
- 28 "nonbulk" and inserting the words "agricultural
- 29 products other than bulk".
- 30 10. Page 16, line 31, by striking the words
- 31 "deficiency bond" and inserting the words "bond on
- 32 agricultural products other than bulk grain, a
- 33 deficiency bond."
- 34 11. Page 16, line 33, by striking the words
- 35 "deficiency bond" and inserting the words "bond on
- 36 agricultural products other than bulk grain,
- 37 deficiency bond."
- 38 12. Page 17, line 6, by striking the words
- 39 "deficiency bond" and inserting the words "bond on
- 40 agricultural products other than bulk grain, a
- 41 deficiency bond."
- 42 13. Page 17, line 26, by striking the words
- 43 "deficiency bond" and inserting the words "bond on
- 44 agricultural products other than bulk grain,
- 45 deficiency bond."
- 46 14. Page 20, lines 33 and 34, by striking the
- 47 words "and licensed warehouse operators" and inserting

48 the words “, licensed warehouse operators, and  
49 participating federally licensed warehouses”.  
50 15. Page 21, line 25, by striking the word

**Page 2**

1 “March” and inserting the word “May”.  
2 16. Page 22, lines 34 and 35, by striking the  
3 words “or for solicitation or negotiation for sale”.

EMIL HUSAK  
EUGENE FRAISE  
JOHN SOORHOLTZ

S-5047

1 Amend the House amendment, S-5031, to Senate File  
2 499 as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, by striking lines 6 through 8 and  
5 inserting the following:  
6 “\_\_\_ . Page 1, by striking line 27 and inserting  
7 the following:  
8 “2. The occupants of a type of motor vehicle which  
9 is”.

10 \_\_\_ . Page 1, line 35, by striking the words  
11 “driver or front seat”.

12 \_\_\_ . Page 2, line 3, by striking the words  
13 “driver and front seat”.

14 2. Page 1, line 12, by striking the words “Front  
15 seat” and inserting the word “The”.

16 3. Page 1, by inserting after line 21, the  
17 following:

18 “\_\_\_ . Page 3, line 2, by striking the words  
19 “driver and front seat passengers” and inserting the  
20 word “occupants”.

21 4. Renumber as necessary.

JIM LIND

S-5048

1 Amend Senate File 2032 as follows:

2 1. Page 1, by striking lines 22 through 28 and  
3 inserting the following:

4 “2. ~~No A~~ demand of taxes shall not be necessary,  
5 but it ~~shall be~~ is the duty of every person subject to  
6 taxation to ~~attend at the office of the treasurer, at~~

7 ~~some time pay~~ between the first Monday in August and  
 8 September 1 following; ~~and pay to the county treasurer~~  
 9 the person's taxes in full, or one-half thereof before  
 10 September 1 succeeding the levy, and the remaining  
 11 half before March 1 following."

ARNE WALDSTEIN

S-5049

1 Amend Senate File 2116 as follows:  
 2 1. Page 23, line 7, by inserting after the word  
 3 "loss" the words "up to a maximum of one hundred  
 4 thousand dollars".

ARNE WALDSTEIN

S-5050

1 Amend Senate File 2035 as follows:  
 2 1. Page 1, line 18, by striking the word "a" and  
 3 inserting the words "an initial".  
 4 2. Page 1, line 33, by striking the words "one  
 5 dollar" and inserting the words "fifty cents".

COMMITTEE ON LOCAL GOVERNMENT  
 ALVIN V. MILLER, Chairperson

S-5051

1 Amend Senate File 2116 as follows:  
 2 1. Page 1, line 16, by inserting after the word  
 3 "~~stationary;~~" the words "a person providing a complete  
 4 ration bulk feed service, however, only that portion of  
 5 the grain utilized in building complete bulk rations is  
 6 exempt.".

ARNE WALDSTEIN

S-5052

1 Amend Senate File 2116 as follows:  
 2 1. Page 1, by inserting before line 17, the  
 3 following:  
 4 "3. "Grain dealer" means a person who buys during  
 5 any calendar month five hundred bushels of grain or  
 6 more from the producers of the grain for purposes of

7 resale, milling, or processing. However, "grain  
8 dealer" does not include a producer of grain who is  
9 buying grain for the producer's own use as seed or  
10 feed; a person solely engaged in buying grain future  
11 contracts on the board of trade; a person who  
12 purchases grain only for sale in a registered feed; a  
13 person engaged in the business of selling agricultural  
14 seeds regulated by chapter 199; a person buying grain  
15 only as a farm manager; an executor, administrator,  
16 trustee, guardian, or conservator of an estate; a  
17 bargaining agent as defined in section 542A.1; a  
18 person providing a complete ration bulk feed service,  
19 however, only that portion of the grain utilized in  
20 building complete bulk rations is exempt; or a custom  
21 livestock feeder."

ARNE WALDSTEIN

S-5053

1 Amend Senate File 2116 as follows:

2 1. Page 1, by inserting before line 17, the  
3 following:

4 "Section 1. Section 542.1, subsection 3, Code  
5 Supplement 1985, is amended to read as follows:

6 3. "Grain dealer" means a person who buys during  
7 any calendar month five hundred bushels of grain or  
8 more from the producers of the grain for purposes of  
9 resale, milling, or processing. However, "grain  
10 dealer" does not include a producer of grain who is  
11 buying grain for the producer's own use as seed or  
12 feed; a person solely engaged in buying grain future  
13 contracts on the board of trade; a person who  
14 purchases grain only for sale in a registered feed; a  
15 person engaged in the business of selling agricultural  
16 seeds regulated by chapter 199; a person buying grain  
17 only as a farm manager; an executor, administrator,  
18 trustee, guardian, or conservator of an estate; a  
19 bargaining agent as defined in section 542A.1; a  
20 person providing a complete ration bulk feed service,  
21 however, only that portion of the grain utilized in  
22 building complete bulk rations is exempt; or a custom  
23 livestock feeder."

ARNE WALDSTEIN

S-5054

- 1 Amend Senate File 2032 as follows:  
 2 1. Page 1, line 10, by striking the word "due"  
 3 and inserting the following: "due, which shall only  
 4 be required in county treasurers' offices with  
 5 computerized accounting capabilities."

ALVIN MILLER

S-5055

- 1 Amend Senate File 2084 as follows:  
 2 1. Page 1, line 20, by inserting after the word  
 3 "program." the following: "For purposes of this  
 4 section, "motor vehicle" means a motor vehicle subject  
 5 to registration with a gross vehicle weight rating as  
 6 defined in 49 C.F.R. 567.4(g)(3) of less than fifteen  
 7 thousand pounds, but does not include a motor vehicle  
 8 which is not a completed motor vehicle as defined in  
 9 section 322.2, subsection 21, or a motor vehicle  
 10 chassis, either of which is sold to a person licensed  
 11 as a manufacturer pursuant to chapter 322."

C. JOSEPH COLEMAN  
JOSEPH WELSH

S-5056

- 1 Amend Senate File 2032 as follows:

## DIVISION S-5056A

- 2 1. Page 1, line 13, by inserting after the word  
 3 "year." the following: "The statement of property  
 4 taxes due required under this section shall not be  
 5 sent by the county treasurer to the owner of property  
 6 where a mortgage on the property is held by a mortgage  
 7 holder and the property taxes are paid by the owner  
 8 into an escrow account maintained by the mortgage  
 9 holder and paid directly to the county treasurer by  
 10 the mortgage holder from the escrow account."

## DIVISION S-5056B

- 11 2. Page 1, by inserting after line 28 the  
 12 following:  
 13 "Sec. 3. This Act takes effect July 1, 1987."

ALVIN V. MILLER  
RICHARD F. DRAKE

S-5057

- 1 Amend Senate File 2143 as follows:
- 2 1. Page 4, line 7, by striking the word "In".
- 3 2. Page 4, by striking lines 8 through 13 and
- 4 inserting the following: "The court, at any time
- 5 prior to".

TOM MANN, Jr.

S-5058

- 1 Amend Senate File 2084 as follows:
- 2 1. Page 1, by striking lines 3 through 19 and
- 3 inserting the following:
- 4 "1. A manufacturer, distributor, or wholesaler
- 5 shall not offer to sell or sell any new motor vehicle
- 6 at a lower actual price than the actual price offered
- 7 to any other motor vehicle dealer for the same model
- 8 vehicle similarly equipped or utilize any device
- 9 including, but not limited to, sales promotion plans
- 10 or programs which result in a lesser actual price.
- 11 This subsection shall not be construed to prevent the
- 12 utilization of sales promotion plans or programs or
- 13 the offering of volume discounts through new motor
- 14 vehicle dealers for fleet or volume purchasers, if
- 15 such a program is available to all new motor vehicle
- 16 dealers in the state from the same manufacturer. This
- 17 subsection shall not apply so long as a manufacturer
- 18 or distributor offers to sell or sells new motor
- 19 vehicles to all motor vehicle dealers at an equal
- 20 price. However, this subsection shall not apply to
- 21 sales to a motor vehicle dealer for resale to any unit
- 22 of government, charitable organization, or employee of
- 23 a manufacturer or distributor, or to sales made
- 24 directly to a unit of government, charitable
- 25 organization or employee of a manufacturer or
- 26 distributor, or to sales to a motor vehicle dealer or
- 27 any motor vehicle ultimately sold or donated by the
- 28 dealer".

GEORGE KINLEY

S-5059

1 Amend Senate File 2131 as follows:

2 1. Page 1, line 12, by striking the words "and  
3 directed".

4 2. Page 1, by striking lines 16 and 17 and  
5 inserting the following:

6 "1. The attorney general shall contract with and  
7 provide a grant to an eligible nonprofit organization  
8 to provide farmer-creditor mediation services. The  
9 contract shall be awarded within thirty days of the  
10 effective date of this Act. The contract shall  
11 provide that the nonprofit organization awarded the  
12 contract shall make quarterly reports to the head of  
13 the farm division of the attorney general's office  
14 regarding the mediation program. The contract may be  
15 terminated by the attorney general, or denied for  
16 renewal, upon written notice and for good cause."

17 3. Page 2, by striking lines 11 through 25, and  
18 inserting the following:

19 "Sec. 4. NEW SECTION. 13C.3 ELIGIBLE  
20 ORGANIZATION--AUTHORIZED MEDIATORS.

21 In order to qualify for a contract and grant  
22 pursuant to section 13C.2, the organization shall be a  
23 nonprofit organization chartered in the state, and  
24 shall provide a training program for prospective  
25 mediators. A person is not an authorized mediator  
26 until the person has successfully completed the  
27 training program."

28 4. Page 3, by striking line 10, and inserting the  
29 following: "dollars for the purpose of providing the  
30 grant provided in section 13C.2".

31 5. Page 3, by striking line 15 and inserting the  
32 following: "Iowa. However, the section 654.2A is  
33 effective upon publication but not sooner than May 1,  
34 1986."

COMMITTEE ON APPROPRIATIONS  
JOSEPH WELSH, Chairperson

S-5060

1 Amend the House amendment, S-5031, to Senate File  
2 499 as amended, passed and reprinted by the Senate as  
3 follows:

4 1. Page 1, by inserting after line 19 the  
5 following:

6 "\_\_\_\_. Page 2, by inserting after line 33 the

7 following:

- 8 "The issuance of a citation by a peace officer for  
 9 a violation of this subsection creates a nonrebuttable  
 10 presumption that the person named in the citation is  
 11 guilty of violating this subsection."  
 12 2. Renumber as necessary.

TOM MANN, Jr.

S-5061

- 1 Amend Senate File 2047 as follows:  
 2 1. By striking page 2, line 32 through page 3,  
 3 line 15.  
 4 2. Renumber sections and correct internal  
 5 references as necessary in accordance with this  
 6 amendment.

COMMITTEE ON HUMAN RESOURCES  
 BEVERLY HANNON, Chairperson

S-5062

- 1 Amend House File 102 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 2, line 25, by inserting after the word  
 4 "and" the following: "existing".  
 5 2. Page 2, by striking lines 31 through 33 and  
 6 inserting the following: "area in its entirety."  
 7 3. Page 3, line 9, by striking the word "smoke-  
 8 free" and inserting the following: "no-smoking".  
 9 4. Page 3, line 26, by inserting after the word  
 10 "meeting." the following: "However, if the public  
 11 place is designated as a smoking area in its entirety,  
 12 such smoking prohibition statement need not be  
 13 posted."  
 14 5. Page 4, line 11, by striking the word "fifty"  
 15 and inserting the following: "twenty-five".  
 16 6. Page 4, by inserting after line 14 the  
 17 following:  
 18 "Sec. \_\_\_\_ . This Act takes effect January 1, 1987."  
 19 7. Title page, line 2, by inserting after the  
 20 word "penalties" the following: "and providing an  
 21 effective date".

COMMITTEE ON HUMAN RESOURCES  
 BEVERLY HANNON, Chairperson

S-5063

1 Amend Senate File 2123 as follows:  
2 1. Page 2, by inserting after line 25 the  
3 following:  
4 "Sec. 2. Section 602.6201, subsection 10, Code  
5 1985, is amended to read as follows:  
6 10. Notwithstanding the formula for determining  
7 the number of judgeships in this section, the number  
8 of district judges shall not exceed ~~ninety-nine~~ during  
9 the period commencing July 1, 1983 and ending as the  
10 general assembly shall specify one hundred."

JIM RIORDAN

S-5064

1 Amend Senate File 2083 as follows:  
2 1. Page 1, by striking lines 1 and 2 and  
3 inserting the following:  
4 "Section 1. Section 476.61, subsection 1,  
5 paragraph a, unnumbered paragraph 1, Code Supplement  
6 1985, is amended to read as follows:  
7 a. "Energy conservation improvement" means the  
8 purchase or installation of a device, method, or  
9 material that increases the efficiency in the use of  
10 electricity ~~or natural gas~~, including but not limited  
11 to:  
12 Sec. 2. Section 476.61, subsection 3, Code  
13 Supplement 1985, is amended to read as follow:  
14 3. As part of the pilot programs, the commission  
15 shall require public electric utilities to make  
16 investments in energy conservation improvements. The  
17 cost of money, bad debt expense, administrative costs,  
18 and other costs of the pilot programs authorized by  
19 this section shall be included in general utility  
20 rates effective upon approval of the pilot programs by  
21 the commission pursuant to section 476.6, subsection  
22 11. The inclusion of costs in utility rates as  
23 provided in this subsection shall not continue after  
24 the costs arising from the approved energy  
25 conservation program have been recovered.  
26 Sec. 3. Section 476.61, subsection 9, Code  
27 Supplement 1985, is amended to read as follows:  
28 9. If after the conclusion of a pilot program the  
29 commission finds that the program is an effective  
30 method to improve energy conservation and is expected  
31 to result in long-term savings in energy costs, the

- 32 commission may adopt rules requiring all investor-  
 33 owned, rate-regulated public ~~gas and~~ electric  
 34 utilities to make investments in energy conservation  
 35 improvements in accordance with this section.”  
 36 2. Page 1, line 3, by inserting after the word  
 37 “public” the word “gas”.  
 38 3. Title page, line 2, by inserting after the  
 39 word “programs” the words “for public gas utilities”.  
 40 4. Renumber as necessary.

MICHAEL E. GRONSTAL

S-5065

- 1 Amend Senate File 2045 as follows:  
 2 1. Page 2, line 10, by inserting after the word  
 3 “feedlot.” the following: “Calves which are born in a  
 4 confined or quarantined feedlot shall be “F” branded,  
 5 spayed, or castrated.”

BERL E. PRIEBE

S-5066

- 1 Amend Senate File 2083 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 “Section 1. Section 476.61, subsection 1, Code  
 5 Supplement 1985, is amended by adding the following  
 6 new lettered paragraph:  
 7 NEW LETTERED PARAGRAPH. c. “Pilot program” means  
 8 a program which is initiated for a fixed period of  
 9 time and is limited to a fixed geographic area within  
 10 the utility’s service area, limited to a fixed number  
 11 of the utility’s customers, or otherwise limited so  
 12 that there is sufficient information available from  
 13 the results of the program to determine the long-term  
 14 energy savings by the utility as a result of the  
 15 program both in terms of avoided construction costs  
 16 and avoided production costs.  
 17 Sec. 2. Section 476.61, subsection 3, Code  
 18 Supplement 1985, is amended to read as follows:  
 19 3. As part of the pilot programs, the commission  
 20 shall require public utilities to make investments in  
 21 energy conservation improvements. ~~The cost of money,  
 22 bad debt expense, administrative costs, and other  
 23 costs of the pilot programs authorized by this section  
 24 shall be included in general utility rates effective~~

25 upon approval of the pilot programs by the commission  
26 pursuant to section 476.6, subsection 11. The  
27 inclusion of costs in utility rates as provided in  
28 this subsection shall not continue after the costs  
29 arising from the approved energy conservation program  
30 have been recovered. The commission shall permit  
31 recovery of reasonable actual costs of the program.  
32 However, the recovery is limited to a maximum of one  
33 quarter of one percent of the utility's gross revenue  
34 each year.

35 Sec. 3. Section 476.61, subsection 9, Code  
36 Supplement 1985, is amended to read as follows:  
37 9. If after the conclusion of a pilot program the  
38 commission finds that the program is an effective  
39 method to improve energy conservation and is expected  
40 to result in long-term savings in energy costs for the  
41 utility's customers as a class, the commission may  
42 adopt rules requiring all investor-owned, rate-  
43 regulated public gas and electric utilities to make  
44 investments in energy conservation improvements in  
45 accordance with this section.

46 Sec. 4. Section 476.61, Code Supplement 1985, is  
47 amended by adding the following new subsection:  
48 **NEW SUBSECTION.** 10. In implementing this section,  
49 the commerce commission shall adopt rules restricting  
50 the operation of pilot programs by requiring that

## Page 2

1 income guidelines shall be established for eligibility  
2 of a residential customer to participate in a pilot  
3 program. The guidelines shall include a maximum  
4 income of thirty thousand dollars per year for a  
5 customer in a residential unit with one individual  
6 residing in the unit and forty thousand dollars per  
7 year for a customer in a residential unit with more  
8 than one individual residing in the unit. To  
9 determine the customer's income, the annual adjusted  
10 gross income for all individuals who have filed a  
11 personal income tax return and reside in the residence  
12 shall be aggregated. As used in this subsection,  
13 "adjusted gross income" means as properly computed for  
14 federal income tax purposes under the Internal Revenue  
15 Code of 1954 as defined in section 422.3.

16 Sec. 5. Each utility shall file with the  
17 commission within 30 days of the effective date of  
18 this Act a plan for terminating its projects currently  
19 in operation under section 476.61, including a  
20 proposed reconciliation of actual expenses incurred  
21 and revenues collected under Section 476.61. Such

22 reconciliation may be made, subject to the  
23 commission's discretion, as a one-time adjustment or  
24 in a general rate case.  
25 The collections charged pursuant to section 476.61  
26 for projects currently in operation shall be  
27 terminated by commission order no later than the third  
28 monthly billing cycle after the effective date of this  
29 Act.  
30 Sec. 6. This Act, being deemed of immediate  
31 importance, takes effect from and after its  
32 publication in the Ames Daily Tribune, a newspaper  
33 published in Ames, Iowa, and in The Des Moines  
34 Register, a newspaper published in Des Moines, Iowa."  
35 2. Title page, by striking lines 1 and 2 and  
36 inserting the following:  
37 "An Act relating to pilot programs for energy  
38 conservation improvements and providing an effective  
39 date."

MICHAEL E. GRONSTAL

S-5067

1 Amend Senate File 2083 as follows:  
2 1. Page 1, by striking lines 7 through 9 and  
3 inserting the following: "costs to the utility's  
4 customers.  
5 Each utility shall file with the Iowa state  
6 commerce commission within thirty days of the  
7 effective date of this Act a plan for terminating its  
8 projects under section 476.61, including a proposed  
9 reconciliation of actual expenses incurred and  
10 revenues collected under section 476.61. Such  
11 reconciliation may be made, subject to the  
12 commission's discretion, as a one-time adjustment or  
13 in a general rate case.  
14 The collections charged pursuant to section 476.61  
15 shall be terminated by commission order, no later than  
16 the third monthly billing cycle after the effective  
17 date of this Act."

MICHAEL E. GRONSTAL

S-5068

- 1 Amend Senate File 2166 as follows:
- 2 1. Page 2, line 7, by striking the words
- 3 "~~HAZARDOUS WASTE~~" and inserting the following:
- 4 "~~HAZARDOUS WASTE~~ SUBSTANCE".
- 5 2. Page 2, line 8, by striking the words
- 6 "~~hazardous waste~~" and inserting the following:
- 7 "~~hazardous waste~~ substance".
- 8 3. Page 3, line 33, by striking the words
- 9 "~~HAZARDOUS WASTE~~" and inserting the following:
- 10 "~~HAZARDOUS WASTE~~ SUBSTANCE".
- 11 4. Page 4, line 2, by striking the words
- 12 "~~hazardous waste~~" and inserting the following:
- 13 "~~hazardous waste~~ substance".

MILO COLTON

S-5069

- 1 Amend Senate File 2152 as follows:
- 2 1. Page 1, lines 13 and 14, by striking the words
- 3 "for the roads as if those roads were secondary roads"
- 4 and inserting the words "over these roads as secondary
- 5 roads".

CALVIN O. HULTMAN

S-5070

- 1 Amend Senate File 2146 as follows:
- 2 1. By striking page 1, line 1, through page 2,
- 3 line 19, and inserting the following:
- 4 "Section 1. SCHOOL DISTRICT BUDGETS AND CONTRACTS.
- 5 Notwithstanding the dates specified in sections 24.17,
- 6 279.13, 279.15, and 279.16, the dates specified in
- 7 this section prevail.
- 8 1. A contract shall not be offered by the
- 9 employing board to a teacher under its jurisdiction
- 10 prior to April 20, 1986.
- 11 2. If a contract is not offered, the
- 12 superintendent or the superintendent's designee shall
- 13 notify the teacher not later than April 20, 1986 that
- 14 the superintendent will recommend in writing to the
- 15 board at a regular or special meeting of the board
- 16 held not later than May 5, 1986 that the teacher's
- 17 continuing contract be terminated effective at the end
- 18 of the current school year.
- 19 3. If a teacher fails to request a private hearing
- 20 within the time limits specified or does not appear at

21 the private hearing, the board may proceed and make a  
22 determination upon the superintendent's  
23 recommendation. The determination shall be made not  
24 later than May 15, 1986, or not later than five days  
25 after the scheduled date for the private hearing,  
26 whichever is applicable.

27 4. The budget of a school district shall be  
28 certified by the president of the board of directors  
29 to the county auditor not later than April 20, 1986."

30 2. Amend the title, line 1, by inserting after  
31 the word "districts" the following: "for the school  
32 year beginning July 1, 1986,".

33 3. By renumbering as necessary.

COMMITTEE ON EDUCATION  
LARRY MURPHY, Chairperson

S-5071

1 Amend Senate File 2165 as follows:

2 1. Page 1, line 8, by striking the word "  
3 labeled,".

4 2. Amend the title, line 5, by striking the word  
5 " , labeled,".

CHARLES BRUNER

HOUSE AMENDMENT TO  
SENATE FILE 276

S-5072

1 Amend Senate File 276 as passed by the Senate as  
2 follows:

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

5 "Section 1. Section 602.6201, subsection 3, para-  
6 graph f, Code 1985, is amended to read as follows:

7 f. The filings included in the determinations to  
8 be made under this subsection shall include juvenile  
9 court filings after July 1, 1985, shall not include  
10 small claims or nonindictable misdemeanors, and shall  
11 not include either civil actions for money judgment  
12 where the amount in controversy does not exceed ~~three~~  
13 five thousand dollars or indictable misdemeanors or  
14 felony violations of section 321.281, which were  
15 assigned to district associate judges and judicial  
16 magistrates as shown on their administrative reports,

17 but shall include appeals from decisions of judicial  
 18 magistrates, district associate judges, and district  
 19 judges sitting as judicial magistrates. The figures  
 20 on filings shall be the average for the latest  
 21 available previous three-year period and when current  
 22 census figures on population are not available,  
 23 figures shall be taken from the state department of  
 24 health computations.

25 Sec. 2. Section 602.6306, subsection 2, Code 1985,  
 26 is amended to read as follows:

27 2. District associate judges also have  
 28 jurisdiction in civil actions for money judgment where  
 29 the amount in controversy does not exceed ~~three~~ five  
 30 thousand dollars, jurisdiction of indictable  
 31 misdemeanors, and felony violations of section  
 32 321.281, and the jurisdiction provided in section  
 33 602.7101 when designated as a judge of the juvenile  
 34 court. While presiding in these subject matters a  
 35 district associate judge shall employ district judges'  
 36 practice and procedure."

S-5073

1 Amend Senate File 2045 as follows:

2 1. Page 2, line 10, by inserting after the word  
 3 "feedlot." the following: "Calves which are born in a  
 4 confined or quarantined feedlot shall be "F" branded,  
 5 spayed, or castrated."

COMMITTEE ON AGRICULTURE  
 BERL E. PRIEBE, Chairperson

S-5074

1 Amend Senate File 2167 as follows:

2 1. Page 1, line 6, by striking the word "sells."

ARTHUR A. SMALL, JR.

S-5075

1 Amend Senate File 2167 as follows:

2 1. Page 1, line 11, by inserting after the word  
 3 "beer" the words "unless that person knows or should  
 4 know the consumer is intoxicated".

ARTHUR A. SMALL, JR.

S-5076

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 7, line 27, by inserting after the word
- 3 "negotiation" the words "and administration".
- 4 2. Page 19, by striking lines 31 through 34.

ROBERT M. CARR

S-5077

- 1 Amend Senate File 84 as follows:
- 2 1. Page 1, by inserting after line 9, the
- 3 following:
- 4 "This section does not apply to the ordinances of
- 5 counties having a population of two hundred fifty
- 6 thousand or more, as measured by the most recent
- 7 federal decennial census."

JULIA GENTLEMAN

S-5078

- 1 Amend Senate File 2025 to read as follows:

DIVISION S-5078B

- 2 1. Page 1, line 1, by striking the figure
- 3 "135B.33" and inserting the following: "142A.11".
- 4 2. Page 1, line 3, by striking the word and
- 5 figure "chapter 142A" and inserting the following:
- 6 "this chapter".

DIVISION S-5078A

- 7 3. Page 1, line 4, by striking the word "shall"
- 8 and inserting the word "may".

DIVISION S-5078B (cont'd.)

- 9 4. Page 1, line 11, by striking the words
- 10 "commissioner of public health" and inserting the
- 11 following: "department of health".
- 12 5. Page 1, line 14, by striking the word
- 13 "commissioner" and inserting the following:
- 14 "department".
- 15 6. Page 1, line 18, by inserting after the word

16 "circumstances." the following: "The rules shall  
 17 include an exception to this section when the donation  
 18 would not be suitable for use based on medical  
 19 criteria."

COMMITTEE ON HUMAN RESOURCES  
 BEVERLY A. HANNON, Chairperson

S-5079

1 Amend Senate File 2047 as follows:  
 2 1. Page 3, line 5, by striking the words "or  
 3 village" and inserting the following: "~~or village~~".  
 4 2. Page 3, by striking lines 11 through 14 and  
 5 inserting the following: "elected for regular terms  
 6 of six years each; ~~none of whom shall be physicians or~~  
 7 ~~licensed practitioners. A person with medical or~~  
 8 special staff privileges in the county public hospital  
 9 or who receives direct or indirect compensation from  
 10 the county public hospital or direct or indirect  
 11 compensation from a person contracting for services  
 12 with the hospital shall not be eligible to serve as a  
 13 trustee for that county public hospital."  
 14 3. Page 4, line 15, by inserting after the word  
 15 "status" the following: "except that portion of  
 16 hospital property which is used for other than  
 17 nonprofit, health-related purposes shall be subject to  
 18 property tax as provided for in section 427.1,  
 19 subsection 23".  
 20 4. Page 5, by inserting after line 29, the  
 21 following:  
 22 "Sec. \_\_\_\_ . Notwithstanding section 347.9, a  
 23 trustee presently serving on a county public hospital  
 24 board who is no longer eligible to serve on the board  
 25 because of this Act may complete the term of office  
 26 for which the trustee was elected but is not eligible  
 27 for reelection to the board."  
 28 5. Title page, line 1, by inserting after the  
 29 word "hospitals" the following: "by permitting the  
 30 sale or lease of property owned by the hospital upon  
 31 approval by the board of trustees, permitting  
 32 commercial use of portions of hospital property,  
 33 permitting certain hospitals to sell or lease property  
 34 with a public notice and a public hearing, requiring a  
 35 commission which manages a county memorial hospital to  
 36 request a county appropriation for the hospital from  
 37 the county board of supervisors, permitting licensed  
 38 practitioners and physicians to serve as county public  
 39 hospital trustees, prohibiting trustees from receiving

40 compensation from the county public hospital, and  
41 requiring the department of health to provide  
42 technical assistance to hospitals when funding is  
43 available”.

CHARLES BRUNER

S-5080

1 Amend Senate File 2175 as follows:  
2 1. Page 188, line 26, by inserting after the word  
3 “health” the following: “or preventive medicine”.

MILO COLTON

S-5081

1 Amend Senate File 2143 as follows:  
2 1. Page 4, by inserting after line 17 the  
3 following:  
4 “Sec. \_\_\_\_ . 1983 Iowa Acts, chapter 147, section  
5 14, is amended to read as follows:  
6 SEC. 14. ~~Sections 2 through 6 and sections 8, 9,~~  
7 ~~10, 11, and 13~~ Section 3 and section 4, subsection 1,  
8 and section 11 of this Act apply only to inmates  
9 sentenced for offenses committed after July 1, 1983.  
10 Section 2, section 4, subsections 2 through 4, and  
11 sections 5, 6, and 8 through 10 of this Act take  
12 effect July 1, 1983, but do not apply to inmates  
13 sentenced for offenses committed prior to July 1,  
14 1983, until July 1, 1986. Section 12 of this Act  
15 takes effect July 1, 1983 but also applies  
16 retroactively to inmates who are serving or will serve  
17 mandatory sentences pursuant to section 906.5 before  
18 July 1, 1983.”  
19 2. Title page, line 2, by inserting after the  
20 word “matters;” the following: “changing the  
21 applicability dates of certain provisions relating to  
22 inmate discipline and the availability of remedies;”  
23 3. By renumbering as necessary.

RICHARD F. DRAKE  
DONALD V. DOYLE

S-5082

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 186, line 12, by striking the word
- 3 "president" and inserting in lieu thereof the words
- 4 "majority leader".

ROBERT M. CARR

S-5083

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 391, line 25, by striking the word
- 3 "subject" and inserting in lieu thereof the word
- 4 "section".

ROBERT M. CARR

S-5084

- 1 Amend Senate File 166 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 109.41, subsection 5, Code
- 5 1985, is amended to read as follows:
- 6 5. The Columbidae: Mourning doves and ~~wild rock~~
- 7 ~~doves~~ pigeons only."
- 8 2. Page 1, lines 9 and 10, by striking the words
- 9 "wild rock doves," and inserting "pigeons."
- 10 3. Page 1, by inserting after line 12 the
- 11 following:
- 12 "Sec. 3. Section 109.48, Code 1985, is amended by
- 13 adding the following new unnumbered paragraph:
- 14 NEW UNNUMBERED PARAGRAPH. The commission shall
- 15 establish an open season for pigeons which extends
- 16 throughout the year.
- 17 Sec. 4. Section 109.58, Code 1985, is amended to
- 18 read as follows:
- 19 109.58 TRAPPING BIRDS OR POISONING ANIMALS.
- 20 No person except those acting under the authority
- 21 of the state conservation director shall capture or
- 22 take or attempt to capture or take, with any trap,
- 23 snare or net, any game bird, nor shall any person use
- 24 any poison or any medicated or poisoned food or any
- 25 other substance for the killing, capturing or taking

26 of any game bird or animal. This section does not  
27 apply to roosting or nesting pigeons."

COMMITTEE ON NATURAL RESOURCES  
HURLEY W. HALL, Chairperson

S-5085

- 1 Amend S-5009 to Senate File 469 as follows:
- 2 1. Page 1, line 24, by inserting after the word
- 3 "day" the words "or fiscal day".

WILLIAM W. DIELEMAN

S-5086

- 1 Amend Senate File 2175 as follows:

DIVISION S—5086A

- 2 1. Page 233, by striking lines 25 through 30 and
- 3 inserting the following: "of laws relating to
- 4 education."
- 5 2. Page 234, line 27, by inserting after the word
- 6 "rule" the following: "that the school will not be
- 7 approved until the report has been properly filed".
- 8 3. Page 234, line 32, by inserting after the word
- 9 "schools" the following: ", and request a state audit
- 10 of the accounts of a school district, area education
- 11 agency, school official, or school employee handling
- 12 school funds when it is apparent that an audit should
- 13 be made".

DIVISION S—5086B

- 14 4. Page 243, by striking lines 9 and 10, and
- 15 inserting the following: "curriculum programs and
- 16 other requirements. The commissioner,".
- 17 5. Page 243, by striking lines 19 through 21, and
- 18 inserting the following: "investigation, that
- 19 deficiencies exist in a school or school district."
- 20 6. By striking page 275, line 35, through page
- 21 276, line 11, and inserting the following:
- 22 "Sec. \_\_\_\_ . Section 280.16, unnumbered paragraph 2,
- 23 Code Supplement 1985, is amended to read as follows:
- 24 If the ~~state board of public instruction~~
- 25 commissioner of education finds that a student has

26 been denied an appropriate instructional program, or  
27 required to enter an inappropriate instructional  
28 program, the ~~state board~~ commissioner shall order the  
29 resident district to provide or make provision for an  
30 appropriate instructional program for that student.”

LARRY MURPHY

S-5087

1 Amend Senate File 2175 as follows:  
2 1. Page 208, lines 2 and 3, by striking the words  
3 “even-numbered year for each fiscal year of the ensuing  
4 biennium” and inserting in lieu thereof the word “year”.

JOE WELSH

S-5088

1 Amend Senate File 2175 as follows:  
2 1. Page 91, by striking lines 22 through 25.

BERL E. PRIEBE

S-5089

1 Amend Senate File 2167 as follows:  
2 1. Page 1, line 6, by striking the words  
3 “licensee or permittee” and inserting the following:  
4 “person required to hold a license or permit under  
5 this chapter”.

DOUGLAS RITSEMA

S-5090

1 Amend House File 2229 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 3, line 12, by inserting after the word  
4 “person” the following: “or spouse of a person”.

CHARLES BRUNER

S-5091

1 Amend Senate File 2175 as follows:

2 1. Page 314, by striking lines 8 through 10 and  
3 inserting the following: "functions provided for in  
4 chapters 106, 107, 108, 108A, 109, 109A, 110, 110A,  
5 110B, 111, 111B, 111D, and 112.

6 b. Provide overall supervision, direction and  
7 coordination of functions to be administered by the  
8 division director under chapters 83, 83A, 84, 93, 305,  
9 455B, 455C, and 469."

10 2. Page 317, by inserting after line 28 the  
11 following:

12 "Sec. \_\_\_\_ . NEW SECTION. 455A.8 DIVISION CREATED  
13 -- DIVISION DIRECTOR.

14 1. An environmental protection division is created  
15 within the department.

16 2. The governor shall appoint a division director  
17 of the environmental protection division subject to  
18 senate confirmation. The governor shall make the  
19 appointment based on the appointee's training,  
20 experience, and capabilities. The salary of the  
21 division director shall be fixed by the governor  
22 within salary guidelines or a range established by the  
23 general assembly. The division director has the  
24 responsibility of administering programs under the  
25 jurisdiction of the environmental protection  
26 commission and other programs assigned by the  
27 director. The division director shall carry out the  
28 duties and responsibilities of office under the  
29 general direction and supervision of the director."

30 3. Page 318, by striking line 31 and inserting  
31 the following: "the environmental protection division  
32 of the department of soil conservation or a designee."

33 4. Page 319, line 6, by inserting after the word  
34 "director" the following: "of the environmental  
35 protection division".

36 5. Page 320, line 14, by inserting after the word  
37 "director" the following: "of the environmental  
38 protection division".

39 6. Page 321, line 22, by inserting after the word  
40 "the" the following: "environmental protection  
41 division of the".

42 7. Page 341, line 7, by inserting after the word  
43 "the" the following: "environmental protection  
44 division of the".

45 8. Page 345, line 21, by inserting after the  
46 words "of the" the following: "environmental  
47 protection division of the".

48 9. By renumbering sections and paragraphs to  
49 conform to this amendment.

CHARLES BRUNER  
ROBERT M. CARR  
WILLIAM W. DIELEMAN  
JACK NYSTROM  
RICHARD F. DRAKE

S-5092

1 Amend Senate File 2175 as follows:

DIVISION S—5092A

- 2 1. Page 134, line 7, by striking the word “nine”  
3 and inserting the following: “eleven”.  
4 2. Page 134, line 14, by striking the word “five”  
5 and inserting the following: “six”.

DIVISION S—5092B

- 6 3. Page 135, by striking lines 25 through 29 and  
7 inserting the following:  
8 “2. Prepare a five-year strategic plan for state  
9 economic growth, implementing the comprehensive long-  
10 range economic development policy. All other agencies  
11 involved in economic development activities shall  
12 annually submit to the board for potential inclusion  
13 in the strategic plan their specific strategic plans  
14 and programs. The five-year strategic plan for state  
15 economic growth shall be updated annually. The  
16 strategic plan shall include goals and objectives”.  
17 4. Page 136, by striking line 1 and inserting the  
18 following:  
19 “5. Review grants or”.  
20 5. Page 136, line 3, by inserting after the word  
21 “procedures” the following: “and the impact on the  
22 five-year strategic plan for economic growth”.  
23 6. Page 140, line 7, by striking the words “and  
24 coordinate” and inserting the following: “, manage,  
25 and administer”.  
26 7. Page 146, by striking lines 6 through 8 and  
27 inserting the following:  
28 “7. SMALL BUSINESS. To provide assistance to  
29 small business and entrepreneurs creating small  
30 businesses to ensure continued viability and growth.  
31 To carry out this responsibility, the department”.  
32 8. Page 146, line 15, by inserting after the

33 figure "18." the following: "Assist qualifying  
34 business in taking advantage of both the set-aside  
35 provided in division VII of chapter 18 and in section  
36 262.9."

CHARLES BRUNER  
JOHN N. NYSTROM

S-5093

1 Amend Senate File 2175 as follows:  
2 1. Page 9, lines 20 and 21, by striking the words  
3 "AGENCY FUNCTION" and inserting in lieu thereof the  
4 word "AGENCY".  
5 2. Page 9, line 22, by striking the words "agency  
6 function" and inserting in lieu thereof the word  
7 "agency".  
8 3. Page 9, line 35, by striking the words "agency  
9 function" and inserting in lieu thereof the word  
10 "agency".  
11 4. Page 11, line 10, by striking the words "agency  
12 function" and inserting in lieu thereof the word  
13 "agency".

DOUGLAS RITSEMA

S-5094

1 Amend Senate File 2175 as follows:  
2 1. Page 207, line 21, by striking the word  
3 "through" and inserting the words ", "b" and".  
4 2. Page 207, line 25, by inserting after the word  
5 "confirmation." the words "The director of the library  
6 division shall be appointed by and serve at the  
7 pleasure of the library commission, subject to senate  
8 confirmation."

JOY CORNING  
ARTHUR A. SMALL, Jr.  
BEVERLY A. HANNON  
FORREST V. SCHWENGELS  
JULIA B. GENTLEMAN

S-5095

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 105, by inserting after line 27 the
- 3 following:
- 4 "\_\_\_ . Consumer advocate."
- 5 2. Page 107, by inserting after line 34 the
- 6 following:
- 7 "Sec. \_\_\_ . NEW SECTION. 546.8A CONSUMER ADVOCATE
- 8 DIVISION.
- 9 The consumer advocate division shall implement
- 10 chapter 475A. The division is headed by the consumer
- 11 advocate who shall be appointed pursuant to section
- 12 475A.1."
- 13 3. Page 125, by striking lines 22 and 23 and
- 14 inserting the following: "~~1989, and every four years~~
- 15 ~~thereafter, the~~ The governor shall appoint a competent
- 16 attorney to the".
- 17 4. Page 125, by striking line 27 and inserting
- 18 the following: "division of the department of
- 19 commerce and industry. The advocate's term of".
- 20 5. Page 125, line 33, by striking the word
- 21 "justice" and inserting the following: "commerce and
- 22 industry".
- 23 6. By renumbering as necessary.

RICHARD F. DRAKE  
 JOHN N. NYSTROM  
 CALVIN O. HULTMAN  
 EDGAR H. HOLDEN

S-5096

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 23, lines 33 and 34, by striking the
- 3 words "excluding employees of the state board of
- 4 regents.".
- 5 2. Page 25, line 21, by inserting after the word
- 6 "excluding" the words "professional and scientific".
- 7 3. Page 25, line 29, by inserting after the word
- 8 "excluding" the words "professional and scientific".
- 9 4. Page 26, line 24, by inserting after the word
- 10 "excluding" the words "professional and scientific".
- 11 5. Page 27, line 3, by inserting after the word
- 12 "excluding" the words "professional and scientific".
- 13 6. Page 27, line 26, by inserting after the word
- 14 "excluding" the words "professional and scientific".
- 15 7. Page 28, line 2, by inserting after the word
- 16 "excluding" the words "professional and scientific".

17 8. Page 28, by striking lines 10 and 11, and  
 18 inserting in lieu thereof the following: "~~merit~~  
 19 ~~system executive branch~~, including training, safety,  
 20 health,".

DOUGLAS RITSEMA

S-5097

1 Amend Senate File 2175 as follows:  
 2 1. Page 80, by inserting after line 23 the  
 3 following:  
 4 "k. Hearings and appeals relative to  
 5 administration of the department of natural  
 6 resources. Decisions of the division in this area are  
 7 subject to review by the department of natural  
 8 resources."  
 9 2. Page 83, by striking lines 3 through 5 and  
 10 inserting the following:  
 11 "3. Inspections and other licensing procedures  
 12 relative to the hospice program, hospitals, and health  
 13 care facilities.  
 14 4. Inspections relative to hospital and health  
 15 care facility construction projects and licensing  
 16 boards established within".  
 17 3. By renumbering as necessary.

RICHARD F. DRAKE  
 JOHN N. NYSTROM  
 ROBERT M. CARR  
 CHARLES BRUNER  
 WILLIAM W. DIELEMAN

S-5098

1 Amend Senate File 2175 as follows:

DIVISION S-5098B

2 1. Page 271, by inserting after line 5 the  
 3 following:  
 4 "Sec. \_\_\_\_ . NEW SECTION. 274.1A MINIMUM  
 5 ENROLLMENT.  
 6 Notwithstanding section 275.3, for the school year  
 7 beginning July 1, 1989, each school district in this  
 8 state shall have a certified enrollment of at least  
 9 three hundred pupils. In that school year and school  
 10 years thereafter, a school district that does not meet

11 the enrollment requirement of three hundred pupils for  
 12 two consecutive school years shall reorganize during  
 13 the second year the enrollment requirements are not  
 14 met. If a school district does not meet the  
 15 requirements of this section, the commissioner of  
 16 education shall attach the school district to one or  
 17 more contiguous school districts.  
 18 If the commissioner attaches a school district,  
 19 division of assets and liabilities shall be made under  
 20 sections 275.29 through 275.31.”

DIVISION S—5098A

21 2. Page 271, by inserting after line 31 the  
 22 following:  
 23 “Sec. \_\_\_\_ . NEW SECTION. 274.46 NONRESIDENT  
 24 PUPILS.  
 25 For the school year commencing July 1, 1987 and  
 26 each succeeding school year, upon receipt of written  
 27 notice from a parent or guardian of a resident pupil,  
 28 filed by May 1 of the previous school year, the board  
 29 of directors of a school district with a certified  
 30 enrollment of three hundred or fewer pupils shall  
 31 allow that pupil to enroll in a school in a contiguous  
 32 school district if the receiving district accepts the  
 33 pupil’s enrollment in a school in the district. The  
 34 acceptance shall be in writing to the parent or  
 35 guardian. The receiving district shall include the  
 36 student in the enrollment count taken on the second  
 37 Friday of September. Notwithstanding section 285.1  
 38 relating to transportation of nonresident pupils, the  
 39 receiving district may transport the nonresident  
 40 pupils enrolled under this subsection without charge.  
 41 For the school year commencing July 1, 1987 and  
 42 each succeeding school year, upon receipt of written  
 43 notice from a parent or guardian of a resident pupil,  
 44 filed by May 1 of the previous school year, the board  
 45 of directors of a school district shall allow that  
 46 pupil to enroll in a contiguous school district with a  
 47 certified enrollment of three hundred or fewer pupils  
 48 under the conditions and other requirements specified  
 49 in subsection 3.”

DIVISION S-5098C

50 3. By striking page 275, line 35, through page

**Page 2**

DIVISION S-5098C (cont’d.)

1 276, line 11.

## DIVISION S-5098D

- 2 4. Page 300, line 2, by inserting after the  
3 figure "1985," the following: ", and section 280.16,  
4 Code Supplement 1985,".  
5 5. By numbering and renumbering sections as  
6 necessary.

JOE BROWN  
LARRY MURPHY

## S-5099

- 1 Amend Senate File 2175 as follows:  
2 1. page 275, line 26, by inserting after the word  
3 "organizations." the following: "The rules for  
4 eligibility requirements adopted by the state board  
5 shall provide for the suspension of a student from  
6 participation in extracurricular interscholastic  
7 contests or competitions during the grade reporting  
8 period after a grade reporting period in which the  
9 student received a grade lower than the equivalent of  
10 seventy percent on a scale of one hundred percent in  
11 an academic class. The principal of the attendance  
12 center in which the student is enrolled may remove the  
13 suspension if the class is an identified honors or  
14 advanced class or if the student is a special  
15 education student whose handicapping condition  
16 significantly interferes with the student's ability to  
17 meet regular academic standards. The rules shall  
18 provide that a student not be suspended during the  
19 initial grade reporting period of a regular school  
20 year on the basis of grades received in the final  
21 grade reporting period of the preceding school year."

JOE BROWN

## S-5100

- 1 Amend Senate File 2175 as follows:  
2 1. Page 232, by striking lines 13 and 14.  
3 2. Page 232, line 27, by striking the words  
4 "state board" and inserting the following:  
5 "governor".  
6 3. Page 232, line 30, by striking the words

7 "state board" and inserting the following:  
8 "governor".

JOE BROWN

S-5101

1 Amend the House amendment, S-5072, to Senate File  
2 276 as passed by the Senate as follows:  
3 1. Page 1, by inserting after line 24 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 602.6201, subsection 10, Code  
6 1985, is amended to read as follows:  
7 10. Notwithstanding the formula for determining  
8 the number of judgeships in this section, the number  
9 of district judges shall not exceed ~~ninety-nine~~ during  
10 ~~the period commencing July 1, 1983 and ending as the~~  
11 ~~general assembly shall specify one hundred.~~"  
12 2. By numbering and renumbering as necessary.

JIM RIORDAN

S-5102

1 Amend Senate File 2175 as follows:  
2 1. Page 207, by striking line 16.  
3 2. By striking page 225, line 14, through page  
4 229, line 24.  
5 3. Page 230, by striking line 4 and inserting the  
6 following: "7A.54, and 18B.13, Code Supplement  
7 1985."  
8 4. Page 230, by inserting after line 21 the  
9 following:  
10 "9. State library."  
11 5. Page 236, by inserting after line 11 the  
12 following:  
13 "\_\_\_\_ . Administer chapter 257C through the state  
14 library division."  
15 6. Page 254, by inserting after line 13 the  
16 following:  
17 "Sec. \_\_\_\_ . NEW SECTION. 257C.1 LIBRARY DIVISION  
18 DEFINITIONS.  
19 As used in this chapter, unless the context  
20 otherwise requires:  
21 1. "State library" means the state library  
22 division of the department of education, established  
23 in section 257C.3.  
24 2. "Commission" means the state library

25 commission.

26 3. "State agency" means a legislative, executive,  
27 or judicial office of the state and all of its  
28 respective officers, departments, divisions, bureaus,  
29 boards, commissions, and committees, and state  
30 institutions of higher education governed by the state  
31 board of regents.

32 4. "State publications" means all multiple-  
33 produced publications regardless of format, which are  
34 issued by a state agency and supported by public  
35 funds, but it does not include:

36 a. Correspondence and memoranda intended solely  
37 for internal use within the agency or between  
38 agencies.

39 b. Materials excluded from this definition by the  
40 department through the adoption and enforcement of  
41 rules.

42 Sec. \_\_\_\_ . NEW SECTION. 257C.2 PURPOSES.

43 The purposes of the state library are to meet the  
44 informational needs of the three branches of state  
45 government, to provide for the improvement of library  
46 services to all Iowa citizens, and to foster  
47 development and cooperation among libraries.

48 Sec. \_\_\_\_ . NEW SECTION. 257C.3 STATE LIBRARY  
49 DIVISION AND COMMISSION ESTABLISHED.

50 1. A state library division of the department of

**Page 2**

1 education is established, administered by a state  
2 librarian who is the division director. The state  
3 librarian shall be appointed by the library commission  
4 to serve at the pleasure of the library commission,  
5 subject to senate confirmation. The state librarian  
6 shall have a master's degree in library science  
7 conferred as a result of completing a program of study  
8 accredited by the American library association. The  
9 state library commission consists of one member  
10 appointed by the state supreme court and six members  
11 appointed by the governor to serve four-year terms  
12 beginning and ending as provided in section 69.19. Of  
13 the governor's appointees, one member shall be from  
14 the medical profession and five members selected at  
15 large. Not more than three of the members appointed  
16 by the governor shall be of the same gender. The  
17 members shall be reimbursed for their actual  
18 expenditures necessitated by their official duties.  
19 Members may also be eligible for compensation as  
20 provided in section 7E.3.

21 2. The commission shall elect one of its members

22 as chairperson. The commission shall meet at the time  
23 and place specified by call of the chairperson. Four  
24 members are a quorum for the transaction of business.

25 3. The state library commission:

26 a. May receive and expend money for providing  
27 programs and services. The commission may receive,  
28 accept, and administer any moneys appropriated or  
29 granted to it, separate from the general library fund,  
30 by the federal government or by any other public or  
31 private agency.

32 b. May enter into interstate library compacts on  
33 behalf of the state of Iowa with any state which  
34 legally joins in the compacts as provided in section  
35 303A.8.

36 c. Shall determine policy for providing  
37 information service to the three branches of state  
38 government and to the legal and medical communities in  
39 this state.

40 d. Shall develop and adopt, in conjunction with  
41 the Iowa regional library system, long-range plans for  
42 the continued improvement of library services in the  
43 state. To insure that the concerns of all types of  
44 libraries are addressed, the commission shall  
45 establish a long-range planning committee to review  
46 and evaluate progress and report findings and  
47 recommendations to the commission and to the trustees  
48 of the Iowa regional library system at an annual  
49 meeting.

50 e. Shall develop in cooperation with the Iowa

### Page 3

1 regional library system an annual plan of service for  
2 the Iowa regional library system and its individual  
3 members to insure consistency with the state long-  
4 range plan.

5 f. Shall coordinate a statewide interregional  
6 interlibrary loan and information network among  
7 libraries in this state and support activities which  
8 increase cooperation among all types of libraries.

9 g. Shall establish and administer a statewide  
10 continuing education program for librarians and  
11 trustees.

12 h. Shall give to libraries advice and counsel in  
13 specialized areas which may include, but are not  
14 limited to, building construction and space  
15 utilization, children's services, and technological  
16 developments.

17 i. Shall obtain from libraries reports showing the  
18 condition, growth, and development of services

19 provided and disseminate this information in a timely  
20 manner to the citizens of Iowa.

21 j. Shall foster public awareness of the condition  
22 of libraries in Iowa and of methods to improve library  
23 services to the citizens of the state.

24 k. Shall establish and administer standards for  
25 state agency libraries, the Iowa regional library  
26 system, and public libraries.

27 l. Shall establish and administer certification  
28 guidelines for librarians not covered by other  
29 accrediting agencies.

30 m. Shall establish and administer a program for  
31 the collection and distribution of state publications  
32 to depository libraries.

33 n. Shall adopt and enforce rules under chapter 17A  
34 and perform other acts necessary to carry out its  
35 powers and duties under this chapter.

36 Sec. \_\_\_\_ . NEW SECTION. 257C.4 POWERS AND DUTIES  
37 OF THE STATE LIBRARIAN.

38 The state librarian shall:

39 1. Organize, staff, and administer the state  
40 library.

41 2. Recommend to the commission policies pertaining  
42 to library services as necessary for carrying out the  
43 provisions of this chapter.

44 3. Prepare a budget for the approval of the  
45 commission and administer the budget when approved.

46 4. Cooperate with the members of the Iowa regional  
47 library system, state agency libraries, and  
48 representatives of the Iowa library community in  
49 considering and developing plans for the improvement  
50 of library services.

#### Page 4

1 5. Advise and counsel with the commission on all  
2 matters pertaining to library and information  
3 services.

4 6. Carry out all policies of the commission not  
5 inconsistent with state law.

6 Sec. \_\_\_\_ . NEW SECTION. 257C.5 STATE  
7 PUBLICATIONS.

8 Upon issuance of a state publication, a state  
9 agency shall deposit with the state library at no cost  
10 to the state library, seventy-five copies of the  
11 publication or a lesser number if specified by the  
12 state library.

13 Sec. \_\_\_\_ . NEW SECTION. 257C.6 MEDICAL AND LAW  
14 LIBRARY.

15 The state library includes, but is not limited to,

16 a medical library and a law library.

17 1. The medical library shall be headed by a  
18 medical librarian, appointed by the state librarian,  
19 subject to chapter 19A. The medical librarian shall:

20 a. Operate the medical library which shall always  
21 be available for free use by the residents of Iowa  
22 under rules the division adopts.

23 b. Give no preference to any school of medicine  
24 and shall secure books, periodicals, and pamphlets for  
25 every legally recognized school of medicine without  
26 discrimination.

27 c. Perform other duties imposed by law or  
28 prescribed by the rules of the division.

29 2. The law library shall be headed by a law  
30 librarian, appointed by the state librarian with the  
31 approval of the Iowa supreme court, subject to chapter  
32 19A. The law librarian shall:

33 a. Operate the law library department which shall  
34 be maintained in the state capitol or in rooms  
35 convenient to the state supreme court and which shall  
36 be available for free use by the residents of Iowa  
37 under rules the division adopts.

38 b. Maintain, as an integral part of the law  
39 library, reports of various boards and agencies and  
40 copies of bills, journals, and other information  
41 relating to current or proposed legislation.

42 c. Arrange to make exchanges of all printed  
43 material published by the states and the government of  
44 the United States.

45 d. Perform other duties imposed by law or by the  
46 rules of the department."

47 7. Page 300, line 2, by inserting after the  
48 figure "1985," the following: "and sections 303A.1  
49 through 303A.7, Code Supplement 1985,".

50 8. By numbering and renumbering sections as

**Page 5**

1 necessary.

JOE BROWN

S-5103

1 Amend Senate File 2175 as follows:

2 1. Page 391, line 9, by striking the words "racing  
3 commission or".

4 2. Page 391, line 14, by inserting after the word  
5 "thereafter." the following:

6 "Any position of membership on the racing commission  
7 which currently receives a salary shall receive that  
8 salary during the 1986-1987 fiscal year, and a compen-  
9 sation of forty dollars per day and expenses in the  
10 1987-1988 fiscal year and each fiscal year thereafter."

JOE WELSH

S-5104

1 Amend Senate File 2175 as follows:  
2 1. Page 20, lines 18 and 19, by striking the  
3 words "merit employment commission" and inserting in  
4 lieu thereof the word "governor".

JOHN N. NYSTROM

S-5105

1 Amend Senate File 2175 as follows:  
2 1. Page 18, by striking line 34.

CHARLES BRUNER

S-5106

1 Amend Senate File 2175 as follows:  
2 1. Page 188, by striking lines 25 and 26 and  
3 inserting the following: "in this state or have a  
4 minimum of three years experience in health care  
5 administration".

RICHARD F. DRAKE  
CALVIN O. HULTMAN

S-5107

1 Amend Senate File 2175 as follows:  
2 1. Page 232, by striking lines 13 and 14.  
3 2. Page 232, line 27, by striking the words  
4 "state board" and inserting the following:  
5 "governor".  
6 3. Page 232, line 30, by striking the words

7 "state board" and inserting the following:  
 8 "governor".

JOHN N. NYSTROM  
 ROBERT M. CARR  
 JOE BROWN

S-5108

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 38, by striking lines 8 through 22.
- 3 2. By renumbering as necessary.

CALVIN O. HULTMAN  
 RAY TAYLOR

HOUSE AMENDMENT TO  
 SENATE FILE 326

S-5109

- 1 Amend Senate File 326 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by striking lines 3 through 11 and
- 4 inserting the following:
- 5 "NEW UNNUMBERED PARAGRAPH. For purposes of this
- 6 section, in counties where there are more newspapers
- 7 than the number required for official county
- 8 newspapers, newspapers under common ownership
- 9 published in the same city, and having approximately
- 10 the same subscriber list or offered for sale in or
- 11 delivered to the same geographic area, shall be
- 12 treated as one newspaper. Each such newspaper under
- 13 common ownership should be considered eligible for
- 14 publishing public notices, but such newspapers shall
- 15 be treated as one newspaper for payment purposes to
- 16 allow for flexibility in notice publication
- 17 schedules."
- 18 2. Page 1, by inserting after line 11 the
- 19 following:
- 20 "Sec. 2. This Act becomes effective January 1,
- 21 1987."

S-5110

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 379, by striking line 24 through page
- 3 387, line 22.
- 4 2. Page 389, by striking lines 4 through 19.

JULIA B. GENTLEMAN  
CALVIN O. HULTMAN

S-5111

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 306, line 8, by inserting after the word
- 3 "department." the following: "Other state agencies
- 4 shall cooperate with the state medical examiner in the
- 5 use of state-owned facilities when appropriate for the
- 6 performance of non-administrative duties of the state
- 7 medical examiner."

DOUGLAS RITSEMA

S-5112

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 375, line 33, by inserting after the word
- 3 "committee." the following: "No proposed bills or joint
- 4 resolutions, other than those submitted timely pursuant
- 5 to this paragraph, shall be considered unless sponsored
- 6 by an individual legislator."

DOUGLAS RITSEMA

S-5113

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 304, line 35, by striking the words
- 3 "state comptroller" and inserting in lieu thereof the
- 4 words "executive director of the office of management".

DOUGLAS RITSEMA

S-5114

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 220, line 18, by striking the words "and
- 3 television".

DOUGLAS RITSEMA

S-5115

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 188, line 26, by striking the word
- 3 "health" and inserting the following:
- 4 "administration".

JACK RIFE

S-5116

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 141, by striking lines 26 through 28.
- 3 2. By striking page 147, line 19 through page
- 4 149, line 27.
- 5 3. Page 155, by striking lines 27 through 33.
- 6 4. Page 160, by striking line 19 and inserting
- 7 the following: "Code 1985, and".

JACK RIFE

S-5117

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 305, by inserting before line 35, the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 80.9, subsection 1, paragraph
- 5 e, Code 1985, is amended to read as follows:
- 6 e. While making any inspection provided by this
- 7 chapter, chapter 356, or any additional inspection
- 8 ordered by the commissioner;
- 9 Sec. \_\_\_\_ . Section 356.36, Code 1985, is amended to
- 10 read as follows:
- 11 356.36 JAIL STANDARDS.
- 12 The Iowa department of ~~corrections~~ public safety,
- 13 in consultation with the Iowa state sheriff's
- 14 association, the Iowa association of chiefs of police
- 15 and peace officers, the Iowa league of municipalities,
- 16 and the Iowa board of supervisors association, shall

17 draw up minimum standards for the regulation of jails,  
18 alternative jails, facilities established pursuant to  
19 chapter 356A and municipal holding facilities. When  
20 completed by the department, the standards shall be  
21 adopted as rules pursuant to chapter 17A.

22 The sole remedy for violation of a rule adopted  
23 pursuant to this section, is by a proceeding for  
24 compliance initiated by request to the Iowa department  
25 of ~~corrections~~ public safety. A violation of a rule  
26 does not permit any civil action to recover damages  
27 against the state of Iowa, its departments, agents, or  
28 employees or any county, its agents or employees, or  
29 any city, its agents or employees.

30 Sec. \_\_\_\_ . Section 356.43, Code 1985, is amended to  
31 read as follows:

32 356.43 INSPECTION -- HEARING -- REMEDIAL ACTION --  
33 REPORT.

34 The Iowa department of ~~corrections~~ public safety  
35 and its inspectors and agents shall make periodic  
36 inspections of each jail or municipal holding facility  
37 and all facilities established pursuant to chapter  
38 356A, and officially notify the governing body of the  
39 political subdivision in writing to comply fully with  
40 section 356.36.

41 The Iowa department of ~~corrections~~ public safety  
42 may order the governing body of a political  
43 subdivision to either correct violations found in the  
44 inspection of a jail or municipal holding facility  
45 within a designated period, or may prohibit the  
46 confinement of prisoners in the jail or municipal  
47 holding facility. If the governing body fails to  
48 comply with the order within the period designated,  
49 the Iowa department of ~~corrections~~ public safety may  
50 schedule a hearing on the alleged violation. The

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1 department may subpoena witnesses, documents, and  
2 other information deemed necessary to determine the  
3 validity of the alleged violation. The department  
4 shall upon written request from the governing body of  
5 the political subdivision grant representatives of the  
6 political subdivision the right to appear before the  
7 department at the hearing. The representatives have  
8 the right to counsel and may produce witnesses and  
9 present statements, documents, and other information  
10 with respect to the alleged violation for  
11 consideration at the hearing.

12 The department after the hearing shall affirm,  
13 revoke, or modify the original order. If the order is

14 upheld, the department may include a schedule for  
 15 correction of the violations and designate the date by  
 16 which each violation shall be corrected.  
 17 If the political subdivision does not comply with  
 18 the order within the designated period, the department  
 19 may petition the attorney general to institute  
 20 proceedings to enjoin the political subdivision from  
 21 confining prisoners in the jail or municipal holding  
 22 facility and require the transfer of prisoners to a  
 23 jail or municipal holding facility declared by the  
 24 ~~director~~ commissioner to be suitable for confinement.  
 25 The county or municipality from which prisoners are  
 26 transferred is liable for the cost of transfer and  
 27 expenditures incurred in the confinement of prisoners  
 28 in the jail or municipal holding facility to which  
 29 transferred. Following inspection of any jail or  
 30 municipal holding facility, a report of the inspection  
 31 shall be filed with the ~~director~~ commissioner of the  
 32 Iowa department of ~~corrections~~ public safety. A copy  
 33 of the report shall also be filed with the sheriff or  
 34 chief of police, the governing body of the political  
 35 subdivision, and one copy with the county attorney,  
 36 which shall be presented at the next session of the  
 37 grand jury of that county.”  
 38 2. Page 307, by inserting after line 6, the  
 39 following:  
 40 “Sec. \_\_\_\_ . Section 356.43, Code 1985, is  
 41 repealed.”  
 42 3. By numbering and renumbering as necessary.

DOUGLAS RITSEMA

S-5118

1 Amend Senate File 2175 as follows:  
 2 1. Page 91, by striking lines 28 and 29.  
 3 2. By striking page 92, line 3, through page 104,  
 4 line 34.

FORREST SCHWENGELS

S-5119

1 Amend Senate File 2175 as follows:  
 2 1. Page 192, by inserting after line 31 the  
 3 following:  
 4 “Sec. \_\_\_\_ . Section 135.63, Code 1985, is amended  
 5 by adding the following new subsection:

6 NEW SUBSECTION. 3. This division shall not be  
7 construed to be applicable to a health care facility  
8 operated by and for the exclusive use of members of a  
9 religious order, which does not admit more than two  
10 individuals to the facility from the general public,  
11 and which was in operation prior to the effective date  
12 of this Act. However, this division is applicable to  
13 such a facility if the facility is involved in the  
14 offering or developing of a new or changed  
15 institutional health service on or after the effective  
16 date of this Act.”

17 2. Page 193, by inserting after line 18 the  
18 following:

19 “Sec. . Section 135C.6, Code Supplement 1985,  
20 is amended by adding the following new subsection:  
21 NEW SUBSECTION. 6. A health care facility  
22 operated by and for the exclusive use of members of a  
23 religious order, which does not admit more than two  
24 individuals to the facility from the general public,  
25 may be operated without obtaining a license under this  
26 chapter and shall not be deemed to be licensed by the  
27 state.”

28 3. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-5120

1 Amend Senate File 2175 as follows:

2 1. Page 152, by inserting after line 10 the  
3 following:

4 “Sec. \_\_\_\_ . NEW SECTION. 15.1000 DIVISION OF BOND  
5 AUTHORITIES.

6 1. There is established within the organizational  
7 structure of the department an autonomous division for  
8 the purpose of bringing together the administration  
9 and coordination of the following bond authorities:

10 a. Iowa family farm development authority created  
11 pursuant to chapter 175.

12 b. Iowa economic protective and investment  
13 authority created pursuant to chapter 175A.

14 c. Iowa finance authority created pursuant to  
15 chapter 220.

16 d. Iowa higher education loan authority created  
17 pursuant to chapter 261A.

18 e. Iowa railway finance authority created pursuant  
19 to chapter 307B.

20 f. Iowa advance funding authority created pursuant  
21 to chapter 442A.

22 2. The division is headed by the executive  
 23 director of the Iowa finance authority. Each bonding  
 24 authority included in the division pursuant to  
 25 subsection 1 is autonomous and retains the powers  
 26 granted it pursuant to the chapter in which it is  
 27 created.

28 3. The head of the division shall meet  
 29 periodically with the bonding authorities included in  
 30 the division and the director of the department to:

31 a. Identify areas where the authorities, among  
 32 themselves or with the department, might coordinate  
 33 efforts or share administrative or other support  
 34 functions to provide greater efficiencies in operation  
 35 including, but not limited to, accounting, record-  
 36 keeping, and administrative support functions.

37 b. Develop cooperative arrangements and shared  
 38 services between the authorities or between the  
 39 authorities and the department to achieve greater  
 40 efficiencies, and the head of the division may  
 41 establish contracts and agreements between or among  
 42 the authorities and department to provide for shared  
 43 services.

44 c. Make recommendations to the governor and  
 45 general assembly regarding additional consolidation  
 46 and coordination that requires legislative action.”

47 2. Page 155, by inserting after line 33 the  
 48 following:  
 49 “Sec. \_\_\_\_ . Section 175.7, subsections 1 and 2,  
 50 Code 1985, are amended to read as follows:

**Page 2**

1 1. ~~The governor, subject to confirmation by the~~  
 2 ~~senate, shall appoint an executive director of the~~  
 3 ~~authority, who shall serve at the pleasure of the~~  
 4 ~~governor. The executive director shall be selected~~  
 5 ~~primarily for administrative ability and knowledge in~~  
 6 ~~the field, without regard to political affiliation.~~  
 7 The executive director and staff of the Iowa finance  
 8 authority, pursuant to chapter 220, shall also serve  
 9 as executive director and staff of the authority,  
 10 respectively. The executive director shall not,  
 11 directly or indirectly, exert influence to induce any  
 12 other officers or employees of the state to adopt a  
 13 political view, or to favor a political candidate for  
 14 office.

15 2. The executive director shall advise the  
 16 authority on matters relating to agricultural land and  
 17 property and agricultural finance, and carry out all  
 18 directives from the authority, and ~~shall~~ may hire and

19 supervise ~~the authority's additional~~ staff pursuant to  
 20 its directions and under chapter 19A, except that  
 21 principal administrative assistants with  
 22 responsibilities in beginning farm loan programs,  
 23 accounting, mortgage loan processing, and investment  
 24 portfolio management are exempt from that chapter.  
 25 Sec. \_\_\_\_ . Section 175A.5, subsections 1 and 2,  
 26 Code Supplement 1985, are amended to read as follows:  
 27 1. ~~The governor, subject to confirmation by the~~  
 28 ~~senate, shall appoint an executive director of the~~  
 29 ~~authority, who shall serve a four-year term at the~~  
 30 ~~pleasure of the governor. The term shall begin and~~  
 31 ~~end as provided in section 69.19. The executive~~  
 32 ~~director shall be selected primarily for~~  
 33 ~~administrative ability and knowledge in the field,~~  
 34 ~~without regard to political affiliation. The executive~~  
 35 ~~director and staff of the Iowa finance authority,~~  
 36 pursuant to chapter 220, shall also serve as executive  
 37 director and staff of the authority, respectively.  
 38 The executive director shall not, directly or  
 39 indirectly, exert influence to induce other officers  
 40 or employees of the state to adopt a political view,  
 41 or to favor a political candidate for office.  
 42 2. The executive director is a nonvoting ex  
 43 officio member of the board, and shall advise the  
 44 authority on matters relating to finance, and carry  
 45 out all directives from the authority, and may hire  
 46 and supervise ~~the authority's additional~~ staff  
 47 pursuant to its directions and under chapter 19A,  
 48 except that principal administrative assistants with  
 49 responsibilities in operating loan programs,  
 50 accounting, and processing of applications for

### Page 3

1 interest reduction are exempt from that chapter.”  
 2 3. Page 158, by inserting after line 16 the  
 3 following:  
 4 “Sec. \_\_\_\_ . Section 261A.6, subsections 3 and 4,  
 5 Code 1985, are amended to read as follows:  
 6 3. The members of the authority shall annually  
 7 elect one of the members as chairperson and one as  
 8 vice chairperson. ~~The members of the authority may~~  
 9 ~~appoint an executive director, an assistant executive~~  
 10 ~~director, and other officers as the members of the~~  
 11 ~~authority determine. The officers shall not be~~  
 12 ~~members of the authority, shall serve at the pleasure~~  
 13 ~~of the authority, and shall receive compensation as~~  
 14 ~~fixed by the authority. The executive director and~~  
 15 staff of the Iowa finance authority, pursuant to

16 chapter 220, shall also serve as executive director  
 17 and staff of the authority, respectively.

18 4. The executive director ~~or assistant executive~~  
 19 ~~director or other person designated by resolution of~~  
 20 ~~the authority~~ shall keep a record of the proceedings  
 21 of the authority and shall be custodian of all books,  
 22 documents, and papers filed with the authority, the  
 23 minute book or journal of the authority, and its  
 24 official seal. The executive director; ~~assistant~~  
 25 ~~executive director, or other person~~ may cause copies  
 26 to be made of minutes and other records and documents  
 27 of the authority and may give certificates under the  
 28 official seal of the authority that the copies are  
 29 true copies, and persons dealing with the authority  
 30 may rely upon the certificates."

31 4. Page 158, by inserting after line 23 the  
 32 following:

33 "Sec. \_\_\_\_ . Section 307B.6, subsections 6 and 9,  
 34 Code 1985, are amended to read as follows:

35 6. Members shall elect a chairperson and vice  
 36 chairperson annually, and other officers as they  
 37 determine. However, the executive director of ~~the~~  
 38 ~~department~~ shall be the secretary of the board.

39 9. The executive director and staff of the  
 40 department Iowa finance authority, pursuant to chapter  
 41 220, shall also serve as the executive director and  
 42 staff of the authority, respectively. The executive  
 43 ~~director of the department~~ shall advise the board on  
 44 matters relating to railroad transportation and carry  
 45 out all directives from the board, and may employ  
 46 professional expertise when not available on the  
 47 ~~department~~ staff."

CHARLES BRUNER  
 ROBERT M. CARR

S-5121

1 Amend Senate File 2175 as follows:

2 1. By striking page 193, line 19 through page  
 3 194, line 22 and inserting the following:

4 "Sec. \_\_\_\_ . Section 135D.1, subsection 2,  
 5 unnumbered paragraph 3, Code 1985, is amended to read  
 6 as follows:

7 A mobile home park must be classified as to whether  
 8 it is a residential mobile home park or a recreational  
 9 mobile park or both. ~~Sections 135D.14 and 135D.15~~  
 10 ~~shall apply only to recreational mobile home parks.~~  
 11 The mobile home park residential landlord tenant Act

12 ~~shall only apply~~ applies to residential mobile home  
13 parks.

14 Sec. \_\_\_\_ . Section 135D.24, subsection 3, Code  
15 Supplement 1985, is amended to read as follows:

16 3. Each mobile home park ~~licensee owner~~ shall  
17 notify monthly the county treasurer concerning any  
18 mobile home or manufactured home arriving in or  
19 departing from the park without a tax clearance  
20 statement. The records of the ~~licensee owner~~ shall be  
21 open to inspection by a duly authorized representative  
22 of any law enforcement agency. Any property owner,  
23 manager or tenant shall report to the county treasurer  
24 mobile homes parked upon any property owned, managed,  
25 or rented by that person.

26 Sec. \_\_\_\_ . Section 331.304, Code 1985, is amended  
27 by adding the following new subsection:

28 NEW SUBSECTION. 10. A county shall not adopt or  
29 enforce any ordinance imposing any registration or  
30 licensing system, registration or license fees, or  
31 safety or sanitation standards for owner-occupied  
32 mobile homes including the lots or lands upon which  
33 they are located. A county shall not adopt or enforce  
34 any ordinance imposing any registration or licensing  
35 system, or registration or license fees, or safety or  
36 sanitary standards for rental mobile homes unless  
37 similar registration or licensing system, or  
38 registration or license fees, or safety or sanitary  
39 standards are required for other rental properties  
40 intended for human habitation. This subsection does  
41 not preclude the investigation and abatement of a  
42 nuisance or the enforcement of a tiedown system, or  
43 the enforcement of any regulations of the state or  
44 local board of health if those regulations apply to  
45 other rental properties intended for human habitation.

46 Sec. \_\_\_\_ . Section 331.756, subsection 28, Code  
47 1985, is amended by striking the subsection.

48 Sec. \_\_\_\_ . Section 364.3, Code Supplement 1985, is  
49 amended by adding the following new subsection:

50 NEW SUBSECTION. 5. A city shall not adopt or

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1 enforce any ordinance imposing any registration or  
2 licensing system, registration or license fees, or  
3 safety or sanitation standards for owner-occupied  
4 mobile homes including the lots or lands upon which  
5 they are located. A city shall not adopt or enforce  
6 any ordinance imposing any registration or licensing  
7 system, or registration or license fees, or safety or  
8 sanitary standards for rental mobile homes unless

9 similar registration or licensing system, or  
 10 registration or license fees, or safety or sanitary  
 11 standards are required for other rental properties  
 12 intended for human habitation. This subsection does  
 13 not preclude the investigation and abatement of a  
 14 nuisance or the enforcement of a tiedown system, or  
 15 the enforcement of any regulations of the state or  
 16 local board of health if those regulations apply to  
 17 other rental properties intended for human  
 18 habitation.”

19 2. Page 206, line 35, by inserting after the  
 20 figure “135.37,” the following: “135D.2 through  
 21 135D.8, 135D.11 through 135D.17, 135D.19 through  
 22 135D.21.”

WILLIAM W. DIELEMAN  
 CHARLES BRUNER  
 ROBERT M. CARR  
 JOHN N. NYSTROM  
 RICHARD F. DRAKE

S-5122

1 Amend Senate File 2175 as follows:

2 1. Page 218, line 34, by striking the word “Nine”  
 3 and inserting the word “Seven”.

4 2. Page 219, by striking lines 1 through 9 and  
 5 inserting the following:

6 “a. One member shall be appointed by the state  
 7 board of education from its own membership or from the  
 8 personnel of the department of education.

9 b. One member shall be appointed by the state  
 10 board of regents from its own membership or from among  
 11 its employees or employees of institutions under the  
 12 jurisdiction of the board.

13 c. Two members from regionally accredited private  
 14 four-year colleges and universities shall be appointed  
 15 by the state association representing private colleges  
 16 and universities.

17 d. Three members shall be appointed by the  
 18 governor, subject to confirmation by the senate, one  
 19 of whom shall have experience and training in the  
 20 preparation and presentation of media instructional  
 21 materials for educational purposes in the elementary  
 22 and secondary educational system, one of whom shall be  
 23 a member of a fund-raising nonprofit organization  
 24 financially assisting the public broadcasting  
 25 division, and one of whom shall represent the general  
 26 public.”

27 3. Page 219, by inserting after line 19 the  
 28 following:  
 29 "The board shall place an emphasis on the  
 30 preparation and presentation of media instructional  
 31 materials for educational purposes in the educational  
 32 system in the programming and materials developed and  
 33 used by the division."  
 34 4. Page 230, by inserting after line 1 the  
 35 following:  
 36 "Sec. \_\_\_\_ . Notwithstanding section 1319 of this  
 37 Act, the governor shall appoint only one member to the  
 38 Iowa public broadcasting board for a term commencing  
 39 July 1, 1986, when the terms of three members expire  
 40 June 30, 1986. The governor shall appoint one member  
 41 for a term commencing July 1, 1987 and one member for  
 42 a term commencing July 1, 1988 to succeed those whose  
 43 terms end June 30, 1987 and June 30, 1988  
 44 respectively, who originally were appointed by the  
 45 governor. The state board of regents and the  
 46 department of education shall not appoint members to  
 47 the Iowa public broadcasting board until the term  
 48 commencing July 1, 1988. The association representing  
 49 private colleges and universities shall appoint a  
 50 member to the Iowa public broadcasting board for a

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1 term commencing July 1, 1987 and another member for a  
 2 term commencing July 1, 1988."

JULIA B. GENTLEMAN

S-5123

1 Amend Senate File 2175 as follows:  
 2 1. By striking page 14, line 5 through page 18,  
 3 line 28.  
 4 2. Page 18, line 35, by striking the figure  
 5 "7A.21".  
 6 3. Page 19, line 1, by striking the figure and  
 7 word "through 7A.28".  
 8 4. By striking page 169, line 6 through page 188,  
 9 line 7.  
 10 5. Page 207, by inserting after line 2, the  
 11 following:  
 12 "DEPARTMENT OF HUMAN RIGHTS  
 13 PART 1  
 14 ADMINISTRATION  
 15 Sec. 1201. NEW SECTION. 601K.1 DEPARTMENT OF

## 16 HUMAN RIGHTS.

17 A department of human rights is created, with the  
18 following divisions:

- 19 1. Division of Spanish-speaking people.
- 20 2. Division of children, youth, and families.
- 21 3. Division of the status of women.
- 22 4. Division of civil rights.
- 23 5. Division of persons with disabilities.
- 24 6. Division of economic opportunity.
- 25 7. Division of deaf services.
- 26 8. Division of blind persons services.
- 27 9. Division of elder affairs.

28 Sec. 1202. NEW SECTION. 601K.2 APPOINTMENT OF  
29 ADMINISTRATIVE COORDINATOR AND DIVISION DIRECTORS.

30 The governor shall appoint an administrative  
31 coordinator of the department of human rights, subject  
32 to confirmation by the senate. The administrative  
33 coordinator shall serve at the pleasure of the  
34 governor. The administrative coordinator may make  
35 recommendations relating to the administration of the  
36 department to the commissions. The administrative  
37 coordinator may establish contracts between the  
38 commissions upon agreement by the commissions.

39 The governor shall appoint the division directors  
40 of each of the divisions subject to confirmation by  
41 the senate. Each division director shall serve at the  
42 pleasure of the governor and is exempt from chapter  
43 19A. The governor shall set the salary of the  
44 division directors within the ranges set by the  
45 general assembly.

46 Sec. 1203. NEW SECTION. 601K.3 HUMAN RIGHTS  
47 COUNCIL.

48 1. A human rights policy-coordinating council  
49 composed of nine members is created within the  
50 department of human rights. The council is composed

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- 1 of the division directors within the department.
- 2 2. The council shall meet periodically to:
  - 3 a. Identify areas where the divisions within the  
4 department might coordinate efforts or share  
5 administrative or other support functions to provide  
6 greater efficiencies in operation including, but not  
7 limited to, accounting, recordkeeping, and  
8 administrative support functions.
  - 9 b. Develop cooperative arrangements and shared  
10 services between the divisions to achieve greater  
11 efficiencies, and may establish contracts and  
12 agreements between or among the divisions to provide

13 for shared services.

14 c. Transfer funds within the divisions agreeing to  
15 shared services for the implementation of the  
16 contracts or agreements between divisions.

17 d. Make recommendations to the governor and  
18 general assembly regarding additional consolidation  
19 and coordination that would require legislative  
20 action.

21 e. Advise the administrative coordinator regarding  
22 actions by and for the department.

23 Sec. 1204. NEW SECTION. 601K.4 DEFINITIONS.

24 For purposes of this chapter, unless the context  
25 otherwise requires:

26 1. "Department" means the department of human  
27 rights.

28 2. "Administrative coordinator" means the  
29 administrative coordinator of the department of human  
30 rights.

31 PART 2

32 DIVISION OF SPANISH-SPEAKING PEOPLE

33 Sec. 1205. NEW SECTION. 601K.20 DEFINITIONS.

34 For purposes of this part, unless the context  
35 otherwise requires:

36 1. "Commission" means the commission of Spanish-  
37 speaking people.

38 2. "Division" means the division of Spanish-  
39 speaking people of the department of human rights.

40 3. "Division director" means the director of the  
41 division of Spanish-speaking people of the department  
42 of human rights.

43 Sec. 1206. NEW SECTION. 601K.21 COMMISSION  
44 CREATED -- TERMS -- COMPENSATION.

45 A commission of Spanish-speaking people which shall  
46 consist of nine members, appointed by the governor  
47 from a list of nominees submitted by the governor's  
48 Spanish-speaking peoples task force. The members of  
49 the commission shall be appointed during the month of  
50 June and shall serve for terms of two years commencing

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1 July 1 of each odd-numbered year. Members appointed  
2 shall continue to serve until their respective  
3 successors are appointed. Vacancies in the membership  
4 of the commission shall be filled by the original  
5 appointing authority and in the manner of the original  
6 appointments. Members shall receive actual expenses  
7 incurred while serving in their official capacity.  
8 Members may also be eligible to receive compensation  
9 as provided in section 7E.3.

10 Sec. 1207. NEW SECTION. 601K.22 ORGANIZATION.

11 The commission shall select from its membership a  
12 chairperson and other officers as it deems necessary  
13 and shall meet not less than six times a year. A  
14 majority of the members of the commission shall  
15 constitute a quorum.

16 Sec. 1208. NEW SECTION. 601K.23 COMMISSION  
17 EMPLOYEES.

18 The commission may employ personnel who shall be  
19 qualified by experience to assume the responsibilities  
20 of their several offices. The division director shall  
21 be the administrative officer of the commission and  
22 shall serve the commission by gathering and  
23 disseminating information, forwarding proposals and  
24 evaluations to the governor, the general assembly, and  
25 state agencies, carrying out public education  
26 programs, conducting hearings and conferences, and  
27 performing other duties necessary for the proper  
28 operation of the commission.

29 Sec. 1209. NEW SECTION. 601K.24 DUTIES.

30 The commission shall:

31 1. Coordinate, assist, and cooperate with the  
32 efforts of state departments and agencies to serve the  
33 needs of Spanish-speaking persons in the fields of  
34 education, employment, health, housing, welfare, and  
35 recreation.

36 2. Develop, coordinate, and assist other public  
37 organizations which serve Spanish-speaking persons.

38 3. Evaluate existing programs and proposed  
39 legislation affecting Spanish-speaking persons, and  
40 propose new programs.

41 4. Stimulate public awareness of the problems of  
42 Spanish-speaking persons by conducting a program of  
43 public education and encouraging the governor and the  
44 general assembly to develop programs to deal with  
45 these problems.

46 5. Conduct training programs for Spanish-speaking  
47 persons to enable them to assume leadership positions  
48 on the community level.

49 6. Conduct a survey of the Spanish-speaking people  
50 in Iowa in order to ascertain their needs.

**Page 4**

1 7. Work to establish a Spanish-speaking  
2 information center in the state of Iowa.

3 8. Be responsible for budgetary and personnel  
4 decisions for the commission and division.

5 Sec. 1210. NEW SECTION. 601K.25 POWERS.

6 The commission shall have all powers necessary to

7 carry out the functions and duties specified in this  
 8 division, including, but not limited to the power to  
 9 establish advisory committees on special studies, to  
 10 solicit and accept gifts and grants, adopt rules  
 11 according to chapter 17A for the commission and  
 12 division, and to contract with public and private  
 13 groups to conduct its business. All departments,  
 14 divisions, agencies and offices of the state shall  
 15 make available upon request of the commission  
 16 information which is pertinent to the subject matter  
 17 of the study and which is not by law confidential.  
 18 Sec. 1211. NEW SECTION. 601K.26 REPORT.  
 19 The commission shall make a detailed report of its  
 20 activities, studies, findings, conclusions and  
 21 recommendations to the general assembly not later than  
 22 February 15 of each odd-numbered year.

## PART 3

## DIVISION OF CHILDREN, YOUTH, AND FAMILIES

24 Sec. 1212. NEW SECTION. 601K.30 DEFINITIONS.  
 25 For purposes of this part, unless the context  
 26 otherwise requires:

- 28 1. "Commission" means the commission on children,  
 29 youth, and families.
- 30 2. "Division" means the division of children,  
 31 youth, and families of the department of human rights.
- 32 3. "Division director" means the director of the  
 33 division of children, youth, and families of the  
 34 department of human rights.

35 Sec. 1213. NEW SECTION. 601K.31 POLICY FOR  
 36 CHILDREN, YOUTH, AND FAMILIES.

37 It is the policy of this state that the commission  
 38 on children, youth, and families work with state  
 39 agencies in an advisory capacity to help plan needed  
 40 services for children, youth, and families, improve  
 41 and coordinate planning efforts with federal, state  
 42 and local service providers, provide the governor and  
 43 the legislature with recommendations and information  
 44 to upgrade and improve services for children, youth,  
 45 and families, provide local communities with technical  
 46 assistance, identify state and federal resources that  
 47 can be used in local areas, and provide needed  
 48 programs and services to parents to assist and support  
 49 them in their parenting role.

50 Sec. 1214. NEW SECTION. 601K.32 COMMISSION ON

Page 5

1 CHILDREN, YOUTH, AND FAMILIES.

2 1. The commission on children, youth, and families  
 3 is established.

4 2. The following persons or a designee are members  
5 of the commission:  
6 a. The commissioner of the department of human  
7 services.  
8 b. The director of the department of public  
9 health.  
10 c. The commissioner of the department of  
11 education.  
12 d. The director of the department of corrections.  
13 3. The following members of the commission shall  
14 be appointed by the governor:  
15 a. A member of a county board of supervisors.  
16 b. A mayor or member of a city council.  
17 c. A member of the board of directors of a school  
18 corporation.  
19 d. Eight citizens, one of whom shall be a  
20 professional family counselor.  
21 e. A person sixteen through eighteen years of age  
22 at the time of appointment.  
23 4. The following shall be nonvoting members of the  
24 commission:  
25 a. Two members of the senate, not more than one  
26 from any political party, appointed by the president  
27 of the senate.  
28 b. Two members of the house of representatives,  
29 not more than one from any political party, appointed  
30 by the speaker of the house.  
31 c. A district court judge appointed by the  
32 governor.  
33 5. The members of the commission appointed by the  
34 governor shall be appointed to terms of four years  
35 beginning July 1. Legislative members shall be  
36 appointed to terms of two years beginning January 1 of  
37 odd-numbered years. However, members appointed under  
38 subsections 3 and 4 shall cease to be members if they  
39 no longer hold the office from which they were  
40 appointed. Not more than seven of the members  
41 appointed under subsection 3 shall belong to the same  
42 political party at the time of appointment. A person  
43 designated under subsection 2 is appointed for a term  
44 of four years beginning July 1 and must be an  
45 assistant director, or head of a division, section, or  
46 bureau of that agency whose function relates to  
47 children, youth, or families while serving on the  
48 commission. Vacancies shall be filled in the same  
49 manner as the original appointment. Not more than  
50 nine of the voting members of the commission shall be

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1 of the same gender.

2 Sec. 1215. NEW SECTION. 601K.33 MEETINGS AND  
3 OFFICERS.

4 The governor shall appoint from the commission's  
5 voting membership a chairperson and the members shall  
6 elect other officers as the commission deems

7 necessary, who shall serve for a period of two years.

8 The commission shall meet at regular intervals at

9 least six times each year and may hold special

10 meetings at the call of the chairperson or at the

11 request of a majority of the voting members.

12 Sec. 1216. NEW SECTION. 601K.34 PURPOSE.

13 The purpose of the commission is to promote

14 coordination of state, local and private programs,

15 resources and services to meet the needs of children,

16 youth, and families. The commission shall work to

17 identify unmet needs and to develop a plan to meet

18 those needs and to improve coordination of efforts.

19 It shall serve as an advocate for Iowa's children,

20 youth, and families to decision-making bodies and to

21 the public. The commission shall make an annual

22 report to the governor and general assembly by

23 December 1 of its activities and legislative

24 recommendations. The commission shall adopt rules

25 pursuant to chapter 17A for the division and

26 commission.

27 Sec. 1217. NEW SECTION. 601K.35 DIRECTOR.

28 The division director shall serve as executive

29 officer of the commission and be exempt from chapter

30 19A. The division director shall be responsible to

31 the commission and with the approval of the commission

32 shall employ and supervise the commission's staff and

33 be responsible for implementing policy set by the

34 commission.

35 Sec. 1218. NEW SECTION. 601K.36 EXPENSES.

36 Members of the commission, while engaged in their

37 official duties, shall be reimbursed for their actual

38 expenses. Members may also be eligible to receive

39 compensation as provided in section 7E.3.

40 Sec. 1219. NEW SECTION. 601K.37 GRANTS AND GIFTS

41 RECEIVED.

42 The commission may receive federal funds or any

43 grants or gifts on behalf of the state for the

44 purposes within its jurisdiction. All federal funds,

45 grants, and gifts shall be deposited with the state

46 treasurer and used only for the purposes agreed upon

47 as conditions for receipt of the funds, grants, or

48 gifts.

49 Sec. 1220. NEW SECTION. 610K.38 RESPONSIBILITY.  
50 The commission shall have the responsibility of

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1 budgetary decisions for the commission and division.

2 PART 4

3 DIVISION OF THE STATUS OF WOMEN

4 Sec. 1221. NEW SECTION. 601K.40 DEFINITIONS.

5 For purposes of this part, unless the context

6 otherwise requires:

7 1. "Commission" means the commission on the status  
8 of women.

9 2. "Division" means the division of the status of  
10 women of the department of human rights.

11 3. "Division director" means the director of the  
12 division of the status of women of the department of  
13 human rights.

14 Sec. 1222. NEW SECTION. 601K.41 ESTABLISHMENT.

15 There is established a commission on the status of  
16 women to consist of twenty-four members, appointed by  
17 the governor and representing a cross section of the  
18 citizens of Iowa. The commission shall be  
19 nonpartisan, and the members shall be appointed  
20 without reference to their political affiliation. The  
21 governor shall appoint one of the members to serve as  
22 chairperson.

23 Sec. 1223. NEW SECTION. 601K.42 TERM OF OFFICE.

24 One half of the members appointed to the initial  
25 commission shall be designated by the governor to  
26 serve two-year terms, and one half shall be designated  
27 by the governor to serve four-year terms. Succeeding  
28 appointments shall be for a term of four years.  
29 Vacancies in the membership shall be filled for the  
30 unexpired term in the same manner as the original  
31 appointment.

32 Sec. 1224. NEW SECTION. 601K.43 MEETINGS OF THE  
33 COMMISSION.

34 The commission shall meet at least four times each  
35 year, and shall hold special meetings on the call of  
36 the chairperson. Ten members shall constitute a  
37 quorum, and the concurrence of at least thirteen  
38 members shall be necessary for the commission to  
39 render a determination or decision. The commission  
40 shall adopt rules pursuant to chapter 17A as it deems  
41 necessary for the commission and division. The  
42 members of the commission shall be reimbursed for  
43 actual expenses while engaged in their official  
44 duties. Members may also be eligible to receive  
45 compensation as provided in section 7E.3.

46 Sec. 1225. NEW SECTION. 601K.44 OBJECTIVES OF  
47 COMMISSION.

48 The commission shall study the changing needs and  
49 problems of the women of this state, and develop and  
50 recommend new programs and constructive action to the

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1 governor and the general assembly, including but not  
2 limited to, the following areas:

3 1. Public and private employment policies and  
4 practices.

5 2. Iowa labor laws.

6 3. Legal treatment relating to political and civil  
7 rights.

8 4. The family and the employed woman.

9 5. Expanded programs to help women as wives,  
10 mothers, and workers.

11 6. Women as citizen volunteers.

12 7. Education.

13 Sec. 1226. NEW SECTION. 601K.45 EMPLOYEES AND  
14 RESPONSIBILITY.

15 The commission shall employ a division director and  
16 other necessary employees. The commission shall have  
17 responsibility for budgetary and personnel decisions  
18 for the commission and division.

19 Sec. 1227. NEW SECTION. 601K.46 DUTIES.

20 The commission shall:

21 1. Serve as a clearinghouse on programs and  
22 agencies operating to assist women.

23 2. Conduct conferences.

24 3. Cooperate with governmental agencies to assist  
25 them in equalizing opportunities between men and women  
26 in employment and in expanding women's rights and  
27 opportunities.

28 4. Serve as the central permanent agency for the  
29 development of services for women.

30 5. Cooperate with public and private agencies in  
31 joint efforts to study and resolve problems relating  
32 to the status of women.

33 6. Publish and disseminate information relating to  
34 women and develop other educational programs.

35 7. Provide assistance to organized efforts by  
36 communities, organizations, associations, and other  
37 groups working toward the improvement of women's  
38 status.

39 8. Administer chapter 241.

40 Sec. 1228. NEW SECTION. 601K.47 ADDITIONAL  
41 AUTHORITY.

42 The commission may:

43 1. Do all things necessary, proper, and expedient  
 44 in accomplishing the duties listed in section 601K.46  
 45 and this section.  
 46 2. Hold hearings.  
 47 3. Enter into contracts, within the limit of funds  
 48 made available, with individuals, organizations, and  
 49 institutions for services furthering the objectives of  
 50 the commission as listed in section 601K.44.

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1 4. Seek advice and counsel of informed  
 2 individuals, or any agricultural, industrial,  
 3 professional, labor or trade association, or civic  
 4 group in the accomplishment of the objectives of the  
 5 commission.  
 6 5. Accept grants of money or property from the  
 7 federal government or any other source, and may upon  
 8 its own order use this money, property, or other  
 9 resources to accomplish the objectives of the  
 10 commission.

11 Sec. 1229. NEW SECTION. 601K.48 ACCESS TO  
 12 INFORMATION.

13 The commission shall have access to all  
 14 nonconfidential records, data, information, and  
 15 statistics of all departments, boards, commissions,  
 16 agencies, and institutions of this state, and upon  
 17 terms which may be mutually agreed upon, have studies  
 18 and research conducted.

19 Sec. 1230. NEW SECTION. 601K.49 ANNUAL REPORT.

20 Not later than February 1 of each year the  
 21 commission shall file a report with the governor and  
 22 the general assembly of its proceedings for the  
 23 previous calendar year, and may submit with the report  
 24 such recommendations pertaining to its affairs as it  
 25 deems desirable, including recommendations for  
 26 legislative consideration and other action it deems  
 27 necessary.

28

PART 5

29

CIVIL RIGHTS DIVISION

30 Sec. 1231. NEW SECTION. 601K.50 CITATION.

31 This part may be known and may be cited as the  
 32 "Iowa Civil Rights Act of 1965".

33 Sec. 1232. NEW SECTION. 601K.51 DEFINITIONS.

34 When used in this part, unless the context  
 35 otherwise requires:

36 1. "Division" means the civil rights division of  
 37 the department of human rights.

38 2. "Division director" means the director of the  
 39 division of civil rights of the department of human

40 rights.

41 3. "Court" means the district court in and for the  
42 judicial district of the state of Iowa in which the  
43 alleged unfair or discriminatory practice occurred or  
44 any judge of said court if the court is not in session  
45 at that time.

46 4. "Person" means one or more individuals,  
47 partnerships, associations, corporations, legal  
48 representatives, trustees, receivers, and the state of  
49 Iowa and all political subdivisions and agencies  
50 thereof.

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1 5. "Employment agency" means any person  
2 undertaking to procure employees or opportunities to  
3 work for any other person or any person holding itself  
4 to be equipped to do so.

5 6. "Labor organization" means any organization  
6 which exists for the purpose in whole or in part of  
7 collective bargaining, of dealing with employers  
8 concerning grievances, terms, or conditions of  
9 employment, or of other mutual aid or protection in  
10 connection with employment.

11 7. "Employer" means the state of Iowa or any  
12 political subdivision, board, commission, department,  
13 institution, or school district thereof, and every  
14 other person employing employees within the state.

15 8. "Employee" means any person employed by an  
16 employer.

17 9. "Unfair practice" or "discriminatory practice"  
18 means those practices specified as unfair or  
19 discriminatory in sections 601K.55 through 601K.60.

20 10. "Commission" means the Iowa state civil rights  
21 commission created by this chapter.

22 11. "Commissioner" means a member of the  
23 commission.

24 12. "Public accommodation" means each and every  
25 place, establishment, or facility of whatever kind,  
26 nature, or class that caters or offers services,  
27 facilities, or goods for a fee or charge to nonmembers  
28 of any organization or association utilizing the  
29 place, establishment, or facility, provided that any  
30 place, establishment, or facility that caters or  
31 offers services, facilities, or goods to the  
32 nonmembers gratuitously shall be deemed a public  
33 accommodation if the accommodation receives  
34 governmental support or subsidy. Public accommodation  
35 shall not mean any bona fide private club or other  
36 place, establishment, or facility which is by its

37 nature distinctly private, except when such distinctly  
 38 private place, establishment, or facility caters or  
 39 offers services, facilities, or goods to the  
 40 nonmembers for fee or charge or gratuitously, it shall  
 41 be deemed a public accommodation during such period.  
 42 "Public accommodation" includes each state and  
 43 local government unit or tax-supported district of  
 44 whatever kind, nature, or class that offers services,  
 45 facilities, benefits, grants or goods to the public,  
 46 gratuitously or otherwise. This paragraph shall not  
 47 be construed by negative implication or otherwise to  
 48 restrict any part or portion of the pre-existing  
 49 definition of the term "public accommodation".  
 50 13. "Disability" means the physical or mental

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1 condition of a person which constitutes a substantial  
 2 handicap. In reference to employment, under this  
 3 chapter, "disability" also means the physical or  
 4 mental condition of a person which constitutes a  
 5 substantial handicap, but is unrelated to such  
 6 person's ability to engage in a particular occupation.  
 7 Sec. 1233. NEW SECTION. 601K.52 COMMISSION  
 8 APPOINTED.

9 The Iowa state civil rights commission shall  
 10 consist of seven members appointed by the governor  
 11 subject to confirmation by the senate. Appointments  
 12 shall be made to provide geographical area  
 13 representation insofar as practicable. No more than  
 14 four members of the commission shall belong to the  
 15 same political party. Members appointed to the  
 16 commission shall serve for four-year staggered terms  
 17 beginning and ending as provided by section 69.19.  
 18 Vacancies on the commission shall be filled by the  
 19 governor by appointment for the unexpired part of the  
 20 term of the vacancy. Any commissioner may be removed  
 21 from office by the governor for cause.

22 The division director shall serve as the executive  
 23 officer of the commission.  
 24 Sec. 1234. NEW SECTION. 601K.53 COMPENSATION AND  
 25 EXPENSES -- RULES.

26 Commissioners shall be reimbursed for actual  
 27 expenses incurred while on official commission  
 28 business. Members may also be eligible to receive  
 29 compensation as provided in section 7E.3. All expense  
 30 moneys paid to commissioners shall be paid from funds  
 31 appropriated to the commission. The commission shall  
 32 adopt, amend or rescind such rules as shall be  
 33 necessary for the commission and division. A quorum

34 shall consist of four commissioners.

35 Sec. 1235. NEW SECTION. 601K.54 POWERS AND  
36 DUTIES.

37 The commission shall have the following powers and  
38 duties:

39 1. To prescribe the duties of the division  
40 director and appoint and prescribe the duties of such  
41 investigators and other employees and agents as the  
42 commission shall deem necessary for the enforcement of  
43 this part.

44 2. To receive, investigate, and finally determine  
45 the merits of complaints alleging unfair or  
46 discriminatory practices.

47 3. To investigate and study the existence,  
48 character, causes, and extent of discrimination in  
49 public accommodations, employment, apprenticeship  
50 programs, on-the-job training programs, vocational

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1 schools, credit practices, and housing in this state  
2 and to attempt the elimination of such discrimination  
3 by education and conciliation.

4 4. To seek a temporary injunction against a  
5 respondent when it appears that a complainant may  
6 suffer irreparable injury as a result of an alleged  
7 violation of this chapter. A temporary injunction may  
8 only be issued ex parte, if the complaint filed with  
9 the commission alleges discrimination in housing. In  
10 all other cases a temporary injunction may be issued  
11 only after the respondent has been notified and  
12 afforded the opportunity to be heard.

13 5. To hold hearings upon any complaint made  
14 against a person, an employer, an employment agency,  
15 or a labor organization, or the employees or members  
16 thereof, to subpoena witnesses and compel their  
17 attendance at such hearings, to administer oaths and  
18 take the testimony of any person under oath, and to  
19 compel such person, employer, employment agency, or  
20 labor organization, or employees or members thereof to  
21 produce for examination any books and papers relating  
22 to any matter involved in such complaint. The  
23 commission shall issue subpoenas for witnesses in the  
24 same manner and for the same purposes on behalf of the  
25 respondent upon the respondent's request. Such  
26 hearings may be held by the commission, by any  
27 commissioner, or by any hearing examiner appointed by  
28 the commission. If a witness either fails or refuses  
29 to obey a subpoena issued by the commission, the  
30 commission may petition the district court having

31 jurisdiction for issuance of a subpoena and the court  
 32 shall in a proper case issue the subpoena. Refusal to  
 33 obey such subpoena shall be subject to punishment for  
 34 contempt.

35 6. To issue such publications and reports of  
 36 investigations and research as in the judgment of the  
 37 commission shall tend to promote good will among the  
 38 various racial, religious, and ethnic groups of the  
 39 state and which shall tend to minimize or eliminate  
 40 discrimination in public accommodations, employment,  
 41 apprenticeship and on-the-job training programs,  
 42 vocational schools, or housing because of race, creed,  
 43 color, sex, national origin, religion, ancestry or  
 44 disability.

45 7. To prepare and transmit to the governor and to  
 46 the general assembly from time to time, but not less  
 47 often than once each year, reports describing its  
 48 proceedings, investigations, hearings conducted and  
 49 the outcome thereof, decisions rendered, and the other  
 50 work performed by the commission.

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1 8. To make recommendations to the general assembly  
 2 for such further legislation concerning discrimination  
 3 because of race, creed, color, sex, national origin,  
 4 religion, ancestry or disability as it may deem  
 5 necessary and desirable.

6 9. To cooperate, within the limits of any  
 7 appropriations made for its operation, with other  
 8 agencies or organizations, both public and private,  
 9 whose purposes are consistent with those of this part,  
 10 and in the planning and conducting of programs  
 11 designed to eliminate racial, religious, cultural, and  
 12 intergroup tensions.

13 10. To adopt, publish, amend, and rescind  
 14 regulations consistent with and necessary for the  
 15 enforcement of this part.

16 11. To receive, administer, dispense and account  
 17 for any funds that may be voluntarily contributed to  
 18 the commission and any grants that may be awarded the  
 19 commission for furthering the purposes of this part  
 20 with the approval of the executive council.

21 12. To defer a complaint to a local civil rights  
 22 commission under commission rules promulgated pursuant  
 23 to chapter 17A.

24 13. To be responsible for the budgetary and  
 25 personnel decisions for the commission and division.

26 Sec. 1236. **NEW SECTION. 601K.55 UNFAIR**  
 27 **EMPLOYMENT PRACTICES.**

28 1. It shall be an unfair or discriminatory  
29 practice for any:  
30 a. Person to refuse to hire, accept, register,  
31 classify, or refer for employment, to discharge any  
32 employee, or to otherwise discriminate in employment  
33 against any applicant for employment or any employee  
34 because of the age, race, creed, color, sex, national  
35 origin, religion or disability of such applicant or  
36 employee, unless based upon the nature of the  
37 occupation. If a disabled person is qualified to  
38 perform a particular occupation, by reason of training  
39 or experience, the nature of that occupation shall not  
40 be the basis for exception to the unfair or  
41 discriminating practices prohibited by this  
42 subsection.  
43 b. Labor organization or the employees, agents or  
44 members thereof to refuse to admit to membership any  
45 applicant, to expel any member, or to otherwise  
46 discriminate against any applicant for membership or  
47 any member in the privileges, rights, or benefits of  
48 such membership because of the age, race, creed,  
49 color, sex, national origin, religion or disability of  
50 such applicant or member.

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1 c. Employer, employment agency, labor  
2 organization, or the employees, agents, or members  
3 thereof to directly or indirectly advertise or in any  
4 other manner indicate or publicize that individuals of  
5 any particular age, race, creed, color, sex, national  
6 origin, religion or disability are unwelcome,  
7 objectionable, not acceptable, or not solicited for  
8 employment or membership unless based on the nature of  
9 the occupation. If a disabled person is qualified to  
10 perform a particular occupation by reason of training  
11 or experience, the nature of that occupation shall not  
12 be the basis for exception to the unfair or  
13 discriminating practices prohibited by this  
14 subsection.  
15 An employer, employment agency, or their employees,  
16 servants or agents may offer employment or advertise  
17 for employment to only the disabled, when other  
18 applicants have available to them, other employment  
19 compatible with their ability which would not be  
20 available to the disabled because of their handicap.  
21 Any such employment or offer of employment shall not  
22 discriminate among the disabled on the basis of race,  
23 color, creed, sex or national origin.  
24 2. This section shall not prohibit discrimination

25 on the basis of age if the person subject to the  
26 discrimination is under the age of eighteen years,  
27 unless that person is considered by law to be an  
28 adult.

29 3. Notwithstanding the provisions of this section,  
30 a state or federal program designed to benefit a  
31 specific age classification which serves a bona fide  
32 public purpose shall be permissible.

33 4. This section shall not apply to age  
34 discrimination in bona fide apprenticeship employment  
35 programs if the employee is over forty-five years of  
36 age.

37 5. This section shall not apply to:

38 a. Any employer who regularly employs less than  
39 four individuals. For purposes of this subsection,  
40 individuals who are members of the employer's family  
41 shall not be counted as employees.

42 b. The employment of individuals for work within  
43 the home of the employer if the employer or members of  
44 the employer's family reside therein during such  
45 employment.

46 c. The employment of individuals to render  
47 personal service to the person of the employer or  
48 members of the employer's family.

49 d. Any bona fide religious institution or its  
50 educational facility, association, corporation or

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1 society with respect to any qualifications for  
2 employment based on religion when such qualifications  
3 are related to a bona fide religious purpose. A  
4 religious qualification for instructional personnel or  
5 an administrative officer, serving in a supervisory  
6 capacity of a bona fide religious educational facility  
7 or religious institution, shall be presumed to be a  
8 bona fide occupational qualification.

9 Sec. 1237. NEW SECTION. 601K.56 UNFAIR PRACTICES  
10 -- ACCOMMODATIONS OR SERVICES.

11 1. It shall be an unfair or discriminatory  
12 practice for any owner, lessee, sublessee, proprietor,  
13 manager, or superintendent of any public accommodation  
14 or any agent or employee thereof:

15 a. To refuse or deny to any person because of  
16 race, creed, color, sex, national origin, religion or  
17 disability the accommodations, advantages, facilities,  
18 services, or privileges thereof, or otherwise to  
19 discriminate against any person because of race,  
20 creed, color, sex, national origin, religion or  
21 disability in the furnishing of such accommodations,

22 advantages, facilities, services, or privileges.

23 b. To directly or indirectly advertise or in any  
24 other manner indicate or publicize that the patronage  
25 of persons of any particular race, creed, color, sex,  
26 national origin, religion or disability is unwelcome,  
27 objectionable, not acceptable, or not solicited.

28 2. This section shall not apply to:

29 a. Any bona fide religious institution with  
30 respect to any qualifications the institution may  
31 impose based on religion when such qualifications are  
32 related to a bona fide religious purpose.

33 b. The rental or leasing to transient individuals  
34 of less than six rooms within a single housing  
35 accommodation by the occupant or owner of such housing  
36 accommodation if the occupant or owner or members of  
37 that person's family reside therein.

38 Sec. 1238. **NEW SECTION. 601K.57 UNFAIR OR**

39 **DISCRIMINATORY PRACTICES -- HOUSING.**

40 It shall be an unfair or discriminatory practice  
41 for any owner, or person acting for an owner, of  
42 rights to housing or real property, with or without  
43 compensation, including but not limited to persons  
44 licensed as real estate brokers or salespersons,  
45 attorneys, auctioneers, agents or representatives by  
46 power of attorney or appointment, or any person acting  
47 under court order, deed of trust, or will:

48 1. To refuse to sell, rent, lease, assign or  
49 sublease any real property or housing accommodation or  
50 part, portion or interest therein, to any person

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1 because of the race, color, creed, sex, religion,  
2 national origin or disability of such person.

3 2. To discriminate against any person because of  
4 the person's race, color, creed, sex, religion,  
5 national origin or disability, in the terms,  
6 conditions or privileges of the sale, rental, lease  
7 assignment or sublease of any real property or housing  
8 accommodation or any part, portion or interest  
9 therein.

10 3. To directly or indirectly advertise, or in any  
11 other manner indicate or publicize that the purchase,  
12 rental, lease, assignment, or sublease of any real  
13 property or housing accommodation or any part, portion  
14 or interest therein, by persons of any particular  
15 race, color, creed, sex, religion, national origin or  
16 disability is unwelcome, objectionable, not acceptable  
17 or not solicited.

18 4. To discriminate against the lessee or purchaser

19 of any real property or housing accommodation or part,  
 20 portion or interest of the real property or housing  
 21 accommodation, or against any prospective lessee or  
 22 purchaser of the property or accommodation, because of  
 23 the race, color, creed, religion, sex, disability, age  
 24 or national origin of persons who may from time to  
 25 time be present in or on the lessee's or owner's  
 26 premises for lawful purposes at the invitation of the  
 27 lessee or owner as friends, guests, visitors,  
 28 relatives or in any similar capacity.

29 Sec. 1239. NEW SECTION. 610K.58 UNFAIR OR  
 30 DISCRIMINATORY PRACTICES -- EDUCATION.

31 It shall be an unfair or discriminatory practice  
 32 for any educational institution to discriminate on the  
 33 basis of sex in any program or activity. Such  
 34 discriminatory practices shall include but not be  
 35 limited to the following practices:

36 1. On the basis of sex, exclusion of a person or  
 37 persons from participation in, denial of the benefits  
 38 of, or subjection to discrimination in any academic,  
 39 extracurricular, research, occupational training, or  
 40 other program or activity except athletic programs;

41 2. On the basis of sex, denial of comparable  
 42 opportunity in intramural and interscholastic athletic  
 43 programs;

44 3. On the basis of sex discrimination among  
 45 persons in employment and the conditions thereof;

46 4. On the basis of sex, the application of any  
 47 rule concerning the actual or potential parental,  
 48 family or marital status of a person, or the exclusion  
 49 of any person from any program or activity or  
 50 employment because of pregnancy or related conditions

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1 dependent upon the physician's diagnosis and  
 2 certification.

3 For the purpose of this section "educational  
 4 institution" includes any preschool, elementary,  
 5 secondary, or merged area school, area education  
 6 agency, or postsecondary college or university and  
 7 their governing boards. This section does not  
 8 prohibit an educational institution from maintaining  
 9 separate toilet facilities, locker rooms or living  
 10 facilities for the different sexes so long as  
 11 comparable facilities are provided. Nothing in this  
 12 section shall be construed as prohibiting any bona  
 13 fide religious institution from imposing  
 14 qualifications based on religion when such  
 15 qualifications are related to a bona fide religious

16 purpose or any institution from admitting students of  
17 only one sex.

18 Sec. 1240. NEW SECTION. 601K.59 UNFAIR CREDIT  
19 PRACTICES.

20 It shall be an unfair or discriminatory practice  
21 for any:

22 1. Creditor to refuse to enter into a consumer  
23 credit transaction or impose finance charges or other  
24 terms or conditions more onerous than those regularly  
25 extended by that creditor to consumers of similar  
26 economic backgrounds because of age, color, creed,  
27 national origin, race, religion, marital status, sex,  
28 or physical disability.

29 2. Person authorized or licensed to do business in  
30 this state pursuant to chapter 524, 533, 534, 536, or  
31 536A to refuse to loan or extend credit or to impose  
32 terms or conditions more onerous than those regularly  
33 extended to persons of similar economic backgrounds  
34 because of age, color, creed, national origin, race,  
35 religion, marital status, sex or physical disability.

36 3. Creditor to refuse to offer credit life or  
37 health and accident insurance because of color, creed,  
38 national origin, race, religion, marital status, age,  
39 physical disability or sex. Refusal by a creditor to  
40 offer credit life or health and accident insurance  
41 based upon the age or physical disability of the  
42 consumer shall not be an unfair or discriminatory  
43 practice if such denial is based solely upon bona fide  
44 underwriting considerations not prohibited by title  
45 XX.

46 The provisions of this section shall not be  
47 construed by negative implication or otherwise to  
48 narrow or restrict any other provisions of this part.

49 Sec. 1241. NEW SECTION. 610K.60 AIDING OR  
50 ABETTING.

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1 It shall be an unfair or discriminatory practice  
2 for:

3 1. Any person to intentionally aid, abet, compel,  
4 or coerce another person to engage in any of the  
5 practices declared unfair or discriminatory by this  
6 part.

7 2. Any person to discriminate against another  
8 person in any of the rights protected against  
9 discrimination on the basis of age, race, creed,  
10 color, sex, national origin, religion or disability by  
11 this part because such person has lawfully opposed any  
12 practice forbidden under this part, obeys the

13 provisions of this part, or has filed a complaint,  
 14 testified, or assisted in any proceeding under this  
 15 part. An employer, employment agency, or their  
 16 employees, servants or agents may offer employment or  
 17 advertise for employment to only the disabled, when  
 18 other applicants have available to them other  
 19 employment compatible with their ability which would  
 20 not be available to the disabled because of their  
 21 handicap. Any such employment or offer of employment  
 22 shall not discriminate among the disabled on the basis  
 23 of race, color, creed, sex or national origin.

24 Sec. 1242. NEW SECTION. 601K.61 EXCEPTIONS.

25 The provisions of section 601K.57 shall not apply  
 26 to:

27 1. Any bona fide religious institution with  
 28 respect to any qualifications it may impose based on  
 29 religion, when such qualifications are related to a  
 30 bona fide religious purpose.

31 2. The rental or leasing of a housing  
 32 accommodation in a building which contains housing  
 33 accommodations for not more than two families living  
 34 independently of each other, if the owner or members  
 35 of the owner's family reside in one of such housing  
 36 accommodations.

37 3. The rental or leasing of less than six rooms  
 38 within a single housing accommodation by the occupant  
 39 or owner of such housing accommodation, if the  
 40 occupant or owner or members of that person's family  
 41 reside therein.

42 4. Restrictions based on sex on the rental or  
 43 leasing of housing accommodations by nonprofit  
 44 corporations.

45 5. The rental or leasing of a housing  
 46 accommodation within which residents of both sexes  
 47 must share a common bathroom facility on the same  
 48 floor of the building.

49 Sec. 1243. NEW SECTION. 610K.62 EXCEPTIONS FOR  
 50 RETIREMENT PLANS, ABORTION COVERAGE, LIFE, DISABILITY,

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1 AND HEALTH BENEFITS.

2 The provisions of this part relating to  
 3 discrimination because of age do not apply to a  
 4 retirement plan or benefit system of an employer  
 5 unless the plan or system is a mere subterfuge adopted  
 6 for the purpose of evading this part.

7 1. However, a retirement plan or benefit system  
 8 shall not require the involuntary retirement of a  
 9 person under the age of seventy because of that

10 person's age. This paragraph does not prohibit the  
11 following:

12 a. The involuntary retirement of a person who has  
13 attained the age of sixty-five and has for the two  
14 prior years been employed in a bona fide executive or  
15 high policymaking position and who is entitled to an  
16 immediate, nonforfeitable annual retirement benefit  
17 from a pension, profit-sharing, savings or deferred  
18 compensation plan of the employer which equals twenty-  
19 seven thousand dollars. This retirement benefit test  
20 may be adjusted according to the regulations  
21 prescribed by the United States secretary of labor  
22 pursuant to Public Law 95-256, section 3.

23 b. The involuntary retirement of a person covered  
24 by a collective bargaining agreement which was entered  
25 into by a labor organization and was in effect on  
26 September 1, 1977. This exemption does not apply  
27 after the termination of that agreement or January 1,  
28 1980, whichever first occurs.

29 2. A health insurance program provided by an  
30 employer may exclude coverage of abortion, except  
31 where the life of the mother would be endangered if  
32 the fetus were carried to term or where medical  
33 complications have arisen from an abortion.

34 3. An employee welfare plan may provide life,  
35 disability or health insurance benefits which vary by  
36 age based on actuarial differences if the employer  
37 contributes equally for all the participating  
38 employees or may provide for employer contributions  
39 differing by age if the benefits for all the  
40 participating employees do not vary by age.

41 Sec. 1244. NEW SECTION. 601K.63 PROMOTION OR  
42 TRANSFER.

43 After a handicapped individual is employed, the  
44 employer shall not be required under this part to  
45 promote or transfer such handicapped person to another  
46 job or occupation, unless, prior to such transfer,  
47 such handicapped person by training or experience is  
48 qualified for such job or occupation. Any collective  
49 bargaining agreement between an employer and labor  
50 organization shall contain this section as part of

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1 such agreement.

2 Sec. 1245. NEW SECTION. 601K.64 COMPLAINT --  
3 HEARING.

4 1. Any person claiming to be aggrieved by a  
5 discriminatory or unfair practice may, in person or by  
6 an attorney, make, sign, and file with the commission

7 a verified, written complaint in triplicate which  
8 shall state the name and address of the person,  
9 employer, employment agency, or labor organization  
10 alleged to have committed the discriminatory or unfair  
11 practice of which complained, shall set forth the  
12 particulars thereof, and shall contain such other  
13 information as may be required by the commission. The  
14 commission, a commissioner, or the attorney general  
15 may in like manner make, sign, and file such  
16 complaint.

17 2. Any place of public accommodation, employer,  
18 labor organization, or other person who has any  
19 employees or members who refuse or threaten to refuse  
20 to comply with the provisions of this part may file  
21 with the commission a verified written complaint in  
22 triplicate asking the commission for assistance to  
23 obtain their compliance by conciliation or other  
24 remedial action.

25 3. a. After the filing of a verified complaint, a  
26 true copy shall be served within twenty days by  
27 certified mail on the person against whom the  
28 complaint is filed. An authorized member of the  
29 commission staff shall make a prompt investigation and  
30 shall issue a recommendation to a hearing officer  
31 under the jurisdiction of the commission, who shall  
32 then issue a determination of probable cause or no  
33 probable cause.

34 b. For purposes of this part, a hearing officer  
35 issuing a determination of probable cause or no  
36 probable cause under this section shall be exempt from  
37 the provisions of section 17A.17.

38 c. If the hearing officer concurs with the  
39 investigating official that probable cause exists  
40 regarding the allegations of the complaint, the staff  
41 of the commission shall promptly endeavor to eliminate  
42 the discriminatory or unfair practice by conference,  
43 conciliation, and persuasion. If the hearing officer  
44 finds that no probable cause exists, the hearing  
45 officer shall issue a final order dismissing the  
46 complaint and shall promptly mail a copy to the  
47 complainant and to the respondent by certified mail.  
48 A finding of probable cause shall not be introduced  
49 into evidence in an action brought under section  
50 601K.65.

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1 d. The commission staff must endeavor to eliminate  
2 the discriminatory or unfair practice by conference,  
3 conciliation, and persuasion for a period of thirty

4 days following the initial conciliation meeting  
5 between the respondent and the commission staff after  
6 a finding of probable cause. After the expiration of  
7 thirty days, the division director may order the  
8 conciliation conference and persuasion procedure  
9 provided in this section to be bypassed when the  
10 division director determines the procedure is  
11 unworkable by reason of past patterns and practices of  
12 the respondent, or a statement by the respondent that  
13 the respondent is unwilling to continue with the  
14 conciliation. The division director must have the  
15 approval of a commissioner before bypassing the  
16 conciliation, conference and persuasion procedure.  
17 Upon the bypassing of conciliation, the division  
18 director shall state in writing the reasons for  
19 bypassing.

20 4. The members of the commission and its staff  
21 shall not disclose the filing of a complaint, the  
22 information gathered during the investigation, or the  
23 endeavors to eliminate such discriminatory or unfair  
24 practice by conference, conciliation, and persuasion,  
25 unless such disclosure is made in connection with the  
26 conduct of such investigation.

27 5. When the division director is satisfied that  
28 further endeavor to settle a complaint by conference,  
29 conciliation, and persuasion is unworkable and should  
30 be bypassed, and the thirty-day period provided for in  
31 subsection 3 has expired without agreement, the  
32 division director with the approval of a commissioner,  
33 shall issue and cause to be served a written notice  
34 specifying the charges in the complaint as they may  
35 have been amended and the reasons for bypassing  
36 conciliation, if the conciliation is bypassed, and  
37 requiring the respondent to answer the charges of the  
38 complaint at a hearing before the commission, a  
39 commissioner, or a person designated by the commission  
40 to conduct the hearing, hereafter referred to as the  
41 hearing officer, and at a time and place to be  
42 specified in the notice.

43 6. The case in support of such complaint shall be  
44 presented at the hearing by one of the commission's  
45 attorneys or agents. The investigating official shall  
46 not participate in the hearing except as a witness nor  
47 participate in the deliberations of the commission in  
48 such case.

49 7. The hearing shall be conducted in accordance  
50 with the provisions of chapter 17A for contested

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1 cases. The burden of proof in such a hearing shall be  
2 on the commission.  
3 8. If upon taking into consideration all of the  
4 evidence at a hearing, the commission determines that  
5 the respondent has engaged in a discriminatory or  
6 unfair practice, the commission shall state its  
7 findings of fact and conclusions of law and shall  
8 issue an order requiring the respondent to cease and  
9 desist from the discriminatory or unfair practice and  
10 to take the necessary remedial action as in the  
11 judgment of the commission will carry out the purposes  
12 of this part. A copy of the order shall be delivered  
13 to the respondent, the complainant, and to any other  
14 public officers and persons as the commission deems  
15 proper.

16 a. For the purposes of this subsection and  
17 pursuant to the provisions of this part "remedial  
18 action" includes but is not limited to the following:

19 (1) Hiring, reinstatement or upgrading of  
20 employees with or without pay. Interim earned income  
21 and unemployment compensation shall operate to reduce  
22 the pay otherwise allowable.

23 (2) Admission or restoration of individuals to a  
24 labor organization, admission to or participation in a  
25 guidance program, apprenticeship training program, on-  
26 the-job training program or other occupational  
27 training or retraining program, with the utilization  
28 of objective criteria in the admission of individuals  
29 to such programs.

30 (3) Admission of individuals to a public  
31 accommodation or an educational institution.

32 (4) Sale, exchange, lease, rental, assignment or  
33 sublease of real property to an individual.

34 (5) Extension to all individuals of the full and  
35 equal enjoyment of the advantages, facilities,  
36 privileges, and services of the respondent denied to  
37 the complainant because of the discriminatory or  
38 unfair practice.

39 (6) Reporting as to the manner of compliance.

40 (7) Posting notices in conspicuous places in the  
41 respondent's place of business in form prescribed by  
42 the commission and inclusion of notices in advertising  
43 material.

44 (8) Payment to the complainant of damages for an  
45 injury caused by the discriminatory or unfair practice  
46 which damages shall include but are not limited to  
47 actual damages, court costs and reasonable attorney  
48 fees.

49 b. In addition to the remedies provided in the  
50 preceding provisions of this subsection, the

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1 commission may issue an order requiring the respondent  
2 to cease and desist from the discriminatory or unfair  
3 practice and to take such affirmative action as in the  
4 judgment of the commission will carry out the purposes  
5 of this part as follows:

6 (1) In the case of a respondent operating by  
7 virtue of a license issued by the state or a political  
8 subdivision or agency, if the commission, upon notice  
9 to the respondent with an opportunity to be heard,  
10 determines that the respondent has engaged in a  
11 discriminatory or unfair practice and that the  
12 practice was authorized, requested, commanded,  
13 performed or knowingly or recklessly tolerated by the  
14 board of directors of the respondent or by an officer  
15 or executive agent acting within the scope of the  
16 officer's or agent's employment, the commission shall  
17 so certify to the licensing agency. Unless the  
18 commission finding of a discriminatory or unfair  
19 practice is reversed in the course of judicial review,  
20 the finding of discrimination is binding on the  
21 licensing agency. If a certification is made pursuant  
22 to this subsection, the licensing agency may initiate  
23 licensee disciplinary procedures.

24 (2) In the case of a respondent who is found by  
25 the commission to have engaged in a discriminatory or  
26 unfair practice in the course of performing under a  
27 contract or subcontract with the state or political  
28 subdivision or agency, if the practice was authorized,  
29 requested, commanded, performed, or knowingly or  
30 recklessly tolerated by the board of directors of the  
31 respondent or by an officer or executive agent acting  
32 within the scope of the officer's or agent's  
33 employment, the commission shall so certify to the  
34 contracting agency. Unless the commission's finding  
35 of a discriminatory or unfair practice is reversed in  
36 the course of judicial review, the finding of  
37 discrimination is binding on the contracting agency.

38 (3) Upon receiving a certification made under this  
39 subsection, a contracting agency may take appropriate  
40 action to terminate a contract or portion thereof  
41 previously entered into with the respondent, either  
42 absolutely or on condition that the respondent carry  
43 out a program of compliance with the provisions of  
44 this part; and assist the state and all political  
45 subdivisions and agencies thereof to refrain from

46 entering into further contracts.

47 c. The election of an affirmative order under  
48 paragraph "b" of this subsection shall not bar the  
49 election of affirmative remedies provided in paragraph  
50 "a" of this subsection.

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1 9. The terms of a conciliation agreement reached  
2 with the respondent may require the respondent to  
3 refrain in the future from committing discriminatory  
4 or unfair practices of the type stated in the  
5 agreement, to take remedial action as in the judgment  
6 of the commission will carry out the purposes of this  
7 part, and to consent to the entry in an appropriate  
8 district court of a consent decree embodying the terms  
9 of the conciliation agreement. Violation of such a  
10 consent decree may be punished as contempt by the  
11 court in which it is filed, upon a showing by the  
12 commission of the violation at any time within six  
13 months of its occurrence. In all cases where a  
14 conciliation agreement is entered into, the commission  
15 shall issue an order stating its terms and furnish a  
16 copy of the order to the complainant, the respondent,  
17 and such other persons as the commission deems proper.  
18 At any time in its discretion, the commission may  
19 investigate whether the terms of the agreement are  
20 being complied with by the respondent.

21 Upon a finding that the terms of the conciliation  
22 agreement are not being complied with by the  
23 respondent, the commission shall take appropriate  
24 action to assure compliance.

25 10. If, upon taking into consideration all of the  
26 evidence at a hearing, the commission finds that a  
27 respondent has not engaged in any such discriminatory  
28 or unfair practice, the commission shall issue an  
29 order denying relief and stating the findings of fact  
30 and conclusions of the commission, and shall cause a  
31 copy of the order dismissing the complaint to be  
32 served by certified mail on the complainant and the  
33 respondent.

34 11. The commission shall establish rules to  
35 govern, expedite, and effectuate the procedures  
36 established by this part and its own actions  
37 thereunder.

38 12. A claim under this part shall not be  
39 maintained unless a complaint is filed with the  
40 commission within one hundred eighty days after the  
41 alleged discriminatory or unfair practice occurred.

42 Sec. 1246. NEW SECTION. 601K.65 ONE HUNDRED

## 43 TWENTY-DAY ADMINISTRATIVE RELEASE.

44 1. A person claiming to be aggrieved by an unfair  
45 or discriminatory practice must initially seek an  
46 administrative relief by filing a complaint with the  
47 commission in accordance with section 601K.64. A  
48 complainant after the proper filing of a complaint  
49 with the commission, may subsequently commence an  
50 action for relief in the district court if all of the

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1 following conditions have been satisfied:

2 a. The complainant has timely filed the complaint  
3 with the commission as provided in section 601K.64,  
4 subsection 12; and

5 b. The complaint has been on file with the  
6 commission for at least one hundred twenty days and  
7 the commission has issued a release to the complainant  
8 pursuant to subsection 2 of this section.

9 2. Upon a request by the complainant, and after  
10 the expiration of one hundred twenty days from the  
11 timely filing of a complaint with the commission, the  
12 commission shall issue to the complainant a release  
13 stating that the complainant has a right to commence  
14 an action in the district court. A release under this  
15 subsection shall not be issued if a finding of no  
16 probable cause has been made on the complaint by the  
17 hearing officer charged with that duty under section  
18 601K.64, subsection 3, or a conciliation agreement has  
19 been executed under section 601K.64, or the commission  
20 has served notice of hearing upon the respondent  
21 pursuant to section 601K.64, subsection 5.

22 3. An action authorized under this section is  
23 barred unless commenced within ninety days after  
24 issuance by the commission of a release under  
25 subsection 2 of this section. If a complainant  
26 obtains a release from the commission under subsection  
27 2 of this section, the commission is barred from  
28 further action on that complaint.

29 4. Venue for an action under this section shall be  
30 in the county in which the respondent resides or has  
31 its principal place of business, or in the county in  
32 which the alleged unfair or discriminatory practice  
33 occurred.

34 5. The district court may grant any relief in an  
35 action under this section which is authorized by  
36 section 601K.64, subsection 8 to be issued by the  
37 commission. The district court may also award the  
38 respondent reasonable attorney's fees and court costs  
39 when the court finds that the complainant's action was

40 frivolous.

41 6. It is the legislative intent of this part that  
42 every complaint be at least preliminarily screened  
43 during the first one hundred twenty days.

44 This section does not authorize administrative  
45 closures if an investigation is warranted.

46 Sec. 1247. NEW SECTION. 601K.66 JUDICIAL REVIEW  
47 -- ENFORCEMENT.

48 1. Judicial review of the actions of the  
49 commission may be sought in accordance with the terms  
50 of the Iowa administrative procedure Act.

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1 Notwithstanding the terms of said Act, petition for  
2 judicial review may be filed in the district court in  
3 which an enforcement proceeding under subsection 2 may  
4 be brought.

5 For purposes of the time limit for filing a  
6 petition for judicial review under the Iowa  
7 administrative procedure Act, specified by section  
8 17A.19, the issuance of a final decision of the  
9 commission under this part occurs on the date notice  
10 of the decision is mailed by certified mail, to the  
11 parties.

12 Notwithstanding the time limit provided in section  
13 17A.19, subsection 3, a petition for judicial review  
14 of no-probable-cause decisions and other final agency  
15 actions which are not of general applicability must be  
16 filed within thirty days of the issuance of the final  
17 agency action.

18 2. The commission may obtain an order of court for  
19 the enforcement of commission orders in a proceeding  
20 as provided in this section. Such an enforcement  
21 proceeding shall be brought in the district court of  
22 the district in the county in which the alleged  
23 discriminatory or unfair practice which is the subject  
24 of the commission's order was committed, or in which  
25 any respondent required in the order to cease or  
26 desist from a discriminatory or unfair practice or to  
27 take other affirmative action, resides, or transacts  
28 business.

29 3. Such an enforcement proceeding shall be  
30 initiated by the filing of a petition in such court  
31 and the service of a copy thereof upon the respondent.  
32 Thereupon the commission shall file with the court a  
33 transcript of the record of the hearing before it.  
34 The court shall have power to grant such temporary  
35 relief or restraining order as it deems just and  
36 proper, and to make and enter upon the pleadings,

37 testimony, and proceedings set forth in such  
38 transcript an order enforcing, modifying, and  
39 enforcing as so modified, or setting aside the order  
40 of the commission, in whole or in part.  
41 4. An objection that has not been urged before the  
42 commission shall not be considered by the court in an  
43 enforcement proceeding, unless the failure or neglect  
44 to urge such objection shall be excused because of  
45 extraordinary circumstances.  
46 5. Any party to the enforcement proceeding may  
47 move the court to remit the case to the commission in  
48 the interests of justice for the purpose of adducing  
49 additional specified and material evidence and seeking  
50 findings thereof, providing such party shall show

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1 reasonable grounds for the failure to adduce such  
2 evidence before the commission.  
3 6. In the enforcement proceeding the court shall  
4 determine its order on the same basis as it would in a  
5 proceeding reviewing commission action under section  
6 17A.19, subsection 8.  
7 7. The commission's copy of the testimony shall be  
8 available to all parties for examination at all  
9 reasonable times, without cost, and for the purpose of  
10 judicial review of the commission's orders.  
11 8. The commission may appear in court by its own  
12 attorney.  
13 9. Petitions filed under this section shall be  
14 heard expeditiously and determined upon the transcript  
15 filed without requirement for printing.  
16 10. If no proceeding to obtain judicial review is  
17 instituted within thirty days from the service of an  
18 order of the commission under section 601K.64, the  
19 commission may obtain an order of the court for the  
20 enforcement of such order upon showing that respondent  
21 is subject to the jurisdiction of the commission and  
22 resides or transacts business within the county in  
23 which the petition for enforcement is brought.  
24 Sec. 1248. NEW SECTION. 601K.67 RULE OF  
25 CONSTRUCTION.  
26 This part shall be construed broadly to effectuate  
27 its purposes.  
28 Sec. 1249. NEW SECTION. 601K.68 LOCAL LAWS MAY  
29 IMPLEMENT THIS PART.  
30 Nothing contained in any provision of this part  
31 shall be construed as indicating an intent on the part  
32 of the general assembly to occupy the field in which  
33 this part operates to the exclusion of local laws not

34 inconsistent with this part that deal with the same  
35 subject matter.

36 Nothing in this part shall be construed as  
37 indicating an intent to prohibit an agency of local  
38 government having as its purpose the investigation and  
39 resolution of violations of this part from developing  
40 procedures and remedies necessary to insure the  
41 protection of rights secured by the Iowa civil rights  
42 Act. An agency of local government and the Iowa civil  
43 rights commission shall co-operate in the sharing of  
44 data and research, and co-ordinating investigations  
45 and conciliations in order to eliminate needless  
46 duplication.

47 The commission may designate an agency of local  
48 government as a referral agency. A local agency shall  
49 not be designated a referral agency unless the  
50 ordinance creating it provides the same rights and

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1 remedies as are provided in this part. The commission  
2 shall establish by rules the procedures for  
3 designating a referral agency and the qualifications  
4 to be met by a referral agency.

5 A complainant who files a complaint with a referral  
6 agency having jurisdiction shall be prohibited from  
7 filing a complaint with the commission alleging  
8 violations based upon the same acts or practices cited  
9 in the original complaint; and a complainant who files  
10 a complaint with the commission shall be prohibited  
11 from filing a complaint with the referral agency  
12 alleging violations based upon the same acts or  
13 practices cited in the original complaint. However,  
14 the commission in its discretion may refer a complaint  
15 filed with the commission to a referral agency having  
16 jurisdiction over the parties for investigation and  
17 resolution; and a referral agency in its discretion  
18 may refer a complaint filed with that agency to the  
19 commission for investigation and resolution. The  
20 commission may promulgate rules establishing the  
21 procedures for referral of complaints. A referral  
22 agency may refuse to accept a case referred to it by  
23 the commission if the referral agency is unable to  
24 effect proper administration of the complaint. It  
25 shall be the burden of the referral agency to  
26 demonstrate that it is unable to properly administer  
27 that complaint.

28 A final decision by a referral agency shall be  
29 subject to judicial review as provided in section  
30 601K.66 in the same manner and to the same extent as a

31 final decision of the commission.  
32 The referral of a complaint by the commission to a  
33 referral agency or by a referral agency to the  
34 commission shall not affect the right of a complainant  
35 to commence an action in the district court under  
36 section 601K.65.

37 PART 6

38 DIVISION OF PERSONS WITH DISABILITIES

39 Sec. 1250. NEW SECTION. 601K.70 DEFINITIONS.

40 For purposes of this part, unless the context  
41 otherwise requires:

42 1. "Commission" means the commission of persons  
43 with disabilities.

44 2. "Division" means the division of persons with  
45 disabilities of the department of human rights.

46 3. "Division director" means the director of the  
47 division of persons with disabilities of the  
48 department of human rights.

49 Sec. 1251. NEW SECTION. 601K.71 COMMISSION  
50 ESTABLISHED.

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1 There is hereby established a commission to be  
2 known as the "Commission of persons with  
3 disabilities".

4 Sec. 1252. NEW SECTION. 601K.72 EX OFFICIO  
5 MEMBERS.

6 The following shall serve as ex officio members of  
7 the commission:

8 1. The director of public health.

9 2. The commissioner of the department of human  
10 services and any directors of that department so  
11 assigned by the commissioner.

12 3. The commissioner of education.

13 4. The director of vocational rehabilitation.

14 5. The director of the division of blind persons  
15 services.

16 6. The labor commissioner.

17 7. The workers' compensation commissioner.

18 8. The director of the department of employment  
19 services.

20 9. A member of the state board of vocational  
21 education designated by the governor.

22 Sec. 1253. NEW SECTION. 601K.73 MEMBERSHIP.

23 The commission shall be composed of a minimum of  
24 twenty-four members appointed by the governor and  
25 additional members as the governor may appoint.

26 Insofar as practicable, the commission shall consist  
27 of representatives of industry, labor, business,

28 agriculture, federal, state, and local government, and  
 29 representatives of religious, charitable, fraternal,  
 30 civic, educational, medical, legal, veteran, welfare,  
 31 and other professional groups and organizations.  
 32 Members shall be appointed representing every  
 33 geographic center and employment area of the state and  
 34 shall include members of both sexes.

35 Sec. 1254. NEW SECTION. 601K.74 TERM.

36 Members of the commission appointed by the governor  
 37 shall serve for a term of two years. Vacancies on the  
 38 commission shall be filled for the remainder of the  
 39 term of the original appointment. Members whose terms  
 40 expire may be reappointed.

41 Sec. 1255. NEW SECTION. 601K.75 OFFICERS.

42 The governor shall appoint a commission chairperson  
 43 and a vice chairperson and such other officers as the  
 44 governor deems necessary. Such officers shall serve  
 45 until their successors are appointed and qualified.  
 46 Members of the commission shall receive actual  
 47 expenses for their services. Members may also be  
 48 eligible to receive compensation as provided in  
 49 section 7E.3. The commission shall adopt rules  
 50 pursuant to chapter 17A for the commission and

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1 division.

2 Sec. 1256. NEW SECTION. 601K.76 DUTIES.

3 The commission shall:

4 1. Carry on a continuing program to promote the  
 5 employment of disabled persons.

6 2. Cooperate with all public and private agencies  
 7 interested in the employment of the disabled.

8 3. Cooperate with all agencies responsible for or  
 9 interested in the rehabilitation and placement of the  
 10 disabled.

11 4. Encourage the organization of committees at the  
 12 community level and work closely with such committees  
 13 in promoting the employment of the disabled.

14 5. Assist in developing employer acceptance of  
 15 qualified disabled workers.

16 6. Inform disabled persons of specific facilities  
 17 available in seeking employment.

18 7. Conduct such educational programs as members  
 19 deem necessary.

20 8. Report annually to the governor and general  
 21 assembly on commission activities and submit any  
 22 recommendations believed necessary in promoting the  
 23 employment of disabled persons.

24 9. Be responsible for budgetary and personnel

25 decisions for the commission and division.

26 Sec. 1257. NEW SECTION. 601K.77 DIVISION  
27 DIRECTOR.

28 The commission officers may designate the duties  
29 and obligations of the position of division director.

30 Any person so employed may be the employee of another  
31 agency of state government appointed with the consent  
32 of the executive officer of such agency. The officers  
33 may appoint such other personnel as may be necessary  
34 for the efficient performance of the duties prescribed  
35 by this part.

36 Sec. 1258. NEW SECTION. 601K.78 GIFTS, GRANTS,  
37 OR DONATIONS.

38 The commission may receive any gifts, grants, or  
39 donations made for any of the purposes of its program  
40 and to disburse and administer the same in accordance  
41 with the terms thereof.

#### 42 PART 7

#### 43 DIVISION OF ECONOMIC OPPORTUNITY

44 Sec. 1259. NEW SECTION. 601K.80 DEFINITIONS.

45 For purposes of this part, unless the context  
46 otherwise requires:

47 1. "Community action agency" means a public agency  
48 or a private nonprofit agency which is authorized  
49 under its charter or bylaws to receive funds to  
50 administer community action programs and is designated

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1 by the governor to receive and administer the funds.

2 2. "Community action program" means a program  
3 conducted by a community action agency which includes  
4 projects to provide a range of services to improve the  
5 conditions of poverty in the area served by the  
6 community action agency.

7 3. "Director" means the director of the division  
8 of economic opportunity of the department of human  
9 rights.

10 4. "Delegate agency" means a subgrantee or  
11 contractor selected by the community action agency.

12 5. "Division" means the division of economic  
13 opportunity of the department of human rights.

14 Sec. 1260. NEW SECTION. 601K.81 DIRECTOR DUTIES.

15 The division director shall:

- 16 1. Administer the division.
- 17 2. Implement programs required in the division.
- 18 3. Adopt rules pursuant to chapter 17A to  
19 administer the division.
- 20 4. Issue an annual report to the governor and  
21 general assembly on January 15 of each year.

22 Sec. 1261. NEW SECTION. 601K.82 ESTABLISHMENT OF  
23 COMMUNITY ACTION AGENCIES.

24 The division shall recognize and assist in the  
25 designation of certain community action agencies to  
26 assist in the delivery of community action programs.  
27 These programs shall include, but not be limited to,  
28 outreach, low-income energy assistance, and  
29 weatherization programs. If a community action agency  
30 is in effect and currently serving an area, that  
31 community action agency shall become the designated  
32 community action agency for that area. If there is  
33 not a designated community action agency in the area a  
34 city council or county board of supervisors or any  
35 combination of one or more councils or boards may  
36 establish a community action agency and may apply to  
37 the division for recognition. The council or board or  
38 the combination may adopt an ordinance or resolution  
39 establishing a community action agency if a community  
40 action agency has not been designated. It is the  
41 purpose of the division of economic opportunity to  
42 strengthen, supplement, and coordinate efforts to  
43 develop the full potential of each citizen by  
44 recognizing certain community action agencies and the  
45 continuation of certain community-based programs  
46 delivered by community action agencies.

47 Sec. 1262. NEW SECTION. 601K.83 COMMUNITY ACTION  
48 AGENCY BOARD.

49 1. A recognized community action agency shall be  
50 governed by a board of directors composed of at least

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1 fifteen members but not more than thirty-three  
2 members. The board membership shall be as follows:

3 a. One third shall be persons who are currently on  
4 a city council or board of supervisors or designees of  
5 such persons.

6 b. One third shall be persons who according to  
7 federal guidelines have incomes at or below poverty  
8 level and are elected by such persons, or are  
9 representatives elected by such persons.

10 c. One third shall be persons who are members or  
11 representatives of businesses, industry, labor,  
12 religious, welfare, and educational organizations, or  
13 other major interest groups. The term of such person  
14 shall be not more than three years. Such person shall  
15 not serve more than two consecutive terms and shall be  
16 elected by a majority of the board members serving  
17 pursuant to paragraphs "a" and "b".

18 2. Notwithstanding subsection 1, a public agency

19 shall establish an advisory board or may contract with  
20 a delegate agency to assist the governing board. The  
21 advisory board or delegate agency board shall be  
22 composed of the same type of membership as a board of  
23 directors for community action agencies under section  
24 601K.84. However, the public agency acting as the  
25 community action agency shall determine annual program  
26 budget requests.

27 Sec. 1263. **NEW SECTION. 601K.84 DUTIES OF BOARD.**

28 1. The governing board, delegate agency board, or  
29 advisory board shall:

30 a. Provide for:

31 (1) Comprehensive planning of the community action  
32 agency.

33 (2) Local needs assessment surveys conducted by  
34 the community action agency.

35 b. Approve overall program plans and priorities  
36 developed by the community action agency.

37 2. The governing board may:

38 a. Own, purchase, and dispose of property  
39 necessary for the operation of the community action  
40 agency.

41 b. Receive and administer funds and contributions  
42 from private or public sources which may be used to  
43 support community action programs.

44 c. Receive and administer funds from a federal or  
45 state assistance program pursuant to which a community  
46 action agency could serve as a grantee, a contractor,  
47 or a sponsor of a project appropriate for inclusion in  
48 a community action program.

49 Sec. 1264. **NEW SECTION. 601K.85 DUTIES OF**  
50 **COMMUNITY ACTION AGENCY.**

**Page 33**

1 A community action agency or delegate agency shall:

2 1. Plan for a community action program by  
3 establishing priorities among projects, activities,  
4 and areas to provide for the most efficient use of  
5 possible resources.

6 2. Obtain and administer assistance from available  
7 sources on a common or cooperative basis, in an  
8 attempt to provide additional opportunities to low-  
9 income persons.

10 3. Establish effective procedures by which the  
11 concerned low-income persons and area residents may  
12 influence the community action programs affecting them  
13 by providing for methods of participation in the  
14 implementation of the community action programs and by  
15 providing technical support to assist persons to

16 secure assistance available from public and private  
17 sources.

18 4. Encourage and support self-help, volunteer,  
19 business, labor, and other groups and organizations to  
20 assist public officials and agencies in supporting a  
21 community action program which results in the  
22 additional use of private resources while developing  
23 new employment opportunities, encouraging investments  
24 which have an impact on reducing poverty among the  
25 poor in areas of concentrated poverty, and providing  
26 methods by which low-income persons can work with  
27 private organizations, businesses, and institutions in  
28 seeking solutions to problems of common concern.

29 Sec. 1265. NEW SECTION. 601K.86 ADMINISTRATION.

30 A community action agency or a delegate agency may  
31 administer the components of a community action  
32 program when the program is consistent with plans and  
33 purposes and applicable law. The community action  
34 programs may be projects which are eligible for  
35 assistance from any source. The programs shall be  
36 developed to meet local needs and may be designed to  
37 meet eligibility standards of a federal or state  
38 program providing assistance to a plan to meet local  
39 needs.

40 Sec. 1266. NEW SECTION. 601K.87 AUDIT.

41 Each community action agency shall be audited  
42 annually but shall in no case be required to obtain a  
43 duplicate audit to meet the requirements of this  
44 section. In lieu of an audit by the auditor of state,  
45 the community action agency may contract with or  
46 employ a certified public accountant to conduct the  
47 audit, pursuant to the applicable terms and conditions  
48 prescribed by sections 11.18 and 11.19 and an audit  
49 format prescribed by the auditor of state. Copies of  
50 each audit shall be furnished to the division within

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1 three months following the annual audit.

2 Sec. 1267. NEW SECTION. 601K.88 ALLOCATION OF  
3 FINANCIAL ASSISTANCE.

4 The director shall provide financial assistance for  
5 community action agencies to implement community  
6 action programs, as permitted by the community service  
7 block grant, low-income energy assistance block  
8 grants, and department of energy funds for  
9 weatherization received in Iowa and other possible  
10 funding sources.

11 If a political subdivision is the agency, the  
12 financial assistance shall be allocated to the

13 political subdivision.

14 Sec. 1268. NEW SECTION. 601K.89 REPORT TO  
15 GENERAL ASSEMBLY.

16 The division director shall report annually to the  
17 general assembly regarding the community action  
18 programs conducted within the state.

19 PART 8

20 DIVISION OF DEAF SERVICES

21 Sec. 1269. NEW SECTION. 601K.90 DEFINITIONS.

22 For purposes of this part, unless the context  
23 otherwise requires:

24 1. "Commission" means the commission on the deaf.

25 2. "Division" means the division of deaf services  
26 of the department of human rights.

27 3. "Division director" means the director of the  
28 division of deaf services of the department of human  
29 rights.

30 Sec. 1270. NEW SECTION. 601K.91 COMMISSION  
31 CREATED.

32 A commission on the deaf is established, consisting  
33 of seven members appointed by the governor, subject to  
34 confirmation by the senate. Lists of nominees for  
35 appointment to membership on the advisory committee  
36 shall be submitted by the Iowa association for the  
37 deaf, the Iowa school for the deaf, and the commission  
38 of persons with disabilities. At least four members  
39 shall be persons who cannot hear human speech with or  
40 without use of amplification. All members shall  
41 reside in Iowa. The governor shall select the  
42 chairperson of the commission. A majority of the  
43 members of the commission shall constitute a quorum.  
44 Terms of office are three years and shall begin and  
45 end pursuant to section 69.19. The commission shall  
46 adopt rules concerning programs and services for deaf  
47 persons.

48 Commission members shall be reimbursed for actual  
49 expenses incurred in performance of their duties.

50 Members may also be eligible to receive compensation

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1 as provided in section 7E.3.

2 Sec. 1271. NEW SECTION. 601K.92 COMMISSION  
3 EMPLOYEES.

4 The commission may employ clerical staff who shall  
5 be qualified by experience to assume the  
6 responsibilities of the offices. The division  
7 director shall be the administrative officer of the  
8 commission and shall be responsible for implementing  
9 policy set by the commission.

10 Sec. 1272. NEW SECTION. 610K.93 DUTIES OF  
11 COMMISSION.

12 The commission shall:

13 1. Interpret to communities and to interested  
14 persons the needs of the deaf and how their needs may  
15 be met through the use of resource workers.

16 2. Obtain without additional cost to the state  
17 available office space in public and private agencies  
18 which resource workers may utilize in carrying out  
19 service projects for deaf persons.

20 3. Establish service projects for deaf persons  
21 throughout the state. Projects shall not be  
22 undertaken by resource workers for compensation which  
23 would duplicate existing services when those services  
24 are available to deaf people through paid interpreters  
25 or other persons able to communicate with deaf people.

26 As used in this section, "service projects"  
27 includes interpretation services for persons who are  
28 deaf, referral and counseling services for deaf people  
29 in the areas of adult education, legal aid,  
30 employment, medical, finance, housing, recreation, and  
31 other personal assistance and social programs.

32 "Resource workers" are persons who, on a volunteer  
33 basis or for compensation, carry out service projects.

34 4. Identify agencies, both public and private,  
35 which provide community services, evaluate the extent  
36 to which they make services available to deaf people,  
37 and cooperate with the agencies in coordinating and  
38 extending these services.

39 5. Collect information concerning deafness and  
40 provide for the dissemination of the information.

41 6. Provide for the mutual exchange of ideas and  
42 information on services for deaf people between  
43 federal, state, and local governmental agencies and  
44 private organizations and individuals.

45 7. Be responsible for budgeting and personnel  
46 decisions for the commission and division.

47 Sec. 1273. NEW SECTION. 601K.94 POWERS.

48 The commission shall have all powers necessary to  
49 carry out the functions and duties specified in this  
50 division, including, but not limited to the power to

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1 establish advisory committees on special studies, to  
2 solicit and accept gifts and grants, to adopt rules  
3 according to chapter 17A for the commission and  
4 division, and to contract with public and private  
5 groups to conduct its business. All departments,  
6 divisions, agencies, and offices of the state shall

7 make available upon request of the commission  
 8 information which is pertinent to the subject matter  
 9 of the study and which is not by law confidential.  
 10 Sec. 1274. NEW SECTION. 601K.95 REPORT.  
 11 The commission shall make a detailed report of its  
 12 activities, studies, conclusions, and recommendations  
 13 to the general assembly not later than February 15 of  
 14 each odd-numbered year.

15 PART 9

16 DIVISION OF BLIND PERSONS SERVICES

17 Sec. 1275. NEW SECTION. 601K.100 DEFINITIONS.  
 18 For purposes of this part, unless the context  
 19 otherwise requires:

- 20 1. "Commission" means the commission for the
- 21 blind.
- 22 2. "Division" means the division of blind persons
- 23 services of the department of human rights.
- 24 3. "Division director" means the director of the
- 25 division of blind persons services of the department
- 26 of human rights.

27 Sec. 1276. NEW SECTION. 601K.101 COMMISSION  
 28 CREATED.

29 The commission for the blind is established  
 30 consisting of three members appointed by the governor,  
 31 subject to the confirmation by the senate. Members of  
 32 the committee shall serve three-year terms beginning  
 33 and ending as provided in section 69.19. The  
 34 commission shall adopt rules concerning programs and  
 35 services for blind persons provided under this  
 36 division.

37 Committee members shall be reimbursed for actual  
 38 expenses incurred in performance of their duties.  
 39 Members may also be eligible to receive compensation  
 40 as provided in section 7E.3. The governor shall  
 41 appoint a chairperson of the commission. A majority  
 42 of the members of the commission shall constitute a  
 43 quorum.

44 Sec. 1277. NEW SECTION. 601K.102 COMMISSION  
 45 DUTIES. The commission shall:

- 46 1. Prepare and maintain a complete register of the
- 47 blind of the state which shall describe the condition,
- 48 cause of blindness, ability to receive education and
- 49 industrial training, and other facts the commission
- 50 deems of value.

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- 1 2. Assist in marketing of products of blind
- 2 workers of the state.
- 3 3. Ameliorate the condition of the blind by

- 4 promoting visits to them in their homes for the  
5 purpose of instruction and by other lawful methods as  
6 the commission deems expedient.
- 7 4. Make inquiries concerning the causes of  
8 blindness to ascertain what portion of cases are  
9 preventable, and cooperate with the other organized  
10 agents of the state in the adoption and enforcement of  
11 proper preventive measures.
- 12 5. Provide for suitable vocational training if the  
13 commission deems it advisable and necessary. The  
14 commission may establish workshops for the employment  
15 of the blind, paying suitable wages for work under the  
16 employment. The commission may provide or pay for,  
17 during their training period, the temporary lodging  
18 and support of persons receiving vocational training.  
19 The commission may use receipts or earnings that  
20 accrue from the operation of workshops as provided in  
21 this chapter, but a detailed statement of receipts or  
22 earnings and expenditures shall be made monthly to the  
23 executive director of the office of management.
- 24 6. Establish, manage, and control a special  
25 training, orientation, and adjustment center or  
26 centers for the blind. Training in the centers shall  
27 be limited to persons who are sixteen years of age or  
28 older, and the division shall not provide or cause to  
29 be provided any academic education or training to  
30 children under the age of sixteen except that the  
31 commission may provide library services to these  
32 children. The commission may provide for the  
33 maintenance, upkeep, repair, and alteration of the  
34 buildings and grounds designated as centers for the  
35 blind including the expenditure of funds appropriated  
36 for that purpose. Nonresidents may be admitted to  
37 Iowa centers for the blind as space is available, upon  
38 terms determined by rule.
- 39 7. Establish and maintain offices for the division  
40 and commission.
- 41 8. Accept gifts, grants, devises, or bequests of  
42 real or personal property from any source for the use  
43 and purposes of the division. Notwithstanding  
44 sections 8.33 and 453.7, the interest accrued from  
45 moneys received under this section shall not revert to  
46 the general fund of the state.
- 47 9. Provide library services to blind and  
48 physically handicapped persons.
- 49 10. Act as a bureau of information and industrial  
50 aid for the blind.

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1 11. Be responsible for the budgetary and personnel  
2 decisions for the division and commission.

3 Sec. 1278. NEW SECTION. 601K.103 FEDERAL AID.

4 The division director may accept financial aid from  
5 the government of the United States for carrying out  
6 rehabilitation and physical restoration of the blind  
7 and for providing library services to the blind and  
8 physically handicapped.

9 A contribution or grant shall not be accepted if a  
10 condition is attached to it for its use or  
11 administration other than that it be used for  
12 assistance to the blind.

13 Sec. 1279. NEW SECTION. 601K.104 COMMISSION  
14 EMPLOYEES.

15 The commission may employ clerical staff who shall  
16 be qualified by experience to assume the  
17 responsibilities of the offices. The division  
18 director shall be the administrative officer of the  
19 commission and shall be responsible for implementing  
20 policy set by the commission.

21 Sec. 1280. NEW SECTION. 601K.105 POWERS.

22 The commission shall have all powers necessary to  
23 carry out the functions and duties specified in this  
24 division, including, but not limited to the power to  
25 establish advisory committees on special studies, to  
26 solicit and accept gifts and grants, to adopt rules  
27 according to chapter 17A for the commission and  
28 division, and to contract with public and private  
29 groups to conduct its business. All departments,  
30 divisions, agencies, and offices of the state shall  
31 make available upon request of the commission  
32 information which is pertinent to the subject matter  
33 of the study and which is not by law confidential.

34 Sec. 1281. NEW SECTION. 601K.106 REPORT.

35 The commission shall make a detailed report of its  
36 activities, studies, conclusions and recommendations  
37 to the general assembly not later than February 15 of  
38 each odd-numbered year.

#### 39 PART 10

#### 40 DIVISION OF ELDER AFFAIRS.

41 Sec. 1282. NEW SECTION. 601K.200 DEFINITIONS.

42 For purposes of this part, unless the context  
43 otherwise requires:

44 1. "Commission" means the commission of elder  
45 affairs.

46 2. "Division" means the division of elder affairs  
47 of the department of human rights.

48 3. "Division director" means the director of the

49 division of elder affairs of the department of human  
50 rights.

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1 4. "Equivalent support" means in-kind  
2 contributions of services, goods, volunteer support  
3 time, administrative support, or other support  
4 reasonably determined by the division as equivalent to  
5 a dollar amount.

6 5. "Administrative action" means an action or  
7 decision made by an owner, employee, or agent of a  
8 long-term care facility, or by a governmental agency,  
9 which affects the service provided to residents  
10 covered in sections 601K.221 through 601K.224.

11 6. "Long-term care facility" means a long-term  
12 care unit of a hospital, a foster group home, a group  
13 living arrangement, or a facility licensed under  
14 section 135C.1 whether the facility is public or  
15 private.

16 7. "Resident's aide program" means the state long-  
17 term care ombudsman program operated by the commission  
18 on elder affairs and administered by the long-term  
19 care resident's aide.

20 8. "Federal Act" means the Older Americans Act of  
21 1965, 42 U.S.C. §§ 3001 et seq., as amended to July 1,  
22 1986.

23 **Sec. 1283. NEW SECTION. 601K.201 COMMISSION**  
24 **CREATED.**

25 A commission of elder affairs is created which  
26 consists of seven members. The members shall be  
27 appointed by the governor. At least four of the  
28 members shall be fifty-five years of age or older when  
29 appointed. Not more than four of the members shall  
30 belong to the same political party.

31 All members of the commission shall be appointed  
32 for terms of four years. The terms of office of all  
33 members shall commence on the first day of July. Any  
34 vacancy on the commission shall be filled for the  
35 unexpired term of the vacancy in the same manner as  
36 the original appointment.

37 Members of the commission shall elect from the  
38 commission's membership a chairperson, and other  
39 officers, as commission members deem necessary, who  
40 shall serve for a period of two years. The commission  
41 shall meet at regular intervals at least six times  
42 each year and may hold special meetings at the call of  
43 the chairperson or at the request of a majority of the  
44 commission membership. The commission shall meet at  
45 the seat of government or such other place as the

46 commission members designate. Members shall receive  
47 actual expenses for their official duties. Each  
48 member of the commission may also be eligible to  
49 receive compensation as provided in section 7E.3.  
50 Sec. 1284. NEW SECTION. 601K.202 DUTIES OF

**Page 40**

1 COMMISSION.

2 The commission shall:

- 3 1. Collect facts and statistics and make special  
4 studies of conditions and problems pertaining to the  
5 employment, health, financial status, recreation,  
6 social adjustment, or other conditions and problems  
7 pertaining to the general welfare of the elderly of  
8 the state.
- 9 2. Make recommendations to state and local  
10 agencies serving the elderly for purposes of  
11 coordinating the agencies' activities, and request and  
12 receive reports from the various state agencies and  
13 institutions on matters within the jurisdiction of the  
14 division.
- 15 3. Keep informed of the latest developments of  
16 research, studies, and programs being conducted  
17 throughout the nation on the problems and needs of the  
18 elderly.
- 19 4. Serve as a central agency for the mutual  
20 exchange of ideas and information on the elderly among  
21 federal, state, and local governmental agencies,  
22 private organizations, and individuals.
- 23 5. Cooperate with federal, state, and local  
24 agencies, and private organizations, in administering  
25 and supervising demonstration programs of services for  
26 elderly designed to foster continued participation of  
27 older people in family and community life and to  
28 prevent insofar as possible the onset of dependency  
29 and the need for long-term institutional care.
- 30 6. Report and make recommendations on an annual  
31 basis by February 1 to the general assembly on the  
32 activities of the division and commission and  
33 improvements and additional resources needed to  
34 promote the general welfare of the elderly in Iowa.
- 35 7. Seek resources to provide direct service  
36 programs and services to the elderly at the state,  
37 regional, county, or local levels and provide services  
38 through contractual arrangements with public or  
39 private nonprofit agencies.
- 40 8. Be responsible for budgetary and personnel  
41 decisions for the commission and division.
- 42 9. Adopt rules pursuant to chapter 17A to

43 administer the division and commission and programs  
44 under the commission.  
45 The commission may create subcommittees to  
46 undertake special studies and may include  
47 noncommission members who are qualified in any field  
48 of activity related to the general welfare of the  
49 elderly in the membership of the subcommittees.  
50 Sec. 1285. NEW SECTION. 601K.203 AREA AGENCIES.

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1 The commission of elder affairs may establish area  
2 agencies on aging for the planning and service areas  
3 developed by the former office for planning and  
4 programming pursuant to the "Older Americans  
5 Comprehensive Services Amendments of 1973", Pub. L.  
6 No. 93-29, section 304. An area agency may be merged  
7 with a contiguous planning and service area but not  
8 without the approval of each policymaking body which  
9 is a party to the merger. Merged planning and service  
10 areas forming one area agency shall be governed by  
11 only one policymaking body.

12 Sec. 1286. NEW SECTION. 601K.204 GRANTS AND  
13 GIFTS.

14 The commission may receive federal funds or any  
15 grants or gifts on behalf of the state for the  
16 purposes within its jurisdiction. All federal funds,  
17 grants, and gifts shall be deposited with the state  
18 treasurer and be used only for the purposes agreed  
19 upon as conditions for receipt of the funds, grants,  
20 or gifts.

21 Sec. 1287. NEW SECTION. 601K.205 AVAILABLE  
22 INFORMATION.

23 All departments, divisions, agencies, and offices  
24 of the state shall make available upon request of the  
25 department information which is pertinent to the  
26 subject matter of a study and which is not by law  
27 confidential.

28 ELDERLY CARE PROGRAM

29 Sec. 1288. NEW SECTION. 601K.210 ELDERLY CARE  
30 PROGRAM --PURPOSE.

31 The commission shall, with the advice and  
32 assistance of the interagency co-ordinating committee  
33 created in section 601K.211, establish an elderly care  
34 program to implement and effectuate the provisions of  
35 this program.

36 The purpose of the elderly care program is to  
37 reduce the need and incidence of institutionalization  
38 of elderly Iowans by encouraging community involvement  
39 in the provision of services which help elderly Iowans

40 remain in their own homes, and to increase the  
41 availability to elderly Iowans of chore, telephone  
42 reassurance, adult day care, home repair, and other  
43 elderly services if the other elderly services are  
44 approved by an area agency on aging for provision  
45 within the area. The elderly care program is  
46 established to fund those local innovative projects,  
47 with a minimum of state regulation, which demonstrate  
48 local input in their planning, funding, and general  
49 operations. The program shall give preference to  
50 projects and services provided for the benefit of the

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1 low income elderly.  
2 Sec. 1289. NEW SECTION. 601K.211 INTERAGENCY  
3 COORDINATING COMMITTEE CREATED.  
4 An interagency coordinating committee is created to  
5 advise and assist the division in the establishment of  
6 the elderly care program and in the implementation of  
7 this program. The interagency coordinating committee  
8 consists of a representative of the commission  
9 selected by the commission, a representative of the  
10 department of human services selected by the  
11 commissioner of human services, a representative of  
12 the Iowa department of public health selected by the  
13 director of health, and two consumer representatives,  
14 appointed by the governor and not subject to senate  
15 confirmation. The consumer representatives, while  
16 engaged in their official duties, shall be reimbursed  
17 for their actual expenses out of funds appropriated to  
18 the commission.  
19 Sec. 1290. NEW SECTION. 601K.212 DUTIES OF THE  
20 INTERAGENCY COORDINATING COMMITTEE.  
21 The interagency coordinating committee shall assist  
22 and advise the commission in establishing the elderly  
23 care program by:  
24 1. Recommending rules, eligibility guidelines, and  
25 procedures necessary to approve grants and disburse  
26 funds appropriated to the commission from the general  
27 fund for the elderly care program, and other funds  
28 available to the program.  
29 2. Recommending uniform financial reporting  
30 procedures for all funds appropriated to the  
31 commission from the general fund for the elderly care  
32 program.  
33 3. Reviewing applications for grants to local area  
34 agencies on aging and approving any waivers or  
35 modifications of the local match requirement contained  
36 in the grants. However, rejection of any waiver or

37 modification request shall only affect that portion of  
 38 the grant for which the waiver or modification was  
 39 requested.

40 4. Advising on the reallocation and redistribution  
 41 of funds, the handling of appeals, grievances, and  
 42 waiver requests, and other matters relevant to the  
 43 program when requested by the commission.

44 5. Evaluating local projects and the overall state  
 45 program periodically.

46 6. Assisting with liaison efforts to the general  
 47 assembly, governmental agencies, private  
 48 organizations, and individuals, and with the  
 49 dissemination of information relating to the program  
 50 as requested by the commission.

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1 Sec. 1291. NEW SECTION. 601K.213 ALLOCATION OF  
 2 FUNDS.

3 Moneys appropriated to the commission from the  
 4 general fund for the elderly care program shall not  
 5 exceed the amount necessary to match federal funds and  
 6 shall be allocated initially to the area agencies on  
 7 aging on the basis of population over sixty-five years  
 8 of age, double-weighted for the low income population  
 9 over sixty-five years of age. Area agencies on aging  
 10 may apply for grants of funds not to exceed the amount  
 11 allocated to the area by this method. Area agency on  
 12 aging applications shall consist of grant requests  
 13 from local, public, and private organizations  
 14 recommended to the division and given priority ranking  
 15 by the area agency based upon areawide needs  
 16 assessment for elderly low income Iowans and  
 17 compatibility with the comprehensive aging plan for  
 18 the area. The interagency coordinating committee  
 19 shall review the grant applications of area agencies  
 20 on aging and make recommendations to the commission  
 21 regarding the awarding of grants to area agencies on  
 22 aging. The commission has final responsibility for  
 23 awarding grants to the area agencies on aging. The  
 24 funds allocated to area agencies on the basis of  
 25 population and income and not granted by the  
 26 commission to the area agencies by December 1, and the  
 27 funds granted by the commission to the area agencies  
 28 by December 1 which the division determines will not  
 29 be expended during the fiscal year, shall be  
 30 considered excess funds and shall be transferred to a  
 31 reallocation pool. The reallocation pool shall be  
 32 reallocated to area agencies on aging by a method  
 33 recommended by the interagency coordinating committee

34 and approved by the division. Area agencies on aging  
35 may apply for grants of funds from the reallocation  
36 pool. The interagency coordinating committee shall  
37 review these applications and make recommendations to  
38 the commission regarding the awarding of reallocation  
39 grants. The commission has final authority for  
40 awarding reallocation grants. Excess funds not  
41 reallocated or granted by January 31 may be  
42 transferred to the energy policy council or other  
43 agency responsible for utility assistance, to be used  
44 to assist the low income elderly in the payment of  
45 winter utility bills.

46 Sec. 1292. NEW SECTION. 601K.214 LOCAL MATCH.

47 Funds appropriated to the commission from the  
48 general fund for the elderly care program shall only  
49 be awarded and distributed to local projects which  
50 match each state dollar with two dollars of local

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1 funds in cash or in equivalent support. Funds  
2 appropriated to the commission from the general fund  
3 for the elderly care program shall only be used to  
4 establish new projects, to expand existing programs,  
5 or to continue existing elderly care projects.  
6 Elderly care funds shall not be used to replace funds  
7 in existing programs or to free funds for other state-  
8 supported services. The interagency coordinating  
9 committee may waive or modify the local match  
10 requirements of this section in accordance with rules  
11 adopted by the commission.

12 Sec. 1293. NEW SECTION. 601K.215 RECORDS.

13 The commission shall maintain uniform records on  
14 all local projects receiving funds appropriated to the  
15 commission from the general fund for the elderly care  
16 program. The commission shall require uniform  
17 reporting and financial accounting by area agencies on  
18 aging and local projects as necessary to fulfill the  
19 purposes of this section. The records maintained by  
20 the commission shall include, but need not be limited  
21 to, the following information:

- 22 1. A description of the project.
- 23 2. The nature and size of the local match provided  
24 as a condition for the receipt of state funds.
- 25 3. The number of elderly citizens including low  
26 income elderly citizens served by the project.
- 27 4. The method by which elderly citizens, with  
28 particular attention to low income elderly citizens,  
29 are located and served by the project.
- 30 5. The items for which state funds are expended by

31 the project.

32 6. Evaluation by the division director of the  
33 effectiveness of the project.

34 7. Financial records indicating all state and  
35 federal funds and local matching funds allocated to  
36 and expended by the project.

37 8. Documentation of participant and other  
38 community involvement in program direction.

39 **LONG-TERM CARE RESIDENT'S AIDE**

40 **Sec. 1294. NEW SECTION. 601K.220 PURPOSE.**

41 The purpose of this program is to establish the  
42 long-term care resident's aide program operated by the  
43 commission of elder affairs in accordance with the  
44 requirements of the Older Americans Act of 1965, 42  
45 U.S.C. §§3026(a)(6)(d), 3027(a)(12), 3030d(a)(10)  
46 amended to July 1, 1983, and referred to in this part  
47 as the "federal Act", and to adopt the supporting  
48 federal regulations and guidelines for its  
49 implementation. In accordance with chapter 17A, the  
50 commission of elder affairs shall adopt and enforce

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1 rules for the implementation of this part.

2 **Sec. 1295. NEW SECTION. 601K.221 LONG-TERM CARE**  
3 **RESIDENT'S AIDE -- DUTIES.**

4 The commission of elder affairs, in accordance with  
5 section 3027(a)(12) of the federal Act, shall  
6 establish the office of long-term care resident's aide  
7 within the division. The long-term care resident's  
8 aide shall perform the following duties:

9 1. Investigate and resolve complaints about  
10 administrative actions that may adversely affect the  
11 health, safety, welfare, or rights of older persons in  
12 long-term care facilities.

13 2. Monitor the development and implementation of  
14 federal, state, and local laws, regulations, and  
15 policies that relate to long-term care facilities in  
16 Iowa.

17 3. Provide information to other agencies and to  
18 the public about the problems of older persons in  
19 long-term care facilities.

20 4. Train volunteers and assist in the development  
21 of citizens' organizations to participate in the long-  
22 term care resident's aide program.

23 5. Carry out other activities consistent with the  
24 resident's aide provisions of the federal Act.

25 The resident's aide shall have access to long-term  
26 care facilities, private access to residents, access  
27 to residents' personal and medical records, and access

28 to other records maintained by the facilities or  
29 governmental agencies pertaining only to the person on  
30 whose behalf a complaint is being investigated.

31 Sec. 1296. NEW SECTION. 601K.222 AUTHORITY AND  
32 RESPONSIBILITIES OF THE COMMISSION.

33 To ensure compliance with the federal Act the  
34 commission of elder affairs shall establish the  
35 following:

36 1. Procedures to protect the confidentiality of a  
37 resident's records and files.

38 2. A statewide uniform reporting system.

39 3. Procedures to enable the long-term care  
40 resident's aide to elicit, receive, and process  
41 complaints regarding administrative actions which may  
42 adversely affect the health, safety, welfare, or  
43 rights of older persons in long-term care facilities.

44 Sec. 1297. NEW SECTION. 601K.223 CARE REVIEW  
45 COMMITTEE.

46 1. The care review committee program is under the  
47 statewide long-term care resident's aide program  
48 within the division.

49 2. The responsibilities of the care review  
50 committee are in accordance with the rules adopted by

**Page 46**

1 the commission pursuant to chapter 17A. When adopting  
2 the rules, the commission shall consider the needs of  
3 residents of each category of licensed health care  
4 facility as defined in chapter 135C.1, subsection 4,  
5 and the services each facility may render. The  
6 commission shall coordinate the development of any  
7 rules with the mental health and mental retardation  
8 commission to the extent the rules would apply to a  
9 facility primarily serving persons who are mentally  
10 ill, mentally retarded, or developmentally disabled.  
11 The commission shall coordinate the development of any  
12 rules with other state agencies.

13 Sec. 1298. NEW SECTION. 601K.224 CONFIDENTIALITY  
14 OF COMPLAINANT.

15 The name of the person who files a complaint with  
16 the commission, long-term care resident's aide, or a  
17 care review committee regarding a person in a long-  
18 term care facility shall be kept confidential and is  
19 not subject to discovery, subpoena, or other means of  
20 legal compulsion for its release to a person other  
21 than division and commission employees or care review  
22 committee members involved in the initial complaint or  
23 the department of audits and appeals as it pertains to  
24 its duties.

25 Sec. 1299. Section 241.1, subsections 2 and 3,  
26 Code 1985, are amended to read as follows:

27 2. "Department" means the division of the status  
28 of women within the department of human services  
29 rights.

30 3. "Commissioner" means the ~~commissioner~~ division  
31 director of the division of the status of women within  
32 the department of human services rights.

33 Sec. 1299A. Section 601C.3, Code 1985, is amended  
34 to read as follows:

35 601C.3 AGREEMENT WITH ~~COMMISSION FOR BLIND~~ BLIND  
36 PERSONS SERVICES.

37 A governmental agency which proposes to operate or  
38 continue a food service in a public office building  
39 shall first attempt in good faith to make an agreement  
40 for the ~~commission for the blind~~ division of blind  
41 persons services of the department of human rights to  
42 operate the food service without payment of rent. The  
43 governmental agency shall not offer or grant to ~~any~~  
44 ~~other another~~ party a contract or concession to  
45 operate ~~such a~~ food service unless the governmental  
46 agency determines in good faith that the ~~commission~~  
47 ~~for the blind~~ division of blind persons services is  
48 not willing to or cannot satisfactorily provide ~~such~~  
49 food service. This chapter ~~shall does~~ not impair ~~any~~  
50 ~~a~~ valid contract existing on July 1, 1969, and ~~shall~~

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1 ~~does~~ not preclude renegotiation of ~~such the~~ contract  
2 on the same terms and with the same parties.

3 Sec. 1299B. Section 601C.4, Code 1985, is amended  
4 to read as follows:

5 601C.4 OTHER PUBLIC BUILDINGS.

6 With respect to all state, county, municipal, and  
7 school buildings which are not subject to section  
8 601C.3, the governmental agency in charge of the  
9 building shall consider allowing the ~~commission for~~  
10 ~~the blind~~ division of blind persons services within  
11 the department of human rights to operate ~~any~~ existing  
12 or proposed food service in the building, and shall  
13 discuss ~~such that~~ operation with the ~~commission for~~  
14 ~~the blind~~ division upon its request.

15 Sec. 1299C. NEW SECTION. 601D.10 USE OF HEARING  
16 DOG.

17 A deaf person has the right to be accompanied by a  
18 hearing dog, under control and especially trained at a  
19 recognized training facility to assist the deaf by  
20 responding to sound, in any place listed in sections  
21 601D.3 and 601D.4 without being required to make

22 additional payment for the hearing dog. A landlord  
23 shall waive lease restrictions on the keeping of dogs  
24 for a deaf person with a hearing dog. The deaf person  
25 is liable for damage done to any premise or facility  
26 by a hearing dog.

27 A person who denies or interferes with the right of  
28 a deaf person under this section is, upon conviction,  
29 guilty of a simple misdemeanor.

30 Sec. 1299D. The seven nonlegislative members of  
31 the commission on the aging shall continue in office  
32 as members of the commission of elder affairs until  
33 their terms expire.

34 Sec. 1299E. Sections 7A.21 through 7A.28, Code  
35 1985, are repealed.

36 Sec. 1299F. Chapters 16, 601, 601F, 237B, 249B,  
37 601A, 601B, and 601I, Code 1985 and Code Supplement  
38 1985, are repealed.”

39 6. Page 230, by striking lines 15 and 16.

40 7. Page 236, by striking lines 10 and 11.

41 8. By striking page 252, line 5 through page 254,  
42 line 13.

43 9. Page 261, by striking lines 6 through 35.

44 10. Page 263, by striking lines 8 through 30.

45 11. By striking page 298, line 23 through page  
46 299, line 30.

47 12. Page 299, by striking line 35, and inserting  
48 the following:

49 “Sec. 1499D. Chapter 257, Code 1985, and”.

JULIA B. GENTLEMAN  
JOY CORNING

S-5124

1 Amend Senate File 2175 as follows:

DIVISION S-5124C

2 1. Page 232, by striking line 24, and inserting  
3 the following: “under chapter 290, and may affirm,  
4 modify, or vacate the decision, or may”.

DIVISION S-5124A

5 2. Page 244, by striking lines 1 and 2, and  
6 inserting the following: “11. The state board of  
7 education shall remove for cause, and after due  
8 investigation and notice by the commissioner, any  
9 school or school district from”.

- 10 3. Page 244, line 5, by striking the word  
11 "commissioner" and inserting the following: "state  
12 board".
- 13 4. Page 244, line 15, by striking the word  
14 "commissioner" and inserting the following: "state  
15 board".
- 16 5. Page 244, line 26, by striking the word  
17 "commissioner" and inserting the following: "state  
18 board".
- 19 6. Page 244, line 29, by striking the word  
20 "commissioner" and inserting the following: "state  
21 board".
- 22 7. Page 244, line 35, by striking the word  
23 "commissioner" and inserting the following: "state  
24 board".
- 25 8. Page 245, line 1, by striking the word  
26 "commissioner" and inserting the following: "state  
27 board".
- 28 9. Page 245, line 2, by striking the word  
29 "commissioner" and inserting the following: "state  
30 board".
- 31 10. Page 245, line 13, by striking the word  
32 "commissioner" and inserting the following: "state  
33 board".
- 34 11. Page 245, line 16, by striking the word  
35 "commissioner" and inserting the following: "state  
36 board".
- 37 12. Page 245, line 20, by striking the word  
38 "commissioner" and inserting the following: "state  
39 board".
- 40 13. Page 245, by striking lines 25 through 28 and  
41 inserting the following: "board of directors shall  
42 seek to".

## DIVISION S-5124B

- 43 14. Page 251, line 13, by striking the word  
44 "determine" and inserting the following: "recommend  
45 to the state board".
- 46 15. Page 257, line 9, by striking the words  
47 "~~state board commissioner~~" and inserting the  
48 following: "state board".

## DIVISION S-5124C (cont'd.)

- 49 16. By striking page 274, line 13 through page  
50 275, line 8.

## Page 2

## DIVISION S-5124C (cont'd.)

- 1 17. Page 288, line 25, by inserting after the  
 2 figure "~~1978.~~" the following: "The state board of  
 3 education shall adopt rules under chapter 17A for the  
 4 purchase of transportation equipment pursuant to this  
 5 section."
- 6 18. By striking page 291, line 31 through page  
 7 292, line 11.
- 8 19. Page 293, by striking line 12, and inserting  
 9 the following: "commissioner, with the approval of  
 10 the state board, upon proof of".
- 11 20. Page 293, by striking lines 19 and 20, and  
 12 inserting the following: "evaluation selected by the  
 13 commissioner with the approval of the state board.  
 14 The testing or evaluation, if required, shall be".

JOY CORNING

## S-5125

- 1 Amend Senate File 2175, as follows:
- 2 1. Page 230, by striking line 15.
- 3 2. Page 236, by striking lines 10 and 11.
- 4 3. By striking page 252, line 5 through page 254,  
 5 line 13.
- 6 4. By striking page 298, line 23 through page  
 7 299, line 17.
- 8 5. Page 299, line 35, by striking the following:  
 9 "~~601B,~~".
- 10 6. By renumbering sections as necessary.

ARTHUR A. SMALL, Jr.  
 WILLIAM PALMER  
 JACK RIFE  
 FORREST SCHWENGELS  
 GEORGE KINLEY

## S-5126

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 351, line 14, by inserting before the  
 3 word "division" the words "state department of  
 4 transportation and the".

RICHARD F. DRAKE

S-5127

1 Amend Senate File 2175 as follows:

2 1. Page 188, by striking lines 24 and 25 and  
3 inserting the following:

4 "The director shall possess a minimum of a master's  
5 degree in".

EDGAR H. HOLDEN

S-5128

1 Amend Senate File 2175 as follows:

2 1. Page 291, by inserting after line 30 the  
3 following:

4 "Sec. \_\_\_\_ . Section 285.8, subsection 4, Code  
5 Supplement 1985, is amended by striking the  
6 subsection.

7 Sec. \_\_\_\_ . Section 285.8, subsection 6, paragraphs  
8 a and d, Code 1985, are amended by striking the  
9 paragraphs.

10 Sec. \_\_\_\_ . Section 285.9, Code 1985, is amended by  
11 adding the following new subsection:

12 NEW SUBSECTION. 5. Inspect or cause to be  
13 inspected all vehicles used as school buses by the  
14 area education agency to transport school children to  
15 determine if the vehicles meet legal and established  
16 standards of construction and can be operated with  
17 safety, comfort, and economy.

18 Sec. \_\_\_\_ . Section 285.10, Code 1985, is amended by  
19 adding the following new subsection:

20 NEW SUBSECTION. 6A. Inspect or cause to be  
21 inspected all vehicles of the district used as school  
22 buses to transport children to determine if the  
23 vehicles meet legal and established standards of  
24 construction and can be operated with safety, comfort,  
25 and economy."

26 2. Page 293, by inserting after line 25, the  
27 following:

28 "Sec. \_\_\_\_ . Section 321.373, subsection 1, Code  
29 1985, is amended to read as follows:

30 1. Every school bus except a private passenger  
31 ~~vehicles vehicle~~ used as a school ~~buses bus~~ shall be  
32 constructed and equipped to meet safety standards  
33 prescribed in ~~rules adopted by the state board of~~  
34 ~~public instruction. Such rules shall conform to~~  
35 safety standards set forth in federal laws and  
36 regulations and shall conform, insofar as practicable,

37 to the minimum standards for school buses recommended  
38 by the national conference on school transportation  
39 administered by the national commission on safety  
40 education and published by the national education  
41 association.”  
42 3. Page 300, line 1 by striking the word and  
43 figures “and 276.7” and inserting the following:  
44 “276.7 and 321.374”.  
45 4. By numbering and renumbering sections as  
46 necessary.

JOHN N. NYSTROM

S-5129

1 Amend Senate File 2175 as follows:  
2 1. Page 185, by striking lines 3 through 10.

EDGAR H. HOLDEN

S-5130

1 Amend Senate File 2175 as follows:  
2 1. Page 353, line 7, by striking the words “shall  
3 be a registered civil engineer and”.

EDGAR H. HOLDEN

S-5131

1 Amend Senate File 2175 as follows:  
2 1. By striking page 310, line 30 through page  
3 313, line 7.

EDGAR H. HOLDEN

S-5132

1 Amend Senate File 2175 as follows:  
2 1. Page 55, by inserting after line 3 the  
3 following:  
4 “Sec. 304. NEW SECTION. 18.134 LIMITATION OF  
5 COMMUNICATIONS.  
6 The department of general services shall not

- 7 provide or resell communications services to entities
- 8 other than state agencies."

EMIL J. HUSAK  
CALVIN O. HULTMAN  
BILL HUTCHINS

S-5133

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 32, by striking line 34 and inserting the
- 3 following: "requires:
- 4 1. "Affirmative action" means action appropriate
- 5 to overcome the effects of past or present practices,
- 6 policies, or other barriers to equal employment
- 7 opportunity.
- 8 2. "State agency" means an office, bureau,
- 9 division,".

CHARLES BRUNER

S-5134

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 152, line 32, by striking the figure
- 3 "175,".
- 4 2. Page 152, line 33, by inserting after the word
- 5 "obligations." the following: ""Authority" does not
- 6 include the authority created pursuant to chapter
- 7 175."

JOHN SOORHOLTZ  
JACK RIFE

S-5135

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 7, line 28, by inserting after the word
- 3 "the" the words "executive branch of the".

DONALD V. DOYLE

S-5136

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 127, line 9, by inserting after the word
- 3 "state" the following: "and appropriated by the

4 general assembly from the fund created in this  
5 section”.

6 2. Page 127, by striking lines 28 through 30 and  
7 inserting the following: “other fund, except as  
8 follows: Seventy-five thousand dollars each fiscal  
9 year shall be transferred to the general fund. That  
10 amount shall be considered as one of the costs of the  
11 division. The funds”.

12 3. Page 130, line 25, by inserting after the word  
13 “state” the following: “and appropriated by the  
14 general assembly from the fund created in this  
15 section”.

16 4. Page 131, by striking lines 9 through 11 and  
17 inserting the following: “other fund, except as  
18 follows: Forty thousand dollars each fiscal year  
19 shall be transferred to the general fund. The amount  
20 shall be considered as one of the costs of the  
21 division. The funds”.

22 5. Page 132, by inserting after line 3 the  
23 following:

24 “Sec. \_\_\_\_ . Section 534.408, subsection 1, Code  
25 1985, is amended to read as follows:

26 1. Payable to state auditor. Associations shall  
27 pay fees by delivering to the ~~supervisor~~  
28 superintendent a check payable to the ~~state auditor~~  
29 superintendent. All fees collected under ~~the~~  
30 ~~provisions~~ of this chapter shall be deposited with the  
31 treasurer of state in a separate fund to be known as  
32 the savings and loan revolving fund, except twenty-  
33 five thousand dollars each fiscal year shall be  
34 transferred to the general fund. The amount shall be  
35 considered as one of the costs of the division. All  
36 expenses necessary to carry out ~~the provisions~~ of this  
37 chapter shall be paid from the savings and loan  
38 revolving fund and appropriated by the general  
39 assembly from the fund.”

40 6. Renumber as necessary.

RICHARD F. DRAKE  
ROBERT M. CARR  
CHARLES BRUNER  
JOHN N. NYSTROM  
MICHAEL E. GRONSTAL

S-5137

1 Amend Senate File 2175 as follows:

2 1. Page 109, by inserting after line 14 the  
3 following:

4 "Sec. \_\_\_\_ . NEW SECTION. 546.12 REDUCTIONS IN  
5 APPROPRIATIONS.

6 Notwithstanding section 8.31, in the event the  
7 governor finds that budget resources are insufficient  
8 to pay all appropriations and orders a uniform  
9 reduction in appropriations, that portion of the  
10 budget of any of the divisions of the department of  
11 commerce and industry that is paid for or reimbursed  
12 by fees collected by the division shall be exempt from  
13 the uniform reduction."

EDGAR H. HOLDEN

S-5138

1 Amend Senate File 2175 as follows:

- 2 1. Page 134, line 7, by striking the word "four"
- 3 and inserting the following: "six".
- 4 2. Page 134, line 8, by striking the words
- 5 "legislative members." and inserting the following:
- 6 "members. The ex officio nonvoting members are four
- 7 legislative members and the presidents, or their
- 8 designees, of the state university of Iowa and the
- 9 Iowa state university of science and technology."

BILL HUTCHINS  
JOHN N. NYSTROM

S-5139

1 Amend Senate File 2175 as follows:

- 2 1. Page 141, by striking lines 5 and 6.
- 3 2. Page 160, line 20, by inserting after the
- 4 figure "28.7," the following: "and sections 28.106
- 5 through 28.108,".

JACK RIFE

S-5140

1 Amend Senate File 2175 as follows:

- 2 1. Page 78, line 3, by striking the word
- 3 "Information" and inserting the following: "In those
- 4 circumstances when disclosure would plainly and
- 5 seriously jeopardize an investigation, information".

LARRY MURPHY

S-5141

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 351, line 14, by inserting after the word
- 3 "The" the words "department and the".
- 4 2. Page 351, by striking lines 17 through 19.
- 5 3. Renumber sections and correct internal
- 6 references as necessary in accordance with this
- 7 amendment.

RICHARD DRAKE

S-5142

- 1 Amend Senate File 2175 as follows:

DIVISION S-5142A

- 2 1. By striking page 169, line 8 through page 170,
- 3 line 33.

DIVISION S-5142B

- 4 2. By striking page 186, line 8 through page 187,
- 5 line 8.
- 6 3. By renumbering and correcting internal
- 7 references as necessary.

DOUGLAS RITSEMA  
JULIA GENTLEMAN

S-5143

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 110, line 33, by striking the figure
- 3 "1987" and inserting the figure "1988".
- 4 2. Page 141, line 12, by striking the figure
- 5 "1986" and inserting the figure "1987".
- 6 3. Page 305, line 26, by striking the figure
- 7 "1986" and inserting the figure "1987".
- 8 4. Page 305, by striking lines 30 through 32 and
- 9 inserting the following:
- 10 "1. One member to serve from July 1, 1987 to June
- 11 30, 1989.
- 12 2. One member to serve from July 1, 1987 to June
- 13 30, 1990.
- 14 3. One member to serve from July 1, 1987 to June

15 30, 1991.”

16 5. Page 389, line 34, by striking the figure  
17 “1988” and inserting the figure “1989”.

18 6. Page 390, line 20, by striking the figure  
19 “1986” and inserting the figure “1987”.

20 7. Page 390, line 28, by striking the figure  
21 “1986” and inserting the figure “1987”.

22 8. Page 390, line 30, by striking the figure  
23 “1986” and inserting the figure “1987”.

24 9. Page 391, line 11, by striking the figures  
25 “1986-1987” and inserting the figures “1987-1988”.

26 10. Page 391, line 12, by striking the figures  
27 “1985-1986” and inserting the figures “1986-1987”.

28 11. Page 391, line 13, by striking the figures  
29 “1987-1988” and inserting the figures “1988-1989”.

30 12. Page 392, by inserting after line 3 the  
31 following new section:

32 “Sec. \_\_\_\_ . This Act takes effect July 1, 1987.”

LARRY MURPHY  
MILO COLTON  
JAMES R. RIORDAN

S-5144

1 Amend Senate File 2175 as follows:

2 1. By striking page 152, line 26 through page  
3 153, line 30.

4 2. By striking page 156, line 25 through page  
5 158, line 2.

6 3. Page 160, by inserting after line 16 the  
7 following:

8 “Sec. \_\_\_\_ . NEW SECTION. BONDING ACTIVITIES.

9 1. As used in this section, unless the context  
10 otherwise requires:

11 a. “Authority” means a department or public  
12 instrumentality of the state including, but not  
13 limited to, the authority created under chapter 175,  
14 175A, 220, 261A, 307B, or 442A, which has the power to  
15 issue obligations.

16 b. “Obligations” means notes, bonds, including  
17 refunding bonds, and other evidences of indebtedness  
18 of an authority.

19 2. Prior to the issuance of obligations, an  
20 authority shall consult with the treasurer concerning  
21 the following:

22 a. The employment of attorneys, accountants,  
23 financial advisors, banks, underwriters, and other  
24 employees and agents necessary for issuance of the

25 obligations.

26 b. The terms and conditions of the obligations.

27 c. The investment or deposit of the proceeds of  
28 the sale of the obligations.

29 3. Upon request of an authority, the treasurer may  
30 provide staff and support assistance in the issuance  
31 of obligations. An authority requesting assistance  
32 from the treasurer shall reimburse the treasurer the  
33 actual costs of the assistance provided.

34 Sec. \_\_\_\_ . NEW SECTION. ORGANIZATIONAL STRUCTURE.

35 For organizational purposes only, the following  
36 apply:

37 1. The Iowa finance authority and the Iowa  
38 economic protective and investment authority shall be  
39 considered parts of the Iowa department of economic  
40 development. The Iowa department of economic  
41 development may provide staff assistance and  
42 administrative support to the authorities.

43 2. The Iowa family farm development authority  
44 shall be considered part of the department of  
45 agriculture. The department of agriculture may  
46 provide staff assistance and administrative support to  
47 the authority.

48 3. The Iowa higher education loan authority shall  
49 be considered part of the college aid commission. The  
50 college aid commission may provide staff assistance

**Page 2**

1 and administrative support to the authority.

2 4. The Iowa railway finance authority shall be  
3 considered part of the department of transportation.  
4 The department of transportation may provide staff  
5 assistance and administrative support to the  
6 authority.

7 5. The Iowa advance funding authority shall be  
8 considered part of the department of education. The  
9 department of education may provide staff assistance  
10 and administrative support to the authority.”

RICHARD F. DRAKE

S-5145

1 Amend Senate File 2175 as follows:

2 1. Page 59, by striking lines 25 through 29 and  
3 inserting in lieu thereof the following:

4 “7. The department shall adopt rules pursuant to  
5 chapter 17A for construction, repair, and improvement

6 projects, relating to programming and design, the  
 7 bidding and letting of contracts, procurement and  
 8 construction management operations, consultant  
 9 services, and emergency repairs and improvements.”

JOE WELSH  
 RICHARD F. DRAKE

## S-5146

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 109, by striking lines 15 through 30.
- 3 2. By striking page 127, line 1 through page 128,
- 4 line 3.
- 5 3. By striking page 130, line 19 through page
- 6 131, line 19.
- 7 4. Renumber as necessary.

RICHARD F. DRAKE  
 MICHAEL E. GRONSTAL  
 ROBERT CARR

## S-5147

- 1 Amend S-5123 to Senate File 2175 as follows:
- 2 1. Page 1, line 19, by striking the word
- 3 “Spanish-speaking” and inserting the following:
- 4 “foreign language speaking”.
- 5 2. Page 2, line 32, by striking the word
- 6 “SPANISH-SPEAKING” and inserting the following:
- 7 “FOREIGN LANGUAGE SPEAKING”.
- 8 3. Page 2, lines 36 and 37, by striking the word
- 9 “Spanish-speaking” and inserting the following:
- 10 “foreign language speaking”.
- 11 4. Page 2, lines 38 and 39, by striking the word
- 12 “Spanish-speaking” and inserting the following:
- 13 “foreign language speaking”.
- 14 5. Page 2, line 41, by striking the word
- 15 “Spanish-speaking” and inserting the following:
- 16 “foreign language speaking”.
- 17 6. Page 2, line 45, by striking the word
- 18 “Spanish-speaking” and inserting the following:
- 19 “foreign language speaking”.
- 20 7. Page 2, line 48, by inserting after the word
- 21 “force” the following: “and other interested
- 22 individuals”.
- 23 8. Page 3, line 33, by striking the word
- 24 “Spanish-speaking” and inserting the following:

- 25 "foreign language speaking".  
 26 9. Page 3, line 37, by striking the word  
 27 "Spanish-speaking" and inserting the following:  
 28 "foreign language speaking".  
 29 10. Page 3, line 39, by striking the word  
 30 "Spanish-speaking" and inserting the following:  
 31 "foreign language speaking".  
 32 11. Page 3, line 42, by striking the word  
 33 "Spanish-speaking" and inserting the following:  
 34 "foreign language speaking".  
 35 12. Page 3, line 46, by striking the word  
 36 "Spanish-speaking" and inserting the following:  
 37 "foreign language speaking".  
 38 13. Page 3, line 49, by striking the word  
 39 "Spanish-speaking" and inserting the following:  
 40 "foreign language speaking".  
 41 14. Page 4, line 1, by striking the word  
 42 "Spanish-speaking" and inserting the following:  
 43 "foreign language speaking".

ARNE WALDSTEIN

S-5148

- 1 Amend Senate File 2175 as follows:  
 2 1. Page 191, by inserting after line 27 the  
 3 following: "19. Administer the statewide maternal  
 4 and child health program and the crippled children's  
 5 program by conducting mobile and regional child health  
 6 specialty clinics and conducting other activities to  
 7 improve the health of low-income women and children  
 8 and to promote the welfare of children with actual or  
 9 potential handicapping conditions and chronic  
 10 illnesses in accordance with the requirements of Title  
 11 V of the Social Security Act."

MILO COLTON  
 JULIA GENTLEMAN  
 DONALD V. DOYLE  
 WILLIAM W. DIELEMAN  
 DON GETTINGS  
 BERL E. PRIEBE  
 JAMES R. RIORDAN  
 BEVERLY HANNON  
 JOE BROWN  
 MICHAEL E. GRONSTAL  
 LARRY MURPHY  
 JOHN SOORHOLTZ  
 C. JOSEPH COLEMAN

EUGENE FRAISE  
ALVIN V. MILLER  
RAY TAYLOR  
ARNE WALDSTEIN

S-5149

- 1 Amend amendment S-5123 to Senate File 2175 as
- 2 follows:
- 3 1. Page 8, line 15, by striking the words "a
- 4 division director and".

JULIA GENTLEMAN

S-5150

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 98, line 25, by striking the word
- 3 "biennial" and inserting the words "biennial annual".

JOE WELSH

S-5151

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 351, line 7, by striking the words "or
- 3 biennial".

JOE WELSH

S-5152

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 44, line 33, by striking the word
- 3 "biennially" and inserting the words "biennially
- 4 annually".
- 5 2. Page 44, line 34, by striking the word
- 6 "biennium" and inserting the words "biennium year".

JOE WELSH

S-5153

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 77, line 15, by striking the words "a
- 3 biennial" and inserting the following: "an annual".

JOE WELSH

S-5154

- 1 Amend Senate File 2175 as follows:  
2 1. Page 314, line 11, by striking the word  
3 "Biennially" and inserting the following: "Annually".  
4 2. Page 325, line 12, by striking the word  
5 "biennially" and inserting the following: "~~biennially~~  
6 annually".  
7 3. Page 325, line 13, by striking the word "even-  
8 numbered" and inserting the following: "~~even-~~  
9 numbered".  
10 4. Page 325, line 16, by striking the word  
11 "biennium" and inserting the following: "~~biennium~~  
12 year".

JOE WELSH

S-5155

- 1 Amend Senate File 2175 as follows:  
2 1. Page 348, by striking line 13 and inserting in  
3 lieu thereof the following: "305.11, 455B.102, 455B.104,  
4 455D.18, and".

JOE WELSH

S-5156

- 1 Amend Senate File 2175 as follows:  
2 1. Page 305, by inserting before line 35 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 7.15, Code 1985, is amended to  
5 read as follows:  
6 7.15 FEDERAL FUNDS FOR HIGHWAY SAFETY.  
7 The governor, in addition to other duties and  
8 responsibilities conferred by the Constitution and  
9 laws of this state, is hereby empowered to contract  
10 for the benefits available to this state under any Act  
11 of Congress for highway safety, law enforcement, or  
12 other related programs, and in so doing, to co-operate  
13 with federal and state agencies, private and public  
14 organizations, and with individuals, to effectuate the  
15 purposes of these enactments. The governor shall be  
16 responsible for and is hereby empowered to administer,  
17 either through the governor's office or through ~~one or~~

18 more state departments or agencies designated by the  
 19 governor or any combination of the foregoing the  
 20 highway safety, law enforcement and related programs  
 21 of this state and those of its political subdivisions,  
 22 the department of public safety all in accordance with  
 23 said Acts and the Constitution of the state of Iowa,  
 24 in implementation thereof.

25 Sec. \_\_\_\_ . Section 80.26, Code 1985, is amended to  
 26 read as follows:

27 80.26 ~~FEDERAL FUNDS FOR HIGHWAY SAFETY.~~

28 The commissioner of public safety shall establish  
 29 and maintain an office of public highway safety within  
 30 the division of highway safety and on behalf of such  
 31 office, when authorized by the governor pursuant to  
 32 section 7.15, may accept, administer and expend funds  
 33 provided by any Act of Congress for highway safety,  
 34 law enforcement or any activities generally related to  
 35 the duties of the department of public safety as  
 36 provided in this chapter."

37 2. By renumbering as necessary.

JAMES RIORDAN  
 EUGENE FRAISE  
 LEONARD BOSWELL  
 BEVERLY HANNON  
 MICHAEL E. GRONSTAL  
 DONALD V. DOYLE  
 WILLIAM W. DIELEMAN  
 MILO COLTON  
 DON GETTINGS  
 JOE BROWN

S-5157

1 Amend Senate File 2175 as follows:

2 1. Page 236, line 31, by striking the word  
 3 "approving" and inserting the following:  
 4 "accrediting".

5 2. Page 237, line 1, by striking the word  
 6 "approval" and inserting the following:  
 7 "accreditation".

8 3. Page 237, line 29, by striking the word  
 9 "approved" and inserting the following: "accredited".

10 4. Page 242, line 32, by striking the word  
 11 "approval" and inserting the following:  
 12 "accreditation".

13 5. By striking page 243, line 3, through page  
 14 246, line 3, and inserting the following:

15 "10. By July 1, 1990, each school district shall

16 possess accreditation under this subsection and  
17 subsections 11 and 12. Accreditation for a school  
18 district or nonpublic school is valid for a three-year  
19 period. The commissioner shall appoint a committee of  
20 not more than five individuals who possess  
21 certificates under chapter 260 and who are employed in  
22 a nonpublic school, school district, merged area  
23 school, area education agency, or institution of  
24 higher education to serve as an accreditation  
25 committee for a school district or nonpublic school.  
26 The members of the accreditation committee shall be  
27 broadly representative of the educational profession  
28 and shall not have a direct interest in the school  
29 district or nonpublic school.

30 Prior to a visit to the school district or  
31 nonpublic school, the board of directors of the school  
32 district, or authorities in charge of the nonpublic  
33 school, shall provide the accreditation committee with  
34 written evidence that the school district or nonpublic  
35 school has met accreditation standards prescribed in  
36 this section and by rule. The evidence shall be  
37 provided on forms prescribed by the commissioner.

38 After visiting the school district or nonpublic  
39 school, the accreditation committee shall determine  
40 whether the accreditation standards have been met and  
41 shall make a report to the commissioner, together with  
42 a recommendation whether the school district or  
43 nonpublic school has met the accreditation standards.  
44 The accreditation committee shall report strengths and  
45 weaknesses, if any, for each standard. A school  
46 district or nonpublic school may respond to the  
47 accreditation committee's report.

48 11. The commissioner shall determine, on the basis  
49 of the accreditation committee's report, and the  
50 response of the school district or nonpublic school,

**Page 2**

1 whether the school district or nonpublic school shall  
2 receive accreditation. If a district or a school is  
3 accredited, the accreditation must be renewed every  
4 three years thereafter using the procedure prescribed  
5 in this section. If the commissioner determines that  
6 a school district or nonpublic school should not  
7 receive accreditation, the commissioner, in  
8 cooperation with the board of directors of the school  
9 district, or authorities in charge of the nonpublic  
10 school, shall establish a plan prescribing the  
11 procedures that must be taken to correct deficiencies  
12 in meeting the standards. For school districts,

13 notice of the deficiencies and the contents of the  
 14 plan shall be published by the board of directors of a  
 15 school district in a newspaper of general circulation  
 16 in the school district within fifteen days after the  
 17 receipt of the plan.

18 12. After the period of time specified in the plan  
 19 for its implementation by a school district or  
 20 nonpublic school, the accreditation committee shall  
 21 revisit the school district or nonpublic school and  
 22 shall determine whether the deficiencies in the  
 23 standards have been corrected and shall make a report  
 24 and recommendation to the commissioner. If  
 25 deficiencies have not been corrected, the commissioner  
 26 may determine that the school district or nonpublic  
 27 school is not accredited or may grant additional time  
 28 for implementation of the plan. The board of  
 29 directors of the school district, or authorities in  
 30 charge of a nonpublic school, may request a review of  
 31 the decision by the state board. If the board of  
 32 directors does not request a review of the decision or  
 33 if the state board upholds the decision of the  
 34 commissioner, the commissioner shall merge the  
 35 territory of the school district with one or more  
 36 contiguous school districts. Division of assets and  
 37 liabilities of the school district shall be as  
 38 provided in sections 275.29 through 275.31. Until the  
 39 merger is completed, the school district shall pay  
 40 tuition for its resident students to an accredited  
 41 school district under section 282.24.”

42 6. Page 246, line 10, by striking the word  
 43 “approved” and inserting the following: “accredited”.

44 7. Page 246, line 11, by striking the word  
 45 “approval” and inserting the following:  
 46 “accreditation”.

47 8. Page 246, line 29, by striking the word  
 48 “approved” and inserting the following: “accredited”.

49 9. Page 246, line 32, by striking the word  
 50 “approval” and inserting the following:

### Page 3

1 “accreditation”.

2 10. Page 247, line 1, by striking the word  
 3 “approved” and inserting the following: “accredited”.

4 11. Page 250, line 9, by striking the word  
 5 “approved” and inserting the following: “accredited”.

6 12. Page 251, line 4, by striking the word  
 7 “approved” and inserting the following: “accredited”.

8 13. Page 251, line 15, by striking the word  
 9 “approval” and inserting the following:

10 "accreditation".

11 14. Page 251, line 19, by striking the word

12 "approval" and inserting the following:

13 "accreditation".

14 15. Page 251, by striking lines 21 and 22 and

15 inserting the following:

16 "Section 256.11, subsections 10, 11, and 12, apply

17 to schools and school districts obtaining

18 accreditation."

19 16. Page 251, by inserting after line 27 the

20 following:

21 "Sec. \_\_\_\_ . Section 234.1, subsection 4, paragraph

22 a, Code 1985, is amended to read as follows:

23 a. Is in full-time attendance at an ~~approved~~

24 ~~accredited~~ school pursuing a course of study leading

25 to a high school diploma.

26 Sec. \_\_\_\_ . Section 244.10, Code 1985, is amended to

27 read as follows:

28 244.10 PLACING CHILD UNDER CONTRACT.

29 ~~Any~~ A child received in the home, unless adopted,

30 may be placed by the department in foster care with

31 any proper person or family. The foster care

32 arrangement shall provide for the custody, care,

33 education, maintenance, and earnings of the child for

34 a fixed time which shall not extend beyond the age of

35 majority, except that the time may extend beyond the

36 child's eighteenth birthday until the child is twenty-

37 one years of age if the child is regularly attending

38 an ~~approved~~ ~~accredited~~ school in pursuance of a course

39 of study leading to a high school diploma or its

40 equivalent, or regularly attending a course of

41 vocational technical training either as a part of a

42 regular school program or under special arrangements

43 adapted to the individual person's needs.

44 Sec. \_\_\_\_ . Section 252D.1, subsection 1, Code

45 Supplement 1985, is amended to read as follows:

46 1. As used in this chapter, unless the context

47 otherwise requires, "support" or "support payments"

48 means any amount which the court may require a person

49 to pay for the benefit of a child under a temporary

50 order or a final judgment or decree, and may include

#### Page 4

1 child support, maintenance, and, if contained in a

2 child support order, spousal support, and any other

3 term used to describe these obligations. These

4 obligations may include support for a child who is

5 between the ages of eighteen and twenty-two years and

6 who is regularly attending an ~~approved~~ ~~accredited~~

7 school in pursuance of a course of study leading to a  
8 high school diploma or its equivalent, or regularly  
9 attending a course of vocational technical training  
10 either as a part of a regular school program or under  
11 special arrangements adapted to the individual  
12 person's needs, or is, in good faith, a full-time  
13 student in a college, university, or area school, or  
14 has been accepted for admission to a college,  
15 university, or area school and the next regular term  
16 has not yet begun; and may include support for a child  
17 of any age who is dependent on the parties to the  
18 dissolution proceedings because of physical or mental  
19 disability."

20 17. Page 266, line 32, by striking the word  
21 "approved" and inserting the following: "~~approved~~  
22 accredited".

23 18. Page 289, by inserting after line 19 the  
24 following:

25 "Sec. \_\_\_\_ . Section 282.7, subsection 1, Code  
26 Supplement 1985, is amended to read as follows:

27 1. The board of directors of a school district by  
28 record action may discontinue any or all of grades  
29 seven through twelve and negotiate an agreement for  
30 attendance of the pupils enrolled in those grades in  
31 the schools of one or more contiguous school districts  
32 having ~~approved~~ accredited school systems. If the  
33 board designates more than one contiguous district for  
34 attendance of its pupils, the board shall draw  
35 boundary lines within the school district for  
36 determining the school districts of attendance of the  
37 pupils. The portion of a district so designated shall  
38 be contiguous to the ~~approved~~ accredited school  
39 district designated for attendance. Only entire  
40 grades may be discontinued under this subsection and  
41 if a grade is discontinued, all higher grades in that  
42 district shall also be discontinued. A school  
43 district that has discontinued one or more grades  
44 under this subsection has complied with the  
45 requirements of section 275.1 relating to the  
46 maintenance of kindergarten and twelve grades. A  
47 pupil who graduates from another school district under  
48 this subsection shall receive a diploma from the  
49 receiving district. Tuition shall be paid by the  
50 resident district as provided in section 282.24,

## Page 5

1 subsection 2. The agreement shall provide for  
2 transportation and authority and liability of the  
3 affected boards.

4 Sec. \_\_\_\_ . Section 282.19, Code Supplement 1985, is  
5 amended to read as follows:

6 282.19 CHILD LIVING IN FOSTER CARE FACILITY.

7 A child who is living in a licensed child foster  
8 care facility as defined in section 237.1 in this  
9 state which is located in a school district other than  
10 the school district in which the child resided before  
11 receiving foster care may enroll in and attend an  
12 ~~approved~~ accredited school in the school district in  
13 which the child is living. If a child does not  
14 require special education and was not counted in the  
15 basic enrollment of a school district for a budget  
16 year under section 442.4, the tuition and  
17 transportation, when required by law, shall be paid by  
18 the treasurer of state from funds in the state  
19 treasury not otherwise appropriated, and upon warrants  
20 drawn by the state comptroller upon requisition of the  
21 commissioner of public instruction."

22 19. Page 298, by inserting after line 22 the  
23 following:

24 "Sec. \_\_\_\_ . Section 598.1, subsection 2, Code 1985,  
25 is amended to read as follows:

26 2. "Support" or "support payments" means ~~any~~ an  
27 amount which the court may require either of the  
28 parties to pay under a temporary order or a final  
29 judgment or decree, and may include alimony, child  
30 support, maintenance, and any other term used to  
31 describe ~~such~~ these obligations. ~~Such~~ The obligations  
32 may include support for a child who is between the  
33 ages of eighteen and twenty-two years who is regularly  
34 attending an ~~approved~~ accredited school in pursuance  
35 of a course of study leading to a high school diploma  
36 or its equivalent, or regularly attending a course of  
37 vocational technical training either as a part of a  
38 regular school program or under special arrangements  
39 adapted to the individual person's needs; or is, in  
40 good faith, a full-time student in a college,  
41 university, or area school; or has been accepted for  
42 admission to a college, university, or area school and  
43 the next regular term has not yet begun; or a child of  
44 any age who is dependent on the parties to the  
45 dissolution proceedings because of physical or mental  
46 disability.

47 Sec. \_\_\_\_ . Section 633.376, Code 1985, is amended  
48 to read as follows:

49 633.376 ALLOWANCE TO CHILDREN WHO DO NOT RESIDE  
50 WITH SURVIVING SPOUSE.

**Page 6**

1 The court may also make an allowance to a child of  
2 the decedent who is less than eighteen years of age or  
3 who is between the ages of eighteen and twenty-two  
4 years who is regularly attending an ~~approved~~  
5 ~~accredited~~ school in pursuance of a course of study  
6 leading to a high school diploma or its equivalent, or  
7 regularly attending a course of vocational technical  
8 training either as a part of a regular school program  
9 or under special arrangements adapted to the  
10 individual person's needs; or is, in good faith, a  
11 full-time student in a college, university, or area  
12 school; or has been accepted for admission to a  
13 college, university, or area school and the next  
14 regular term has not yet begun; or a child of any age  
15 who is dependent because of physical or mental  
16 disability; who does not reside with the surviving  
17 spouse, of an amount it deems reasonable in the light  
18 of the assets and condition of the estate, to provide  
19 for the child's proper support during the period of  
20 twelve months."

21 20. Page 299, by inserting after line 34 the  
22 following:

23 "Sec. \_\_\_\_ . The commissioner of education shall  
24 divide the school districts, and nonpublic schools  
25 desiring accreditation, into three groups, and shall  
26 determine accreditation for one-third of them during  
27 the school year beginning July 1, 1986, and for one-  
28 half of the remainder during the next following school  
29 year, and for the remainder during the next following  
30 school year."

31 21. By numbering and renumbering sections as  
32 necessary.

LARRY MURPHY  
JOE BROWN

S-5158

1 Amend amendment S-5123 to Senate File 2175 as  
2 follows:

- 3 1. Page 1, by striking lines 8 and 9.
- 4 2. Page 1, by striking line 22.
- 5 3. Page 1, by striking line 27.
- 6 4. Page 1, line 49, by striking the word "nine"

- 7 and inserting the following: "seven".  
8 5. By striking page 9, line 28 through page 28,  
9 line 36.  
10 6. By striking page 38, line 39 through page 46,  
11 line 24.  
12 7. Page 47, lines 36 and 37, by striking the  
13 figures "249B, 601A,".

CHARLES BRUNER

S-5159

- 1 Amend amendment S-5086 to Senate File 2175 as  
2 follows:  
3 1. Page 1, by striking lines 21 through 30 and  
4 inserting the following: "276, line 11."

LARRY MURPHY

S-5160

- 1 Amend Senate File 2175 as follows:  
2 1. Page 35, by inserting after line 8 the  
3 following:  
4 "Sec. \_\_\_\_ . NEW SECTION. 19B.11 SCHOOL DISTRICTS  
5 AND AREA EDUCATION AGENCIES -- DUTIES OF COMMISSIONER  
6 OF PUBLIC INSTRUCTION.  
7 1. It is the policy of this state to provide equal  
8 opportunity in school district and area education  
9 agency employment to all persons. An individual shall  
10 not be denied equal access to school district or area  
11 education agency employment opportunities because of  
12 race, creed, color, religion, national origin, sex,  
13 age, or physical or mental disability.  
14 2. The commissioner of public instruction shall  
15 actively promote fair employment practices for all  
16 school district and area education agency employees  
17 and shall instruct school districts and area education  
18 agencies concerning their efforts to accomplish this  
19 goal. The commissioner shall consult with the  
20 department of personnel in the performance of duties  
21 under this section.  
22 3. Each school district and area education agency  
23 in the state shall submit to the commissioner of  
24 public instruction an annual report of the  
25 accomplishments and programs of the district or agency  
26 in carrying out its duties under this section. The  
27 report shall be submitted between December 15 and

28 December 31 each year. The commissioner shall  
 29 prescribe the form and content of the report.  
 30 4. The commissioner of public instruction shall  
 31 prepare a compilation of the reports required by  
 32 subsection 3 and shall submit this compilation,  
 33 together with a report of the commissioner's  
 34 accomplishments and programs pursuant to this section,  
 35 to the office of management by January 31 of each  
 36 year."

BEVERLY A. HANNON  
 BERL E. PRIEBE  
 MICHAEL E. GRONSTAL  
 JULIA GENTLEMAN  
 JOY CORNING  
 LEONARD L. BOSWELL  
 LARRY MURPHY  
 JAMES R. RIORDAN  
 JOE BROWN

S-5161

1 Amend Senate File 2175 as follows:  
 2 1. Page 392, by inserting after line 3 the  
 3 following new section:  
 4 "Sec. \_\_\_\_.  
 5 1. There is created a temporary rules coordinating  
 6 and review commission. The commission shall be  
 7 composed of the following members:  
 8 a. The staff legal counsel of the administrative  
 9 rules review committee, who shall serve as chair of  
 10 the commission.  
 11 b. The administrative rules coordinator.  
 12 c. The director and deputy director of the  
 13 legislative service bureau, or their designees.  
 14 d. Two members of the senate, one member from each  
 15 political party, appointed by the president of the  
 16 senate. Members of the administrative rules review  
 17 committee shall not be appointed to the commission.  
 18 e. Two members of the house, one member from each  
 19 political party, appointed by the speaker of the  
 20 house.  
 21 f. Members of the administrative rules review  
 22 committee shall not be appointed to the commission.  
 23 2. The commission may be called into existence at  
 24 any time as provided in subsection 3. The commission  
 25 is exempt from chapter 17A.  
 26 3. The commission shall act as an adjunct to the  
 27 administrative rules review committee, and may be

28 called into existence by a vote of two-thirds of the  
29 committee. The committee may call the commission into  
30 existence if the volume of rules generated by the  
31 reorganization of state government appears to exceed  
32 the committee's ability to provide a detailed review  
33 of those rules.

34 4. All commission members shall serve until  
35 January 1, 1988. Vacancies shall be filled by the  
36 original appointing authority. Members shall be paid  
37 a per diem of forty dollars and reimbursed for actual  
38 and necessary expenses. State employees shall receive  
39 their regular salary. There is appropriated from  
40 money in the general fund not otherwise appropriated  
41 an amount sufficient to pay costs incurred under this  
42 section.

43 5. The commission shall meet as frequently as  
44 needed, at the call of the chair. All commission  
45 meetings shall be open to the public and an interested  
46 person may be heard and present evidence. The  
47 commission shall operate under the same rules of  
48 procedure as the administrative rules review  
49 committee, except that the commission may act on a  
50 vote of a majority of the commission membership. Four

## Page 2

1 members shall constitute a quorum for a commission  
2 meeting.

3 6. The commission shall meet to provide an initial  
4 review for all administrative rules proposed by the  
5 reorganized state agencies and to determine which of  
6 those rules would require a more detailed review by  
7 the governor and the administrative rules review  
8 committee.

9 7. The commission shall make an initial  
10 determination of which proposed rules may be  
11 arbitrary, capricious, unreasonable or beyond the  
12 statutory authority of the agency. The commission  
13 shall then refer those rules, along with an  
14 explanation of the commission's findings to the  
15 governor and the committee. The referral of a rule by  
16 the commission shall automatically delay the effective  
17 date of the rule until the day following the third  
18 statutory meeting date for the administrative rules  
19 review committee, following the committee's action.  
20 The statutory date is as specified in section 17A.8,  
21 subsection 5. This power shall apply to rules made  
22 effective pursuant to section 17A.5, subsection 2,  
23 paragraph "b".

24 8. The legislative service bureau and the

- 25 administrative rules review committee shall provide  
 26 necessary staff support for the commission, including  
 27 office space, services, equipment and supplies.  
 28 9. This section is repealed January 1, 1988."

ARNE WALDSTEIN  
 DALE TIEDEN  
 EDGAR H. HOLDEN  
 C. JOSEPH COLEMAN

## S-5162

- 1 Amend Senate File 2175 as follows:  
 2 1. Page 33, line 1, by inserting after the word  
 3 "government." the following: "'State agency" also  
 4 includes area community colleges and area vocational  
 5 schools established under chapter 280A."

BEVERLY HANNON  
 BERL E. PRIEBE  
 MICHAEL E. GRONSTALL  
 JULIA GENTLEMAN  
 JOY CORNING  
 LEONARD L. BOSWELL  
 JOE BROWN  
 DOUGLAS RITSEMA  
 LARRY MURPHY  
 JAMES R. RIORDAN  
 MILO COLTON  
 EUGENE FRAISE  
 GEORGE R. KINLEY  
 JOHN SOORHOLTZ

## S-5163

- 1 Amend Senate File 2175 as follows:  
 2 1. Page 170, by striking lines 3 through 5 and  
 3 inserting in lieu thereof the following:  
 4 "The general assembly declares that it is the policy  
 5 of the state to assist Iowa's elders to secure all of  
 6 the".

RICHARD VANDE HOEF

S-5164

- 1 Amend the Dieleman et al amendment, S-5121, to
- 2 Senate File 2175 as follows:
- 3 1. By striking page 1, line 26 through page 2,
- 4 line 18.

LARRY MURPHY

S-5165

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 90, by inserting after line 29 the
- 3 following:
- 4 "Sec. 528. Section 147.1, subsections 2 and 3,
- 5 Code Supplement 1985, are amended to read as follows:
- 6 2. "Licensed" or "certified" when applied to a
- 7 physician and surgeon, podiatrist, osteopath,
- 8 osteopathic physician and surgeon, psychologist or
- 9 associate psychologist, chiropractor, nurse, dentist,
- 10 dental hygienist, optometrist, speech pathologist,
- 11 audiologist, pharmacist, physical therapist,
- 12 occupational therapist, practitioner of ~~cosmetology,~~
- 13 ~~practitioner of barbering~~ hairstyling, funeral
- 14 director, dietitian, or social worker means a person
- 15 licensed under this title.
- 16 3. "Profession" means medicine and surgery,
- 17 podiatry, osteopathy, osteopathic medicine and
- 18 surgery, psychology, chiropractic, nursing, dentistry,
- 19 dental hygiene, optometry, speech pathology,
- 20 audiology, pharmacy, physical therapy, occupational
- 21 therapy, ~~cosmetology, barbering~~ hairstyling, mortuary
- 22 science, social work, or dietetics.
- 23 Sec. 529. Section 147.2, Code Supplement 1985, is
- 24 amended to read as follows:
- 25 147.2 LICENSE REQUIRED.
- 26 ~~No~~ A person shall not engage in the practice of
- 27 medicine and surgery, podiatry, osteopathy,
- 28 osteopathic medicine and surgery, psychology,
- 29 chiropractic, physical therapy, nursing, dentistry,
- 30 dental hygiene, optometry, speech pathology,
- 31 audiology, occupational therapy, pharmacy,
- 32 ~~cosmetology, barbering~~ hairstyling, dietetics, or
- 33 mortuary science as defined in the following chapters
- 34 of this title, unless the person has obtained from the
- 35 state department of health a license for that purpose.
- 36 Sec. 530. Section 147.3, Code Supplement 1985, is
- 37 amended to read as follows:
- 38 147.3 QUALIFICATIONS.

39 An applicant for a license to practice a profession  
 40 under this title is not ineligible because of age,  
 41 citizenship, sex, race, religion, marital status or  
 42 national origin, although the application form may  
 43 require citizenship information. A board may consider  
 44 the past felony record of an applicant only if the  
 45 felony conviction relates directly to the practice of  
 46 medicine, podiatry, osteopathy, osteopathy and  
 47 surgery, chiropractic, nursing, psychology, optometry,  
 48 speech pathology, audiology, pharmacy, physical  
 49 therapy, occupational therapy, ~~cosmetology, barbering~~  
 50 hairstyling, mortuary science, social work, or

## Page 2

1 dietetics for which the applicant requests to be  
 2 licensed. Character references may be required, but  
 3 shall not be obtained from licensed members of the  
 4 profession.  
 5 Sec. 531. Section 147.13, Code Supplement 1985, is  
 6 amended to read as follows:  
 7 147.13 DESIGNATION OF BOARDS.  
 8 The examining boards provided in section 147.12  
 9 shall be designated as follows: For medicine and  
 10 surgery, and osteopathy, and osteopathic medicine and  
 11 surgery, medical examiners; for psychology, psychology  
 12 examiners; for podiatry, podiatry examiners; for  
 13 chiropractic, chiropractic examiners; for physical  
 14 therapists and occupational therapists, physical and  
 15 occupational therapy examiners; for nursing, board of  
 16 nursing; for dentistry and dental hygiene, dental  
 17 examiners; for optometry, optometry examiners; for  
 18 speech pathology and audiology, speech pathology and  
 19 audiology examiners; for ~~cosmetology, cosmetology~~  
 20 hairstyling, hairstylist examiners; ~~for barbering,~~  
 21 ~~barber examiners~~; for pharmacy, pharmacy examiners;  
 22 for mortuary science, mortuary science examiners; for  
 23 social workers, social work examiners; for dietetics,  
 24 dietetic examiners.  
 25 Sec. 532. Section 147.14, subsection 1, Code  
 26 Supplement 1985, is amended to read as follows:  
 27 1. For podiatry, ~~cosmetology, barbering~~, mortuary  
 28 science, and social work, three members each, licensed  
 29 to practice the profession for which the board  
 30 conducts examinations, and two members who are not  
 31 licensed to practice the profession for which the  
 32 board conducts examinations and who shall represent  
 33 the general public. A quorum ~~shall consist~~ consists  
 34 of a majority of the members of the board.  
 35 Sec. 533. Section 147.14, Code Supplement 1985, is

36 amended by adding the following new subsection:  
37 NEW SUBSECTION. 12. For hairstylist examiners,  
38 four members licensed to practice hairstyling and five  
39 members who are not licensed to practice hairstyling  
40 and who shall represent the general public. A  
41 majority of the members of the board constitutes a  
42 quorum.  
43 Sec. 534. Section 147.80, subsection 13, Code  
44 Supplement 1985, is amended to read as follows:  
45 13. License to practice ~~cosmetology~~ hairstyling  
46 issued upon the basis of an examination given by the  
47 board of ~~cosmetology~~ hairstylist examiners, license to  
48 practice ~~cosmetology~~ hairstyling under a reciprocal  
49 agreement, renewal of a license to practice  
50 ~~cosmetology~~ hairstyling, temporary permit to practice

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1 as a ~~cosmetology~~ hairstylist trainee, original license  
2 to conduct a school of ~~cosmetology~~ hairstyling,  
3 renewal of license to conduct a school of ~~cosmetology~~  
4 hairstyling, original license to operate a ~~beauty~~  
5 hairstyling salon, renewal of a license to operate a  
6 ~~beauty~~ hairstyling salon, original license and  
7 examination to practice electrolysis, renewal of a  
8 license to practice electrolysis, annual inspection of  
9 a school of ~~cosmetology~~ hairstyling, annual inspection  
10 of a ~~beauty~~ hairstyling salon, original ~~cosmetology~~  
11 hairstyling school instructor's license, renewal of  
12 ~~cosmetology~~ hairstyling school instructor's license.

13 Sec. 535. Section 147.80, subsection 14, Code  
14 Supplement 1985, is amended by striking the  
15 subsection.

16 Sec. 536. NEW SECTION. 158A.1 DEFINITIONS.

17 As used in this chapter, unless the context  
18 otherwise requires:

19 1. "Hairstyling" means practices performed with or  
20 without compensation which include but are not limited  
21 to the practices listed in this subsection:

22 a. Arranging, dressing, curling, waving, blow  
23 waving, shampooing, cutting, singeing, bleaching,  
24 coloring, hair relaxing, or similar works, upon the  
25 hair of any person; or upon a wig or hairpiece when  
26 done in conjunction with haircutting or hairstyling by  
27 any means.

28 b. Massaging, cleansing, stimulating, exercising,  
29 or similar techniques upon the scalp, face, neck,  
30 arms, hands, or upper part of the body of any person  
31 with the hands or mechanical or electrical apparatus  
32 or appliances or with the use of cosmetic

33 preparations, antiseptics, tonics, lotions, creams, or  
34 other preparations.

35 c. Styling, cutting, or shampooing hairpieces or  
36 wigs.

37 d. Shaving or trimming the beard of any person.

38 e. Manicuring the nails of any person.

39 Hairstylists shall not represent themselves to the  
40 public as being primarily in the practice of  
41 haircutting unless that function is, in fact, their  
42 primary specialty.

43 2. "Hairstylist" means a person who performs  
44 practices of hairstyling or otherwise by the person's  
45 occupation claims to have knowledge or skill peculiar  
46 to the practice of hairstyling.

47 3. "Hairstyling shop" means an establishment in a  
48 fixed location or place where one or more persons  
49 engage in the practice of hairstyling.

50 4. "Hairstyling school" means an establishment

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1 operated by a person for the purpose of teaching  
2 hairstyling.

3 5. "Board" means the board of hairstyling  
4 examiners.

5 6. "Department" means the Iowa department of  
6 public health.

7 Sec. 537. NEW SECTION. 158A.2 PROHIBITION --  
8 EXCEPTIONS.

9 It is unlawful for a person to practice hairstyling  
10 with or without compensation unless the person  
11 possesses a license issued under section 158A.3.  
12 However, practices listed in section 158A.1 when  
13 performed by the following persons are not defined as  
14 the practice of hairstyling:

15 1. Licensed physicians and surgeons, osteopaths,  
16 osteopathic physicians and surgeons, nurses, dentists,  
17 podiatrists, optometrists, chiropractors, and physical  
18 therapists, when exclusively engaged in the practice  
19 of their respective professions.

20 2. Students enrolled in licensed schools of  
21 hairstyling who are practicing under the instruction  
22 or immediate supervision of an instructor.

23 3. Persons who perform without compensation any of  
24 the practices listed in section 158A.1 on an emergency  
25 basis or on a casual basis.

26 4. Employees and residents of hospitals, health  
27 care facilities, orphans' homes, juvenile homes, and  
28 other similar facilities who shampoo, arrange, dress,  
29 or curl the hair of any resident without receiving

30 direct compensation from the person receiving the  
31 service.

32 5. Persons who perform any of the practices listed  
33 in section 158A.1 on themselves or on members of their  
34 immediate family.

35 Sec. 538. NEW SECTION. 158A.3 LICENSE  
36 REQUIREMENTS.

37 1. An applicant shall be issued a license to  
38 practice hairstyling by the department when the  
39 applicant satisfies all of the following:

40 a. Presents to the department the certificate of a  
41 licensed physician and surgeon, osteopath, or  
42 osteopathic physician and surgeon that the applicant  
43 is free from any infectious or contagious disease.

44 b. Presents to the department a diploma, or  
45 similar evidence, issued by a licensed school of  
46 hairstyling indicating that the applicant has  
47 completed the course of study prescribed by the board.

48 c. Completes the application form prescribed by  
49 the board.

50 d. Passes an examination prescribed by the board.

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1 The examination shall include both practical  
2 demonstrations and written or oral tests and shall not  
3 be confined to any specific system or method.

4 2. Notwithstanding subsection 1, a person who  
5 completes the application form prescribed by the board  
6 and who submits satisfactory proof of having been a  
7 licensed hairstylist in another state for at least  
8 twelve months in the twenty-four month period  
9 preceding the submission of the application shall be  
10 allowed to take the examination for a license to  
11 practice hairstyling. However, the examination  
12 requirement shall be waived for those persons who  
13 submit evidence of licensure in another state which  
14 has a reciprocal agreement with the state of Iowa  
15 under sections 147.44 to 147.49.

16 Sec. 539. NEW SECTION. 158A.4 TEMPORARY PERMITS.

17 A person who completes the requirements for  
18 licensure in section 158A.3, except for the  
19 examination, shall be known as a trainee and shall be  
20 issued a temporary permit by the department which  
21 allows the applicant to practice hairstyling from the  
22 date of graduation from the licensed school of  
23 hairstyling to the date on which the results of the  
24 next succeeding examination for hairstylists are  
25 available. Only one temporary permit shall be issued  
26 to a person. The fee for the temporary permit shall

27 be established by the board as provided in section  
28 147.80.

29 Sec. 540. NEW SECTION. 158A.5 LICENSE TO  
30 PRACTICE ELECTROLYSIS.

31 An applicant for a license to practice hairstyling  
32 may obtain a license from the department for authority  
33 to remove superfluous hair by the use of the electric  
34 needle or electronic process by presenting to the  
35 board a diploma, or similar evidence, from a licensed  
36 school of hairstyling, or from any school in another  
37 state which is recognized by the board, which teaches  
38 a special course in the practice of the use of the  
39 electric needle or electronic process indicating that  
40 the applicant has successfully completed the special  
41 course, and by passing an examination prescribed by  
42 the board. The applicant shall pay a license fee as  
43 determined by the board under section 147.80.

44 Sec. 541. NEW SECTION. 158A.6 SANITARY RULES --  
45 PRACTICE IN THE HOME.

46 The department shall prescribe sanitary rules for  
47 hairstyling shops and schools of hairstyling which  
48 shall include the sanitary conditions necessary for  
49 the practice of hairstyling and for the prevention of  
50 infectious and contagious diseases. Subject to local

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1 zoning ordinances, a hairstyling shop may be  
2 established in a residence if a room other than the  
3 living quarters is equipped for that purpose. The  
4 department of audits and appeals shall enforce this  
5 section and make necessary inspections for  
6 enforcement.

7 Sec. 542. NEW SECTION. 158A.7 INSPECTORS.

8 Inspectors and clerical assistants shall be  
9 employed by the department of audits and appeals under  
10 chapter 19A to administer and enforce this chapter.  
11 The costs and expenses of inspectors and clerical  
12 assistants shall be paid from funds appropriated to  
13 the department of audits and appeals.

14 Sec. 543. NEW SECTION. 158A.8 LICENSING OF  
15 SCHOOLS OF HAIRSTYLING AND INSTRUCTORS.

16 It is unlawful for a school of hairstyling to  
17 operate unless the owner has obtained a license issued  
18 by the department. The owner shall file a verified  
19 application with the department on forms prescribed by  
20 the board. A person employed as a hairstyling  
21 instructor in a licensed school of hairstyling shall  
22 be a licensed hairstylist and shall possess a separate  
23 instructor's license which shall be renewed annually.

24 An instructor shall file an application with the  
25 department on forms prescribed by the board. The  
26 school of hairstyling must pass a sanitary inspection  
27 under section 158A.6, and the course of study of the  
28 school must be approved by the board under section  
29 158A.10. An annual inspection of each school of  
30 hairstyling, including the educational activities of  
31 each school, shall be conducted and completed by the  
32 department of audits and appeals prior to renewal of  
33 the license.

34 The application for a license for a school shall be  
35 accompanied by the annual license fee determined  
36 pursuant to section 147.80 and shall state the name  
37 and location of the school and other information the  
38 board requires. The license is valid for one year and  
39 may be renewed.

40 The application for an instructor's license shall  
41 be accompanied by the annual license fee determined  
42 pursuant to section 147.80.

43 Sec. 544. NEW SECTION. 158A.9 LICENSE SUSPENSION  
44 AND REVOCATION.

45 A license issued by the department under this  
46 chapter may be suspended or revoked, or renewal of a  
47 license denied by the board for violation of any  
48 provision of this chapter or the rules adopted by the  
49 board under chapter 17A.

50 Sec. 545. NEW SECTION. 158A.10 COURSE OF STUDY.

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1 The course of study of a school of hairstyling  
2 shall consist of at least two thousand one hundred  
3 hours of instruction as prescribed by the board and  
4 shall include instruction in all phases of the  
5 practice of hairstyling as defined in section 158A.1,  
6 subsection 1. The course shall require at least ten  
7 months of instruction for completion. The course  
8 shall include not less than four hundred hours of  
9 demonstrations and lectures in the following areas:  
10 sanitation and sterilization, hygiene and grooming,  
11 professional ethics, anatomy, dermatology, trichology,  
12 nails, chemistry and chemical hair straightening,  
13 equipment, shop management, safety precautions, and  
14 state law and rules. It shall include not less than  
15 one thousand three hundred hours of supervised  
16 practical instruction in the following areas:  
17 sanitation and sterilization, shampoos and rinses,  
18 scalp and hair treatments, hairshaping, hairstyling,  
19 wiggery, manicuring, permanent waving, haircoloring  
20 and lightening, facial treatment and makeup, honing

21 and stropping, shaving, beard and mustache trimming,  
22 and safety precautions.

23 Sec. 546. NEW SECTION. 158A.11 SHOP LICENSES.

24 It is unlawful for a hairstyling shop to operate  
25 unless the owner has obtained a license issued by the  
26 department. The owner shall apply to the department  
27 on forms prescribed by the board. The shop must pass  
28 a sanitary inspection conducted by the department of  
29 audits and appeals before licensing and at least  
30 annually thereafter.

31 The application shall be accompanied by the annual  
32 license fee determined pursuant to section 147.80.

33 The license is valid for one year and may be renewed.

34 A licensed school of hairstyling at which students  
35 practice hairstyling is exempt from licensing as a  
36 hairstyling shop.

37 Sec. 547. NEW SECTION. 158A.12 SUPERVISORS OF  
38 HAIRSTYLISTS.

39 Persons who directly supervise the work of  
40 hairstylists shall be licensed hairstylists.

41 Sec. 548. NEW SECTION. 158A.13 ASSISTANTS.

42 The department shall issue a license to practice as  
43 a hairstylist assistant to any person who submits  
44 proof of completion of a course of not less than one  
45 hundred sixty hours in a licensed school of  
46 hairstyling. The board shall adopt rules defining the  
47 course of study of an assistant and the practices  
48 which an assistant may perform. The course of study  
49 shall include but is not limited to demonstrations,  
50 lectures, and supervised practical instruction in

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1 scalp care, rinses, hair treatments, anatomy of scalp  
2 and hair and their common disorders, and sanitation  
3 and sterilization. An assistant shall work under the  
4 direct supervision of a licensed hairstylist. The fee  
5 for the license shall be established by the board as  
6 provided in section 147.80.

7 Sec. 549. NEW SECTION. 158A.14 VIOLATIONS.

8 1. It is unlawful for a person to employ an  
9 individual to practice hairstyling unless that  
10 individual is a licensed hairstylist or has obtained a  
11 temporary permit. It is unlawful for a licensed  
12 hairstylist to practice hairstyling with or without  
13 compensation in any place other than a licensed  
14 hairstyling shop or licensed school of hairstyling,  
15 except that a licensed hairstylist may practice  
16 hairstyling at a location which is not a licensed  
17 hairstyling shop or school of hairstyling under

18 extenuating circumstances arising from physical or  
19 mental disability or death of a customer.

20 2. If the owner or manager of a hairstyling shop  
21 does not comply with the sanitary rules adopted under  
22 section 157.6 or fails to maintain the hairstyling  
23 shop as prescribed by rules of the state department of  
24 health, the department may notify the owner or manager  
25 in writing of the failure to comply. If the rules are  
26 not complied with within five days after receipt of  
27 the written notice by the owner or manager, the  
28 department shall in writing order the hairstyling shop  
29 closed until the rules are complied with. It is  
30 unlawful for a person to practice hairstyling in a  
31 shop which has been closed under this section. A  
32 person who practices hairstyling in a shop which has  
33 been closed may be assessed a civil penalty of one  
34 hundred dollars per day for each day the shop is open  
35 in violation of this section. The county attorney in  
36 each county shall assist the department in enforcing  
37 this section.

38 3. It is unlawful for a school of hairstyling, or  
39 the owner, stockholders, or partners of the school, to  
40 own or have a direct or indirect interest in a  
41 hairstyling shop.

42 Sec. 550. NEW SECTION. 158A.15 RULES.

43 The board shall adopt rules under chapter 17A to  
44 administer this chapter. However, rules adopted by  
45 the board shall first be submitted to the department  
46 for approval.

47 Sec. 551. NEW SECTION. 158A.16 PENALTY.

48 A person convicted of violating any of the  
49 provisions of this chapter is guilty of a simple mis-  
50 demeanor."

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1 2. Page 91, by inserting after line 18 the  
2 following:

3 "Sec. \_\_\_\_ . Section 714.19, subsection 9, Code  
4 1985, is amended by striking the subsection."

5 3. Page 91, line 19, by inserting after the word  
6 "135A.5," the following: "and chapters 157 and 158,".

7 4. Page 91, by inserting after line 20 the  
8 following:

9 "Sec. \_\_\_\_ . A person who possesses a license to  
10 practice cosmetology or a license to practice  
11 barbering shall be eligible for a license to practice  
12 hairstyling on the effective date of this Act.

13 Sec. \_\_\_\_ . Of the initial appointees to the board  
14 of hairstylist examiners under this Act, two members

15 shall have been licensed as barbers and two members  
16 shall have been licensed as cosmetologists. The two  
17 barber members and the two cosmetologist members shall  
18 be appointed for one-year and three-year terms for  
19 each profession respectively. The five public members  
20 shall be appointed so that two members serve two-year  
21 terms and three members serve three-year terms.”  
22 5. By renumbering as necessary.

JULIA B. GENTLEMAN

S-5166

1 Amend Senate File 2175 as follows:

DIVISIONS-5166A

2 1. Page 110, line 32, by striking the words “~~six~~  
3 three” and inserting the following: “six”.

DIVISION S-5166B

4 2. By striking page 111, line 9 through page 112,  
5 line 6.

GEORGE R. KINLEY

S-5167

1 Amend the amendment S-5157 to Senate File 2175 as  
2 follows:

3 1. Page 1, line 20, by striking the word “who”  
4 and inserting the following: “, one of whom is a  
5 member of a board of directors of a school district or  
6 a nonpublic school board member or administrator,  
7 three of whom”.

8 2. Page 1, line 24, by inserting after the word  
9 “education” the following: “, and one of whom is not  
10 a board member or certificate holder,”.

JOE BROWN  
LARRY MURPHY  
JOY CORNING  
ARTHUR L. GRATIAS

HOUSE AMENDMENT TO  
SENATE FILE 432

S-5168

1 Amend Senate File 432 as passed by the Senate as  
2 follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. Section 147.14, subsection 3, Code  
6 Supplement 1985, is amended to read as follows:  
7 3. For nursing examiners, ~~one~~ four registered  
8 ~~nurse representing the colleges and universities, one~~  
9 ~~registered nurse representing the hospital conducted~~  
10 ~~schools of nursing, one registered nurse representing~~  
11 ~~the area community and vocational technical nursing~~  
12 ~~department, one registered nurse practitioner, nurses,~~  
13 ~~one of whom shall be actively engaged in practice,~~  
14 ~~three of whom shall be nurse educators from nursing~~  
15 ~~education programs: of these one in higher education,~~  
16 ~~one in diploma education, and one in area community~~  
17 ~~and vocational technical registered nurse education;~~  
18 ~~one licensed practical nurse practitioner, actively~~  
19 ~~engaged in practice, and two members not registered~~  
20 ~~nurses or licensed practical nurses and who shall~~  
21 ~~represent the general public. The representatives of~~  
22 ~~the general public shall not be members of health care~~  
23 ~~delivery systems. A majority of the members of the~~  
24 ~~board shall constitute~~ constitutes a quorum."

S-5169

1 Amend Senate File 2175 as follows:  
2 1. Page 213, by striking lines 10 through 12 and  
3 inserting in lieu thereof the following:  
4 "b. Approve the division budget as recommended by the  
5 division director."

FORREST SCHWENGELS

S-5170

1 Amend Senate File 2083 as follows:  
2 1. Page 1, line 5, by inserting after the word  
3 "program" the following: "and cease approving loans".  
4 2. Page 1, by striking lines 7 through 9 and  
5 inserting the following: "costs to the utility's

6 customers. Each utility shall file with the Iowa  
7 state commerce commission within thirty days of the  
8 effective date of this Act a plan for terminating any  
9 pilot project the utility is conducting under section  
10 476.61. The termination plan shall include, but is  
11 not limited to, a proposed reconciliation of actual  
12 expenses incurred, including obligations, and revenues  
13 collected under section 476.61. Upon the commission's  
14 approval, the reconciliation shall be either a one-  
15 time adjustment or collected over a reasonable amount  
16 of time. The reconciliation amount shall not be  
17 separately identified on the customer's bill.  
18 The collections charged pursuant to section 476.61  
19 shall be terminated by commission order, no later than  
20 the third monthly billing cycle after the effective  
21 date of this Act."

MICHAEL E. GRONSTAL  
GEORGE R. KINLEY

S-5171

1 Amend the amendment S-5117 to Senate File 2175 as  
2 follows:  
3 1. Page 2, line 40, by striking the figure "356.43"  
4 and inserting in lieu thereof the figure "356.37".

DOUGLAS RITSEMA

S-5172

1 Amend Senate File 2175 as follows:  
2 1. Page 300, by striking lines 4 through 33, and  
3 inserting the following:  
4 "Sec. 1501. Section 246.105, Code Supplement 1985,  
5 is amended by adding the following new subsection:  
6 **NEW SUBSECTION.** 10. Approve the locations for all  
7 state institutions which are penal, reformatory, or  
8 corrective."  
9 2. Page 301, by striking lines 11 through 25.  
10 3. By striking page 301, line 31 through page  
11 302, line 10.  
12 4. Page 302, line 12, by striking the word  
13 "subsections" and inserting the word "subsection".  
14 5. Page 302, by striking lines 13 through 16.  
15 6. Page 302, line 17, by striking the figure "8"

16 and inserting the figure "7".  
17 7. By renumbering as necessary.

LARRY MURPHY

S-5173

1 Amend amendment S-5157 to Senate File 2175 as  
2 follows:  
3 1. Page 1, line 19, by striking the word  
4 "commissioner" and inserting the words "state board".  
5 2. Page 1, line 41, by striking the word  
6 "commissioner" and inserting the words "state board".  
7 3. Page 1, line 48, by striking the word  
8 "commissioner" and inserting the words "state board".  
9 4. Page 2, line 5, by striking the word  
10 "commissioner" and inserting the words "state board".  
11 5. Page 2, line 7, by striking the word  
12 "commissioner" and inserting the words "state board".  
13 6. Page 2, line 24, by striking the word  
14 "commissioner" and inserting the words "state board".  
15 7. Page 2, line 25, by striking the word  
16 "commissioner" and inserting the words "state board".  
17 8. Page 2, by striking lines 28 through 34 and  
18 inserting the following: "for implementation of the  
19 plan. If the state board does not grant accreditation  
20 to a school district, the state board shall merge  
21 the".

JOY CORNING

S-5174

1 Amend Senate File 2175 as follows:  
2 1. Page 232, by inserting after line 25 the  
3 following:  
4 "8. Develop plans for the restructuring of school  
5 districts, area education agencies, and merged area  
6 schools. The plans shall be reported to the general  
7 assembly not later than October 1, 1987. The focus of  
8 the plans shall be to assure more productive and  
9 efficient use of limited resources, equity of  
10 educational opportunity within the state, and improved  
11 student achievement.  
12 The state board shall consult with representatives  
13 from the local school districts, area education  
14 agencies, and merged area schools in developing the  
15 plans. The representatives shall include board

16 members, school administrators, teachers, parents,  
17 students, associations interested in education, and  
18 representatives of communities of various sizes.”

RICHARD DRAKE  
LARRY MURPHY

S-5175

1 Amend Senate File 2175 as follows:  
2 1. Page 236, line 31, by striking the word  
3 “approving” and inserting the following:  
4 “accrediting”.  
5 2. Page 237, line 1, by striking the word  
6 “approval” and inserting the following:  
7 “accreditation”.  
8 3. Page 237, line 29, by striking the word  
9 “approved” and inserting the following: “accredited”.  
10 4. Page 242, line 32, by striking the word  
11 “approval” and inserting the following:  
12 “accreditation”.  
13 5. By striking page 243, line 3, through page  
14 246, line 3, and inserting the following:  
15 “10. By July 1, 1990, each school district shall  
16 possess accreditation under this subsection and  
17 subsections 11 and 12. Accreditation for a school  
18 district or nonpublic school is valid for a three-year  
19 period. The commissioner shall appoint a committee of  
20 not more than five individuals one of whom is a member  
21 of a local school district board of directors, three  
22 of whom possess certificates under chapter 260 and are  
23 employed in a nonpublic school, school district,  
24 merged area school, area education agency, or  
25 institution of higher education, and one of whom is  
26 not a board member or certificate holder, to serve as  
27 an accreditation committee for a school district or  
28 nonpublic school. If the accreditation committee is  
29 for a nonpublic school, the board member may be either  
30 a board member or administrator of a nonpublic school.  
31 The members of the accreditation committee shall be  
32 broadly representative of the educational profession  
33 and shall not have a direct interest in the school  
34 district or nonpublic school.  
35 Prior to a visit to the school district or  
36 nonpublic school, the board of directors of the school  
37 district, or authorities in charge of the nonpublic  
38 school, shall provide the accreditation committee with  
39 written evidence that the school district or nonpublic  
40 school has met accreditation standards prescribed in

41 this section and by rule. The evidence shall be  
42 provided on forms prescribed by the commissioner.  
43 After visiting the school district or nonpublic  
44 school, the accreditation committee shall determine  
45 whether the accreditation standards have been met and  
46 shall make a report to the commissioner, together with  
47 a recommendation whether the school district or  
48 nonpublic school has met the accreditation standards.  
49 The accreditation committee shall report strengths and  
50 weaknesses, if any, for each standard. A school

**Page 2**

1 district or nonpublic school may respond to the  
2 accreditation committee's report.  
3 11. The commissioner shall review the  
4 accreditation committee's report, and the response of  
5 the school district or nonpublic school and provide a  
6 report and recommendation to state board along with  
7 the other reports that have been filed. The state  
8 board shall determine whether the school district or  
9 nonpublic school shall receive accreditation. If a  
10 district or a school is accredited, the accreditation  
11 must be renewed every three years thereafter using the  
12 procedure prescribed in this section. If the state  
13 board determines that a school district or nonpublic  
14 school should not receive accreditation, the  
15 commissioner, in cooperation with the board of  
16 directors of the school district, or authorities in  
17 charge of the nonpublic school, shall establish a plan  
18 prescribing the procedures that must be taken to  
19 correct deficiencies in meeting the standards. The  
20 plan is subject to the approval of the state board.  
21 For school districts, notice of the deficiencies and  
22 the contents of the plan shall be published by the  
23 board of directors of a school district in a newspaper  
24 of general circulation in the school district within  
25 fifteen days after the receipt of the plan.  
26 12. After the period of time specified in the plan  
27 for its implementation by a school district or  
28 nonpublic school, the accreditation committee shall  
29 revisit the school district or nonpublic school and  
30 shall determine whether the deficiencies in the  
31 standards have been corrected and shall make a report  
32 and recommendation to the commissioner and the state  
33 board. The state board shall determine whether the  
34 deficiencies have been corrected. If the deficiencies  
35 have not been corrected, the state board may determine  
36 that the school district or nonpublic school is not  
37 accredited or may grant additional time for

38 implementation of the plan. If the state board does  
39 not grant accreditation, the state board shall merge  
40 the territory of the school district with one or more  
41 contiguous school districts. Division of assets and  
42 liabilities of the school district shall be as  
43 provided in sections 275.29 through 275.31. Until the  
44 merger is completed, the school district shall pay  
45 tuition for its resident students to an accredited  
46 school district under section 282.24.”

47 6. Page 246, line 10, by striking the word  
48 “approved” and inserting the following: “accredited”.

49 7. Page 246, line 11, by striking the word  
50 “approval” and inserting the following:

**Page 3**

1 “accreditation”.

2 8. Page 246, line 29, by striking the word  
3 “approved” and inserting the following: “accredited”.

4 9. Page 246, line 32, by striking the word  
5 “approval” and inserting the following:

6 “accreditation”.

7 10. Page 247, line 1, by striking the word  
8 “approved” and inserting the following: “accredited”.

9 11. Page 250, line 9, by striking the word  
10 “approved” and inserting the following: “accredited”.

11 12. Page 251, line 4, by striking the word  
12 “approved” and inserting the following: “accredited”.

13 13. Page 251, line 15, by striking the word  
14 “approval” and inserting the following:

15 “accreditation”.

16 14. Page 251, line 19, by striking the word  
17 “approval” and inserting the following:

18 “accreditation”.

19 15. Page 251, by striking lines 21 and 22 and  
20 inserting the following:

21 “Section 256.11, subsections 10, 11, and 12, apply  
22 to schools and school districts obtaining  
23 accreditation.”

24 16. Page 251, by inserting after line 27 the  
25 following:

26 “Sec. \_\_\_\_ . Section 234.1, subsection 4, paragraph  
27 a, Code 1985, is amended to read as follows:

28 a. Is in full-time attendance at an ~~approved~~  
29 accredited school pursuing a course of study leading  
30 to a high school diploma.

31 Sec. \_\_\_\_ . Section 244.10, Code 1985, is amended to  
32 read as follows:

33 244.10 PLACING CHILD UNDER CONTRACT.

34 ~~Any~~ A child received in the home, unless adopted,

35 may be placed by the department in foster care with  
36 any proper person or family. The foster care  
37 arrangement shall provide for the custody, care,  
38 education, maintenance, and earnings of the child for  
39 a fixed time which shall not extend beyond the age of  
40 majority, except that the time may extend beyond the  
41 child's eighteenth birthday until the child is twenty-  
42 one years of age if the child is regularly attending  
43 an approved accredited school in pursuance of a course  
44 of study leading to a high school diploma or its  
45 equivalent, or regularly attending a course of  
46 vocational technical training either as a part of a  
47 regular school program or under special arrangements  
48 adapted to the individual person's needs.  
49 Sec. \_\_\_\_ . Section 252D.1, subsection 1, Code  
50 Supplement 1985, is amended to read as follows:

**Page 4**

1 1. As used in this chapter, unless the context  
2 otherwise requires, "support" or "support payments"  
3 means any amount which the court may require a person  
4 to pay for the benefit of a child under a temporary  
5 order or a final judgment or decree, and may include  
6 child support, maintenance, and, if contained in a  
7 child support order, spousal support, and any other  
8 term used to describe these obligations. These  
9 obligations may include support for a child who is  
10 between the ages of eighteen and twenty-two years and  
11 who is regularly attending an approved accredited  
12 school in pursuance of a course of study leading to a  
13 high school diploma or its equivalent, or regularly  
14 attending a course of vocational technical training  
15 either as a part of a regular school program or under  
16 special arrangements adapted to the individual  
17 person's needs, or is, in good faith, a full-time  
18 student in a college, university, or area school, or  
19 has been accepted for admission to a college,  
20 university, or area school and the next regular term  
21 has not yet begun; and may include support for a child  
22 of any age who is dependent on the parties to the  
23 dissolution proceedings because of physical or mental  
24 disability."

25 17. Page 266, line 32, by striking the word  
26 "approved" and inserting the following: "approved  
27 accredited".

28 18. Page 289, by inserting after line 19 the  
29 following:

30 "Sec. \_\_\_\_ . Section 282.7, subsection 1, Code  
31 Supplement 1985, is amended to read as follows:

32 1. The board of directors of a school district by  
 33 record action may discontinue any or all of grades  
 34 seven through twelve and negotiate an agreement for  
 35 attendance of the pupils enrolled in those grades in  
 36 the schools of one or more contiguous school districts  
 37 having ~~approved~~ accredited school systems. If the  
 38 board designates more than one contiguous district for  
 39 attendance of its pupils, the board shall draw  
 40 boundary lines within the school district for  
 41 determining the school districts of attendance of the  
 42 pupils. The portion of a district so designated shall  
 43 be contiguous to the ~~approved~~ accredited school  
 44 district designated for attendance. Only entire  
 45 grades may be discontinued under this subsection and  
 46 if a grade is discontinued, all higher grades in that  
 47 district shall also be discontinued. A school  
 48 district that has discontinued one or more grades  
 49 under this subsection has complied with the  
 50 requirements of section 275.1 relating to the

**Page 5**

1 maintenance of kindergarten and twelve grades. A  
 2 pupil who graduates from another school district under  
 3 this subsection shall receive a diploma from the  
 4 receiving district. Tuition shall be paid by the  
 5 resident district as provided in section 282.24,  
 6 subsection 2. The agreement shall provide for  
 7 transportation and authority and liability of the  
 8 affected boards.

9 Sec. \_\_\_\_ . Section 282.19, Code Supplement 1985, is  
 10 amended to read as follows:

11 282.19 CHILD LIVING IN FOSTER CARE FACILITY.

12 A child who is living in a licensed child foster  
 13 care facility as defined in section 237.1 in this  
 14 state which is located in a school district other than  
 15 the school district in which the child resided before  
 16 receiving foster care may enroll in and attend an  
 17 ~~approved~~ accredited school in the school district in  
 18 which the child is living. If a child does not  
 19 require special education and was not counted in the  
 20 basic enrollment of a school district for a budget  
 21 year under section 442.4, the tuition and  
 22 transportation, when required by law, shall be paid by  
 23 the treasurer of state from funds in the state  
 24 treasury not otherwise appropriated, and upon warrants  
 25 drawn by the state comptroller upon requisition of the  
 26 commissioner of public instruction."

27 19. Page 298, by inserting after line 22 the  
 28 following:

29 "Sec. \_\_\_\_ . Section 598.1, subsection 2, Code 1985,  
30 is amended to read as follows:

31 2. "Support" or "support payments" means ~~any an~~  
32 amount which the court may require either of the  
33 parties to pay under a temporary order or a final  
34 judgment or decree, and may include alimony, child  
35 support, maintenance, and any other term used to  
36 describe ~~such these~~ obligations. ~~Such The~~ obligations  
37 may include support for a child who is between the  
38 ages of eighteen and twenty-two years who is regularly  
39 attending an ~~approved~~ accredited school in pursuance  
40 of a course of study leading to a high school diploma  
41 or its equivalent, or regularly attending a course of  
42 vocational technical training either as a part of a  
43 regular school program or under special arrangements  
44 adapted to the individual person's needs; or is, in  
45 good faith, a full-time student in a college,  
46 university, or area school; or has been accepted for  
47 admission to a college, university, or area school and  
48 the next regular term has not yet begun; or a child of  
49 any age who is dependent on the parties to the  
50 dissolution proceedings because of physical or mental

**Page 6**

1 disability.

2 Sec. \_\_\_\_ . Section 633.376, Code 1985, is amended  
3 to read as follows:

4 633.376 ALLOWANCE TO CHILDREN WHO DO NOT RESIDE  
5 WITH SURVIVING SPOUSE.

6 The court may also make an allowance to a child of  
7 the decedent who is less than eighteen years of age or  
8 who is between the ages of eighteen and twenty-two  
9 years who is regularly attending an ~~approved~~  
10 accredited school in pursuance of a course of study  
11 leading to a high school diploma or its equivalent, or  
12 regularly attending a course of vocational technical  
13 training either as a part of a regular school program  
14 or under special arrangements adapted to the  
15 individual person's needs; or is, in good faith, a  
16 full-time student in a college, university, or area  
17 school; or has been accepted for admission to a  
18 college, university, or area school and the next  
19 regular term has not yet begun; or a child of any age  
20 who is dependent because of physical or mental  
21 disability; who does not reside with the surviving  
22 spouse, of an amount it deems reasonable in the light  
23 of the assets and condition of the estate, to provide  
24 for the child's proper support during the period of  
25 twelve months."

26 20. Page 299, by inserting after line 34 the  
 27 following:  
 28 "Sec. \_\_\_\_ . The commissioner of education shall  
 29 divide the school districts, and nonpublic schools  
 30 desiring accreditation, into three groups, and shall  
 31 determine accreditation for one-third of them during  
 32 the school year beginning July 1, 1986, and for one-  
 33 half of the remainder during the next following school  
 34 year, and for the remainder during the next following  
 35 school year."  
 36 21. By numbering and renumbering sections as  
 37 necessary.

LARRY MURPHY  
 JOY CORNING  
 JOE BROWN  
 ARTHUR GRATIAS

S-5176

1 Amend amendment S-5124 to Senate File 2175 as  
 2 follows:  
 3 1. Page 2, by striking lines 8 through 14 and  
 4 inserting the following:  
 5 " \_\_\_\_ . By striking page 292, line 23, through page  
 6 293, line 25."

JOY CORNING

S-5177

1 Amend Senate File 2175 as follows:  
 2 1. Page 245, line 26, by inserting after the word  
 3 "board." the following: "The state board may affirm,  
 4 modify, or vacate the decision of the commissioner, or  
 5 may direct a rehearing before the commissioner."  
 6 2. Page 283, line 18, by inserting after the word  
 7 "board." the following: "The state board may affirm,  
 8 modify, or vacate the decision of the commissioner or  
 9 may direct a rehearing before the commissioner."

JOY CORNING

S-5178

1 Amend Senate File 2175 as follows:

## DIVISION S-5178A

2 1. Page 153, by striking lines 1 through 30 and  
3 inserting the following:  
4 "2. Notwithstanding any other provision of the  
5 Code the treasurer shall provide advice and counsel in  
6 the issuance of obligations by authorities. The  
7 treasurer shall serve as an ex officio nonvoting  
8 member of each authority. Prior to the issuance of  
9 obligations, an authority shall notify the treasurer  
10 of its intention to do so. Upon receipt of the notice  
11 the treasurer shall provide advice and counsel  
12 relative to:  
13 a. Employing attorneys, accountants, financial  
14 advisors, banks, underwriters, and other employees and  
15 agents which in the treasurer's judgment are necessary  
16 to carry out the authority's intention.  
17 b. Fixing the compensation of a party employed by  
18 the treasurer, pursuant to paragraph "a".  
19 c. Negotiating the terms and conditions of the  
20 obligations to be issued by the authority including  
21 other provisions deemed necessary by the treasurer of  
22 the authority.  
23 d. Preparing the documents or instruments  
24 necessary to effectuate issuance of the obligations.  
25 e. Investing or depositing proceeds of the sale of  
26 the obligations in any manner determined by the  
27 treasurer, subject to any agreement with the holders  
28 of the obligations."

## DIVISION S-5178B

29 2. By striking page 156, line 25 through page  
30 158, line 2.  
31 3. Page 158, by inserting after line 16 the  
32 following:  
33 "Sec. \_\_\_\_ . Section 261A.6, Code 1985, is amended  
34 by adding the following new subsection:  
35 NEW SUBSECTION. All employees of the authority are  
36 exempt from chapters 19A and 97B.  
37 4. Page 160, by inserting after line 16 the  
38 following:  
39 "Sec. \_\_\_\_ . NEW SECTION. ORGANIZATIONAL STRUCTURE.  
40 For organizational purposes only, the following  
41 apply:  
42 1. The Iowa finance authority and the Iowa  
43 economic protective and investment authority shall be  
44 considered parts of the Iowa department of economic  
45 development. The Iowa department of economic  
46 development may provide staff assistance and

47 administrative support to the authorities.  
 48 2. The Iowa family farm development authority  
 49 shall be considered part of the department of  
 50 agriculture. The department of agriculture may

DIVISION S-5178B (cont'd.)

**Page 2**

1 provide staff assistance and administrative support to  
 2 the authority.  
 3 3. The Iowa higher education loan authority shall  
 4 be attached to the college aid commission.  
 5 4. The Iowa railway finance authority shall be  
 6 considered part of the department of transportation.  
 7 The department of transportation may provide staff  
 8 assistance and administrative support to the  
 9 authority.  
 10 5. The Iowa advance funding authority shall be  
 11 considered part of the department of education. The  
 12 department of education may provide staff assistance  
 13 and administrative support to the authority."

RICHARD F. DRAKE

S-5179

1 Amend amendment S-5117 to Senate File 2175 as  
 2 follows:  
 3 1. Page 1, by inserting after line 8 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 246.103, subsection 3, Code  
 6 Supplement 1985, is amended by striking the  
 7 subsection."

DOUGLAS RITSEMA

S-5180

1 Amend Senate File 2175 as follows:  
 2 1. Page 152, line 31, by inserting after the word  
 3 "state" the following: ", except the state board of  
 4 regents,".

WALLY HORN  
 ROBERT CARR

S-5181

- 1 Amend Senate File 2197 as follows:
- 2 1. Page 1, by striking lines 5 and 6 and
- 3 inserting the following: "equipment or accessories or
- 4 attachments to equipment, the total cost of".
- 5 2. Page 1, line 12, by inserting after the word
- 6 "governing" the following: "body or".

ARNE WALDSTEIN  
EUGENE FRAISE

S-5182

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 191, line 25, by striking the figure
- 3 "139A".

WILLIAM W. DIELEMAN

S-5183

- 1 Amend Senate File 2193 as follows:
- 2 1. Page 1, by inserting after line 31 the
- 3 following new section:
- 4 "Sec. \_\_\_\_ . This Act, being deemed of immediate
- 5 importance, takes effect from and after its
- 6 publication in the Diamond Trail News, a newspaper
- 7 published in Sully, Iowa, and in the Moulton Weekly
- 8 Tribune, a newspaper published in Moulton, Iowa."
- 9 2. Renumber sections and correct internal
- 10 references as necessary in accordance with this
- 11 amendment.

WILLIAM W.. DIELEMAN

S-5184

- 1 Amend the amendment S-5174 to Senate File 2175 as
- 2 follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "resources," the words "equity of geographical access
- 5 to facilities,".

RAY TAYLOR

HOUSE AMENDMENT TO  
SENATE JOINT RESOLUTION 1

S-5185

- 1 Amend Senate Joint Resolution 1 as passed by the
- 2 Senate as follows:
- 3 1. Page 2, by striking line 25 through page 3,
- 4 line 33.

S-5186

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 314, line 1, by striking the number
- 3 "455A.5" and inserting the following: "455A.4".
- 4 2. Page 315, line 6, by striking the number
- 5 "455A.6" and inserting the following: "455A.5".
- 6 3. Page 316, line 16, by striking the number
- 7 "455A.7" and inserting the following: "455A.6".
- 8 4. Page 320, line 19, by striking the word
- 9 "quality" and inserting the following: "protection".
- 10 5. Page 321, line 27, by striking the word
- 11 "quality" and inserting the following: "protection".
- 12 6. Page 323, line 17, by striking the words
- 13 "~~commission department~~" and inserting the following:
- 14 "commission".
- 15 7. Page 330, by inserting after line 5 the
- 16 following:
- 17 "3. "Commission" means the state parks and
- 18 wildlife commission."
- 19 8. Page 334, line 35, by striking the words
- 20 "state conservation" and inserting the words "~~state~~
- 21 ~~conservation~~".

ROBERT CARR

S-5187

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 20, by inserting after line 15 the fol-
- 3 lowing:
- 4 "5. The personnel management powers and duties of
- 5 the department do not extend to the legislative branch
- 6 or the judicial branch of state government, except for
- 7 functions related to administering compensation and
- 8 benefit programs."

DONALD V. DOYLE

S-5188

1 Amend Senate File 2175 as follows:

2 1. Page 7, line 29, by inserting after the word  
3 and figure "chapter 20." the following: "The state  
4 board of regents, for the purposes of implementing and  
5 administering collective bargaining pursuant to  
6 chapter 20, shall act as the exclusive representative  
7 of the state with respect to its faculty, scientific,  
8 and other professional staff."

9 2. Page 37, line 19, by inserting after the word  
10 "personnel" the following: "or payroll officer at an  
11 institution governed by the state board of regents".

12 3. Page 37, line 26, by inserting after the word  
13 "personnel" the following: "or payroll officer at an  
14 institution governed by the state board of regents".

15 4. Page 38, line 7, by inserting after the word  
16 "personnel" the following: "or payroll officer at an  
17 institution governed by the state board of regents".

18 5. Page 78, line 11, by inserting after the word  
19 "license." the following: "In no event shall  
20 hospital records, medical records, or the condition,  
21 diagnosis, care, or treatment of a patient or former  
22 patient or counselee or former counselee, including  
23 outpatient, be disclosed."

24 6. Page 82, line 16, by inserting after the word  
25 "government" the following: ", except for  
26 institutions governed by the state board of regents".

27 7. Page 94, lines 10 and 11, by striking the  
28 words "state agricultural extension service" and  
29 inserting in lieu thereof the following: "director of  
30 the Iowa cooperative extension service in agriculture  
31 and home economics".

32 8. Page 140, by striking line 3 and inserting in  
33 lieu thereof the following: "board of regents  
34 institutions shall be given an opportunity to review  
35 and comment on this report prior to its printing or  
36 release."

37 9. Page 147, line 10, by inserting after the word  
38 "provided" the words "in sections 19.33, 28.82, 28.87,  
39 262.9, and 280A.23".

40 10. Page 225, line 34, by inserting after the  
41 word "library" the following: ", except academically  
42 accredited libraries,".

CHARLES BRUNER  
ROBERT CARR  
RICHARD DRAKE

JOHN NYSTROM  
WILLIAM DIELEMAN

S-5189

- 1 Amend amendment S-5174 to Senate File 2175 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "schools" the words ", with specific emphasis on com-
- 4 bining the area education agencies and merged area
- 5 schools".

RICHARD VANDE HOEF  
EDGAR H. HOLDEN

S-5190

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 375, by striking line 34 through page
- 3 376, line 12.

JULIA B. GENTLEMAN

S-5191

- 1 Amend amendment S-5165 to Senate File 2175 as
- 2 follows:

DIVISION S-5191A

- 3 1. By striking page 7, line 41 through page 8,
- 4 line 6.

DIVISION S-5191B

- 5 2. Page 8, by striking lines 38 through 41.

EDGAR H. HOLDEN

S-5192

- 1 Amend Senate File 2175 as follows:
- 2 1. By striking page 302, line 19 through page
- 3 305, line 33, and inserting the following:
- 4 "Sec. \_\_\_\_ . Section 904.5, Code 1985, is amended to
- 5 read as follows:
- 6 904.5 ADMINISTRATION OF BOARD OF PAROLE.
- 7 The board of parole shall be responsible directly

8 to the governor. The board of parole is attached to  
9 the department of corrections for routine  
10 administrative and support services only. The board  
11 of parole shall appoint an executive secretary and  
12 employ a clerical staff sufficient to carry on the  
13 necessary duties of the board. The board shall employ  
14 not less than four persons who shall serve as liaison  
15 personnel between the board, inmates and staff at the  
16 state's penal and correctional facilities and who  
17 shall perform other duties designated by the board of  
18 parole. The board shall submit to the state  
19 comptroller an estimate of the funds needed for  
20 salaries, maintenance, and office supplies at the time  
21 and in the manner provided by section 8.23."  
22 2. By numbering and renumbering as necessary.

JULIA B. GENTLEMAN

S-5193

1 Amend Senate File 2175 as follows:

DIVISION S-5193A

2 1. By striking page 275, line 35, through page  
3 276, line 11.

DIVISION S-5193B

4 2. Page 300, by inserting after line 2 the  
5 following:  
6 "Sec. \_\_\_\_ . Section 280.16, Code Supplement 1985,  
7 is repealed effective July 1, 1989."

LARRY MURPHY  
JOE BROWN

S-5194

1 Amend Senate File 2175 as follows:  
2 1. Page 33, by striking line 16 and inserting the  
3 following: "efforts of all state agencies except the  
4 board of regents. The state board of regents is  
5 responsible for administering equal opportunity and  
6 affirmative action efforts for the institutions under  
7 its jurisdiction.  
8 In carrying out this re-".  
9 2. Page 35, after line 8, by inserting the

10 following:

11 "3. Notwithstanding subsections 1 and 2, the state  
12 board of regents shall evaluate the affirmative action  
13 plans and accomplishments of the institutions under  
14 its jurisdiction and shall work to insure the  
15 attainment of affirmative action goals and timetables.

16 Sec. \_\_\_\_ . NEW SECTION. 19B.7 STATE CONTRACTS AND  
17 SERVICES -- STATE-ASSISTED PROGRAMS --  
18 RESPONSIBILITIES OF OFFICE OF MANAGEMENT -- REGENTS.

19 1. Except as otherwise provided in subsection 2,  
20 the office of management is responsible for the  
21 administration and promotion of equal opportunity in  
22 all state contracts and services and the prohibition  
23 of discriminatory and unfair practices within any  
24 program receiving or benefiting from state financial  
25 assistance in whole or in part. In carrying out these  
26 responsibilities the office of management shall:

27 a. Establish for all state agencies a contract  
28 compliance policy, applicable to state contracts and  
29 services and to programs receiving or benefiting from  
30 state financial assistance, to assure:

31 (1) The equitable provision of services within  
32 state programs.

33 (2) The utilization of minority, women's, and  
34 disadvantaged business enterprises as sources of  
35 supplies, equipment, construction, and services.

36 (3) Nondiscrimination in employment by state  
37 contractors and subcontractors.

38 b. Adopt administrative rules in accordance with  
39 chapter 17A to implement the contract compliance  
40 policy.

41 c. Monitor the actions of state agencies to ensure  
42 compliance.

43 d. Report results under the contract compliance  
44 policy to the governor and the general assembly on an  
45 annual basis. The report shall detail specific  
46 efforts to promote equal opportunity through state  
47 contracts and services and efforts to promote,  
48 develop, and stimulate the utilization of minority,  
49 women's, and disadvantaged business enterprises in  
50 programs receiving or benefiting from state financial

**Page 2**

1 assistance.

2 e. Do other acts necessary to carry out the  
3 contract compliance policy described in this section.

4 2. The state board of regents is responsible for  
5 administering the provisions of this section for the

- 6 institutions under its jurisdiction.”  
7 2. By renumbering as necessary.

CHARLES BRUNER

S-5195

- 1 Amend Senate File 2175 as follows:  
2 1. Page 44, line 33, by striking the word  
3 “biennially” and inserting the words “biennially  
4 annually”.  
5 2. Page 44, line 34, by striking the word  
6 “biennium” and inserting the words “biennium year”.  
7 3. Page 77, line 15, by striking the words “a  
8 biennial” and inserting the following: “an annual”.  
9 4. Page 98, line 25, by striking the word  
10 “biennial” and inserting the words “biennial annual”.  
11 5. Page 208, lines 2 and 3, by striking the words  
12 “even-numbered year for each fiscal year of the ensuing  
13 biennium” and inserting in lieu thereof the word “year”.  
14 6. Page 314, line 11, by striking the word  
15 “Biennially” and inserting the following: “Annually”.  
16 7. Page 325, line 12, by striking the word  
17 “biennially” and inserting the following: “biennially  
18 annually”.  
19 8. Page 325, line 13, by striking the word “even-  
20 numbered” and inserting the following: “even-  
21 numbered”.  
22 9. Page 325, line 16, by striking the word  
23 “biennium” and inserting the following: “biennium  
24 year”.  
25 10. Page 351, line 7, by striking the words “or  
26 biennial”.  
27 11. By renumbering, relettering, or redesignating  
28 and correcting internal references as necessary.

ROBERT CARR  
JOE WELSH

S-5196

- 1 Amend Senate File 2175 as follows:  
2 1. Page 55, line 2, by inserting after the words  
3 “the state” the words “and develop cooperative  
4 relationships with the state board of regents”.

RICHARD F. DRAKE  
ROBERT CARR

S-5197

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 21, line 2, by inserting after the word  
3 "department" the following: ", subject to approval by  
4 the commission as required by law".
- 5 2. Page 23, lines 8 and 9, by striking the words  
6 and figures "subsections 4 and 5, Code 1985, are" and  
7 inserting the following: "subsection 4, Code 1985,  
8 is".
- 9 3. Page 23, by striking lines 17 through 28.
- 10 4. Page 24, line 10, by striking the word  
11 "~~commission~~" and inserting the words "commission and  
12 the".
- 13 5. Page 24, line 11, by striking the word  
14 "~~commission~~" and inserting the words "commission and  
15 the".
- 16 6. Page 25, by striking line 6 and inserting the  
17 following: "subsection 1, unnumbered paragraph 1, and  
18 subsections 2, 13, 18, and 19, Code Supplement 1985,".
- 19 7. Page 25, line 8, by striking the words "~~merit~~  
20 ~~employment commission director~~" and inserting the  
21 words "merit employment commission".
- 22 8. Page 25, line 10, by striking the words "~~The~~  
23 ~~director~~" and inserting the words "The director".
- 24 9. Page 25, by striking line 11 and inserting the  
25 following: "shall prepare and submit proposed rules  
26 to the commission."
- 27 10. Page 25, by striking lines 26 and 27 and  
28 inserting the following: "geographical area. After  
29 ~~such~~ the classification has been approved by the  
30 commission, the director shall allocate".
- 31 11. By striking page 25, line 35 through page 26,  
32 line 2 and inserting the following: "opportunity to  
33 be heard ~~thereon~~ by the director. An appeal may be  
34 made to the commission or to a qualified  
35 classification committee appointed by the commission.  
36 ~~No An~~".
- 37 12. Page 26, by striking lines 9 through 20.
- 38 13. Page 26, by striking lines 25 and 26 and  
39 inserting the following: "the state board of regents,  
40 after consultation with appointing authorities with  
41 due regard to the".
- 42 14. Page 26, line 29, by striking the word  
43 "~~director~~" and inserting the word "department".
- 44 15. Page 26, lines 31 and 32, by striking the  
45 words "~~commission director~~" and inserting the word  
46 "commission".
- 47 16. Page 27, lines 6 and 7, by striking the words

- 48 "commission director" and inserting the word  
 49 "commission".  
 50 17. Page 28, by striking lines 13 through 29.

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- 1 18. Page 29, line 4, by inserting after the  
 2 figure "19A.11," the following: "unnumbered paragraph  
 3 2,".  
 4 19. Page 29, by striking lines 6 through 16.  
 5 20. Page 29, by striking line 17 and inserting  
 6 the following: "The director may, ~~with the~~ subject to  
 7 approval of by the commission as required by law,".  
 8 21. By striking page 30, line 26 through page 31,  
 9 line 14.  
 10 22. Page 31, line 17, by striking the words  
 11 "commission director" and inserting the word  
 12 "commission".  
 13 23. By striking page 31, line 25 through page 32,  
 14 line 6.  
 15 24. Page 32, line 9, by inserting after the word  
 16 "director" the following: ", after approval by the  
 17 commission,".  
 18 25. Page 41, line 4, by inserting after the word  
 19 "by" the following: "merit employment commission  
 20 and".  
 21 26. By renumbering as necessary.

ROBERT M. CARR

## S-5198

- 1 Amend amendment S-5132 to Senate File 2175 as  
 2 follows:  
 3 1. Page 1, line 8, by inserting after the word  
 4 "agencies" the following: "or political subdivisions  
 5 of the state".

ARTHUR A. SMALL, Jr.

## S-5199

- 1 Amend Senate File 2175 as follows:  
 2 1. Page 302, by striking lines 30 and 31 and  
 3 inserting the following:  
 4 "The membership of the board shall be of good  
 5 character and judicious background, and shall meet at  
 6 least three of the following four requirements:

- 7 1. Contain one member who is a disinterested  
8 layperson.”
- 9 2. Page 302, line 32, by striking the words “At  
10 least” and inserting the word “Contain”.
- 11 3. Page 302, line 35, by striking the words “At  
12 least” and inserting the word “Contain”.
- 13 4. Page 303, line 3, by striking the words “At  
14 least” and inserting the word “Contain”.

ROBERT M. CARR  
RICHARD F. DRAKE

S-5200

- 1 Amend the amendment, S-5155, to Senate File 2175 as  
2 follows:
- 3 1. Page 1, by inserting before line 1 the  
4 following:
- 5 “1. Page 342, by inserting after line 22 the  
6 following:
- 7 Sec. \_\_\_\_ . Section 455B.214, Code 1985, is amended  
8 by striking the section and inserting the following:  
9 455B.214 PEER REVIEW COMMITTEE.
- 10 The governor shall appoint, subject to confirmation  
11 by the senate, a peer review committee consisting of  
12 the following three members:
- 13 1. One member who is a waterworks operator or  
14 waste waterworks operator holding a valid certificate  
15 of the highest classification issued by the  
16 department.
- 17 2. One member who is a waterworks operator or  
18 waste waterworks operator holding a valid certificate  
19 and currently working for a water system in a city of  
20 three thousand or less population.
- 21 3. One additional member who qualifies for  
22 membership under subsection 1 or 2.
- 23 The members prescribed in subsections 1 to 3 shall  
24 have been engaged in the practice of their professions  
25 for five years preceding their appointments, the last  
26 two years of which shall have been in Iowa.
- 27 Professional associations or societies composed of  
28 waterworks operators or waste waterworks operators may  
29 recommend the names of potential board members to the  
30 governor, but the governor shall not be bound by the  
31 recommendations. Members of the board shall not be  
32 required to be members of any such associations or  
33 societies.
- 34 The members of the committee shall be appointed for  
35 three-year terms beginning and ending as provided by

36 section 69.19. Any vacancy shall be filled by  
37 appointment for the unexpired term. Members shall be  
38 limited to serving three terms or nine years,  
39 whichever is less.

40 The committee has the responsibility to  
41 investigate, review and report to the director as  
42 provided in section 258A.3, subsection 1, paragraph i  
43 and to carry out the duties established in 455B.219.

44 Sec. \_\_\_\_ . Section 455B.215, Code 1985 is amended  
45 by striking the section and inserting the following:  
46 455B.215 ORGANIZATION -- COMPENSATION AND  
47 EXPENSES.

48 The initial peer review committee shall organize  
49 and elect a chairperson from its membership at a  
50 meeting called by the director. Meetings shall be

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1 held as necessary, at the call of the director. A  
2 majority of members shall constitute a quorum. The  
3 members shall be reimbursed for actual and necessary  
4 expenses and travel incurred while discharging their  
5 official duties. Each member may also be eligible to  
6 receive compensation as provided in section 7E.3. All  
7 per diem and expense moneys paid to the members shall  
8 be paid from funds appropriated to the department.

9 2. Page 344, line 8, by striking the word  
10 "director" and inserting the following: "committee  
11 established in section 455B.214".

12 2. By renumbering sections as necessary.

CHARLES BRUNER

S-5201

1 Amend Senate File 2175 as follows:

2 1. Page 4, by striking lines 26 through 30 and  
3 inserting the following:

4 "The department of human rights, created in section  
5 601K.1, which has primary responsibility for services  
6 relating to Spanish-speaking people, children, youth,  
7 and families, women, persons with disabilities,  
8 economic opportunity, deaf, and blind persons.

9 2. a. In the area of human rights, there is a  
10 civil rights commission."

JULIA GENTLEMAN

S-5202

1 Amend the amendment, S-5160, to Senate File 2175 as  
2 follows:  
3 1. Page 1, by striking lines 4 through 6 and  
4 inserting the following:  
5 "Sec. \_\_\_\_ . NEW SECTION. 19B.11 SCHOOL DISTRICTS,  
6 AREA EDUCATION AGENCIES, AND MERGED AREA SCHOOLS --  
7 DUTIES OF COMMISSIONER OF PUBLIC INSTRUCTION."  
8 2. Page 1, by striking lines 8 and 9 and  
9 inserting the following: "opportunity in school  
10 district, area education agency, and merged area  
11 school employment to all persons. An individual  
12 shall".  
13 3. Page 1, line 14, by striking the words "public  
14 instruction" and inserting the word "education".  
15 4. Page 1, by striking lines 16 through 18 and  
16 inserting the following: "school district, area  
17 education agency, and merged area school employees and  
18 shall inform school districts, area education  
19 agencies, and merged area schools concerning their  
20 efforts to accomplish this".  
21 5. Page 1, by striking line 22 and inserting the  
22 following:  
23 "3. Each school district, area education agency,  
24 and merged area school".  
25 6. Page 1, line 24, by striking the words "public  
26 instruction" and inserting the word "education".  
27 7. Page 1, by striking line 25 and inserting the  
28 following: "accomplishments and programs of the  
29 district, agency, or merged area school".  
30 8. Page 1, line 30, by striking the words "public  
31 instruction" and inserting the word "education".

BEVERLY A. HANNON

S-5203

1 Amend Senate File 2175 as follows:  
2 1. Page 305, by inserting before line 35 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 80.26, Code 1985, is amended to  
5 read as follows:  
6 80.26 ~~FEDERAL FUNDS FOR HIGHWAY SAFETY~~.  
7 The commissioner of public safety shall establish  
8 and maintain an office of public highway safety within  
9 the division of highway safety and on behalf of such  
10 office, when authorized by the governor pursuant to

11 section 7.15, may accept, administer and expend funds  
12 provided by any Act of Congress for highway safety,  
13 law enforcement or any activities generally related to  
14 the duties of the department of public safety as  
15 provided in this chapter.”  
16 2. By renumbering as necessary.

JAMES RIORDAN  
LEONARD L. BOSWELL

S-5204

1 Amend Senate File 2175 as follows:  
2 1. Page 77, line 15, by striking the words “a  
3 biennial” and inserting the following: “an annual”.  
4 2. Page 98, line 25, by striking the word  
5 “biennial” and inserting the words “~~biennial~~ annual”.  
6 3. Page 98, by striking line 30 and inserting the  
7 following: “year of the ~~ensuing~~ biennium, and a  
8 statement of the balance”.  
9 4. Page 208, lines 2 and 3, by striking the words  
10 “even-numbered year for each fiscal year of the  
11 ensuing biennium” and inserting in lieu thereof the  
12 word “year”.  
13 5. Page 314, line 11, by striking the word  
14 “Biennially” and inserting the following: “Annually”.  
15 6. Page 325, line 12, by striking the word  
16 “biennially” and inserting the following: “~~biennially~~  
17 annually”.  
18 7. Page 325, line 13, by striking the word “even-  
19 numbered” and inserting the following: “~~even-~~  
20 numbered”.  
21 8. Page 325, line 16, by striking the word  
22 “biennium” and inserting the following: “~~biennium~~  
23 year”.  
24 9. Page 351, line 7, by striking the words “or  
25 biennial”.  
26 10. By renumbering, relettering, or redesignating  
27 and correcting internal references as necessary.

ROBERT CARR  
JOE WELSH

S-5205

1 Amend House File 547, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 23, by striking the word and

4 figures "April 26, 1945" and inserting the following:  
5 "July 1, 1986".  
6 2. Page 1, by striking lines 26 through 28 and  
7 inserting the following: "agency for statistical or  
8 administrative purposes only."  
9 3. Page 1, line 29, by striking the word and  
10 figures "April 26, 1945" and inserting the following:  
11 "July 1, 1986".  
12 4. Page 11, line 30, by striking the word and  
13 figures "April 26, 1945" and inserting the following:  
14 "July 1, 1986".  
15 5. Page 11, by striking lines 32 and 33 and  
16 inserting the following: "state agency for  
17 statistical or administrative purposes only. However,  
18 the clerk of the district court shall, upon  
19 application to and order of the court for good cause  
20 shown, open the adoption records for an adult adoptee  
21 and reveal the names of either or both of the birth  
22 parents. A birth parent may file an affidavit  
23 requesting that the court reveal or not reveal the  
24 birth parent's name. To facilitate a birth parent in  
25 filing such an affidavit, the department shall, upon  
26 request of the birth parent, file an affidavit in the  
27 court in which the adoption records have been sealed.  
28 The court shall consider any such affidavit in  
29 determining whether there is good cause to order  
30 opening of the records. If the adult adoptee who  
31 applies for revelation of a birth parent's name has a  
32 sibling who is a minor and who has been adopted by the  
33 same adoptive parent, the court may deny the  
34 application on the grounds that revelation to the  
35 applicant may also indirectly and harmfully permit the  
36 same revelation of the birth parent's name to the  
37 applicant's minor sibling."  
38 6. Page 11, line 34, by striking the word and  
39 figures "April 26, 1945" and inserting the following:  
40 "July 1, 1986".

EDGAR H. HOLDEN

S-5206

1 Amend Senate File 545 as follows:  
2 1. Page 1, by inserting after line 34 the  
3 following:  
4 "8. This section shall be strictly construed as an  
5 exception to the bank office location limitations  
6 contained in section 524.1202 and it is the intent of  
7 the general assembly that a court or regulatory agency

8 interpreting this section shall not interpret it to  
 9 permit statewide branch banking or the location of a  
 10 bank office in this state other than as provided in  
 11 this section and in sections 524.312 and 524.1202.  
 12 This section does not authorize the establishment of  
 13 bank offices at any time or by any bank except when  
 14 done as the direct and immediate consequence of a  
 15 merger or consolidation, does not authorize the  
 16 establishment of the principal place of business of  
 17 the resulting bank of a merger or consolidation at any  
 18 location other than one actually occupied and operated  
 19 as a principal place of business of one of the parties  
 20 to the merger or consolidation, does not authorize a  
 21 bank office at any location other than one actually  
 22 occupied and operated as a principal place of business  
 23 or bank office by one of the parties to the merger or  
 24 consolidation, and does not authorize a greater number  
 25 of bank offices within the municipality or urban  
 26 complex of the principal place of business of the  
 27 resulting bank than is expressly permitted by section  
 28 524.1202, subsection 2.”  
 29 2. Renumber as necessary.

COMMITTEE ON COMMERCE  
 GEORGE KINLEY, Chairperson

S-5207

1 Amend Senate File 2175 as follows:  
 2 1. Page 88, line 7, by striking the words “is,  
 3 upon conviction,” and inserting the word “is”.  
 4 2. Page 299, line 29, by striking the words “is,  
 5 upon conviction,” and inserting the word “is”.  
 6 3. Page 342, by striking lines 19 through 22 and  
 7 inserting the following: “or seeks to obtain such  
 8 information, is guilty of a ~~public offense which is~~  
 9 ~~punishable by a fine not exceeding one hundred dollars~~  
 10 ~~or by imprisonment in the county jail for not more~~  
 11 ~~than thirty days simple misdemeanor.”~~  
 12 4. Page 344, line 9, by striking the word “found”  
 13 and inserting the word “**found**”.

DONALD V. DOYLE

S-5208

1 Amend Senate File 2175 as follows:  
 2 1. Page 54, by inserting after line 33 the

3 following:

4 "Sec. 303. Section 18.6, Code 1985, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 9. When the estimated total cost  
7 of construction, erection, demolition, alteration or  
8 repair of a public improvement exceeds twenty-five  
9 thousand dollars, the department shall advertise for  
10 bids on the proposed improvement by two publications  
11 in a newspaper published in the county in which the  
12 work is to be done. The first advertisement for bids  
13 shall be not less than fifteen days prior to the date  
14 set for receiving bids. The department shall let the  
15 work to the lowest responsible bidder submitting a  
16 sealed proposal. However, if the department considers  
17 the bids received not to be acceptable, all bids may  
18 be rejected and new bids requested. A bid shall be  
19 accompanied, in a separate envelope, by a deposit of  
20 money or a certified check or credit union certified  
21 share draft in an amount to be named in the  
22 advertisement for bids as security that the bidder  
23 will enter into a contract for the doing of the work.  
24 The department shall fix the bid security in an amount  
25 equal to at least five percent, but not more than ten  
26 percent of the estimated total cost of the work. The  
27 checks, share drafts or deposits of money of the  
28 unsuccessful bidders shall be returned as soon as the  
29 successful bidder is determined, and the check, share  
30 draft or deposit of money of the successful bidder  
31 shall be returned upon execution of the contract  
32 documents. This section does not apply to the  
33 construction, erection, demolition, alteration or  
34 repair of a public improvement when the contracting  
35 procedure for the doing of the work is provided for in  
36 another provision of law."

37 2. Page 58, by striking lines 22 through 25 and  
38 inserting the following: "buildings, grounds, or  
39 equipment. ~~The department may advertise in a~~  
40 ~~newspaper published at the seat of government in lieu~~  
41 ~~of advertising in a newspaper in the county in which a~~  
42 ~~project is located."~~

43 3. Page 60, by striking lines 22 through 35 and  
44 inserting the following:

45 "The director of the department of general services  
46 shall, in writing, let all contracts for authorized  
47 improvements costing in excess of twenty-five thousand  
48 dollars ~~to the lowest responsible bidder, after~~  
49 ~~advertisement for bids as the director deems proper in~~  
50 ~~order to secure full competition under chapter 18.~~

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1 The director may reject all bids and readvertise. A  
2 preliminary deposit of money, bank check, or certified  
3 check, or a bid bond as provided in section 23-20, in  
4 an amount the director prescribes shall be required as  
5 an evidence of good faith, upon all proposals for the  
6 construction of improvements. The deposit, bank  
7 check, or certified check shall be held under the  
8 direction of the director. Upon prior”.

JOE WELSH  
RICHARD F. DRAKE

S-5209

1 Amend Senate File 2175 as follows:  
2 1. Page 64, lines 31 and 32, by striking the  
3 words “commissioner of human services” and inserting  
4 the following: “commissioner of human services  
5 director of public health”.

RAY TAYLOR  
WILLIAM W. DIELEMAN

S-5210

1 Amend amendment S-5148 to Senate File 2175 as  
2 follows:  
3 1. Page 1, line 11, by inserting after the  
4 period the following new sentence: “The department  
5 of public health and the university hospitals shall  
6 collaborate to promote the coordination and  
7 integration of community-based services for  
8 children through continuance of and maintenance of  
9 effort for the mobile and regional clinics conducted  
10 by the university hospitals. The clinical director  
11 of the mobile and regional clinics will be appointed  
12 by the department of pediatrics at the university of  
13 Iowa.”.

JOE WELSH  
JOHN NYSTROM  
CHARLES BRUNER  
JACK RIFE  
ROBERT CARR

S-5211

- 1 Amend Senate File 2078 as follows:
- 2 1. Page 6, by striking lines 17 through 20 and
- 3 inserting the following: "at the same time other
- 4 payments of deferred patronage dividends or redemption
- 5 of preferred stock are made, but in any event within
- 6 fifteen years after the merger or consolidation. A
- 7 dissenting member who is a".

LEONARD BOSWELL

S-5212

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 172, line 22, by inserting after the
- 3 word "amended" the words "to and including
- 4 February 1, 1986".

DONALD V. DOYLE

S-5213

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 32, lines 19 and 20, by striking
- 3 the words "and amendments thereto" and inserting the
- 4 following: ", as defined in section 422.3".

DONALD V. DOYLE

S-5214

- 1 Amend Senate File 2175 as follows:
- 2 1. Page 191, by inserting after line 27 the
- 3 following:
- 4 "— . The department of public health and the
- 5 university hospitals shall collaborate to promote the
- 6 coordination and integration of community-based
- 7 services for children through continuance of and
- 8 maintenance of effort for the mobile and regional
- 9 clinics conducted by the university hospitals. The
- 10 clinical director of the mobile and regional clinics
- 11 will be appointed by the department of pediatrics at
- 12 the university of Iowa.".

JOE WELSH

S-5215

- 1 Amend Senate File 2025 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "certificate." the following: "However, the
- 4 administrator or designee shall not make the request
- 5 unless there is a reasonable expectation that a
- 6 potential donee exists."

CHARLES BRUNER

S-5216

- 1 Amend Senate File 2155 as follows:
- 2 1. Page 2, line 22, by striking the word
- 3 "administrator" and inserting the following:
- 4 "department".

COMMITTEE ON COMMERCE  
GEORGE R. KINLEY, Chairperson

S-5217

- 1 Amend House File 2229 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. By striking page 2, line 32, through page 3,
- 4 line 18.

BEVERLY HANNON

S-5218

- 1 Amend Senate File 2094 as follows:
- 2 1. Page 2, by inserting after line 23 the
- 3 following:
- 4 "Sec. \_\_\_\_ . This Act, being deemed of immediate
- 5 importance, takes effect from and after its
- 6 publication in The Sibley Gazette, a newspaper
- 7 published in Sibley, Iowa, and in the Globe-Gazette, a
- 8 newspaper published in Mason City, Iowa."
- 9 2. By numbering the section as appropriate.

RICHARD VANDE HOEF

S-5219

- 1 Amend Senate File 545 as follows:
- 2 1. Page 1, line 35, by inserting after the word
- 3 "Code" the following: "Supplement".

EDGAR H. HOLDEN

S-5220

- 1 Amend Senate File 2150 as follows:
- 2 1. Page 1, line 12, by striking the words "a copy
- 3 of the original" and inserting the words "the original
- 4 or a copy of the".

COMMITTEE ON AGRICULTURE  
BERL E. PRIEBE, Chairperson

S-5221

- 1 Amend Senate File 2202 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 324.2, subsection 7, Code
- 5 Supplement 1985, is amended by striking the
- 6 subsection.
- 7 Sec. 2. Section 324.3, unnumbered paragraph 1,
- 8 Code Supplement 1985, is amended to read as follows:
- 9 For the privilege of operating motor vehicles in
- 10 this state an excise tax of fifteen cents per gallon
- 11 for the period beginning July 1, 1985 and ending
- 12 December 31, 1985, and sixteen cents per gallon
- 13 beginning January 1, 1986, is imposed upon the use of
- 14 all motor fuel used for any purpose ~~except motor fuel~~
- 15 ~~containing at least ten percent alcohol distilled from~~
- 16 ~~cereal grains grown in the United States~~ for the
- 17 period beginning July 1, 1978 and ending June 30,
- 18 1992, ~~and~~ except as otherwise provided in this
- 19 division."
- 20 2. Page 1, by striking lines 2 through 8 and
- 21 inserting the following: "Supplement 1985, is amended
- 22 by striking the paragraph."
- 23 3. Title page, line 1, by striking the words
- 24 "decreasing the tax on the fuel by" and inserting the
- 25 words "eliminating the preferred tax treatment of the
- 26 fuel."

- 27 4. Title page, by striking line 2.  
28 5. Renumber as necessary.

EDGAR H. HOLDEN  
JIM LIND

S-5222

- 1 Amend House File 2211 as amended, passed and  
2 reprinted by the House as follows:  
3 1. By striking page 2, line 12 through page 3, line  
4 15.

EDGAR H. HOLDEN

S-5223

- 1 Amend Senate File 2199 as follows:  
2 1. Page 1, line 12, by striking the words "each  
3 year" and inserting the following: "annually for five  
4 years after the reorganization takes effect".

COMMITTEE ON EDUCATION  
LARRY MURPHY, Chairperson

S-5224

- 1 Amend Senate File 2177 as follows:  
2 1. Page 2, by striking lines 23 through 25  
3 and inserting in lieu thereof the following:  
4 "public and to sensitive environmental areas.  
5 Specific consideration shall be given to the  
6 following as posing risk to the public or to  
7 sensitive environmental areas".

MILO COLTON  
CHARLES BRUNER

S-5225

- 1 Amend Senate File 2190 as follows:  
2 1. Page 1, by striking lines 10 through 14 and  
3 inserting the following: "in order to maintain safe  
4 sight distance, control drifting of snow and dispose  
5 of dead or diseased trees and other vegetation which  
6 obstruct the highway or tile drains, interfere with  
7 proper improvement projects or pose a safety hazard to

- 8 the public traveling upon the highway.
- 9 Each agency shall develop written guidelines and
- 10 procedures regarding the maintenance and removal of
- 11 vegetation in highway rights-of-way under its control
- 12 by July 1, 1987. The guidelines shall be based on
- 13 approved department of transportation roadside
- 14 maintenance guidelines and procedures, and the public
- 15 shall be given notice and opportunity to comment on
- 16 the agency guidelines and procedures. An owner,
- 17 lessee, or tenant of property abutting”.
- 18 2. Page 1, line 17, by striking the word “right-
- 19 of-way” and inserting the following: “right-of-way,
- 20 if such vegetation constitutes a safety hazard to the
- 21 public traveling upon the highway”.

CHARLES BRUNER

S-5226

- 1 Amend Senate File 2094 as follows:
- 2 1. Page 1, lines 6 and 7, by striking the words
- 3 “April 15 of” and inserting the words “15 of fifteen
- 4 days after the adjournment of the general assembly”.

JOE BROWN

S-5227

- 1 Amend Senate File 2133 as follows:
- 2 1. Page 1, by striking line 12 and inserting the
- 3 following:
- 4 “5. ~~Whenever possible~~ If reasonably practical when
- 5 the lottery agency awards a”.
- 6 2. Page 1, line 17, by striking the word “person”
- 7 and inserting the following: “person responsible
- 8 vendor”.
- 9 3. Page 1, line 19, by inserting after the word
- 10 “state” the following: “, provided the costs and
- 11 benefits to the lottery agency are equal to those
- 12 available from competing vendors”.
- 13 4. Page 1, line 20, by striking the word
- 14 “possible” and inserting the following: “reasonably
- 15 practical”.
- 16 5. Page 1, line 24, by striking the word “person”
- 17 and inserting the following: “responsible vendor”.
- 18 6. Page 1, line 25, by inserting after the word
- 19 “Iowa” the following: “, provided the costs and

20 benefits to the lottery agency are equal to those  
21 available from competing vendors”.

COMMITTEE ON SMALL BUSINESS  
AND ECONOMIC DEVELOPMENT  
ARTHUR SMALL, Jr., Chairperson

S-5228

1 Amend House File 392 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 28.41, subsection 1, Code  
6 1985, is amended to read as follows:  
7 1. To provide that the small business advocacy  
8 division shall be the focal point within the Iowa  
9 development commission of activities which address the  
10 needs of small businesses in this state.  
11 Sec. 2. Section 28.42, subsection 1, Code 1985, is  
12 amended to read as follows:  
13 1. “Small business division” or “division” means  
14 the small business ~~development~~ advocacy division  
15 established within the Iowa development commission.  
16 Sec. 3. Section 28.43, subsection 1, Code 1985, is  
17 amended to read as follows:  
18 1. The commission shall establish and maintain a  
19 small business advocacy division.  
20 Sec. 4. Section 28.44, subsection 5, Code 1985, is  
21 amended by striking the subsection and inserting in  
22 lieu thereof the following:  
23 5. The duties of the advisory council include, but  
24 are not limited to, the following:  
25 a. Advise and consult with the commission and the  
26 small business division with respect to matters which  
27 are of concern to small business.  
28 b. Submit recommendations to the commission  
29 relating to actual or proposed activities of the small  
30 business division.  
31 c. Submit recommendations for legislative or  
32 administrative actions.  
33 d. Review and monitor small business programs and  
34 agencies in order to determine their effectiveness and  
35 whether they complement or compete with each other,  
36 and to coordinate the delivery of programs and  
37 services aimed at small business.  
38 e. To initiate special small business economic  
39 studies as deemed necessary including, but not limited  
40 to, analysis of trends and growth opportunities

41 relative to small business.

42 Sec. 5. Section 28.45, subsection 4, Code 1985, is  
43 amended by adding the following new unnumbered  
44 paragraph:

45 NEW UNNUMBERED PARAGRAPH. In addition, the  
46 administrator or the administrator's designees shall  
47 prepare and submit, by January 15, 1987, a report to  
48 the general assembly outlining the feasibility of and  
49 costs associated with establishing a one-stop business  
50 license center. The report shall include an

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1 examination of the following factors:

2 (1) Identification of licenses which are needed to  
3 begin most types of businesses in the state.

4 (2) Recommendation of procedures for establishing  
5 a system which would include a list of license  
6 requirements for major categories of business and  
7 industry, formulation of a schedule for implementing  
8 the long-range goals of a business license information  
9 center, and examination of the possibility of  
10 developing a master license system capable of  
11 providing common license renewal dates, a shared data  
12 base with other state agencies, and a system for the  
13 uniform registration of trade names in accordance with  
14 recommendations of the secretary of state and county  
15 recorders.

16 Sec. 6. Section 28.45, subsection 8, Code 1985, is  
17 amended by striking the subsection and inserting in  
18 lieu thereof the following:

19 8. Encourage and assist small businesses in ob-  
20 taining state contracts and subcontracts through  
21 various means including, but not limited to, the  
22 following:

23 a. Compiling and maintaining a comprehensive  
24 source list of small businesses. By January 15, 1987,  
25 the administrator or the administrator's designees  
26 shall prepare and submit to the general assembly a  
27 plan outlining the feasibility and costs associated  
28 with establishing and developing a data base on  
29 vendors which shall be administered so that a vendor  
30 can be placed in the data base by submitting an  
31 application to the division or to the state board of  
32 regents, the department of transportation, or the  
33 commission for the blind, for the use of all agencies  
34 having purchasing authority.

35 b. Assuring that responsible small businesses are  
36 solicited on each suitable purchase.

37 c. Assisting small businesses in complying with

38 the procedures for bidding and negotiating for  
39 contracts.  
40 d. Simplifying procurement specifications and  
41 terms in order to increase the opportunities for small  
42 business participation.  
43 e. When economically feasible, dividing total  
44 purchases into tasks or quantities to permit maximum  
45 small business participation.  
46 f. Developing a mechanism to measure and monitor  
47 the amount of participation by small businesses in  
48 state procurement.  
49 g. Compiling and publishing a monthly newsletter  
50 which will provide interested businesses with

**Page 3**

1 information concerning timely forecasts of repetitive  
2 contracting requirements by dollar volume and contract  
3 type and other state contract procurement  
4 opportunities. The division shall charge a nominal  
5 fee for the newsletter which fee shall be sufficient  
6 to meet the costs of printing and distribution.  
7 Sec. 7. Section 28.46, Code 1985, is amended by  
8 adding the following new unnumbered paragraph:  
9 NEW UNNUMBERED PARAGRAPH. The annual report shall  
10 include a section devoted to a description of  
11 activities relative to the development of a small  
12 business economic policy and recommendations to  
13 further the economic well-being of small business.”

COMMITTEE ON SMALL BUSINESS  
AND ECONOMIC DEVELOPMENT  
ARTHUR A. SMALL, Jr., Chairperson

HOUSE AMENDMENT TO  
SENATE FILE 199

S-5229

1 Amend Senate File 199 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 19A.18, unnumbered paragraph  
6 8, Code 1985, is amended by striking the paragraph.”  
7 2. Page 1, by striking line 9 and inserting the  
8 following: “a period of leave. If the employee is  
9 under chapter 19A, the employee may choose to use  
10 accrued vacation leave, accrued compensatory leave or

11 leave without pay to cover these periods. The  
 12 appointing authority may authorize other employees to  
 13 use accrued vacation leave or accrued compensatory  
 14 leave instead of leave without pay to cover these  
 15 periods. An employee who is a”.

16 3. Page 1, by inserting after line 16 the  
 17 following:

18 “Sec. 3. Section 400.29, subsection 4, Code 1985,  
 19 is amended by striking the subsection.

20 Sec. 4. This Act, being deemed of immediate  
 21 importance, takes effect from and after its  
 22 publication in the Iowa City Press-Citizen, a  
 23 newspaper published in Iowa City, Iowa, and in The  
 24 Daily Nonpareil, a newspaper published in Council  
 25 Bluffs, Iowa and is retroactive to May 3, 1986.”

HOUSE AMENDMENT TO  
 SENATE FILE 2044

S-5230

1 Amend Senate File 2044 as passed by the Senate as  
 2 follows:

3 1. Page 1, line 12, by inserting after the word  
 4 “proceeding” the words “, administrative hearing”.

5 2. Page 1, line 19, by inserting after the word  
 6 “trial” the words “, administrative hearing”.

7 3. Page 1, line 22, by inserting after the  
 8 “trial” the words “, administrative hearing”.

9 4. Title page, line 2, by inserting after the  
 10 word “in” the words “administrative hearings and”.

S-5231

1 Amend Senate File 2178 as follows:

2 1. Page 2, by striking lines 13 through 17 and  
 3 inserting in lieu thereof the following:

4 “Sec. 8. This Act, being deemed of immediate  
 5 importance, takes effect from and after its  
 6 publication in The Messenger, a newspaper published in  
 7 Fort Dodge, Iowa, and in the Pocahontas Record-  
 8 Democrat, a newspaper published in Pocahontas, Iowa.”

JAMES WELLS

S-5232

- 1 Amend Senate File 2197 as follows:
- 2 1. Page 1, by striking lines 13 through 16 and
- 3 inserting the following: "bodies were contacted."

ALVIN MILLER

S-5233

- 1 Amend Senate File 2057 as follows:
- 2 1. Page 4, by striking lines 31 and 32 and
- 3 inserting the following: "application of the
- 4 principles and methods of marital and family therapy
- 5 in the assessment and resolution".

JOY CORNING

S-5234

- 1 Amend Senate File 2104 as follows:
- 2 1. Page 2, by striking line 8 and inserting the
- 3 following:
- 4 "b. An independent contractor.
- 5 c. An owner-operator who as an".
- 6 2. Page 2, line 35, by striking the words "with
- 7 the carrier" and inserting the following: "covering
- 8 the owner-operator's employees, if any".
- 9 3. By relettering as necessary.

COMMITTEE ON LABOR  
AND INDUSTRIAL RELATIONS  
TOM MANN, Jr., Chairperson

S-5235

- 1 Amend Senate File 2110 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 455B.304, Code Supplement
- 5 1985, is amended by adding the following new
- 6 unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. The commission shall
- 8 adopt rules prohibiting the disposal of uncontained
- 9 liquid waste in a sanitary landfill.
- 10 Sec. 2. Section 455B.304, unnumbered paragraph 1,
- 11 Code Supplement 1985, is amended to read as follows:

12 The commission shall establish rules for the proper  
 13 administration of this part 1 of division IV which  
 14 shall reflect and accommodate as far as is reasonably  
 15 possible the current and generally accepted methods  
 16 and techniques for treatment and disposition of solid  
 17 waste which will serve the purposes of this part 1 of  
 18 this division, and which shall take into consideration  
 19 the factors, including others which it deems proper,  
 20 such as existing physical conditions, topography,  
 21 soils and geology, climate, transportation, and land  
 22 use, and which shall include but are not limited to  
 23 rules relating to the establishment and location of  
 24 sanitary disposal projects, sanitary practices,  
 25 inspection of sanitary disposal projects, collection  
 26 of solid waste, disposal of solid waste, pollution  
 27 controls, the issuance of permits, approved methods of  
 28 private disposition of solid waste, the general  
 29 operation and maintenance of sanitary disposal  
 30 projects, and the implementation of this part 1 of  
 31 this division. ~~The rules shall require that each~~  
 32 ~~sanitary disposal project has a sufficient number of~~  
 33 ~~water wells to adequately monitor the quality of~~  
 34 ~~ground water adjacent to the sanitary disposal project~~  
 35 ~~site. Prior to issuance of rules or amendments to~~  
 36 ~~rules, the commission shall hold at least one public~~  
 37 ~~hearing on the proposed rules or amendments, and shall~~  
 38 ~~give notice of the hearing at least thirty days in~~  
 39 ~~advance by publishing notice in a newspaper of general~~  
 40 ~~circulation in the state.~~

41 Sec. 3. Section 455B.304, Code Supplement 1985, is  
 42 amended by adding the following new unnumbered  
 43 paragraphs:

44 NEW UNNUMBERED PARAGRAPH. The commission shall  
 45 adopt rules requiring that each sanitary disposal  
 46 project established pursuant to section 455B.302 and  
 47 permitted pursuant to section 455B.305 install and  
 48 maintain a sufficient number of groundwater monitoring  
 49 wells to adequately determine the quality of the  
 50 groundwater and the impact the sanitary disposal

Page 2

1 project, if any, is having on the groundwater adjacent  
 2 to the sanitary disposal project site.

3 NEW UNNUMBERED PARAGRAPH. The commission shall  
 4 adopt rules requiring a schedule of monitoring of the  
 5 quality of groundwater adjacent to the sanitary  
 6 disposal project from the groundwater monitoring wells  
 7 installed in accordance with this section during the

8 period the sanitary disposal project is in use.  
9 Schedules of monitoring may be varied in consideration  
10 of the types of sanitary disposal practices,  
11 hydrologic and geologic conditions, construction and  
12 operation characteristics, and volumes and types of  
13 wastes handled at the sanitary disposal project site.  
14 NEW UNNUMBERED PARAGRAPH. The commission shall, by  
15 rule, require continued monitoring of groundwater  
16 pursuant to this section for a period of twenty years  
17 after the sanitary disposal project is closed. The  
18 commission may prescribe a lesser period of monitoring  
19 duration and frequency in consideration of the  
20 potential or lack thereof for groundwater  
21 contamination from the sanitary disposal project. The  
22 commission may extend the twenty-year monitoring  
23 period on a site-specific basis by adopting rules  
24 specifically addressing additional monitoring  
25 requirements for each sanitary disposal project for  
26 which the monitoring period is to be extended.”

COMMITTEE ON ENERGY  
AND ENVIRONMENT  
CHARLES BRUNER, Chairperson

S-5236

1 Amend Senate File 2216 as follows:  
2 1. Page 1, line 6, by striking the word  
3 “photographic” and inserting the word “photographic.”

DONALD V. DOYLE

S-5237

1 Amend Senate File 2193 as follows:  
2 1. Page 1, lines 13 and 14, by striking the words  
3 “~~to the extent of the certificate~~” and inserting the  
4 following: “to the extent of the ~~certificate~~  
5 acquittance”.

DONALD V. DOYLE

S-5238

- 1 Amend amendment S-5084 to Senate File 166 as
- 2 follows:
- 3 1. Page 1, line 16, by inserting after the word
- 4 "year" the following: ", and shall establish, subject
- 5 to chapter 17A, methods by which pigeons may be taken
- 6 which may include trapping or poisoning".
- 7 2. Page 1, by striking lines 17 through 27.

BERL E. PRIEBE

S-5239

- 1 Amend Senate File 2072 as follows:
- 2 1. Page 1, by striking lines 1 through 7 and
- 3 inserting the following:
- 4 "Section 1. Section 455B.301, Code Supplement
- 5 1985, is amended by adding the following new
- 6 subsection:
- 7 **NEW SUBSECTION. 7.** "Operator" means a person who
- 8 has direct responsibility for the operation of a
- 9 sanitary disposal project.
- 10 Sec. 2. Section 455B.304, Code Supplement 1985, is
- 11 amended by adding the following new unnumbered
- 12 paragraph:
- 13 **NEW UNNUMBERED PARAGRAPH.** The commission shall, by
- 14 January 1, 1987, adopt rules establishing minimum
- 15 standards for the certification of sanitary disposal
- 16 project operators, including surety bonding
- 17 requirements, terms of certificates and procedures for
- 18 issuance and renewal of certificates.
- 19 Sec. 3. **NEW SECTION. 455B.311 PROJECT OPERATOR.**
- 20 2. Page 1, line 9, by striking the word
- 21 "landfill" and inserting the following: "disposal
- 22 project".
- 23 3. Page 1, lines 11 and 12, by striking the words
- 24 "which rules shall be adopted no later than January 1,
- 25 1987".
- 26 4. Page 1, by striking line 13 and inserting the
- 27 following: "prescribed by rule of the commission and
- 28 furnished by the department and shall not".
- 29 5. Page 1, line 18, by striking the word
- 30 "commission" and inserting the following: "executive
- 31 director".
- 32 6. Page 1, by striking line 20 and inserting the
- 33 following: "the operation of a sanitary disposal
- 34 project. Character".
- 35 7. Page 1, by striking line 23 and inserting the
- 36 following: "certification by rule."
- 37 8. Page 1, line 24, by striking the word

38 "landfill" and inserting the following: "disposal  
39 project".  
40 9. Page 1, line 25, by striking the word  
41 "commission" and inserting the following: "executive  
42 director".

COMMITTEE ON ENERGY  
AND ENVIRONMENT  
CHARLES BRUNER, Chairperson

S-5240

1 Amend Senate File 84 as follows:  
2 1. Page 1, line 1, by striking the words  
3 "PROHIBITION OF".  
4 2. Page 1, line 3, by striking the words "shall  
5 not" and inserting the word "may".  
6 3. Page 1, line 5, by inserting after the word  
7 "of" the word "small".  
8 4. Page 1, line 6, by inserting after the word  
9 "firearms" the following: ", as defined by the  
10 commissioner of public safety, but shall not enact  
11 such ordinance for any other firearm".  
12 5. Page 1, line 8, by inserting after the word  
13 "ordinance" the following: ", or such part of an  
14 ordinance, which regulates firearms other than small  
15 firearms".

TOM MANN, Jr.

S-5241

1 Amend Senate File 84 as follows:  
2 1. Page 1, by inserting before line 1, the  
3 following:  
4 "Section 1. Section 724.1, Code 1985, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 9. An offensive weapon also  
7 includes any small caliber, hand held firearm which  
8 the commissioner of public safety so defines as an  
9 offensive weapon by rule."  
10 2. Title page, lines 1 and 2, by striking the  
11 words "by a political subdivision".  
12 3. By renumbering as necessary.

TOM MANN, Jr.

S-5242

- 1 Amend House File 2300, as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 13 and 14.

JAMES WELLS

S-5243

- 1 Amend Senate File 2207 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 135.61, subsection 19, Code
- 5 1985, is amended by adding the following new lettered
- 6 paragraph:
- 7 NEW LETTERED PARAGRAPH. i. Organ or tissue
- 8 transplant services which are or will be offered in or
- 9 through an institutional health facility or a health
- 10 maintenance organization at a specific time but which
- 11 were not offered for that specific organ or tissue on
- 12 a regular basis within the twelve-month period prior
- 13 to that time."
- 14 2. Title page, by striking lines 1 and 2 and
- 15 inserting the following: "An Act relating to the
- 16 certificate-of-need process relating to organ or
- 17 tissue transplant services and residential care
- 18 facilities."

DAVID READINGER  
CHARLES BRUNER

S-5244

- 1 Amend Senate File 2025 as follows:
- 2 1. Page 1, by inserting after line 18 the
- 3 following:
- 4 "This section shall apply only to organs for which
- 5 transplants have been determined to be nonexperimental
- 6 in nature and eligible for coverage under the federal
- 7 medicare program under Title XVIII of the federal
- 8 Social Security Act."

CHARLES BRUNER

S-5245

1 Amend Senate File 2207 as follows:

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

4 "Section 1. Section 135.1, Code 1985, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 8. "Continuing care" means the  
7 furnishing to an individual, other than an individual  
8 related by consanguinity or affinity to the person  
9 furnishing the care, of board and lodging together  
10 with nursing services, medical services, or other  
11 health-related services, regardless of whether or not  
12 the lodging and services are provided at the same  
13 location and pursuant to an agreement effective for  
14 the life of the individual or for a period in excess  
15 of one year.

16 Sec. \_\_\_\_ . NEW SECTION. 135.50 CONTINUING CARE  
17 FACILITY -- FINANCIAL SECURITY STANDARDS.

18 The department shall establish minimum financial  
19 security standards for continuing care facilities to  
20 assure solvency and the provision of quality services  
21 to residents of continuing care facilities."

22 2. Page 1, line 2, by striking the word  
23 "paragraph" and inserting the following:  
24 "paragraphs".

25 3. Page 1, by inserting after line 6 the  
26 following:

27 "NEW LETTERED PARAGRAPH. g. A continuing care  
28 facility which meets the financial security standards  
29 established by the department pursuant to section  
30 135.50."

31 4. By renumbering as necessary.

CHARLES BRUNER

HOUSE AMENDMENT TO  
SENATE FILE 540

S-5246

1 Amend Senate File 540 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 3, by inserting after line 16 the  
4 following:

5 "Sec. 6. Section 56.6, subsection 1, Code 1985, is  
6 amended by adding the following new lettered  
7 paragraph:

8 NEW LETTERED PARAGRAPH. A candidate's committee of  
9 a state officeholder shall file a letter report to be  
10 received within fourteen days of the receipt of any  
11 contribution from a political committee or from a  
12 lobbyist registered under the rules adopted by either  
13 house of the general assembly while the general  
14 assembly is in session. The letter report shall  
15 notify the commission of the following:  
16 (1) The name of the candidate's committee.  
17 (2) The name and complete address of the political  
18 committee or registered lobbyist making the  
19 contribution.  
20 (3) The amount of the contribution.  
21 (4) The date the contribution was received.  
22 (5) In the event the contribution was caused by a  
23 fundraiser, an explanation of the sponsor and type of  
24 event held."

S-5247

1 Amend House File 2287 as passed by the House as  
2 follows:  
3 1. Page 1, by striking lines 12 through 21 and  
4 inserting the following: "section applies to any  
5 mechanic's lien perfected under this chapter that has  
6 not been discharged as of the effective date of this  
7 Act as well as any mechanic's lien filed on or after  
8 the effective date of this Act."  
9 2. Title page, by striking line 1 and inserting  
10 the following:  
11 "An Act permitting the posting of a bond to  
12 discharge a mechanic's lien and providing for an  
13 effective date."  
14 3. Renumber as necessary.

COMMITTEE ON COMMERCE  
GEORGE KINLEY, Chairperson

S-5248

1 Amend Senate File 2025 as follows:  
2 1. Page 1, by striking lines 1 through 18 and  
3 inserting the following:  
4 "Section 1. NEW SECTION. 142A.11 DONOR REQUESTS.  
5 When death occurs in a hospital to a person who is  
6 a medically suitable organ donor and who has not made  
7 an anatomical gift under this chapter, hospitals shall  
8 be encouraged, through appropriate hospital personnel,

9 to make request of a person designated in the order of  
10 priority in section 144A.7, subsection 1, paragraphs  
11 "b" through "f", to consent to the gift of all or any  
12 part of the decedent's body as an anatomical gift.  
13 The request and its disposition shall be noted in the  
14 patient's medical record and on the death certificate.  
15 Hospitals shall assure that information about the  
16 organ donor law is available in the hospital and shall  
17 make good faith efforts to inform patients of the  
18 law's provisions.  
19 The department of health shall adopt guidelines for  
20 the training of hospital employees who may be  
21 designated to make the request and the procedures to  
22 be employed in making the request. The department  
23 shall further adopt guidelines to implement procedures  
24 to facilitate the delivery of donations from receiving  
25 hospitals to potential recipients. Guidelines shall  
26 be adopted in consultation with appropriate interested  
27 parties."

ARTHUR L. GRATIAS

S-5249

1 Amend amendment S-5245 to Senate File 2207 as  
2 follows:  
3 1. Page 1, line 18, by inserting before the word  
4 "department" the word "insurance".

RICHARD VANDE HOEF

S-5250

1 Amend Senate File 2207 as follows:  
2 1. Page 1, line 4, by inserting after the figure  
3 "135C.1," the following: "but which houses no more than  
4 fifteen residents,".

RICHARD VANDE HOEF

S-5251

1 Amend Senate File 2137 as follows:  
2 1. Page 1, line 23, by inserting after the word  
3 "waste." the following: "However, a corporation or a  
4 wholly or partially owned subsidiary of a corporation  
5 engaged in the slaughter, processing, distribution, or

6 marketing of beef products shall not fatten or finish  
 7 feeder cattle owned by the corporation or subsidiary  
 8 in a commercial cattle feedlot owned by the  
 9 corporation or subsidiary.”

COMMITTEE ON AGRICULTURE  
 BERL E. PRIEBE, Chairperson

S-5252

1 Amend Senate File 2176 as follows:  
 2 1. Page 1, by inserting after line 19 the  
 3 following:  
 4 “d. The quality and market integrity of  
 5 agricultural grains produced in such states, by  
 6 proposing revisions to the grain grading standards for  
 7 damage, foreign material, and moisture to provide  
 8 incentives for maintaining grain quality and at the  
 9 same time to remove any incentives that lead to the  
 10 adulteration of grain or the reduction of the grade  
 11 level at any point in the marketing chain.”

COMMITTEE ON AGRICULTURE  
 BERL E. PRIEBE, Chairperson

S-5253

1 Amend Senate File 2025 as follows:  
 2 1. Page 1, line 2, by inserting after the word  
 3 “person” the following: “who is a medically suitable  
 4 organ donor and”.  
 5 2. Page 1, line 4, by striking the word “request”  
 6 and inserting the following: “inform”.  
 7 3. Page 1, lines 6 and 7, by striking the words  
 8 “consent to” and inserting the following: “consider”.  
 9 4. Page 1, line 8, by striking the word “request”  
 10 and inserting the following: “indication that the  
 11 information has been provided to the patient”.  
 12 5. Page 1, lines 12 through 14, by striking the  
 13 words “make the request and the procedures to be  
 14 employed in making the request” and inserting the  
 15 following: “to provide information and procedures for  
 16 providing that information”.

ARNE WALDSTEIN

HOUSE AMENDMENT TO  
SENATE FILE 447

S-5254

1 Amend Senate File 447, 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 136C.3, subsection 2, Code  
6 1985, is amended to read as follows:

7 2. Establish minimum training standards including  
8 continuing education requirements, and administer  
9 examinations and disciplinary procedures for operators  
10 of radiation machines and users of radioactive  
11 materials. A state of Iowa license to practice  
12 medicine, osteopathy, chiropractic, podiatry,  
13 dentistry, dental hygiene, or veterinary medicine, or  
14 certification as a physician's assistant as defined in  
15 section 148C.1, subsection 6, or certification by the  
16 board of dental examiners in dental radiography, or  
17 enrollment in a program or course of study approved by  
18 the state department of health which includes the  
19 application of radiation to humans satisfies the  
20 minimum training standards for operation of radiation  
21 machines only.

22 Sec. 2. Section 136C.10, Code 1985, is amended to  
23 read as follows:

24 136C.10 FEES.

25 The department shall establish and collect fees for  
26 the licensing and amendment of licenses for  
27 radioactive materials, the registration of radiation  
28 machines, ~~and the periodic inspection of radiation~~  
29 ~~machines and radioactive materials, and the~~  
30 implementation of section 136C.3, subsection 2. Fees  
31 shall be in amounts sufficient to defray the cost of  
32 administering this chapter. The license fee may  
33 include the cost of environmental surveillance  
34 activities to assess the radiological impact of  
35 activities conducted by licensees. Fees collected  
36 shall be remitted to the treasurer of state who shall  
37 deposit the funds in the general fund of the state.  
38 When a registrant or licensee fails to pay the  
39 applicable fee the department may suspend or revoke  
40 the registration or license or may issue an  
41 appropriate order. Fees for the license, amendment of  
42 a license, and inspection of radioactive material  
43 shall not exceed the fees prescribed by the United  
44 States nuclear regulatory commission."

45 2. Title page, by striking line 1 and inserting  
46 the following:  
47 "An Act relating to the minimum training standards  
48 imposed upon operators of radiation emitting  
49 equipment."

S-5255

1 Amend amendment S-5248 to Senate File 2025 as  
2 follows:  
3 1. Page 1, line 12, by inserting after the word  
4 "gift" the words "when there is a reasonable  
5 expectation a donee can be found to receive the  
6 organ".

CHARLES BRUNER

S-5256

1 Amend Senate File 2022 as follows:  
2 1. Page 1, line 7, by inserting after the word  
3 "misdemeanor." the following: "This subsection does  
4 not apply to mandatory reporters otherwise reporting  
5 in accordance with this chapter."

COMMITTEE ON HUMAN RESOURCES  
BEVERLY HANNON, Chairperson

S-5257

1 Amend Senate File 108 as follows:  
2 1. Page 1, line 18, by striking the words "in  
3 cooperation" and inserting in lieu thereof the words  
4 "after consultation".  
5 2. Page 1, line 27, by striking the words "in  
6 cooperation" and inserting in lieu thereof the words  
7 "after consultation".

DOUGLAS RITSEMA

S-5258

1 Amend Senate File 2190 as follows:  
2 1. Page 1, by striking lines 17 through 21 and

- 3 inserting the following: "growing within the highway
- 4 right-of-way. This section does".

TOM MANN, Jr.

S-5259

- 1 Amend Senate File 132 as follows:
- 2 1. Page 1, by striking line 16 and inserting the
- 3 following:
- 4 "Sec. \_\_\_\_ . This Act, being deemed of immediate importance,
- 5 takes effect from and after its publication in The Cedar Rapids
- 6 Gazette, a newspaper published in Cedar Rapids,
- 7 Iowa, and in the Hampton Chronicle, a newspaper published in
- 8 Hampton, Iowa for computations required for levying of
- 9 property taxes under the state school foundation program for the
- 10 school year beginning July 1, 1986."

COMMITTEE ON EDUCATION  
LARRY MURPHY, Chairperson

S-5260

- 1 Amend Senate File 2232 as follows:
- 2 1. Page 1, line 17, by striking the words "the
- 3 Ankeny Press Citizen" and inserting the words "The
- 4 Altoona Herald-Mitchellville Index".
- 5 2. Page 1, line 18, by striking the word "Ankeny"
- 6 and inserting the word "Altoona".

WILLIAM W. DIELEMAN

S-5261

- 1 Amend Senate File 132 as follows:
- 2 1. Page 1, by striking lines 6 and 7 and
- 3 inserting the following: "school district for the
- 4 budget year ~~or five thousand dollars, whichever is~~
- 5 ~~greater.~~"

DOUGLAS RITSEMA

S-5262

1 Amend Senate File 2224 as follows:  
 2 1. Page 6, by inserting after line 1 the  
 3 following:  
 4 "Sec. \_\_\_\_ . This Act, being deemed of immediate  
 5 importance, takes effect from and after its  
 6 publication in The Cascade Pioneer-Advertiser, a  
 7 newspaper published in Cascade, Iowa, and in the  
 8 Waterloo Courier Cedar Falls Record, a newspaper  
 9 published in Waterloo, Iowa."

JOE WELSH  
 JOY CORNING

S-5263

1 Amend Senate File 389 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. NEW SECTION. 117.54 DEFINITIONS.  
 5 As used in sections 117.55 and 117.56, unless the  
 6 context otherwise requires:  
 7 1. "Auction" means the sale of goods or real  
 8 estate conducted by means of oral or written exchange  
 9 between an auctioneer and members of the audience, the  
 10 exchanges consisting of a series of invitations for  
 11 offers made by the auctioneer, offers by members of  
 12 the audience, and the acceptance by the auctioneer of  
 13 the highest or most favorable offer.  
 14 2. "Auctioneer" means a person who, as a bid  
 15 caller or solicitor of written bids, for a fee,  
 16 commission, or any other valuable consideration, or  
 17 with the intention or expectation of receiving the  
 18 same, by the means of, or process of, an auction or  
 19 sale at auction, offers, negotiates or attempts to  
 20 negotiate, a listing contract, sale, purchase or  
 21 exchange of real or personal property, or of any other  
 22 commodity which may lawfully be kept or offered for  
 23 sale by or at auction.  
 24 Sec. 2. NEW SECTION. 117.55 TRUST OR ESCROW  
 25 ACCOUNT.  
 26 1. All moneys received from the sale at auction of  
 27 property belonging to an owner or consignor must be  
 28 deposited by the auctioneer in a special trust or  
 29 escrow account. The deposit must occur within  
 30 seventy-two hours of the end of the sale, unless the  
 31 owner or consignor is paid the proceeds from the sale  
 32 of property immediately after the sale or the written

33 contract with the auctioneer stipulates other terms.  
 34 All payments made to consignors, other than immediate  
 35 settlement, must be made from the trust or escrow  
 36 account, and no funds from the trust or escrow account  
 37 shall be used for any purpose other than for payment  
 38 of consignors and owners, expenses connected with the  
 39 sale and listed specifically in the contract, and  
 40 payment of auctioneer commissions or fees agreed to in  
 41 the contract. Trust or escrow funds shall not be  
 42 commingled with personal or business funds of an  
 43 auctioneer or be used for any purpose other than as  
 44 stated in this subsection.  
 45 2. Payment of moneys owed to the owner or  
 46 consignor must be made within fifteen days of the sale  
 47 of the owner's or consignor's property, unless other  
 48 terms were agreed to in a written contract entered  
 49 into with an auctioneer prior to the sale.  
 50 Sec. 3. NEW SECTION. 117.56 PENALTY.

**Page 2**

1 A violation of section 117.55 is a serious  
 2 misdemeanor."  
 3 2. Title page, by striking lines 1 through 3 and  
 4 inserting the following:  
 5 "An Act relating to the deposit of moneys received  
 6 from a sale at auction in a trust or escrow account  
 7 and providing a penalty."  
 8 3. By renumbering as necessary.

DOUGLAS RITSEMA  
 JOE WELSH

S-5264

1 Amend Senate File 2172 as follows:  
 2 1. Page 1, by inserting after line 8 the  
 3 following: "Organ or tissue transplant services shall  
 4 not include transplant services which are routinely  
 5 performed in the course of ordinary operative  
 6 procedures in health facilities."

COMMITTEE ON HUMAN RESOURCES  
 BEVERLY HANNON, Chairperson

S-5265

1 Amend House File 2160, as passed by the House, as  
 2 follows:  
 3 1. Page 1, line 22, by inserting after the word  
 4 "section" the following: "except to investigate an  
 5 internal theft".

COMMITTEE ON LABOR AND  
 INDUSTRIAL RELATIONS  
 TOM MANN, Jr., Chairperson

HOUSE AMENDMENT TO  
 SENATE FILE 159

S-5266

1 Amend Senate File 159 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 321G.2, Code 1985, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. Issuance of competition  
 8 registrations and the participation of snowmobiles so  
 9 registered in special events.  
 10 Sec. 2. Section 321G.3, Code 1985, is amended by  
 11 adding the following new unnumbered paragraph:  
 12 NEW UNNUMBERED PARAGRAPH. Upon proper application  
 13 and payment of the registration fee provided in  
 14 section 321G.6, the commission shall issue a  
 15 competition registration for a snowmobile. A  
 16 competition registration authorizes the operation of  
 17 the snowmobile only in special events in which the  
 18 commission has authorized their operation. The fees  
 19 collected for the competition registration shall be  
 20 deposited in the special conservation fund."  
 21 2. Page 1, by inserting before line 1 the  
 22 following new section:  
 23 "Sec. \_\_\_\_ . Section 321G.5, unnumbered paragraph 1,  
 24 Code 1985, is amended by striking the unnumbered  
 25 paragraph."  
 26 3. Page 1, by striking line 11 and inserting the  
 27 following: "registrant may be assigned a new  
 28 registration number or may choose to keep the  
 29 delinquent registration number, and the delinquent  
 30 registrant".  
 31 4. Title page, line 1, by inserting after the

32 word "Act" the following: "relating to registration  
33 and numbering of snowmobiles and".

34 5. Title page, line 2, by striking the word  
35 "subsequent" and inserting the word "consecutive".

36 6. By renumbering, relettering, or redesignating  
37 and correcting internal references as necessary.

S-5267

1 Amend House File 2353 as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 3, lines 5 and 6, by striking the words  
4 "new, reasonable," and inserting the word  
5 "reasonable".

6 2. Page 3, by striking lines 11 and 12.

7 3. Page 4, line 6, by striking the words "the  
8 board of".

9 4. Page 4, line 16, by striking the word "new".

10 5. Page 5, by striking lines 2 through 4 and  
11 inserting the following: "'b" in an amount greater  
12 than three percent per annum of up to one hundred  
13 thousand dollars of the principal balance of the  
14 farmer's operating loan outstanding from time to time,  
15 for the term of".

16 6. Page 5, line 8, by striking the words "the  
17 board of".

18 7. Page 5, line 15, by striking the word "new".

19 8. Page 5, line 22, by striking the word "fifty"  
20 and inserting the words "one hundred".

21 9. Page 6, line 16, by striking the word "May"  
22 and inserting the word "July".

23 10. Page 6, line 25, by striking the word "May"  
24 and inserting the word "July".

COMMITTEE ON AGRICULTURE  
BERL E. PRIEBE, Chairperson

S-5268

1 Amend amendment S-5230 to Senate File 2044 as  
2 passed by the Senate as follows:

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

5 "3. Page 1, line 20, by striking the words  
6 "before a jury or to the court" and inserting the  
7 following: "~~before a jury or to the court~~ or the  
8 adverse agency of the state".

- 9 4. Page 1, line 21, by inserting after the word  
 10 "attorney" the following: "or in the case of an  
 11 administrative proceeding the adverse agency."  
 12 2. By renumbering as necessary.

DONALD V. DOYLE

S-5269

- 1 Amend Senate File 2190 as follows:  
 2 1. Page 1, line 21, by striking the word "right-  
 3 of-way." and inserting the following: "right-of-way,  
 4 unless the failure to remove trees, shrubs,  
 5 underbrush, and other growth creates a hazard  
 6 unreasonably dangerous to persons traveling along the  
 7 right-of-way."

DAVID M. READINGER  
 TOM MANN, JR.  
 JOE WELSH  
 MICHAEL GRONSTAL  
 JOHN E. SOORHOLTZ

S-5270

- 1 Amend Senate File 2119 as follows:  
 2 1. Page 1, by striking lines 1 through 10 and  
 3 inserting the following:  
 4 "1. A buyer or mortgagee who acquires title to  
 5 land on which soil conservation cost funds were  
 6 received for the construction of permanent soil and  
 7 water conservation practices within ten years prior to  
 8 the acquisition shall not cause the removal of such  
 9 practices without the permission of the commissioners  
 10 of the soil conservation district."  
 11 2. Page 1, by striking lines 18 through 20 and  
 12 inserting the following: "for the imposition of a  
 13 civil penalty on the buyer or mortgagee in an amount  
 14 not to exceed the current cost of replacing the  
 15 structure. The civil penalty is payable to the  
 16 general fund".

COMMITTEE ON AGRICULTURE  
 BERL E. PRIEBE, Chairperson

S-5271

- 1 Amend Senate File 323 as follows:  
2 1. Page 1, line 25, by inserting after the word  
3 "broadcasting." the following: "Before entering into  
4 a contract with a party which is not a state agency for  
5 media production services, a state agency shall submit  
6 the production plans to the media services manager."

COMMITTEE ON STATE GOVERNMENT  
ROBERT CARR, Chairperson

S-5272

- 1 Amend Senate File 2208 as follows:  
2 1. Page 1, line 18, by inserting after the word  
3 "deposits" the following: ", or dispense cash,  
4 script, or other negotiable instruments, and is  
5 utilized to make payments to a retailer for goods or  
6 services purchased at the satellite terminal  
7 location".  
8 2. Title page, by striking lines 3 and 4 and  
9 inserting the following: "funds-transfer satellite  
10 terminal does not apply to certain satellite  
11 terminals."

COMMITTEE ON COMMERCE  
GEORGE KINLEY, Chairperson

S-5273

- 1 Amend Senate File 2088 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. NEW SECTION. 476.65 ENERGY AUDITS.  
5 1. A customer for whom a public utility has  
6 performed an energy audit under the I-SAVE program or  
7 the CACS program shall in writing designate one of the  
8 following:  
9 a. That the results of the audit shall not be  
10 disclosed to any other person, except as permitted in  
11 subsection 2.  
12 b. That the results of the audit are available to  
13 any person engaged in the business of making or  
14 providing energy conservation improvements or services  
15 who requests the information whether the request is

16 made for the customer individually or the request is

17 made for the customer as a class.

18 2. The results of an audit conducted under the I-  
19 SAVE program or the CACS program shall be made  
20 available, upon request, to a person who is a  
21 prospective purchaser of the facility audited. A  
22 person who obtains the results of an audit under this  
23 subsection shall not use the results for the purpose  
24 of making or providing energy conservation  
25 improvements or services.

26 3. The public utility shall make results of the  
27 energy audits available consistent with this section.

28 4. As used in this section:

29 a. "I-SAVE program" means the Iowa-Save America's  
30 Vital Energy program operated pursuant to rules  
31 adopted by the commission.

32 b. "CACS program" means the Commercial Apartment  
33 Conservation Service program operated pursuant to  
34 rules adopted by the commission."

35 2. Title page, line 1, by striking the word  
36 "residential".

CALVIN HULTMAN  
CHARLES BRUNER

S-5274

1 Amend Senate File 2046 as follows:

2 1. Page 1, by striking lines 7 and 8 and  
3 inserting the following: "the university, alumni, or  
4 other interested persons."

5 2. Page 1, line 18, by inserting after the word  
6 "annually." the following: "However, the state board  
7 shall delay implementation of the policy until the  
8 national collegiate athletic association adopts a  
9 similar policy permitting compensation of athletes."

COMMITTEE ON EDUCATION  
LARRY MURPHY, Chairperson

S-5275

1 Amend House File 166, as amended and passed by the  
2 House as follows:

3 1. Page 1, line 6, by inserting after the word

4 "tourism" the following: ", to the extent that funds  
5 are available".

COMMITTEE ON SMALL BUSINESS  
AND ECONOMIC DEVELOPMENT  
ARTHUR A. SMALL, Jr., Chairperson

S-5276

1 Amend Senate File 2109 as follows:  
2 1. Page 1, by striking lines 9 through 11 and  
3 inserting the following: "proprietary capacity and  
4 does not apply to fees paid to cities and counties for  
5 ~~the privilege of participating in any athletic sports~~  
6 use of a golf course."  
7 2. Title page, line 1, by striking the word  
8 "exempting" and inserting the following: "relating to  
9 the exemption of".

EDGAR H. HOLDEN  
JAMES LIND

S-5277

1 Amend Senate File 2081 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. NEW SECTION. 476.1A APPLICABILITY OF  
5 AUTHORITY -- CERTAIN ELECTRIC UTILITIES.  
6 Electric public utilities having less than ten  
7 thousand customers and electric cooperative  
8 corporations and associations are not subject to the  
9 rate regulation authority of the commission. Such  
10 utilities are subject to all other regulation and  
11 enforcement activities of the commission, including:  
12 1. Assessment of fees for the support of the  
13 commission.  
14 2. Safety and engineering standards for equipment,  
15 operations, and procedures.  
16 3. Assigned area of service.  
17 4. Pilot projects of the commission.  
18 However, sections 476.20, 476.21, 476.41 through  
19 476.44, 476.51 and 476.61 and chapters 476A and 478,  
20 to the extent applicable, apply to such electric  
21 utilities.  
22 Electric cooperative corporations and associations  
23 and electric public utilities exempt from rate  
24 regulation under this section shall not make or grant

25 any unreasonable preferences or advantages as to rates  
 26 or services to any person or subject any person to any  
 27 unreasonable prejudice or disadvantage.  
 28 The board of directors or the membership of an  
 29 electric cooperative corporation or association  
 30 otherwise exempt from rate regulation may elect to  
 31 have the cooperative's rates regulated by the  
 32 commission. The commission shall adopt rules  
 33 prescribing the manner in which the board of directors  
 34 or the membership of an electric cooperative may so  
 35 elect.  
 36 Sec. 2. The Iowa state commerce commission shall  
 37 submit copies of its intended action on rules required  
 38 under section 1 of this Act to the administrative  
 39 rules coordinator pursuant to chapter 17A within  
 40 thirty days from the effective date of this Act."  
 41 2. Title page, by striking lines 1 through 4 and  
 42 inserting the following: "An Act exempting electric  
 43 public utilities having less than ten thousand  
 44 customers and electric cooperative corporations and  
 45 associations from the rate regulation authority of the  
 46 Iowa commerce commission and defining the areas in  
 47 which such utilities remain subject to regulation."

COMMITTEE ON COMMERCE  
 GEORGE KINLEY, Chairperson

S-5278

- 1 Amend Senate File 2237 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "agencies," the following: "the telephone industry,".

EDGAR H. HOLDEN

S-5279

- 1 Amend Senate File 2224 as follows:
- 2 1. Page 3, by inserting after line 21 the follow-
- 3 ing:
- 4 "Sec. \_\_\_\_ . Section 99B.7, subsection 1, paragraph
- 5 c, Code Supplement 1985, is amended to read as
- 6 follows:
- 7 c. Cash or merchandise prizes may be awarded in
- 8 the game of bingo ~~and shall not exceed one hundred~~
- 9 ~~dollars. Merchandise prizes may be awarded in the~~
- 10 ~~game of bingo, however, the actual retail value of the~~
- 11 ~~prize, or if the prize consists of more than one item,~~

12 unit or part; the aggregate retail value of all items,  
13 units or parts, shall not exceed one hundred dollars.  
14 A jackpot bingo game may be conducted once during any  
15 twenty-four hour period in which the prize may be  
16 increased by not more than one hundred dollars after  
17 each day's game. However, the cost of play in a  
18 jackpot bingo game shall not be increased and the  
19 jackpot shall not amount to more than five hundred  
20 dollars in cash or actual retail value of merchandise  
21 prizes. A jackpot bingo game is not prohibited by  
22 paragraph "h". The aggregate retail value of any  
23 merchandise or cash awarded at a bingo occasion shall  
24 not exceed two thousand two hundred fifty dollars with  
25 a maximum of five hundred dollars in value for any one  
26 game. A bingo occasion shall not last for longer than  
27 four consecutive hours. A qualified organization  
28 shall not hold more than fourteen bingo occasions per  
29 month. Bingo occasions held under a limited license  
30 shall not be counted in determining whether a  
31 qualified organization has conducted more than  
32 fourteen bingo occasions per month, nor shall bingo  
33 occasions held under a limited license be limited to  
34 four consecutive hours. With the exception of a  
35 limited license bingo, or as permitted pursuant to  
36 section 99B.9A, no more than three bingo occasions per  
37 week shall be held within a structure or building and  
38 only one person licensed to conduct games under this  
39 section may hold bingo occasions within a structure or  
40 building.  
41 **PARAGRAPH DIVIDED.** However, a qualified  
42 organization, which is a senior citizens' center or a  
43 residents' council at a senior citizen housing project  
44 or a group home, may hold more than fourteen bingo  
45 occasions per month and more than three bingo  
46 occasions per week within the same structure or  
47 building, and bingo occasions conducted by such a  
48 qualified organization may last for longer than four  
49 consecutive hours, if the majority of the patrons of  
50 the qualified organization's bingo occasions also

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1 participate in other activities of the senior  
2 citizens' center or are residents of the housing  
3 project. At the conclusion of each bingo occasion,  
4 the person conducting the game shall announce both the  
5 gross receipts received from the bingo occasion and  
6 the use permitted under subsection 3, paragraph "b",  
7 to which the net receipts of the bingo occasion will

8 be dedicated and distributed.”  
 9 2. Renumber as necessary.

MICHAEL E. GRONSTAL

S-5280

1 Amend Senate File 2053 as follows:

2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 “Section 1. Section 275.31, Code Supplement 1985,  
 5 is amended to read as follows:  
 6 275.31 TAXES AND APPROPRIATION TO EFFECT  
 7 EQUALIZATION.

8 If necessary to equalize the division and  
 9 distribution, the board or boards may provide for the  
 10 levy of additional taxes, which shall be sufficient to  
 11 satisfy the mandatory levy required in section 76.2 or  
 12 other liabilities of the districts, upon the property  
 13 of a corporation or part of a corporation and for the  
 14 distribution of the tax revenues so as to effect  
 15 equalization. When the board or boards are  
 16 considering the equalization levy, the division and  
 17 distribution shall not impair the security for  
 18 outstanding obligations of each affected corporation.  
 19 If the property tax levy for the amount estimated and  
 20 certified to apply on principal and interest on lawful  
 21 bonded indebtedness for a newly formed community  
 22 school district is greater than the property tax levy  
 23 for the amount estimated and certified to apply on  
 24 principal and interest in the year preceding the  
 25 reorganization or dissolution for a school district  
 26 that is a party to the reorganization or dissolution  
 27 and that had a certified enrollment of less than six  
 28 hundred for the year prior to the reorganization or  
 29 dissolution, the board of the newly formed district  
 30 shall inform the state comptroller. The state  
 31 comptroller shall pay debt service aid to the newly  
 32 formed district in an amount that will reduce the rate  
 33 of the property tax levy for lawful bonded  
 34 indebtedness in the portion of the newly formed  
 35 district where the new rate is higher, to the rate  
 36 that was levied in that portion of the district during  
 37 the year preceding the reorganization or dissolution.  
 38 For the school year beginning July 1, 1987 and  
 39 succeeding school years, there is appropriated from  
 40 the general fund of the state to the state comptroller  
 41 an amount sufficient to pay the debt service aid under  
 42 this section. Debt service aid shall be paid in the

43 manner provided in section 442.26.  
44 Not later than May 1 of each year, the state  
45 comptroller shall inform the board of the newly formed  
46 school district the amount of debt service aid that  
47 the district will receive and the rate of the property  
48 tax levy for the amount estimated and certified to  
49 apply on principal and interest on lawful bonded  
50 indebtedness in the portion of the newly formed

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1 district where the new rate would have been higher,  
2 and for the remainder of the newly formed district.  
3 The state comptroller shall notify the county auditor  
4 of each applicable county of the amount, in dollars  
5 and cents per thousand dollars of assessed valuation,  
6 of the property tax levy in each portion of each  
7 applicable newly formed school district in the county  
8 for the amount estimated and certified to apply on  
9 principal and interest on lawful bonded indebtedness,  
10 and the boundaries of the portions within the newly  
11 formed district for which the levies shall be made.  
12 The county auditor shall spread the applicable  
13 property tax levy for each portion of a school  
14 district over all taxable property in that portion of  
15 the district.

16 Sec. 2. Section 442.2, subsection 1, Code 1985, is  
17 amended by adding the following new unnumbered  
18 paragraph:

19 NEW UNNUMBERED PARAGRAPH. However, a reorganized  
20 school district shall cause a foundation property tax  
21 of four dollars and forty cents per thousand dollars  
22 of assessed valuation to be levied on all taxable  
23 property which, in the year preceding the  
24 reorganization, was within a school district affected  
25 by the reorganization as defined in section 275.1 and  
26 which had a certified enrollment of less than six  
27 hundred. In succeeding school years, the foundation  
28 property tax levy on that portion shall be increased  
29 twenty cents per year until it reaches the rate of  
30 five dollars and forty cents per thousand dollars of  
31 assessed valuation.

32 For purposes of this section, a reorganized school  
33 district is one in which reorganization was approved  
34 in an election pursuant to sections 275.18 and 275.20  
35 and will take effect on or after July 1, 1986.

36 Sec. 3. NEW SECTION. 442.9A SUPPLEMENTAL AID.  
37 Notwithstanding section 442.9, if the rate of the  
38 additional property tax levy determined under section  
39 442.9 for a budget year for a reorganized school

40 district is higher than the rate of additional  
41 property tax levy determined under section 442.9 for  
42 the year previous to the reorganization for a school  
43 district that had a certified enrollment of less than  
44 six hundred and that was within the school districts  
45 affected by the reorganization as defined in section  
46 275.1, the state comptroller shall reduce the rate of  
47 the additional property tax levy in the portion of the  
48 reorganized district where the new rate is higher, to  
49 the rate that was levied in that portion of the  
50 district during the year preceding the reorganization,

**Page 3**

1 for the five-year period provided in this section.  
2 The state comptroller shall pay to each reorganized  
3 school district during each of the first five years of  
4 existence of the reorganized district as supplemental  
5 aid, moneys equal to the difference in revenues that  
6 would have been collected under the additional  
7 property tax levy calculated under section 442.9 and  
8 the rate determined under this section.

9 For the school year beginning July 1, 1987 and  
10 succeeding school years, there is appropriated from  
11 the general fund of the state to the state comptroller  
12 an amount sufficient to pay the supplemental aid to  
13 school districts under this section. Supplemental aid  
14 shall be paid in the manner provided in section  
15 442.26.

16 For the purpose of the state comptroller's  
17 determination of the portion of a school district's  
18 budget that was property tax and the portion that was  
19 state aid, supplemental aid shall be considered  
20 property tax.

21 For purposes of this section, a reorganized school  
22 district is one in which reorganization was approved  
23 in an election pursuant to sections 275.18 and 275.20  
24 and will take effect on or after July 1, 1986.

25 Sec. 4. This Act takes effect for the computations  
26 required for levying property taxes and payment of  
27 state aid for the school year commencing July 1,  
28 1987."

S-5281

1 Amend Senate File 2224 as follows:

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

4 "Sec. \_\_\_\_ . Section 99B.6, subsection 1, unnumbered  
5 paragraph 1, Code 1985, as amended by 1986 Iowa Acts,  
6 House File 2017, section 1, is amended to read as  
7 follows:

8 Except as provided in ~~subsection~~ subsections 5 and  
9 6, gambling is unlawful on premises for which a class  
10 "A", class "B", class "C", or class "D" liquor control  
11 license, or class "B" beer permit has been issued  
12 pursuant to chapter 123 unless all of the following  
13 are complied with:"

14 2. Page 3, by inserting after line 21 the fol-  
15 lowing:

16 "Sec. \_\_\_\_ . Section 99B.6, Code 1985, as amended by  
17 1986 Iowa Acts, House File 2017, sections 1 and 2, is  
18 amended by adding the following new subsection:

19 **NEW SUBSECTION. 6.** A qualified organization may  
20 conduct games of skill, games of chance, or raffles  
21 pursuant to section 99B.7 in an establishment that  
22 serves or sells alcoholic beverages, wine, or beer as  
23 defined in section 123.3 if the alcoholic beverage,  
24 wine, or beer is not served at any time while the  
25 games are being conducted on the premises."

26 3. Page 4, by inserting after line 25 the  
27 following:

28 "Sec. \_\_\_\_ . Section 99B.9A, Code 1985, is amended  
29 to read as follows:

30 **99B.9A EXCEPTIONS FOR CERTAIN AREAS.**

31 The department may, at its discretion, allow a  
32 qualified organization under section 99B.7 to hold a  
33 game of bingo in a building where another qualified  
34 organization also holds a game of bingo or where the  
35 building is adjacent, but not intraconnected, with an  
36 establishment holding a liquor license ~~and the~~  
37 ~~building is located in a municipality of a recorded~~  
38 ~~census of less than two thousand people and the~~  
39 ~~municipality is not located adjacent to another~~  
40 ~~municipality."~~

41 4. Renumber as necessary.

EDGAR HOLDEN  
JOE WELSH

S-5282

- 1 Amend Senate File 2179 as follows:
- 2 1. Page 14, by striking line 12 and inserting the
- 3 following:
- 4 "Sec. \_\_\_\_ . Sections 297.5, 298.7, 298.9, 300.3,
- 5 and 300.4, Code 1985, are".

WALLY HORN

S-5283

- 1 Amend Senate File 2242 as follows:
- 2 1. Page 2, by striking lines 25 through 29 and
- 3 inserting the following: "other benefits to which the
- 4 employee is already entitled."
- 5 2. Page 5, by striking lines 24 through 28 and
- 6 inserting the following: "other benefits to which the
- 7 employee is already entitled."

RICHARD F. DRAKE

S-5284

- 1 Amend Senate File 2260 as follows:
- 2 1. Page 2, by inserting after line 2 the
- 3 following:
- 4 "Sec. 3. Section 562A.31, Code 1985, is amended by
- 5 striking the subsection and inserting in lieu thereof
- 6 the following:
- 7 562A.31 LANDLORD LIENS.
- 8 A landlord may perfect and enforce a lien for
- 9 unpaid rent pursuant to chapter 570B if the debt for
- 10 unpaid rent accrued after the effective date of this
- 11 Act.
- 12 Sec. 4. NEW SECTION. 570B.1 RESIDENTIAL LANDLORD
- 13 LIEN CREATED.
- 14 A landlord in a residential landlord-tenant
- 15 relationship governed by chapter 562A may perfect and
- 16 enforce a lien for unpaid rent pursuant to this
- 17 chapter if the debt for unpaid rent accrued after the
- 18 effective date of this Act. The lien is possessory
- 19 and attaches to property of the tenant in the land-
- 20 lord's possession. The landlord may assert the lien
- 21 by entering the dwelling in a manner permitted in
- 22 chapter 562A and taking personal property of the
- 23 tenant which is not exempt from executions pursuant to

24 chapter 627. The landlord shall not seize property  
25 which has a market value in excess of the amount of  
26 unpaid rent due.

27 Sec. 5. NEW SECTION. 570B.2 ENFORCEMENT OF LIEN.

28 Within five days after asserting the lien and  
29 taking possession of property against which the lien  
30 is asserted, the landlord shall file an action in  
31 district court in the county in which the dwelling is  
32 located for an adjudication on the validity of the  
33 lien and the underlying debt for which the lien was  
34 asserted. The action shall be accorded reasonable  
35 priority for assignment to assure prompt disposition.  
36 If the landlord fails to commence a timely action  
37 under this section, the lien on the tenant's property  
38 lapses and the property shall be promptly returned."

39 2. Page 2, line 3, by striking the word "This"

40 and inserting the words "Section 1 of this".

41 3. By renumbering as necessary.

42 4. Title page, line 1, by inserting after the  
43 word "liens" the words ", by providing for residential  
44 landlord liens and liens".

EDGAR H. HOLDEN

S-5285

1 Amend Senate File 132 as follows:

2 1. Page 1, by striking lines 8 and 9 and

3 inserting the following:

4 "Sec. \_\_\_\_ . This Act, being deemed of immediate  
5 importance, takes effect from and after its  
6 publication in The Cedar Rapids Gazette, a newspaper  
7 published in Cedar Rapids, Iowa, and in the Hampton  
8 Chronicle, a newspaper published in Hampton, Iowa for  
9 computations required for levying of property taxes  
10 under the state school foundation program for the  
11 school year beginning July 1, 1986."

DOUGLAS RITSEMA

S-5286

1 Amend Senate File 2216 as follows:

2 1. Page 1, line 4, by striking the words

3 "selling, installing, and" and inserting the  
4 following: "installing or".

5 2. Page 1, line 5, by striking the word "and" and

- 6 inserting the following: “performing a security
- 7 survey or inspection of the customer’s premises, or”.

DONALD V. DOYLE

S-5287

- 1 Amend Senate File 2069 as follows:
- 2 1. Page 1, by inserting after line 35 the following:
- 3 “The board shall report to the department of health
- 4 any issuance of a temporary certificate pursuant to this
- 5 section. Upon notification that this section has been
- 6 utilized, the department shall conduct a study and report
- 7 to the legislature its findings. The study shall con-
- 8 sider the public need for these services and the public’s
- 9 need for protection by licensure, and shall state the
- 10 department’s recommendation as to whether licensure
- 11 should be continued for the practice of chiropractic.
- 12 If the recommendation is that licensure be continued,
- 13 the department shall make further recommendations as to
- 14 how licensure requirements may be lessened in order to
- 15 meet the need for chiropractic services in a way that will
- 16 continue to protect the public health and welfare.”.

DOUGLAS RITSEMA

S-5288

- 1 Amend Senate File 2216 as follows:
- 2 1. Page 1, by striking lines 1 through 7.
- 3 2. By renumbering as necessary.

DOUGLAS RITSEMA  
JULIA B. GENTLEMAN

S-5289

- 1 Amend Senate File 2243 as follows:
- 2 1. Page 1, line 22, by inserting after the words
- 3 “to the lien” the following: “, except a first
- 4 mortgage real estate loan”.
- 5 2. Page 1, line 28, by striking the word
- 6 “sufficient” and inserting the following:
- 7 “insufficient”.
- 8 3. Page 1, line 31, by striking the words “The
- 9 proceeds of”.

10 4. By striking page 1, line 32 through page 2,  
11 line 24.

RAY TAYLOR

S-5290

1 Amend Senate File 2057 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. NEW SECTION. 148E.1 DEFINITIONS.  
5 As used in this chapter, unless the context  
6 otherwise requires:  
7 1. "Department" means the department of health.  
8 2. "Counseling" means the practice of listening  
9 to, advising, and otherwise assisting others in the  
10 understanding and development of personal goals and  
11 interpersonal relationships.  
12 Sec. 2. NEW SECTION. 148E.2 REQUIREMENTS FOR  
13 CERTIFICATION.  
14 An applicant shall be granted certification by the  
15 department as a certified counselor when the following  
16 requirements are satisfied:  
17 1. The applicant possesses a master's degree in  
18 counseling, marriage and family therapy, or their  
19 equivalents as approved by the department.  
20 2. The applicant has at least two years of  
21 counseling experience approved by the department.  
22 3. The applicant passes an examination  
23 administered by the department.  
24 Sec. 3. NEW SECTION. 148E.3 CERTIFIED COUNSELOR.  
25 1. A counselor certified under this chapter may  
26 use the words "certified counselor" after the person's  
27 name.  
28 2. Certification is not required of counselors in  
29 this state. However, a counselor shall not use the  
30 term "certified", or imply in any way that he or she  
31 is certified, unless the counselor has received  
32 certification from the department.  
33 3. The chapter shall in no way prohibit the  
34 practice of counseling which is done as part of a  
35 licensed profession.  
36 Sec. 4. NEW SECTION. 148E.4 RULES.  
37 The department shall adopt rules necessary for the  
38 implementation of this chapter in accordance with  
39 chapter 17A."  
40 2. Title page, lines 1 and 2, by striking the  
41 words "licensing of marital and family therapists and

42 mental health” and inserting the following:  
43 “certification of”.

DOUGLAS RITSEMA

S-5291

1 Amend amendment S-5264 to Senate File 2172 as  
2 follows:  
3 1. Page 1, by inserting after line 1, the  
4 following:  
5 “ \_\_\_\_ . Page 1, line 3, by striking the words “or  
6 tissue”.  
7 \_\_\_\_ . Page 1, line 7, by striking the words “or  
8 tissue”.”  
9 2. Page 1, line 3, by striking the words “or  
10 tissue”.  
11 3. Page 1, by inserting after line 6 the  
12 following:  
13 “ \_\_\_\_ . Title page, line 2, by striking the words  
14 “or tissue”.

DAVID M. READINGER

S-5292

1 Amend Senate File 2172 as follows:  
2 1. Page 1, lines 7 and 8, by striking the words  
3 “on a regular basis within the twelve-month period  
4 prior to that time” and inserting the following:  
5 “prior to the effective date of this Act”.

DAVID M. READINGER

S-5293

1 Amend Senate File 2280 as follows:  
2 1. Page 1, by striking lines 23 through 33.  
3 2. By renumbering sections as required by this  
4 amendment.

JOHN W. JENSEN

S-5294

1 Amend Senate File 2271 as follows:  
2 1. Page 2, by inserting after line 2 the

3 following new sections:

4 "Sec. \_\_\_\_ . There is appropriated from the road use  
5 tax fund to the state department of transportation for  
6 the fiscal year beginning July 1, 1985 and ending June  
7 30, 1986 the sum of three hundred seventy-two thousand  
8 eight hundred twenty-three (372,823) dollars, or so  
9 much thereof as is necessary, to provide salary  
10 adjustments required by implementation action taken  
11 under 1984 Iowa Acts, chapter 1314.

12 Sec. \_\_\_\_ . There is appropriated from the primary  
13 road fund to the state department of transportation  
14 for the fiscal year beginning July 1, 1985 and ending  
15 June 30, 1986 the sum of two million eighty-one  
16 thousand one hundred seventeen (2,081,117) dollars, or  
17 so much thereof as is necessary, to provide salary  
18 adjustments required by implementation action taken  
19 under 1984 Iowa Acts, chapter 1314.

20 Sec. \_\_\_\_ . There is appropriated from the road use  
21 tax fund to the general fund of the state for the  
22 fiscal year beginning July 1, 1985 and ending June 30,  
23 1986 the sum of one hundred seventy-nine thousand  
24 three hundred eighty-six (179,386) dollars, or so much  
25 thereof as is necessary, to provide salary adjustments  
26 required by implementation action taken under 1984  
27 Iowa Acts, chapter 1314.

28 Sec. \_\_\_\_ . Notwithstanding section 321.145, there  
29 is transferred from the road use tax fund to the  
30 general fund of the state for the fiscal year  
31 beginning July 1, 1985 and ending June 30, 1986 the  
32 sum of twenty-eight thousand seven hundred thirty-five  
33 (28,735) dollars, or so much thereof as is necessary,  
34 to provide salary adjustments required by  
35 implementation action taken under 1984 Iowa Acts,  
36 chapter 1314."

37 2. Renumber sections and correct internal  
38 references as necessary in accordance with this  
39 amendment.

RICHARD F. DRAKE  
JOE J. WELSH

S-5295

1 Amend Senate File 137 as follows:

- 2 1. Page 1, line 19, by striking the word
- 3 "appointed" and inserting the following: "nominated".
- 4 2. Page 1, line 20, by inserting after the word
- 5 "universities" the following: "and appointed by the
- 6 governor, subject to confirmation by the senate. The

7 governor may call for additional nominees from the  
8 association before selecting two persons for  
9 appointment".

10 3. Page 1, by inserting after line 34, the  
11 following:

12 "2. Board members shall serve a three-year term  
13 commencing on ~~July~~ May 1 of the year of appointment.

14 A vacancy shall be filled in the same manner as the  
15 original appointment for the remainder of the term.

16 Membership on the board does not constitute holding  
17 a public office and members shall not be required to  
18 take and file oaths of office before serving. A  
19 member shall not be disqualified from holding any  
20 public office or employment by reason of appointment  
21 to the board nor shall a member forfeit an office or  
22 employment by reason of appointment to the board."

23 4. Page 1, line 35, by inserting after the figure  
24 "2." the following: "Notwithstanding section 18B.3,  
25 terms of members of the Iowa public broadcasting board  
26 serving on the effective date of this Act shall expire  
27 April 30 of the year in which the terms are scheduled  
28 to expire."

29 5. Page 2, line 2, by striking the word and  
30 figures "July 1, 1985" and inserting the following:  
31 "May 1, 1987".

32 6. Page 2, line 3, by striking the word and  
33 figures "June 30, 1985" and inserting the following:  
34 "April 30, 1987".

35 7. Page 2, line 4, by striking the word and  
36 figures "July 1, 1986" and inserting the following:  
37 "May 1, 1988".

38 8. Page 2, line 5, by striking the word and  
39 figures "July 1, 1987" and inserting the following:  
40 "May 1, 1989".

41 9. Page 2, line 6, by striking the words and  
42 figures "June 30, 1986 and June 30, 1987" and  
43 inserting the following: "April 30, 1988 and April  
44 30, 1989".

45 10. Page 2, line 10, by striking the word and  
46 figures "July 1, 1987" and inserting the following:  
47 "May 1, 1989".

48 11. Page 2, line 11, by striking the word  
49 "appoint" and inserting the following: "nominate and  
50 the governor shall appoint".

## Page 2

1 12. Page 2, line 12, by striking the word and  
2 figures "July 1, 1986" and inserting the following:  
3 "May 1, 1988".

4 13. Page 2, line 13, by striking the word and  
 5 figures "July 1, 1987" and inserting the following:  
 6 "May 1, 1989".

PATRICK J. DELUHERY

S-5296

1 Amend Senate File 2212 as follows:  
 2 1. Page 2, line 6, by inserting after the word  
 3 "farming." the following: "For the purposes of this  
 4 section, "beginning farmer" includes an individual or  
 5 partnership with a low or moderate net worth that  
 6 became engaged in farming on or after January 1,  
 7 1982."

COMMITTEE ON APPROPRIATIONS  
 JOE WELSH, Chairperson

S-5297

1 Amend Senate File 2035 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. NEW SECTION. 84.31 DEFINITIONS.  
 5 As used in sections 84.31 through 84.35, unless the  
 6 context otherwise requires:  
 7 1. "Mineral interest" means an interest  
 8 established by an instrument which creates or  
 9 transfers either by grant, assignment, reservation, or  
 10 otherwise, an interest of any kind in coal, oil and  
 11 gas, or other minerals.  
 12 2. "Severed mineral interest" means a mineral  
 13 interest which is owned separately from the fee title  
 14 to the surface of the property upon or beneath which  
 15 the mineral interest exists. "Severed mineral  
 16 interest" does not include a leasehold in mineral  
 17 interests.  
 18 Sec. 2. NEW SECTION. 84.32 EXTINGUISHMENT OF  
 19 SEVERED MINERAL INTEREST -- PREVENTION.  
 20 A severed mineral interest is extinguished upon the  
 21 expiration of ten years from its creation, transfer,  
 22 or preservation, unless a sworn statement of claim is  
 23 filed in accordance with section 84.34, and the  
 24 ownership is forfeited to the then owner of the fee  
 25 title to the surface of the property upon or beneath  
 26 which the severed mineral interest exists. Upon the  
 27 filing of a sworn statement of claim within the

28 specified period, the severed mineral interest is  
 29 preserved for an additional period of ten years, or a  
 30 shorter period as specified in the instrument creating  
 31 the interest.

32 Sec. 3. NEW SECTION. 84.33 RECORDED LEASES NOT  
 33 AFFECTED -- NOTICE TO LESSEE.

34 A forfeiture of a severed mineral interest pursuant  
 35 to section 84.32 is subject to any lease of the  
 36 interest of record existing at the time of the  
 37 forfeiture. The owner of the fee title to the surface  
 38 of the property, however, shall notify the lessee  
 39 under a recorded lease of mineral interests, in  
 40 writing, of the forfeiture. The notice shall include  
 41 the name and address of the party to whom the severed  
 42 mineral interest has been forfeited, and the lessee is  
 43 not obligated to pay royalties, rentals, shut-in  
 44 royalty payments, or other payments that may be  
 45 provided for in the lease to the owner of the fee  
 46 title to the surface of the property unless the lessee  
 47 has received the written notification.

48 Sec. 4. NEW SECTION. 84.34 SWORN STATEMENT OF  
 49 CLAIM -- CONTENTS -- FILING.

50 The sworn statement of claim described in section

**Page 2**

1 84.32 shall be filed by the owner of the severed  
 2 mineral interest prior to the end of the ten-year  
 3 period set forth in section 84.32 or within three  
 4 years after the effective date of sections 84.31  
 5 through 84.35, whichever is later, and shall contain  
 6 the name and address of the owner of the interest, and  
 7 a description of the real estate on or under which the  
 8 severed mineral interest is located. The sworn  
 9 statement of claim shall be filed in the office of the  
 10 recorder in the county in which the real estate is  
 11 located. The recorder shall record the sworn  
 12 statement of claim and index it in the claimant's  
 13 book.

14 Sec. 5. NEW SECTION. 84.35 APPLICABILITY --  
 15 WAIVER OF CHAPTER'S PROVISIONS.

16 The provisions of sections 84.31 through 84.34:

17 1. Do not apply to severed mineral interests owned  
 18 by the United States, the state of Iowa, or an  
 19 American Indian tribe or band.

20 2. Cannot be waived by agreement of the parties."

21 2. Title page, by striking lines 1 through 7 and  
 22 inserting the following: "An Act relating to mineral  
 23 interests by providing for the extinguishment of

24 severed mineral interests under certain  
25 circumstances.”

DOUGLAS RITSEMA  
BERL E. PRIEBE

S-5298

1 Amend amendment S-5270 to Senate File 2119 as  
2 follows:  
3 1. Page 1, line 11, by striking the figure “20”  
4 and inserting the figure “21”.  
5 2. Page 1, line 16, by striking the words  
6 “general fund” and inserting the words “conservation  
7 practices revolving loan fund.”

ARNE WALDSTEIN

S-5299

1 Amend amendment S-5277 to Senate File 2081 as  
2 follows:  
3 1. Page 1, line 35, by inserting after the word  
4 “elect.” the following: “If the board of directors or  
5 the membership of an electric cooperative has elected  
6 to have the cooperative’s rates regulated by the  
7 commission, after two years have elapsed from the  
8 effective date of such election the membership of the  
9 electric cooperative may elect to exempt the  
10 cooperative from the rate regulation authority of the  
11 commission.”

GEORGE R. KINLEY

S-5300

1 Amend Senate File 2277 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 “Section 1. The tax imposed by 1985 Iowa Acts,  
5 chapter 239, section 1, shall be applied to applicable  
6 subscriber contract payments received during the  
7 calendar year January 1, 1985, through December 31,  
8 1985, and all subsequent years.  
9 Sec. 2. The amendment to section 514.15 enacted in  
10 1985 Iowa Acts, chapter 239, section 3, shall be  
11 effective to repeal the subscriber contract tax

12 formerly provided by that section effective for  
 13 subscriber contracts issued on and after January 1,  
 14 1985.

15 Sec. 3. This Act shall be given such retroactive  
 16 effect as may be necessary to effectuate a subscriber  
 17 contract payment tax as provided under section 432.2  
 18 for the full calendar year 1985 and all subsequent  
 19 years as well as to effectuate the repeal of the  
 20 subscriber contract tax otherwise imposed by section  
 21 514.15 for calendar year 1985 and all subsequent  
 22 years.

23 Sec. 4. It is the intent of the general assembly  
 24 in enacting this Act to clarify the effective date of  
 25 chapter 239, sections 1 and 3, 1985 Iowa Acts rather  
 26 than to change the meaning or the effective date of  
 27 those sections.

28 Sec. 5. This Act, being deemed of immediate  
 29 importance, takes effect from and after its  
 30 publication in The Nevada Evening Journal, a newspaper  
 31 published in Nevada, Iowa, and in The Cedar Rapids  
 32 Gazette, a newspaper published in Cedar Rapids, Iowa."

33 2. Title page, line 4, by inserting after the  
 34 word "contracts" the following: "and providing an  
 35 effective date".

CHARLES BRUNER

S-5301

1 Amend Senate File 2253 as follows:

2 1. Page 1, by striking lines 19 through 23 and  
 3 inserting in lieu thereof the following:

4 "2. Reasonably adequate service and facilities pur-  
 5 suant to section 476.8."

JOHN W. JENSEN

S-5302

1 Amend Senate File 2057 as follows:

DIVISION S-5302A

2 1. Page 2, by striking lines 17 through 19 and  
 3 inserting the following: "social work examiners; for  
 4 counselors and marital and family therapists,  
 5 counseling and family therapy examiners."

6 2. By striking page 2, line 21 through page 3,

7 line 2 and inserting the following: "the following  
8 new subsection:  
9 NEW SUBSECTION. 11. For counseling and family  
10 therapy examiners, one member licensed to practice  
11 counseling, one member licensed to practice marital  
12 and family therapy, one member licensed as an  
13 associate counselor, and two members who are not  
14 licensed to practice counseling or marital and family  
15 therapy who shall represent the general public. A  
16 majority of the board constitutes a quorum."

## DIVISION S-5302B

17 3. Page 3, lines 25 and 26, by striking the words  
18 "or signify the same by the use of the letters  
19 "L.M.F.T." after the person's name".  
20 4. Page 3, lines 29 through 31, by striking the  
21 words "or signify the same by the use of the letters  
22 "L.P.C." after the person's name".  
23 5. Page 3, lines 33 and 34, by striking the words  
24 "or signify the same by using the letters "L.A.C."  
25 after the person's name".

## DIVISION S-5302A (cont'd.)

26 6. Page 4, line 12, by striking the word  
27 "marital" and inserting the following: "counseling".  
28 7. Page 4, line 18, by inserting after the word  
29 "counseling" the following: "and family therapy".  
30 8. Page 4, by striking lines 24 through 26 and  
31 inserting the following:  
32 "1. "Board", "therapy board", or "counseling  
33 board" means the board of counseling and family  
34 therapy".

## DIVISION S-5302C

35 9. Page 6, line 14, by striking the word  
36 "supervised".

## DIVISION S-5302D

37 10. Page 6, by striking lines 19 through 21.

## DIVISION S-5302C (cont'd.)

38 11. Page 6, line 28, by striking the word  
39 "supervised".

## DIVISION S-5302D (cont'd.)

40 12. By striking page 6, line 34 through page 7,  
41 line 1.

42 13. Page 7, by striking lines 13 through 15.

## DIVISION S-5302E

43 14. Page 7, line 17, by striking the words

44 "qualified members of".

## DIVISION S-5302F

45 15. Page 9, by striking lines 5 through 21 and

46 inserting the following:

47 "Sec. 13. Notwithstanding section 148E.2, the

48 initial appointees to the board who are not

49 representing the general public, and who otherwise

50 meet the appropriate requirements of section 148E.2,

**Page 2**

## DIVISION S-5302F (cont'd.)

1 shall be granted, upon appointment to the board, the  
2 appropriate license without having passed a written  
3 examination."

## DIVISION S-5302A

4 16. Page 9, by striking lines 23 through 26 and

5 inserting the following: "appointees to the board,

6 one member shall be appointed for a term of one year,

7 two members shall be appointed for terms of two years,

8 and two members shall be appointed for terms of three

9 years."

10 17. By renumbering as necessary.

EDGAR H. HOLDEN

## S-5303

1 Amend Senate File 2256 as follows:

2 1. Page 1, by inserting after line 16, the  
3 following:

4 "NEW UNNUMBERED PARAGRAPH. A person whose

5 appointment is subject to senate confirmation and

6 who receives compensation from the state for that

7 position in excess of \$15,000 per year shall make

8 available to the senate committee to which the  
9 appointment is referred a statement providing the  
10 following information:

11 1. The names of all businesses with which the  
12 person is associated.

13 2. The category or type of all sources of  
14 income in excess of five thousand dollars.

15 3. The names of stocks in excess of five  
16 thousand dollars at fair market value held in a  
17 business by the person.

18 4. A description of all real property in the  
19 state, excluding the person's primary residence,  
20 in which a financial interest in excess of five  
21 thousand dollars in fair market value is held.

22 This statement shall include such information for  
23 both the person and the members of the person's  
24 immediate family. A copy of the statement shall  
25 be placed on file with the secretary of the senate."

CHARLES BRUNER

S-5304

1 Amend House File 2301 as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 2, by inserting after line 29 the  
4 following:

5 "NEW UNNUMBERED PARAGRAPH. The commission shall  
6 adopt rules which may require the installation of  
7 shafts to relieve the accumulation of gas in a  
8 sanitary disposal project."

JOHN W. JENSEN  
LARRY MURPHY

S-5305

1 Amend Senate File 2242 as follows:  
2 1. Page 2, by striking line 34.

RICHARD F. DRAKE  
ROBERT M. CARR

S-5306

1 Amend Senate File 2234 as follows:

2 1. Page 1, by inserting after line 25 the  
3 following new unnumbered paragraph:  
4 "If demand exists for housing rehabilitation  
5 financing, as evidenced by timely filed and executed  
6 application commitment agreements, the authority  
7 shall ensure that up to fifteen percent of the  
8 proceeds from sales of obligations of the authority  
9 are made available to finance housing rehabilitations."

TOM MANN, JR.  
CHARLES BRUNER

S-5307

1 Amend the amendment S-5251 to Senate File 2137 as  
2 follows:

3 1. Page 1, line 9, by inserting after the word  
4 "subsidiary." the following: "The exception provided  
5 by this subsection is available only to persons who do  
6 not claim the investment tax credit on their federal  
7 income tax return during each year the agricultural  
8 land is owned or leased."

RAY TAYLOR

S-5308

1 Amend Senate File 2235 as follows:

2 1. Page 3, line 29, by inserting after the word  
3 "department." the following: "An applicant for a  
4 special retailer license shall furnish a bond in the  
5 amount of seven hundred fifty dollars in the form  
6 prescribed and furnished by the department with good  
7 and sufficient sureties to be approved by the director  
8 conditioned upon compliance with this chapter."  
9 2. Page 3, line 30, by inserting after the word  
10 "dollars" the words "which shall be credited by the  
11 department when received to the beer and liquor  
12 control fund under section 123.53".  
13 3. Page 3, by striking lines 31 and 32 and  
14 inserting the following: "special retailer may also  
15 hold a class "B" or "C" liquor control license, a  
16 class "B" wine permit, or a class "C" beer permit, or  
17 any combination of those licenses and permits."  
18 4. Page 6, line 6, by inserting after the word

19 "application." the following: "Alcoholic liquor may  
20 be sold for consumption off the licensed premises when  
21 sold in the original container if a class "B" liquor  
22 control licensee also holds a special retailer  
23 license."

24 5. Page 6, line 16, by inserting after the word  
25 "premises." the following: "Alcoholic liquor may be  
26 sold for consumption off the licensed premises when  
27 sold in the original container if a class "C" liquor  
28 control licensee also holds a special retailer  
29 license."

30 6. Page 13, by inserting after line 5 the  
31 following:

32 "Sec. 24. Section 123.53, subsection 3, Code  
33 Supplement 1985, is amended to read as follows:  
34 3. The treasurer of state shall semiannually  
35 distribute a sum of money equal to at least ten  
36 percent of the gross sales made by the state liquor  
37 stores and at least ten percent of the gross sales of  
38 alcoholic liquor made by the department to special  
39 retailers, but not less than six million four hundred  
40 thousand dollars to the cities of the state. Such  
41 amount shall be distributed to the cities of the state  
42 in proportion to the population that each incorporated  
43 city bears to the total population of all incorporated  
44 cities of the state as computed by the latest federal  
45 census. A city may have one special federal census  
46 taken each decade, and the population figure thus  
47 obtained shall be used in apportioning amounts under  
48 this subsection beginning the calendar year following  
49 the year in which the special census is certified by  
50 the secretary of state. Such apportionment shall be

**Page 2**

1 made semiannually as of July 1 and January 1 of each  
2 year. Warrants for the same shall be issued by the  
3 state comptroller upon certification of the treasurer  
4 of state and mailed to the city clerk of each  
5 incorporated city of the state and shall be made  
6 payable to such incorporated city and shall be subject  
7 to expenditure under the direction of the city council  
8 or other governing bodies of such incorporated city  
9 for any lawful municipal purpose. It shall be a  
10 lawful municipal purpose for cities to allocate a  
11 portion of the above funds for the purpose of  
12 financing the activities of a city commission or  
13 committee on alcoholism, such commission or committee  
14 to be appointed by the mayor or by the council or  
15 both. The commission or committee may use any funds

16 so allocated for the treatment, rehabilitation, and  
17 education of alcoholics in Iowa.”

18 7. Page 13, by inserting after line 17 the  
19 following:

20 “Sec. 26. Section 123.96, subsection 2, Code  
21 Supplement 1985, is amended to read as follows:  
22 2. Except as allowed under section 123.95 and  
23 except in the case of a liquor control licensee who  
24 also holds a special retailer license, a licensee  
25 shall not knowingly keep on the licensed premises nor  
26 use for resale purposes any alcoholic liquor on which  
27 the special tax has not been paid to the state. The  
28 conviction of a violation of this section shall cause  
29 the license held to automatically be revoked and the  
30 license shall immediately be surrendered by the  
31 holder, and the bond of the license holder shall be  
32 forfeited to the department.”

33 8. By renumbering sections as required by this  
34 amendment.

WALLY HORN  
RICHARD F. DRAKE

S-5309

1 Amend Senate File 2252 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:

4 “Section 1. Section 280.12, subsection 2, Code  
5 Supplement 1985, is amended to read as follows:

6 2. In meeting the requirements of subsection 1, a  
7 board of directors or the authorities in charge of a  
8 nonpublic school shall appoint an advisory committee  
9 to make recommendations to the board or authorities  
10 about the needs of the district or nonpublic school.  
11 The advisory committee shall also consider  
12 recommendations that could be taken by the board of  
13 directors or authorities to promote efficiency and  
14 save money. The advisory committee may consider  
15 recommendations relating to: school administration,  
16 teacher utilization, building utilization and  
17 maintenance, coordination of extracurricular  
18 activities with the instructional program, alternative  
19 systems for student transportation, energy  
20 conservation, cooperative purchasing, school supplies  
21 and materials and instructional materials, shared  
22 programs and services, and the merger of educational  
23 programs and services.

24 PARAGRAPH DIVIDED. The advisory committee shall

25 consist of members representing students, parents,  
26 teachers, administrators, and representatives from the  
27 community.”

JOY CORNING  
BEVERLY HANNON

S-5310

1 Amend amendment S-5251 to Senate File 2137 as  
2 follows:

3 1. Page 1, line 9, by inserting after the word  
4 “subsidiary” the following: “, and a corporation  
5 shall not own agricultural land within one hundred  
6 miles of an agricultural product processing facility  
7 if the corporation raises or intends to raise crops or  
8 livestock in direct competition with farmers within  
9 the corporations’s trade area”.

LEONARD L. BOSWELL

S-5311

1 Amend amendment S-5297 to Senate File 2035 as  
2 follows:

3 1. Page 2, line 20, by inserting after the word  
4 “parties.” the following:  
5 “Sec. \_\_\_\_ . Before October 1, 1986, the county  
6 recorder of each county shall mail notice of the  
7 requirements of sections 84.31 through 84.35 to every  
8 owner of a severed mineral interest in the county  
9 which was recorded on or after January 1, 1966. The  
10 notice shall be sent by regular mail to the last owner  
11 of record at that person’s last known address.”  
12 2. By renumbering as necessary.

ARNE WALDSTEIN

S-5312

1 Amend House File 2178 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 1, lines 11 and 12, by striking the words  
4 “with an individual retail value of more than fifty  
5 (50) dollars” and inserting the following: “which is  
6 one of a kind or is available in a limited issue or  
7 series”.

- 8 2. Page 1, lines 14 and 15, by striking the words  
 9 "with an individual retail value of more than fifty  
 10 (50) dollars" and inserting the following: "which is  
 11 one of a kind or is available in a limited issue or  
 12 series".  
 13 3. Page 3, by striking lines 25 and 26.

COMMITTEE ON JUDICIARY  
 DONALD V. DOYLE, Chairperson

S-5313

- 1 Amend House File 732 as passed by the House as  
 2 follows:  
 3 1. Page 1, by striking lines 1 through 7.  
 4 2. Page 1, by striking lines 21 through 30 and  
 5 inserting the following:  
 6 "Sec. \_\_\_\_ . Section 728.12, Code 1985, is amended  
 7 by adding the following new subsection:  
 8 NEW SUBSECTION. 3. A person who knowingly  
 9 purchases any negative, slide, book, magazine or other  
 10 print or visual medium depicting a child engaging in a  
 11 prohibited sexual act or the simulation of a  
 12 prohibited sexual act commits a simple misdemeanor."  
 13 3. Title page, lines 1 and 2 by striking the  
 14 words "penalties for violations of chapter 728  
 15 involving the promotion of obscene material and the".  
 16 4. Title page, line 3, by inserting after the  
 17 word "children" the words ", and providing penalties".  
 18 5. By numbering and renumbering as necessary.

COMMITTEE ON JUDICIARY  
 DONALD V. DOYLE, Chairperson

S-5314

- 1 Amend amendment S-5297 to Senate File 2035 as  
 2 follows:  
 3 1. Page 2, line 20, by inserting after the word  
 4 "parties." the following:  
 5 "Sec. \_\_\_\_ . NEW SECTION. 558.48 MANDATORY  
 6 RECORDATION OF LEASES OF MINERAL INTERESTS.  
 7 A lease of a mineral interest, except a lease not  
 8 to exceed five years in duration with renewals, shall  
 9 be recorded by the lessee with the county recorder of  
 10 the county in which the mineral interest is located  
 11 not later than one hundred eighty days after the date  
 12 of the lease. A lease which is not recorded as

13 required by this section is invalid.

14 As used in this section, "mineral interest" means  
15 an interest of any kind in coal, oil and gas, or other  
16 minerals, whether or not the interest is owned  
17 separately from the fee title to the surface of the  
18 property upon or beneath which the mineral interest  
19 exists."

20 2. By renumbering as necessary.

ARNE WALDSTEIN

S-5315

1 Amend Senate File 2137 as follows:

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

4 "Section 1. INTENT.

5 It is the intent of the Iowa general assembly to  
6 aid the Iowa livestock industry and to encourage its  
7 growth.

8 Sec. 2. Section 172C.1, subsection 9, Code 1985,  
9 is amended to read as follows:

10 9. "Authorized farm corporation" means a  
11 corporation other than a family farm corporation  
12 founded for the purpose of farming and the ownership  
13 of agricultural land in which all of the following  
14 conditions are met:

15 a. The stockholders do not exceed ~~twenty-five ten~~  
16 in number; ~~and~~.

17 b. The stockholders are all natural persons or  
18 persons acting in a fiduciary capacity for the benefit  
19 of natural persons or nonprofit corporations.

20 c. At least two of the stockholders are related to  
21 each other within the third degree of consanguinity or  
22 affinity, of whom at least one is actively engaged in  
23 farming.

24 Sec. 3. NEW SECTION. LIVESTOCK PRODUCTION --  
25 PAYMENT OF TAXES ON BUILDINGS.

26 For each fiscal year between July 1, 1986 and June  
27 30, 2011, the state comptroller shall remit to the  
28 county treasurer of each county the amount of property  
29 taxes due for that fiscal year on buildings and  
30 equipment within that county utilized for the purposes  
31 of livestock production by a natural person, family  
32 farm corporation, or authorized farm corporation. The  
33 county treasurer shall credit the moneys received  
34 under this section against the property tax on the

35 buildings and equipment of the qualified persons on a  
36 pro rata basis.”

JAMES RIORDAN

S-5316

1 Amend Senate File 2078 as follows:

2 1. Page 1, line 8, by inserting after the word  
3 “association” the words “but which have not been paid  
4 in cash to the association”.

5 2. Page 2, line 4, by striking the words “from  
6 regional cooperative associations” and inserting the  
7 words “arising from the earnings of other cooperative  
8 organizations of which the association is a member”.

9 3. Page 2, line 21, by striking the word “if” and  
10 inserting the words “so long as”.

11 4. Page 4, by inserting after line 31 the  
12 following:

13 “Sec. \_\_\_\_ . Section 499.65, Code 1985, is amended  
14 to read as follows:

15 499.65 OBJECTION OF MEMBERS --PURCHASE OF SHARE.

16 If a voting member or voting shareholder of a co-  
17 operative association which is a party to a merger or  
18 consolidation files with the co-operative association,  
19 prior to or at the meeting of members at which the  
20 plan is submitted to a vote, a written objection to  
21 the plan of merger or consolidation, and ~~does not vote~~  
22 in favor of votes in opposition to the plan, and such  
23 the member or shareholder, within twenty days after  
24 the merger or consolidation is approved by the other  
25 members, makes written demand on the surviving or new  
26 association for payment of the fair value of that  
27 member's or shareholder's interest as of the day prior  
28 to the date on which the vote was taken approving the  
29 merger or consolidation, the surviving or new  
30 association shall pay to ~~such the~~ member or  
31 shareholder, upon surrender of that person's  
32 certificate of membership or shares of stock, the fair  
33 value of that person's interest. ~~Any A~~ member or  
34 shareholder ~~failing who fails~~ to make demand within  
35 the twenty-day period ~~shall be is~~ conclusively  
36 presumed to have consented to the merger or  
37 consolidation and ~~shall be is~~ bound by its terms.

38 In the event ~~any that a~~ dissenting member or  
39 shareholder ~~shall apply for membership in does~~  
40 business with the surviving or new association; before  
41 payment has been made for that person's membership or  
42 stock, the dissenting member or shareholder ~~shall be~~

43 is deemed to have consented to the merger or  
44 consolidation and to have waived all further rights as  
45 a dissenting member or shareholder.”

46 5. Page 5, by striking line 1 and inserting the  
47 following:

48 “a. “Dissenting member” means a voting member who  
49 votes in opposition to the plan of merger or  
50 consolidation and who”.

## Page 2

1 6. Page 5, line 11, by inserting after the word  
2 “means” the words “the lesser of”.

3 7. Page 5, line 13, by inserting after the word  
4 “sell” the following: “, the issue price of the  
5 dissenting member’s membership or common stock,  
6 deferred patronage dividends, and preferred stock”.

7 8. Page 6, by striking lines 17 through 20 and  
8 inserting the following: “at the same time other  
9 payments of deferred patronage dividends or redemption  
10 of preferred stock are made, but in any event within  
11 fifteen years. A dissenting member who is a”.

LEONARD L. BOSWELL

S-5317

1 Amend Senate File 2282 as follows:

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

4 “Section 1. Section 455C.1, subsection 1, Code  
5 Supplement 1985, is amended to read as follows:

6 1. “Beverage” means wine as defined in section  
7 123.3, subsection 7, alcoholic liquor as defined in  
8 section 123.3, subsection 8, beer as defined in  
9 section 123.3, subsection 9, mineral water, soda water  
10 and similar carbonated soft drinks in liquid form and  
11 intended for human consumption. “Beverage” also  
12 includes any natural or artificially fruit-flavored  
13 drinks that contain twenty percent or less fruit juice  
14 whether carbonated or not and tea but only when the  
15 drinks or tea are sold in metal cans.

16 Sec. 2. Section 455C.1, subsection 2, Code  
17 Supplement 1985, is amended to read as follows:

18 2. “Beverage container” means any sealed glass,  
19 plastic, or metal bottle, can, or jar or carton  
20 containing a beverage but “beverage container” does  
21 not include paper or cardboard cartons or collapsible  
22 foil pouches.”

23 2. Amend the title, line 1, by inserting after  
24 the word "requirements" the following: "by defining  
25 beverage and beverage container,".

JOY CORNING  
CHARLES BRUNER

S-5318

1 Amend Senate File 2266 as follows:  
2 1. Page 1, by striking lines 1 through 13.  
3 2. Page 2, by striking lines 18 through 35.  
4 3. Page 3, by striking lines 16 through 25.  
5 4. Renumber as necessary.

EDGAR H. HOLDEN

S-5319

1 Amend amendment S-5292 to Senate File 2172 as  
2 follows:  
3 1. Page 1, by striking line 5, and inserting in  
4 lieu thereof the following: "'prior to January 1, 1986'".

CHARLES BRUNER  
WALLY E. HORN

S-5320

1 Amend Senate File 2001 as follows:  
2 1. Page 1, line 23, by inserting after the word  
3 "action" the words ", except an administrative  
4 proceeding,".  
5 2. Page 3, line 3, by inserting after the word  
6 "action" the words ", except an administrative  
7 proceeding,".

TOM MANN, Jr.

S-5321

1 Amend amendment S-5297 to Senate File 2035 as  
2 follows:  
3 1. Page 2, line 9, by striking the words "be  
4 filed in" and inserting the following: "also include  
5 the book and page or document number of the original

6 instrument by which the severed mineral interest was  
7 created or conveyed. The place of filing shall be”.

WILLIAM W. DIELEMAN

S-5322

1 Amend Senate File 2273 as follows:  
2 1. Page 1, by striking lines 9 through 25.  
3 2. Page 14, by striking line 32 and inserting the  
4 following: “Monday in ~~September~~ June, canvass”.

ROBERT M. CARR

S-5323

1 Amend Senate File 2131 as follows:  
2 1. Page 2, by inserting after line 10 the  
3 following:  
4 “f. Make a recommendation to the court as to who  
5 should be given the occupancy of the property if a  
6 receiver is appointed to take charge of the real  
7 estate during the foreclosure action.”  
8 2. Page 3, by inserting after line 5 the  
9 following:  
10 “Sec. \_\_\_\_ . Section 654.14, unnumbered paragraph  
11 one, Code 1985, is amended to read as follows:  
12 In ~~any an~~ action to foreclose a real estate  
13 mortgage where a receiver is appointed to take charge  
14 of the real estate, preference shall be given to the  
15 owner in actual possession, subject to approval of the  
16 court, in leasing the mortgaged premises. If  
17 mediation is provided pursuant to section 13C.2, the  
18 mediator shall make a recommendation to the court as  
19 to who should be given the occupancy of the property.  
20 The rents, profits, avails, ~~and/or and~~ income derived  
21 from ~~said the~~ real estate shall be applied as  
22 follows:”

RICHARD VANDE HOEF  
JACK W. HESTER

S-5324

1 Amend House File 2353 as amended, passed and  
2 reprinted by the House as follows:

## DIVISION S-5324A

- 3 1. Page 1, line 34, by inserting after the word  
 4 "government," the words "soil conservation district  
 5 officials."

## DIVISION S-5324B

- 6 2. Page 3, by inserting before line 13 the  
 7 following:  
 8 "\_\_\_\_. The farmer has received a farm folder from  
 9 the local soil conservation district and has requested  
 10 conservation planning assistance for the farming  
 11 operation in which the farmer will use the operating  
 12 loan."

FORREST V. SCHWENGELS

## S-5325

- 1 Amend House File 2351 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 2, line 3, by inserting after the word  
 4 "government," the words "soil conservation district  
 5 officials."

FORREST SCHWENGELS

## S-5326

- 1 Amend Senate File 2238 as follows:  
 2 1. Page 2, line 10, by inserting after the word  
 3 "~~that~~" the following: "than permitted pursuant to  
 4 paragraphs "a", "b", and "c"".

MICHAEL GRONSTAL

## S-5327

- 1 Amend Senate File 2245 as follows:  
 2 1. Page 4, by inserting after line 18 the  
 3 following:  
 4 "Sec. 4. Section 123.49, Code Supplement 1985, is  
 5 amended by adding the following new subsection:  
 6 **NEW SUBSECTION.** 5. A liquor control licensee  
 7 shall not keep empty bottles which contained alcoholic  
 8 liquor on the licensed premises unless the licensee or

9 the licensee's employee has defaced with a black  
10 marking pen the licensee decal on each bottle  
11 emptied."

WALLY HORN

S-5328

1 Amend Senate Amendment S-5308 to Senate File 2235  
2 as follows:  
3 1. Page 2, by inserting after line 17 the  
4 following:  
5 "7. Page 13, by inserting before line 6 the  
6 following:  
7 "Sec. 25. Section 123.53, subsection 7, Code  
8 Supplement 1985, is amended to read as follows:  
9 7. The treasurer of state shall credit to the  
10 military service tax fund described in chapter 426A, a  
11 sum of money equal to at least five percent of the  
12 gross amount of sales made by the state liquor stores  
13 in the cities of the state and at least five percent  
14 of the gross amount of sales of alcoholic liquor made  
15 by the department to special retailers in the cities  
16 of the state but not less than six million four  
17 hundred thousand dollars. Any amount thus credited  
18 shall be allocated to the various taxing districts of  
19 the state as reimbursement for losses of revenue due  
20 to exemption or remission of property taxes which  
21 would be imposed upon property upon which soldiers'  
22 exemptions or soldiers' tax credits are provided under  
23 such terms as the general assembly may provide.'"  
24 2. By renumbering sections according to this  
25 amendment.

WALLY HORN

S-5329

1 Amend Senate File 2279 as follows:  
2 1. Page 1, line 8, by striking the words "or  
3 gave" and inserting the following: "and served".  
4 2. Page 1, line 11, by inserting after the word  
5 "who" the following: "sold to and".

ARTHUR A. SMALL, Jr.

S-5330

1 Amend Senate File 2131 as follows:

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

4 "Section 1. Section 554.9501, Code 1985, is  
5 amended by adding the following new subsection:  
6 **NEW SUBSECTION. 6.** A person shall not initiate a  
7 proceeding under this chapter to enforce a secured  
8 interest in agricultural property, as defined in  
9 section 654A.1, which is subject to chapter 654A and  
10 which is subject to a secured debt of ten thousand  
11 dollars or more unless the person receives a mediation  
12 release under section 654A.11, or unless the court  
13 determines after notice and hearing that the time  
14 delay required for the mediation would cause the  
15 person to suffer irreparable harm.

16 Sec. 2. **NEW SECTION. 654.2C MEDIATION NOTICE --**  
17 **FORECLOSURE ON AGRICULTURAL PROPERTY.**

18 A person shall not initiate a proceeding under this  
19 chapter to foreclose a deed of trust or mortgage on  
20 agricultural property, as defined in section 654A.1,  
21 which is subject to chapter 654A and which is subject  
22 to a debt of ten thousand dollars or more under the  
23 deed of trust or mortgage unless the person receives a  
24 mediation release under section 654A.11, or unless the  
25 court determines after notice and hearing that the  
26 time delay required for the mediation would cause the  
27 person to suffer irreparable harm.

28 Sec. 3. **NEW SECTION. 654A.1 DEFINITIONS.**

29 As used in this chapter, unless the context  
30 otherwise requires:

31 1. "Agricultural property" means agricultural land  
32 that is principally used for farming as defined in  
33 section 172C.1, and personal property that is used as  
34 security to finance a farm operation or used as part  
35 of a farm operation including equipment, crops,  
36 livestock, and proceeds of the security.

37 2. "Coordinator" means the farm crisis program  
38 coordinator provided in section 654A.2.

39 3. "Creditor" means the holder of a mortgage on  
40 agricultural property, a vendor of a real estate  
41 contract for agricultural property, a person with a  
42 lien or security interest in agricultural property, or  
43 a judgment creditor with a judgment against a debtor  
44 with agricultural property.

45 4. "File" means to deliver by the required date by  
46 certified mail or another method acknowledging  
47 receipt.

48 5. "Mediation release" means an agreement or  
49 statement signed by all parties or by less than all  
50 the parties and the mediator pursuant to section

**Page 2**

1 654A.11.

2 Sec. 4. NEW SECTION. 654A.2 FARM CRISIS PROGRAM  
3 COORDINATOR.

4 The attorney general or the attorney general's  
5 designee shall serve as the farm crisis program  
6 coordinator. The coordinator has the powers and  
7 duties specified in this chapter.

8 Sec. 5. NEW SECTION. 654A.3 FARM MEDIATION  
9 SERVICE.

10 The farm crisis coordinator shall contract with a  
11 nonprofit organization chartered in this state to  
12 provide farmer-creditor mediation services. The  
13 contract shall be awarded within thirty days after the  
14 effective date of this Act. The contract shall  
15 provide that the nonprofit organization awarded the  
16 contract shall make quarterly reports to the  
17 coordinator. The contract may be terminated by the  
18 coordinator upon written notice and for good cause.  
19 The organization awarded the contract is designated as  
20 the farm mediation service for the duration of the  
21 contract. Under the supervision of the coordinator,  
22 the farm mediation service may contract with other  
23 providers of mediation services. The farm mediation  
24 service is not a state agency for the purposes of  
25 chapters 19A, 20, and 25A.

26 Sec. 6. NEW SECTION. 654A.4 APPLICABILITY OF  
27 CHAPTER.

28 1. This chapter applies to all creditors of a  
29 borrower described under subsection 2 with a secured  
30 debt against the borrower of ten thousand dollars or  
31 more.

32 2. This chapter applies to a borrower who is any  
33 of the following:

34 a. An individual operating a farm.

35 b. A family farm corporation as defined in section  
36 172C.1.

37 c. An authorized farm corporation as defined in  
38 section 172C.1.

39 Sec. 7. NEW SECTION. 654A.5 VOLUNTARY MEDIATION  
40 PROCEEDINGS.

41 A borrower who owns agricultural property or a  
42 creditor of that borrower may request mediation of the  
43 indebtedness by applying to the farm mediation  
44 service. The farm mediation service shall make

45 voluntary mediation application forms available. The  
46 farm mediation service shall evaluate each request and  
47 may direct a mediator to meet with the borrower and  
48 creditor to assist in mediation.  
49 Sec. 8. NEW SECTION. 654A.6 MANDATORY MEDIATION  
50 PROCEEDINGS.

**Page 3**

1 1. A creditor subject to this chapter desiring to  
2 initiate a proceeding to enforce a debt against  
3 agricultural property which is real estate under  
4 chapter 654, to forfeit a contract to purchase  
5 agricultural property under chapter 656, to enforce a  
6 secured interest in agricultural property under  
7 chapter 554, or to otherwise garnish, levy on, execute  
8 on, seize, or attach agricultural property, shall file  
9 a request for mediation with the farm mediation  
10 service. The creditor may not begin the proceeding  
11 subject to this chapter until the creditor receives a  
12 mediation release, or until the court determines after  
13 notice and hearing that the time delay required for  
14 the mediation would cause the creditor to suffer  
15 irreparable harm.

16 2. Upon the receipt of a request for mediation,  
17 the farm mediation service shall conduct an initial  
18 consultation with the borrower without charge. The  
19 borrower may waive mediation after the initial  
20 consultation.

21 Sec. 9. NEW SECTION. 654A.7 FINANCIAL ANALYST  
22 AND LEGAL ASSISTANCE.

23 After receiving a mediation request, the farm  
24 mediation service shall refer the borrower to a  
25 financial analyst associated with the Iowa state  
26 university extension service ASSIST program. The  
27 financial analyst shall assist the borrower in the  
28 preparation of information relative to the finances of  
29 the borrower for the initial mediation meeting.

30 Sec. 10. NEW SECTION. 654A.8 INITIAL MEDIATION  
31 MEETING.

32 1. Unless the borrower waives mediation, within  
33 fifteen days after receiving a mediation request the  
34 farm mediation service shall send a mediation meeting  
35 notice to the borrower and to all known creditors of  
36 the borrower setting a time and place for an initial  
37 mediation meeting between the borrower, the creditors,  
38 and a mediator directed by the farm mediation service  
39 to assist in mediation. An initial mediation meeting  
40 shall be held within forty-five days of the receipt of  
41 the mediation request by the farm mediation service.

42 2. If a creditor subject to this chapter receives  
43 a mediation meeting notice under subsection 1, the  
44 creditor and the creditor's successors in interest may  
45 not continue proceedings to enforce a debt against  
46 agricultural property of the borrower under chapter  
47 654, to forfeit a real estate contract for the  
48 purchase of agricultural property of the borrower  
49 under chapter 656, to enforce a secured interest in  
50 agricultural property under chapter 554, or to

**Page 4**

1 otherwise garnish, levy on, execute on, seize, or  
2 attach agricultural property. Time periods under and  
3 affecting those procedures stop running until the farm  
4 mediation service issues a mediation release to the  
5 creditor.

6 Sec. 11. NEW SECTION. 654A.9 DUTIES OF MEDIATOR.

7 At the initial mediation meeting and subsequent  
8 meetings, the mediator shall:

9 1. Listen to the borrower and the creditors  
10 desiring to be heard.

11 2. Attempt to mediate between the borrower and the  
12 creditors.

13 3. Advise the borrower and the creditors as to the  
14 existence of available assistance programs.

15 4. Encourage the parties to adjust, refinance, or  
16 provide for payment of the debts.

17 5. Advise, counsel, and assist the borrower and  
18 creditors in attempting to arrive at an agreement for  
19 the future conduct of financial relations among them.

20 Sec. 12. NEW SECTION. 654A.10 MEDIATION PERIOD.

21 The mediator may call mediation meetings during the  
22 mediation period, which is up to forty-five days after  
23 the farm mediation service received the mediation  
24 request. However, if all parties consent, mediation  
25 may continue after the end of the mediation period.

26 Sec. 13. NEW SECTION. 654A.11 MEDIATION RELEASE.

27 1. If an agreement is reached between the borrower  
28 and the creditors, the mediator shall draft a written  
29 mediation agreement, have it signed by the creditors,  
30 and submit the agreement to the farm mediation  
31 service.

32 2. The borrower and the creditors who are parties  
33 to the mediation agreement may enforce the mediation  
34 agreement as a legal contract. The agreement  
35 constitutes a mediation release.

36 3. If the borrower waives mediation, or if a  
37 mediation agreement is not reached, the borrower and  
38 the creditors may sign a statement prepared by the

39 mediator that mediation was waived or that the parties  
40 did not reach an agreement. If any party does not  
41 sign the statement, the mediator shall sign the  
42 statement. The statement constitutes a mediation  
43 release. Unless the borrower waives mediation, a  
44 creditor shall not receive a mediation release until  
45 the creditor has participated in at least one  
46 mediation meeting.

47 Sec. 14. NEW SECTION. 654A.12 EXTENSION OF  
48 DEADLINES.

49 Upon petition by the borrower and all known  
50 creditors, the farm mediation service may, for good

**Page 5**

1 cause, extend a deadline imposed by section 654A.8 or  
2 section 654A.10 for up to thirty days.

3 Sec. 15. NEW SECTION. 654A.13 CONFIDENTIALITY.

4 1. All data regarding the finances of individual  
5 borrowers and creditors which is created, collected,  
6 and maintained by the farm mediation service are not  
7 public records under chapter 22.

8 2. Meetings of the farm mediation service are  
9 closed meetings and are not subject to chapter 21.

10 Sec. 16. NEW SECTION. 654A.14 RULES AND FORMS.

11 The farm mediation service shall recommend rules to  
12 the coordinator. The coordinator shall adopt rules  
13 pursuant to chapter 17A to set the compensation of  
14 mediators and to implement this chapter. The  
15 compensation of the mediators shall be no more than  
16 twenty-five dollars per hour, and all parties shall  
17 contribute an equal amount of the cost. The  
18 coordinator shall adopt voluntary mediation  
19 application and mediation request forms.

20 Sec. 17. NEW SECTION. 656.8 MEDIATION NOTICE.

21 Notwithstanding the provisions of sections 656.1  
22 through 656.5, a person shall not initiate proceedings  
23 under this chapter to forfeit a real estate contract  
24 for the purchase of agricultural property, as defined  
25 in section 654A.1, which is subject to an outstanding  
26 obligation on the contract of ten thousand dollars or  
27 more unless the person received a mediation release  
28 under section 654A.11, or unless the court determines  
29 after notice and hearing that the time delay required  
30 for the mediation would cause the person to suffer  
31 irreparable harm.

32 Sec. 18. There is appropriated from the general  
33 fund of the state to the department of justice one  
34 hundred thousand (100,000) dollars for the fiscal  
35 period beginning on the effective date of this Act and

36 ending June 30, 1986, and one hundred thousand  
 37 (100,000) dollars for the fiscal year beginning July  
 38 1, 1986 and ending June 30, 1987, for the  
 39 administrative costs of the farm mediation service  
 40 administered by the farm crisis program coordinator.  
 41 The amounts appropriated under this section are not  
 42 subject to section 8.33.

43 Sec. 19. This Act, being deemed of immediate  
 44 importance, takes effect from and after its  
 45 publication in The Humboldt Independent, a newspaper  
 46 published in Humboldt, Iowa, and in The Belle Plaine  
 47 Union, a newspaper published in Belle Plaine, Iowa."

BERL E. PRIEBE

S-5331

1 Amend Senate File 2231 as follows:

2 1. By striking page 1, line 29, through page 2,  
 3 line 1, and inserting the following: "bank has  
 4 acquired the land, the state bank shall first offer  
 5 notify the immediately prior owner the opportunity to  
 6 repurchase if the state bank receives an earnest  
 7 inquiry or begins negotiation as to the possible sale  
 8 of the agricultural land, on the terms the state bank  
 9 proposes to sell or dispose of the agricultural land  
 10 The state bank shall give the immediately prior owner  
 11 notice of the inquiry or negotiation at least twenty  
 12 days before the bank accepts the tender of an offer to  
 13 purchase the agricultural land from the person who  
 14 made the inquiry or was involved in the negotiation.  
 15 Upon tender of an offer to the state bank by a  
 16 prospective buyer, the state bank shall notify the  
 17 immediately prior owner of the price and terms of the  
 18 tendered and acceptable offer at least ten days prior  
 19 to accepting the offer. If the prior owner submits  
 20 within the ten-day period an intervening offer of  
 21 equal or better price, the agricultural land shall be  
 22 sold to the immediately prior owner."

ARNE WALDSTEIN

BERL E. PRIEBE

S-5332

1 Amend amendment S-5330 to Senate File 2131 as  
 2 follows:

## DIVISION S-5332A

3 1. Page 1, by inserting after line 27 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 654.14, unnumbered paragraph  
 6 one, Code 1985, is amended to read as follows:  
 7 In ~~any an~~ action to foreclose a real estate  
 8 mortgage where a receiver is appointed to take charge  
 9 of the real estate, preference shall be given to the  
 10 owner in actual possession, subject to approval of the  
 11 court, in leasing the mortgaged premises. If  
 12 mediation is provided pursuant to section 13C.2, the  
 13 mediator shall make a recommendation to the court as  
 14 to who should be given the occupancy of the property.  
 15 The rents, profits, avails, ~~and/or and~~ income derived  
 16 from ~~said the~~ real estate shall be applied as  
 17 follows:"

## DIVISION S-5332B

18 2. Page 3, by striking lines 25 and 26 and  
 19 inserting in lieu thereof the following: "qualified  
 20 financial analyst experienced in farm financial  
 21 management, such as Iowa state university extension  
 22 service specialists associated with the ASSIST  
 23 program. The".

## DIVISION S-5332A (Cont'd.)

24 3. Page 4, by inserting after line 19 the  
 25 following:  
 26 "6. Make a recommendation to the court as to who  
 27 should be given the occupancy of the property if a  
 28 receiver is appointed to take charge of the real  
 29 estate during the foreclosure action."

RICHARD VANDE HOEF

## S-5333

1 Amend House File 2067 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 1, by striking lines 1 through 26.  
 4 2. Title page, line 1, by inserting after the  
 5 word "the" the word "false".  
 6 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY  
 DONALD V. DOYLE, Chairperson

S-5334

- 1 Amend House File 2078 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "commission" the words "adopted under chapter 17A".

COMMITTEE ON NATURAL RESOURCES  
HURLEY HALL, Chairperson

S-5335

- 1 Amend amendment S-5330 to Senate File 2131 as
- 2 follows:
- 3 1. Page 5, by inserting after line 47 the
- 4 following:
- 5 "\_\_\_ . Title page, by striking lines 1 through 3
- 6 and inserting the following:
- 7 "An Act relating to the enforcement of an interest
- 8 in agricultural property, by providing for mediation,
- 9 an appropriation, and an effective date."

BERL E. PRIEBE

S-5336

- 1 Amend amendment S-5330 to Senate File 2131 as
- 2 follows:
- 3 1. Page 1, by inserting after line 3 the
- 4 following:
- 5 "Section 1. NEW SECTION. 554.9319 SALE OF A
- 6 PRODUCT SUBJECT TO A LIEN OR SECURITY INTEREST.
- 7 1. An individual who in the ordinary course of
- 8 business sells a product including a farm product
- 9 which is subject to a security interest or a lien
- 10 pursuant to chapter 570, 571, 572, 574, 576, 577, 578,
- 11 579, 580, or 582 may assert a claim against the
- 12 proceeds of the product in order to meet the necessary
- 13 living expenses of the individual or the individual's
- 14 household. The individual shall assert the lien by
- 15 filing with the secured party or the lienholder and
- 16 the county recorder of the county in which the person
- 17 resides at least three days prior to the sale a sworn
- 18 affidavit stating all of the following:
- 19 a. That the individual is asserting a claim under
- 20 this section.
- 21 b. That the proceeds are from the sale of a

22 product.

23 c. That the individual or the individual's  
24 household requires the amount claimed to meet  
25 necessary living expenses.

26 d. The name of all individuals in the household.

27 e. The amount claimed by the individual under this  
28 section on the basis of the affidavit.

29 f. That the total amount claimed by the individual  
30 under this section, including the amount claimed on  
31 the affidavit that is being sworn, in the preceding  
32 twelve months does not exceed the appropriate amount  
33 permitted in subsection 2 based upon the size of the  
34 individual's household.

35 2. a. Until superseded by rule pursuant to  
36 paragraph "b", the maximum amount that an individual  
37 may claim under this section during any twelve-month  
38 period is the following, based upon the size of the  
39 individual's household:

40 (1) For a household with one member, the annual  
41 maximum is four thousand nine hundred eighty dollars.

42 (2) For a household with more than one member the  
43 annual maximum is that amount permitted under  
44 subparagraph (1) and in addition one thousand seven  
45 hundred forty dollars for each additional member of  
46 the household.

47 b. The department of human services shall review  
48 maximum limitations at least once each twelve months  
49 and may revise the limitations by rule adopted  
50 pursuant to chapter 17A. In establishing new

## Page 2

1 standards, the department shall consider any revisions  
2 in the federal poverty guidelines, the current  
3 condition of the state's economy, the changes in the  
4 consumer price index and any other factors which the  
5 department deems relevant. The department shall send  
6 a copy of any new standard adopted to each county  
7 recorder who shall maintain the standards on file.

8 c. In applying the annual maximums established  
9 under this subsection, an individual shall deduct from  
10 the applicable maximum standard any income received  
11 during the twelve-month period of time by a member of  
12 the household from sources of income other than from  
13 the sale of products subject to security interests and  
14 liens.

15 3. A secured party or a lienholder may contest a  
16 claim on an affidavit filed under this section by  
17 filing a petition in the district court of the county  
18 in which the individual asserting the claim under this

19 section resides.

20 4. The county recorder shall maintain for eighteen  
21 months from the date of filing any affidavit filed  
22 under this section. The affidavit shall be recorded  
23 under the name of the individual making the affidavit.

24 5. As used in this section, "individual's  
25 household" includes any individual residing in the  
26 same house as the individual filing the affidavit or  
27 any individual for which the individual filing the  
28 affidavit has provided at least fifty percent of the  
29 individual's support for the preceding twelve months."

LEONARD L. BOSWELL

S-5337

1 Amend Senate File 2245 as follows:

2 1. Title page, line 2, by striking the words "and  
3 traveler's checks" and inserting the following: "  
4 traveler's checks, and electronic funds transfer  
5 cards".

JOE WELSH

S-5338

1 Amend Senate File 2134 as follows:

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

4 "Section 1. Section 598.1, subsection 4, Code  
5 1985, is amended by striking the subsection and  
6 inserting in lieu thereof the following:

7 4. "Joint custody" or "joint legal custody" means  
8 an award of custody of a minor child to both parents  
9 under which the parents share the rights and  
10 responsibilities as legal custodians of the child,  
11 including but not limited to, equal participation in  
12 decisions affecting the child, and under which neither  
13 parent has rights superior to those of the other  
14 parent.

15 Sec. 2. Section 598.1, Code 1985, is amended by  
16 adding the following new subsection:

17 **NEW SUBSECTION.** 7. "Joint physical care" means  
18 either coparenting of the minor child by both parents  
19 through the joint provision of one home and routine  
20 care for the child on a daily basis, or alternating  
21 parenting of the minor child with each parent  
22 providing a home for the minor child and routine care

23 of the child on a daily basis while in that home.”

24 2. Page 1, by inserting after line 15 the fol-  
25 lowing:

26 “Sec. \_\_\_\_ . Section 598.41, subsection 3, paragraph  
27 g, Code Supplement 1985, is amended to read as  
28 follows:

29 g. Whether one or both the parents agree or are  
30 opposed to joint custody or joint physical care.

31 Sec. \_\_\_\_ . Section 598.41, subsection 5, Code  
32 Supplement 1985, is amended to read as follows:

33 5. Joint legal custody does not require joint  
34 physical care. ~~When the court determines such action~~  
35 ~~would be in the best interest of the child, physical~~  
36 ~~care may be given to one joint custodial parent and~~  
37 ~~not to the other. However, in the best interest of~~  
38 ~~the child, the court may award joint physical care to~~  
39 ~~both parents or may award physical care to one parent~~  
40 ~~only. If the court awards joint physical care, the~~  
41 ~~court shall assure the minor child of the maximum~~  
42 ~~opportunity for contact with both parents, giving~~  
43 ~~preference to scheduling the child's time with a~~  
44 ~~parent rather than a third party. If one joint~~  
45 ~~custodial parent is awarded physical care, the court~~  
46 ~~shall hold that parent responsible for providing for~~  
47 ~~the best interest of the child. However, physical~~  
48 ~~care given to one parent does not affect the other~~  
49 ~~parent's rights and responsibilities as a legal~~  
50 ~~custodian of the child. Rights and responsibilities~~

## Page 2

1 as legal custodian of the child include, but are not  
2 limited to, equal participation in decisions affecting  
3 the child's legal status, medical care, education,  
4 extracurricular activities, and religious  
5 instruction.”

6 3. Title page, line 1, by inserting after the  
7 word “Act” the following: “relating to the granting of  
8 joint physical care and”.

9 4. By renumbering as necessary.

WALLY HORN

S-5339

1 Amend amendment S-5303 to Senate File 2256 as  
2 follows:

## DIVISION S-5339A

3 1. Page 1, line 7, by striking the figure "\$15,000"  
4 and inserting in lieu thereof the figure "\$30,000".

## DIVISION S-5339B

5 2. Page 1, lines 23 and 24, by striking the words  
6 "the member's of the person's immediate family" and  
7 inserting in lieu thereof the following: "that person's  
8 spouse".

JULIA GENTLEMAN

## S-5340

1 Amend Senate File 2273 as follows:  
2 1. Page 4, by striking lines 18 through 32.

JOE BROWN

## S-5341

1 Amend Senate File 2260 as follows:  
2 1. Page 1, line 7, by striking the word "tenant"  
3 and inserting the word "person".  
4 2. Page 1, by striking line 9 and inserting the  
5 following: "agreement covering the property upon  
6 which a mobile home is located. The lien".

ARTHUR A. SMALL, Jr.  
DONALD V. DOYLE

## S-5342

1 Amend Senate File 2275 as follows:  
2 1. Page 1, by inserting after line 11, the  
3 following:  
4 "Sec. — . NEW SECTION. 561.22 WAIVER.  
5 A person may expressly waive the homestead  
6 exemption. However, if the waiver is contained in a  
7 written contract, the contract must contain a  
8 statement in substantially the following form, in  
9 boldface type of a minimum size of ten points, and be  
10 signed and dated by the person waiving the exemption  
11 at the time of the execution of the contract: "I  
12 understand that homestead property is in many cases

13 protected from the claims of creditors and exempt from  
 14 judicial sale; and that by signing this contract, I  
 15 voluntarily give up my right to this protection for  
 16 this property with respect to claims based upon this  
 17 contract."

18 Sec. \_\_\_\_ . NEW SECTION. 627.20 WAIVER.

19 A person may expressly waive the exemptions  
 20 contained in this chapter. However, if the waiver is  
 21 contained in a written contract, the contract must  
 22 contain a statement in substantially the following  
 23 form, in boldface type of a minimum size of ten  
 24 points, and be signed and dated by the person waiving  
 25 the exemption at the time of the execution of the  
 26 contract: "I understand that some or all of the above  
 27 property is in many cases protected from the claims of  
 28 creditors and exempt from judicial sale; and that by  
 29 signing this contract, I voluntarily give up my right  
 30 to this protection for the property listed with  
 31 respect to claims based upon this contract."

32 The signature of the person waiving the exemption  
 33 located at the bottom of the contract is deemed to  
 34 have satisfied the signature and dating requirements  
 35 of this section."

36 2. Title page, by striking lines 1 and 2 and  
 37 inserting the following: "An Act relating to  
 38 contracts and other debt instruments."

39 3. By renumbering as necessary.

DONALD V. DOYLE

S-5343

1 Amend Senate File 2252 as follows:

2 1. Page 2, line 10, by striking the word "June"  
 3 and inserting the following: "August".

4 2. Page 2, line 13, by striking the word  
 5 "September" and inserting the following: "December".

6 3. Page 3, line 15, by striking the word  
 7 "September" and inserting the following: "December".

8 4. Page 3, line 22, by striking the word and  
 9 figures "November 1, 1986" and inserting the  
 10 following: "April 1, 1987".

11 5. Page 3, line 30, by striking the word and  
 12 figure "January 15" and inserting the following:  
 13 "August 1".

14 6. Page 4, line 3, by striking the word and  
 15 figures "November 15, 1986" and inserting the  
 16 following: "April 15, 1987".

17 7. Page 4, line 19, by inserting after the word

18 "force." the following: "Notwithstanding section  
19 8.33, moneys appropriated in this section shall not  
20 revert on June 30, 1987, but may be expended for  
21 expenses incurred by the state task force after June  
22 30, 1987. The unencumbered and unobligated balance of  
23 moneys appropriated in this section shall revert to  
24 the general fund of the state on December 31, 1987."

25 8. Page 4, by striking lines 20 through 24 and  
26 inserting the following:

27 "Sec. 7. The legislative council may appoint a  
28 joint committee consisting of five members from each  
29 house and representing both political parties to  
30 review the report of the state school economy task  
31 force and make recommendations to the legislative  
32 council and the general assembly meeting in 1988. The  
33 joint committee shall meet during the 1987 legislative  
34 interim after completion of the final report of the  
35 state task force."

36 9. Amend the title page, line 2, by striking the  
37 following: "and to provide an effective date".

RAY TAYLOR

S-5344

1 Amend the Committee amendment, S-5265, to House  
2 File 2160 as passed by the House, as follows:

3 1. Page 1, by inserting after line 5 the  
4 following:

5 "2. Page 1, line 25, by inserting after the word  
6 "officer" the following: "or to a public or private  
7 employer when in the process of selecting a candidate  
8 for employment as a security officer".

9 3. Page 1, by inserting after line 25 the  
10 following:

11 "Subsection 2 does not prohibit employers  
12 authorized to distribute or dispense a controlled  
13 substance listed in chapter 204 as schedule I, II,  
14 III, IV or V from administering polygraph examinations  
15 to employees who have access to such substances.

16 Employers who are allowed to administer polygraph  
17 examinations under this subsection shall not inquire  
18 into the following areas:

- 19 a. Religious beliefs or affiliations.
- 20 b. Beliefs or opinions regarding racial matters.
- 21 c. Political beliefs or affiliations.
- 22 d. Sexual preferences or activities.
- 23 e. Beliefs, affiliations, or opinions regarding union  
24 or labor organizations.

25 f. Conduct which occurred more than five years before  
 26 the examination.””

EMIL J. HUSAK  
 JACK RIFE

S-5345

1 Amend amendment S-5297 to Senate File 2035 as  
 2 follows:  
 3 1. Page 2, line 20, by inserting after the word  
 4 “parties.” the following:  
 5 “Sec. \_\_\_\_ . NEW SECTION. 558.48 MANDATORY  
 6 RECORDATION OF LEASES OF MINERAL INTERESTS.  
 7 A lease of a mineral interest, except a lease not  
 8 to exceed five years in duration with renewals, shall  
 9 be recorded by the lessee with the county recorder of  
 10 the county in which the mineral interest is located  
 11 not later than one hundred eighty days after the date  
 12 of the lease. A lease which is not recorded as  
 13 required by this section is invalid.  
 14 As used in this section, “mineral interest” means  
 15 an interest of any kind in coal, oil and gas, or other  
 16 minerals, whether or not the interest is owned  
 17 separately from the fee title to the surface of the  
 18 property upon or beneath which the mineral interest  
 19 exists.  
 20 Sec. \_\_\_\_ . Section 558.48 applies to leases entered  
 21 into on or after the effective date of this Act.”  
 22 2. Page 2, line 25, by inserting after the word  
 23 “circumstances” the following: “and the recordation  
 24 of leases of mineral interests”.  
 25 3. By renumbering as necessary.

ARNE WALDSTEIN

S-5346

1 Amend Senate File 2273 as follows:  
 2 1. Page 11, by striking lines 3 through 6 and  
 3 inserting in lieu thereof the following:  
 4 “Notwithstanding any contrary provision of the Code,  
 5 no member of the board of directors of any school  
 6 district, or director’s spouse, shall receive  
 7 compensation directly from the school board. ~~No~~  
 8 ~~director or spouse affected by this”.~~

JOHN A. PETERSON

S-5347

1 Amend Senate File 2163 as follows:

2 1. Page 1, line 4, by striking the word "The" and  
3 inserting the following: "Beginning for the calendar  
4 year 1985, the".

5 2. Page 1, by striking lines 10 through 12 and  
6 inserting the following: "to exceed the amount  
7 appropriated. Any unspent appropriation shall revert  
8 to the general fund. Any unclaimed winnings received  
9 but not spent pursuant to this section shall be paid  
10 to the treasurer of state who shall distribute the  
11 unclaimed winnings in the following manner:

12 a. One-third of the unclaimed winnings shall be  
13 divided among the tracks licensed under this chapter  
14 in proportion to the amount of unclaimed winnings  
15 collected from each track. The moneys shall be used  
16 for capital improvement.

17 b. One-third of the unclaimed winnings shall be  
18 divided among the counties in which a track licensed  
19 under this chapter is located. The division shall be  
20 in proportion to the amount of unclaimed winnings  
21 collected from each track.

22 c. One-third of the unclaimed winnings shall be  
23 divided among the cities in which a track licensed  
24 under this chapter is located. The division shall be  
25 in proportion to the amount of unclaimed winnings  
26 collected from each track. If a track is not located  
27 in a city, then the share that would have been  
28 distributed to a city would be distributed to the  
29 county in which the track is located."

30 3. Page 1, by inserting after line 12 the  
31 following:

32 "Sec. \_\_\_\_ . Section 99D.18, Code 1985, is amended  
33 to read as follows:

34 99D.18 SURPLUS FUNDS -- HOW USED.

35 From the balance of the funds coming into the hands  
36 of the commission pursuant to section 99D.14, fifty  
37 thousand dollars shall be used by the Iowa state  
38 university college of veterinary medicine to develop  
39 further research on the treatment of equine and canine  
40 injuries and diseases. The remaining funds shall be  
41 retained by the commission and may be distributed to a  
42 research program or project which the commission  
43 determines to be worthy and would benefit the racing  
44 industry in the state."

45 4. Renumber as necessary.

S-5348

1 Amend House File 2197 as amended, passed and re-  
2 printed by the House as follows:

DIVISION S-5348A

3 1. Page 1, by striking lines 24 through 30.

DIVISION S-5348B

4 2. Page 5, by striking lines 25 through 30 and in-  
5 serting in lieu thereof the following:  
6 "Sec. 13. Marketing and".

WILLIAM W. DIELEMAN

S-5349

1 Amend Senate File 2082 as follows:

2 1. Page 1, by inserting after line 17 the  
3 following:

4 "Sec. \_\_\_\_ . Section 422.45, subsection 27,  
5 paragraph a, subparagraph (1), Code Supplement 1985,  
6 is amended to read as follows:

7 (1) "Insurance company" means an insurer organized  
8 under chapters 508, 514, 515, 518, 519, 520 or  
9 authorized to do business in Iowa as an insurer and  
10 having fifty or more persons employed in this state  
11 excluding licensed insurance agents."

12 2. Page 1, by inserting after line 33 the  
13 following:

14 "Sec. \_\_\_\_ . Section 422.47A, subsection 1,  
15 paragraph d, subparagraph (1), Code Supplement 1985,  
16 is amended to read as follows:

17 (1) "Insurance company" means an insurer organized  
18 under chapters 508, 514, 515, 518, 519, 520 or  
19 authorized to do business in Iowa as an insurer and  
20 having fifty or more persons employed in this state  
21 excluding licensed insurance agents."

22 3. Title page, line 3, by inserting after the  
23 word "rental" the following: "of certain machinery,  
24 equipment, and computers and".

CALVIN O. HULTMAN

S-5350

1 Amend Senate File 2082 as follows:  
2 1. Page 1, by inserting after line 17 the fol-  
3 lowing:  
4 "Sec. 10. Section 422.45, Code Supplement 1985, is  
5 amended by adding the following new subsection:  
6 NEW SUBSECTION. The gross receipts from the sale  
7 of automotive fluids purchased for the purpose of  
8 facilitating the sale of taxable services."  
9 2. Page 2, by inserting after line 13 the  
10 following:  
11 "Sec. \_\_\_\_ . Section 10 of this Act is retroactive  
12 to January 1, 1979."  
13 3. Title page, line 4, by inserting after the  
14 word "computers" the following: "and the purchase of  
15 automotive fluids".

CALVIN HULTMAN

S-5351

1 Amend Senate File 2137 as follows:  
2 1. Page 1, line 5, by inserting after the words  
3 "feeder cattle" the following: ", which has a one-  
4 time feedlot designed capacity of not in excess of ten  
5 thousand head of cattle".  
6 2. Page 1, by striking lines 19 and 20, and  
7 inserting the following: "feedlot pursuant to this  
8 exception is a number equal to twenty-five percent of  
9 a one-time feedlot designed capacity of up to five  
10 thousand head, and a number equal to twelve and one-  
11 half percent of a one-time feedlot designed capacity  
12 of over five thousand head and up to ten thousand  
13 head. The".

ARNE WALDSTEIN  
JAMES R. RIORDAN

S-5352

1 Amend Senate File 2248 as follows:  
2 1. Page 1, line 3, by striking the words  
3 "podiatrist or veterinarian" and inserting the  
4 following: "or podiatrist or veterinarian".

JIM RIORDAN

S-5353

- 1 Amend amendment S-5302 to Senate File 2057 as  
2 follows:  
3 1. Page 1, by striking lines 35 and 36 and inserting  
4 in lieu thereof the following:  
5 "9. Page 6, by striking lines 14 through 16."  
6 2. Page 1, by striking lines 38 and 39 and inserting  
7 in lieu thereof the following:  
8 "11. Page 6, by striking lines 28 through 31."

EDGAR H. HOLDEN

S-5354

- 1 Amend Senate File 106 as follows:  
2 1. Page 1, by striking lines 4 and 5 and  
3 inserting the following: "automotive fluids to a  
4 retailer to be used either in providing a service  
5 which includes the installation or application of the  
6 fluids in or on a motor vehicle, which service is  
7 subject to section 422.43, subsection 11, or to be  
8 installed in or applied to a motor vehicle which the  
9 retailer intends to sell, which sale is subject to  
10 section 423.7. For purposes of this subsection,  
11 automotive fluids are all those which are refined,  
12 manufactured or otherwise processed and packaged for  
13 sale prior to their installation in or application to  
14 a motor vehicle. They include, but are not limited to  
15 motor oil and other lubricants, hydraulic fluids,  
16 brake fluid, transmission fluid, sealants,  
17 undercoatings, antifreeze and gasoline additives."

COMMITTEE ON WAYS AND MEANS  
WILLIAM PALMER, Chairperson

S-5355

- 1 Amend Senate File 2134 as follows:  
2 1. Page 1, line 7, by striking the word "The"  
3 and inserting in lieu thereof the words "Absent  
4 compelling extenuating circumstances to the  
5 contrary, the".  
6 2. Page 1, by striking lines 9 through 11  
7 and inserting in lieu thereof the following:  
8 "interest of the child. The court shall not  
9 excuse a denial of".  
10 3. Page 1, line 15, by inserting after the

11 word "time" the words "unless shown to be in the  
12 best interest of the child".  
13 4. Page 1, line 20, by striking the words "in  
14 the" and inserting in lieu thereof the following: "."  
15 5. Page 1, by striking line 21 and inserting  
16 in lieu thereof the following: "Court".  
17 6. Page 1, line 26, by inserting after the  
18 word "child" the words "who has demonstrated an  
19 effort to arrange for parental or visitation time  
20 under the conditions of the order".

CHARLES BRUNER

S-5356

1 Amend Senate File 2259 as follows:  
2 1. Page 1, line 3, by striking the word "economic"  
3 and inserting in lieu thereof the following: "new  
4 or expanding business".  
5 2. Page 1, by striking line 8, and inserting in  
6 lieu thereof the following: "examination before any  
7 formal action is taken."

JULIA GENTLEMAN  
EDGAR H. HOLDEN  
JAMES LIND

S-5357

1 Amend amendment S-5316 to Senate File 2078 as  
2 follows:  
3 1. Page 2, line 4, by inserting before the words  
4 "the issue" the word "or".

LEONARD BOSWELL

S-5358

1 Amend House File 2380 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 6, by inserting after line 18 the  
4 following:  
5 "Sec. \_\_\_\_ . Notwithstanding 1985 Iowa Acts, chapter  
6 33, section 301, moneys deposited in the Iowa plan  
7 fund for economic development on or after the  
8 effective date of this Act, are appropriated for the  
9 fiscal year beginning July 1, 1985 and ending June 30,

10 1986 in the following amounts and for the following  
11 purposes:

12 1. To the state board of regents for biotechnology  
13 research at institutions of higher education under the  
14 control of the state board, the sum of one and one-  
15 half million (1,500,000) dollars.

16 2. To the office of state comptroller, the  
17 remainder not to exceed twenty-eight million six  
18 hundred twenty thousand nine hundred (28,620,900)  
19 dollars, to be distributed to school districts under  
20 chapter 442. For purposes of chapter 442, moneys  
21 appropriated in this section shall be considered state  
22 school foundation aid and shall be paid to school  
23 districts with state school foundation aid paid under  
24 section 442.26. The state comptroller shall increase  
25 the state school foundation aid to each school  
26 district by four and four-thousandths percent in order  
27 to replace the three and eighty-five hundredths  
28 percent reduction in state school foundation aid that  
29 occurred as a result of executive order nineteen  
30 issued on September 18, 1985. The appropriation in  
31 this subsection does not affect state cost per pupil  
32 or any district cost per pupil.

33 If funds appropriated in this subsection to the  
34 state comptroller are less than twenty-eight million  
35 six hundred twenty thousand nine hundred (28,620,900)  
36 dollars, the state comptroller shall prorate the  
37 moneys paid to school districts under this section.

38 3. If moneys are appropriated from the Iowa plan  
39 fund for economic development to the Iowa family farm  
40 development authority to be used for providing  
41 financial assistance to Iowa farmers under and through  
42 the agricultural loan assistance program for the  
43 fiscal year beginning July 1, 1985 and ending June 30,  
44 1986, that appropriation takes precedence over the  
45 appropriation in subsection 2."

CALVIN O. HULTMAN

S-5359

1 Amend House File 2387, 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. 279.44 ENERGY AUDITS.**

6 Not later than July 1, 1987, the board of directors  
7 of each school district and area school shall file  
8 with the energy policy council, on forms prescribed by

9 the energy policy council, the results of an energy  
10 audit of the buildings owned and leased by the school  
11 district. The energy audit shall be conducted under  
12 rules adopted by the energy policy council pursuant to  
13 chapter 17A. The energy policy council may waive the  
14 requirement for the energy audit for school districts  
15 and area schools that submit evidence that energy  
16 audits were conducted prior to July 1, 1987 and energy  
17 consumption for the school district or area school is  
18 at an adjusted statewide average or below. This  
19 section takes effect only if funds have been made  
20 available to a school district or area school to pay  
21 the costs of the energy audit.

22 Sec. 2. NEW SECTION. 93.19 ENERGY BANK PROGRAM.

23 The energy bank program is established by the  
24 energy policy council. The energy bank program  
25 consists of the following forms of assistance for  
26 school districts and merged area schools:

27 1. Providing moneys from the petroleum overcharge  
28 fund for conducting energy audits under section  
29 279.44.

30 2. Providing loans, leases, and other methods of  
31 alternative financing from the energy loan fund  
32 established in section 93.20 for school districts and  
33 area schools to implement energy conservation  
34 measures.

35 3. Serving as a source of technical support for  
36 energy conservation management.

37 4. Providing assistance for obtaining insurance on  
38 the energy savings expected to be realized from the  
39 implementation of energy conservation measures.

40 For the purpose of this section and section 93.20,  
41 "energy conservation measure" means construction,  
42 rehabilitation, acquisition, or modification of an  
43 installation in a building which is intended to reduce  
44 energy consumption, or energy costs, or both, or allow  
45 the use of an alternative energy source, which may  
46 contain integral control and measurement devices.

47 Sec. 3. NEW SECTION. 93.20 ENERGY LOAN FUND.

48 An energy loan fund is established in the office of  
49 the treasurer of state to be administered by the  
50 energy policy council. The energy policy council may

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1 make loans to school districts and area schools for  
2 implementation of energy conservation measures  
3 identified in a comprehensive engineering analysis.  
4 Loans shall not be made for energy conservation  
5 measures that require more than an average of six

6 years for the school district as an entity to recoup  
7 the actual or projected cost of construction and  
8 acquisition of the improvements; cost of the  
9 engineering analysis, plans, and specifications; and  
10 cost of the surety bonds securing the operation of the  
11 energy conservation measure. For a school district or  
12 merged area school to receive a loan from the fund,  
13 the energy policy council shall require completion of  
14 an energy management plan including an energy audit  
15 and a comprehensive engineering analysis. The energy  
16 policy council shall approve loans made under this  
17 section.

18 School districts shall repay the loans from moneys  
19 in either their general fund or schoolhouse fund.  
20 Area schools shall repay the loans from their general  
21 fund.

22 The energy policy council may accept gifts, federal  
23 funds, state appropriations, and other moneys for  
24 deposit in the energy loan fund.

25 For the purpose of this section, "loans" means  
26 loans, leases, or alternative financing arrangements.

27 Sec. 4. Section 93.15, Code 1985, is amended to  
28 read as follows:

29 **93.15 PETROLEUM OVERCHARGE FUND.**

30 There is created as a separate account in the state  
31 treasury a petroleum overcharge fund. Notwithstanding  
32 section 453.7, interest and earnings on investments  
33 from the funds in the petroleum overcharge fund shall  
34 be credited to the petroleum overcharge fund. The  
35 state of Iowa acting on behalf of itself, its  
36 citizens, and its political subdivisions accepts any  
37 funds awarded or allocated to it, its citizens, and  
38 political subdivisions as a result of petroleum  
39 overcharge cases. The funds shall be deposited in the  
40 petroleum overcharge fund and shall be expended only  
41 upon appropriation of the general assembly for  
42 programs which will benefit citizens who may have  
43 suffered economic penalties resulting from the alleged  
44 petroleum overcharges. However, petroleum overcharge  
45 case funds received pursuant to claims filed on behalf  
46 of the state, its institutions, departments, agencies,  
47 or any political subdivision shall be deposited in the  
48 general fund of the state to be disbursed directly to  
49 the appropriate claimants in accordance with federal  
50 guidelines and subject to the approval of the attorney

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1 general and the executive council. Attorneys' fees  
 2 and expenses incurred by the state to obtain these  
 3 funds to be deposited in the petroleum overcharge fund  
 4 shall be paid by the state comptroller from the  
 5 petroleum overcharge fund subject to the approval of  
 6 the attorney general and the executive council.  
 7 Moneys in the fund may also be used for payments to  
 8 school districts and area schools for the cost of  
 9 energy audits under section 279.44."

CHARLES BRUNER

S-5360

1 Amend Senate File 2281 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. NEW SECTION. 279.44 ENERGY AUDITS.  
 5 Between July 1, 1986 and June 30, 1991, and on a  
 6 staggered annual basis each five years thereafter, the  
 7 board of directors of each school district shall file  
 8 with the energy policy council, on forms prescribed by  
 9 the energy policy council, the results of an energy  
 10 audit of the buildings owned and leased by the school  
 11 district. The energy audit shall be conducted under  
 12 rules adopted by the energy policy council pursuant to  
 13 chapter 17A. The energy policy council may waive the  
 14 requirement for the initial and subsequent energy  
 15 audits for school districts that submit evidence that  
 16 energy audits were conducted prior to January 1, 1987  
 17 and energy consumption for the district is at an  
 18 adjusted statewide average or below.  
 19 Sec. 2. NEW SECTION. 93.19 ENERGY BANK PROGRAM.  
 20 The energy bank program is established by the  
 21 energy policy council. The energy bank program  
 22 consists of the following forms of assistance for  
 23 school districts and merged area schools:  
 24 1. Providing loans from the energy loan fund  
 25 established in section 93.20 for implementing energy  
 26 conservation measures.  
 27 2. Serving as a source of technical support for  
 28 energy conservation management.  
 29 3. Providing assistance for obtaining insurance on  
 30 the energy savings expected to be realized from the  
 31 implementation of energy conservation measures.  
 32 For the purpose of this section and section 93.20,  
 33 "energy conservation measure" means installation or

34 modification of an installation in a building which is  
 35 primarily intended to reduce energy consumption or  
 36 allow the use of an alternative energy source, which  
 37 may contain integral control and measurement devices.  
 38 Sec. 3. NEW SECTION. 93.20 ENERGY LOAN FUND.  
 39 An energy loan fund is established in the office of  
 40 the treasurer of state to be administered by the  
 41 energy policy council. The energy policy council may  
 42 make loans to school districts and area schools for  
 43 implementation of energy conservation measures  
 44 identified in energy audits required in section  
 45 279.44. Loans shall not be made for energy  
 46 conservation measures that require more than an  
 47 average of six years to recoup the cost from energy  
 48 savings. For a school district or merged area school  
 49 to receive a loan from the fund, the energy policy  
 50 council shall require completion of an energy

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1 management plan including the energy audit and an  
 2 engineering analysis.  
 3 The energy policy council may accept gifts, federal  
 4 funds, state appropriations, and other moneys for  
 5 deposit in the energy loan fund."

CHARLES BRUNER

S-5361

1 Amend Senate File 2225 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 46.7, Code 1985, is amended to  
 5 read as follows:  
 6 46.7 ELIGIBILITY TO VOTE.  
 7 To be eligible to vote in elections of judicial  
 8 nominating commissioners, a member of the bar must be  
 9 a resident of the state of Iowa and of the appropriate  
 10 congressional district or judicial election district  
 11 as shown by the member's most recent filing with the  
 12 supreme court for the purposes of showing compliance  
 13 with the court's continuing legal education  
 14 requirements, or for members who are not required to  
 15 file such compliance, any paper on file by July 1 with  
 16 the clerk of the supreme court, for the purpose of  
 17 establishing eligibility to vote under this section,  
 18 which the court determines to show the requisite  
 19 residency requirements. A judge who has been admitted

20 to the bar of the state of Iowa shall be considered a  
21 member of the bar.  
22 Sec. 2. Section 46.8, Code 1985, is amended to  
23 read as follows:  
24 46.8 CERTIFIED LIST.  
25 On ~~June~~ July 15 of each year the clerk of the  
26 supreme court shall certify a list of the names,  
27 addresses, and years of admission of members of the  
28 bar who are eligible to vote for state and district  
29 judicial nominating commissioners. The clerk of the  
30 supreme court shall provide a copy of the list of the  
31 members for a county to the clerk of the district  
32 court for that county.”  
33 2. Title, line 1, by inserting after the word  
34 “of” the words “judicial nominating commissioners  
35 and”.

ARTHUR A. SMALL, JR.

S-5362

1 Amend House File 2197 as follows:  
2 1. Page 1, line 23, by inserting after the word  
3 “each” the word “instant”.  
4 2. Page 3, line 12, by striking the word “intrastate”.

CALVIN HULTMAN

S-5363

1 Amend Senate File 84 as follows:  
2 1. Page 1, by inserting after line 9 the following:  
3 “This section becomes effective upon the occurrence  
4 of either of the following:  
5 1. The repeal of Article III, Section 38A of the  
6 Iowa Constitution.  
7 2. A holding by the United States Supreme Court  
8 that the Second Amendment to the United States Constitu-  
9 tion prohibits this kind of municipal ordinance.”

DOUGLAS RITSEMA

S-5364

- 1 Amend Senate File 2057 as follows:
- 2 1. Page 9, line 2, by striking the words "and
- 3 counselors".

DOUGLAS RITSEMA

S-5365

- 1 Amend House File 2380 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 6, by striking lines 7 through 18.

JOE WELSH

S-5366

- 1 Amend House File 2380 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, by inserting after line 28 the
- 4 following new section:
- 5 "Sec. \_\_\_\_ . For the fiscal year beginning July 1,
- 6 1985 and ending June 30, 1986, the state comptroller
- 7 shall reduce quarterly allocations of funds
- 8 appropriated to agencies to reflect savings made as a
- 9 result of implementing recommendations for
- 10 restructuring and downsizing state government which
- 11 are implemented by administrative action. Reductions
- 12 to allotments made under this section shall be
- 13 retained in a special account in the office of state
- 14 comptroller, and shall be unavailable for expenditure
- 15 by the various departments. Funds accumulated in this
- 16 account shall revert to the credit of the fund from
- 17 which appropriated on June 30, 1986. The executive
- 18 council shall delete any positions identified by the
- 19 governor as funded by these reversions from the table
- 20 of organization. However, this section shall not be
- 21 used to effect any reorganization that is contrary to
- 22 the intent of the general assembly."
- 23 2. Renumber sections and correct internal
- 24 references as necessary in accordance with this
- 25 amendment.

DALE TIEDEN

S-5367

- 1 Amend House File 2390 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 4, line 21, by inserting after the word
- 4 "of" the word "its".
- 5 2. Page 7, line 28, by inserting after the word
- 6 "transactions" the words "between each other".
- 7 3. Page 12, line 11, by striking the word "the"
- 8 and inserting in lieu thereof the word "its".

MICHAEL GRONSTAL

S-5368

- 1 Amend Senate File 2114 as follows:
- 2 1. Page 1, by inserting after line 17, the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 111.85, Code Supplement 1985,
- 5 is amended by adding the following new subsection:
- 6 NEW SUBSECTION. User permits shall be issued
- 7 without the permit fee by the county recorder which
- 8 shall admit residents of that county to any state park
- 9 located within that county."

JOE WELSH  
LEONARD BOSWELL  
JOHN NYSTROM  
JACK RIFE

S-5369

- 1 Amend Senate File 2263 as follows:
- 2 1. Page 1, by striking lines 17 through 19.
- 3 2. Title page, line 2, by striking the words "and
- 4 providing an effective date".

LARRY MURPHY

S-5370

- 1 Amend Senate File 2261 as follows:
- 2 1. Page 2, by striking lines 20 through 26 and
- 3 inserting the following:
- 4 "10. The state board shall establish an
- 5 accreditation process for school districts pursuant to
- 6 this subsection and subsections 11 and 12. The

7 accreditation process shall take effect for one-third  
 8 of the school districts during the school year  
 9 commencing July 1, 1989, an additional one-third  
 10 during the school year commencing July 1, 1990, and  
 11 the remaining one-third during the school year  
 12 commencing July 1, 1991. Accreditation is valid for a  
 13 three-year period. The commissioner shall appoint a  
 14 committee of not more".  
 15 2. Page 4, by striking lines 2 through 6 and  
 16 inserting the following: "the state board."

BEVERLY A. HANNON

S-5371

1 Amend amendment S-5346 to Senate File 2273 as  
 2 follows:  
 3 1. Page 1, line 7, by inserting after the word  
 4 "board" the following: "except a director or  
 5 director's spouse may be employed by the district in a  
 6 noncertificated position on a half-time basis or  
 7 less".

JOE BROWN

S-5372

1 Amend Senate File 2235 as follows:  
 2 1. Page 4, line 1, by inserting after the word  
 3 "sell" the words "and deliver alcoholic".

WALLY HORN

S-5373

1 Senate File 2253 as follows:  
 2 1. Page 1, by striking lines 1 through 9.  
 3 2. Page 1, line 12, by inserting before the word  
 4 "Unless" the figure "1."  
 5 3. By striking page 1, line 16 through page 2,  
 6 line 6, and inserting the following:  
 7 "a. Assessment of fees for the support of the  
 8 commission and the office of consumer advocate, as set  
 9 forth in section 476.10.  
 10 b. Safety standards.  
 11 c. Assigned areas of service, as set forth in  
 12 sections 476.22 through 476.26.

13 d. Enforcement of civil penalties pursuant to  
14 section 476.51.  
15 2. Municipally owned utilities shall be required  
16 to adhere to the requirements of the following  
17 sections of the Code but all rules and regulations to  
18 enforce these sections shall lie with each local  
19 municipal utility's governing board. The commission  
20 has no authority concerning these sections as they  
21 apply to municipal utilities:  
22 a. Peak-load management techniques, as set forth  
23 in section 476.17.  
24 b. Disconnection of service, as set forth in  
25 section 476.20.  
26 c. Discrimination against users of renewable  
27 energy resources, as set forth in section 476.21.  
28 d. Encouragement of alternate energy production  
29 facilities, as set forth in sections 476.41 through  
30 476.45.  
31 e. Promulgation of rules concerning the use of  
32 energy conservation strategies, as set forth in  
33 section 476.2."

JOHN W. JENSEN

S-5374

1 Amend House File 2387 as follows:  
2 1. Title page, by striking lines 1 through 4, and  
3 inserting in lieu thereof the following: "An Act  
4 relating to energy management by school districts and  
5 merged area schools, requiring energy audits and  
6 providing financial and technical assistance for  
7 school districts and merged area schools to achieve  
8 energy conservation."

CHARLES BRUNER

S-5375

1 Amend Senate File 2281 as follows:  
2 1. Title page, by striking lines 1 through 4, and  
3 inserting in lieu thereof the following: "An Act  
4 relating to energy management by school districts and  
5 merged area schools, requiring periodic energy audits,  
6 providing financial and technical assistance for

7 energy conservation for school districts and merged  
8 area schools.”

CHARLES BRUNER

S-5376

1 Amend Senate File 2163 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 “Section 1. Section 99D.7, Code 1985, is amended  
5 by adding the following new subsections 19 and 20 and  
6 renumbering the subsequent subsection:  
7 NEW SUBSECTION. 19. To assure that a licensee  
8 licensed to conduct dog races does not prohibit a  
9 local dog from racing if the dog is otherwise  
10 qualified. As used in this subsection, “local dog”  
11 means an Iowa-whelped dog owned by a person who has  
12 been a resident of this state for at least two years  
13 and is not subject to a lease or other contractual  
14 arrangement with a kennel for purposes of racing.  
15 NEW SUBSECTION. 20. To regulate and implement  
16 local dog races at licensed racetracks including, but  
17 not limited to establishing all of the following:  
18 a. A minimum number of races per race meeting in  
19 which local dogs shall be permitted to compete.  
20 b. Minimum qualifications for a dog to qualify as  
21 a local dog.  
22 c. Standards for the time local dogs shall be  
23 required to be on the premises of the racetrack  
24 facility before and after competing in a race.”  
25 2. Title page, line 1, by striking the words  
26 “unclaimed winnings from”.

BERL E. PRIEBE

S-5377

1 Amend House File 2380 as amended, passed and re-  
2 printed by the House as follows:

DIVISION S-5377A

3 1. Page 2, by striking line 33 through page 3, line  
4 11.

## DIVISION S-5377B

5 2. Page 4, by striking lines 3 through 24.

## DIVISION S-5377C

6 3. Page 5, by striking lines 8 through 11, and in-  
7 serting in lieu thereof the following: "or siding  
8 defined in the agreement. Credits to the corporation  
9 account by the railroad".

## DIVISION S-5377D

10 4. Page 5, by striking lines 19 through 27.

11 5. Page 6, by striking lines 19 through 24.

EDGAR H. HOLDEN

## S-5378

1 Amend House File 2197 as amended, passed, and  
2 reprinted by the House as follows:

## DIVISION S-5378A

3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 99A.10, Code Supplement 1985,  
6 is amended by striking the section and inserting in  
7 lieu thereof the following:  
8 99A.10 MANUFACTURE OF ELECTRONIC GAMBLING DEVICES  
9 PERMITTED.

10 A person may manufacture electronic or computerized  
11 gambling devices for sale out of the state or for sale  
12 in the state or use in the state if the use is  
13 permitted pursuant to either chapter 99B or chapter  
14 99E."

15 2. Page 2, by inserting after line 5 the  
16 following:

17 "Sec. 2. Section 99E.9, subsection 5, Code  
18 Supplement 1985, is amended to read as follows:  
19 ~~5 6. Whenever possible~~ If reasonably practical  
20 when the lottery agency awards a contract under  
21 subsection 2, for the lease, ~~or~~ purchase, ~~or servicing~~  
22 of a machine to be used in the conducting of a lottery  
23 game including, but not limited to, a video lottery  
24 machine or machine used in lotto, the lottery agency  
25 shall give preference to awarding the contract to a  
26 person responsible vendor whose primary place of

27 business is in Iowa who manufactures the machines in  
28 the state, provided the costs and benefits to the  
29 lottery agency are equal to those available from  
30 competing vendors.  
31 If reasonably practical when the lottery agency  
32 awards a contract under subsection 2, for the  
33 servicing of a machine to be used in the conducting of  
34 a lottery game including, but not limited to, a video  
35 lottery machine or a machine used in lotto, the  
36 lottery agency shall give preference to a responsible  
37 vendor whose principal place of business is in Iowa,  
38 provided the costs and benefits to the lottery agency  
39 are equal to those available from competing vendors.”

## DIVISION S-5378B

40 3. Page 2, by inserting after line 5 the  
41 following:  
42 “Sec. \_\_\_\_ . Section 99E.9, Code Supplement 1985, is  
43 amended by adding the following new subsection:  
44 NEW SUBSECTION. 7. By November 1, 1986, the Iowa  
45 lottery agency shall initiate pilot programs in at  
46 least five counties in the state by placing video  
47 lottery games in those counties selected to  
48 demonstrate the feasibility of implementing video  
49 lottery games throughout the state. The agency shall  
50 design the projects to implement this section. The

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## DIVISION S-5378B (cont'd.)

1 lottery board shall determine by rule how the revenue  
2 collected pursuant to the pilot programs is to be  
3 disbursed to the state, a political subdivision of the  
4 state, and the vendor and vendor operators. However,  
5 the portion of the revenue retained by the state and  
6 not needed to cover the expenses of the pilot programs  
7 shall be distributed as provided in section 99E.10.  
8 As used in this section, “video lottery games” means  
9 lottery games involving a machine designed similar to  
10 a video amusement game except that prizes are awarded  
11 at random by the lottery agency at the conclusion of  
12 the game.”

## DIVISION S-5378C

13 4. Page 2, by inserting after line 18 the  
14 following:  
15 "Sec. \_\_\_\_ . Section 99E.10, subsection 1,  
16 unnumbered paragraph 3, Code Supplement 1985, is  
17 amended to read as follows:  
18 The Iowa plan fund for economic development, also  
19 to be known as the Iowa plan fund, is created in the  
20 office of the treasurer of state. In addition, an  
21 excellence in education fund is created in the office  
22 of the treasurer of state. Lottery revenue remaining  
23 after expenses are determined shall be transferred to  
24 the Iowa plan fund on a quarterly basis. However,  
25 seventy-five percent of the money received from video  
26 lottery pilot programs shall be deposited in the  
27 excellence in education fund for appropriation by the  
28 general assembly to promote excellence in education in  
29 this state. However, In addition, upon the request of  
30 the commissioner and subject to approval by the  
31 treasurer of state, an amount sufficient to cover the  
32 foreseeable administrative expenses of the lottery for  
33 a period of twenty-one days may be retained from the  
34 lottery revenue. Prior to the quarterly transfer to  
35 the Iowa plan fund or the excellence in education  
36 fund, the commissioner may direct that lottery revenue  
37 shall be deposited in the lottery fund and in interest  
38 bearing accounts designated by the treasurer of state  
39 in the financial institutions of this state or  
40 invested in the manner provided in section 452.10.  
41 Interest or earnings paid on the deposits or  
42 investments is considered lottery revenue and shall be  
43 transferred to the Iowa plan fund or the excellence in  
44 education fund in the same manner as other lottery  
45 revenue. Money in the Iowa plan fund or the  
46 excellence in education fund shall be deposited in  
47 interest bearing accounts in financial institutions in  
48 this state or invested in the manner provided in  
49 section 452.10. The interest or earnings on the  
50 deposits or investments shall be considered part of

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## DIVISION S-5378C (cont'd.)

1 the Iowa plan fund or the excellence in education fund  
2 and shall be retained in the ~~fund funds~~ unless  
3 appropriated by the general assembly."

## DIVISION S-5378A (cont'd.)

- 4 5. Page 4, by inserting after line 24 the  
 5 following:  
 6 "Sec. 3. Section 725.9, subsection 5, Code  
 7 Supplement 1985, is amended by striking the subsection  
 8 and inserting in lieu thereof the following:  
 9 5. This chapter does not prohibit the manufacture  
 10 of electronic or computerized gambling devices if  
 11 manufactured for sale out of the state or for sale in  
 12 the state or use in the state if the use is licensed  
 13 pursuant to either chapter 99B or chapter 99E."  
 14 6. Renumber as necessary.

COMMITTEE ON APPROPRIATIONS  
 JOE WELSH, Chairperson

## S-5379

- 1 Amend Senate File 2269 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. NEW SECTION. 299B.1 DECLARATION OF  
 5 POLICY.  
 6 It is the policy of the state that every parent is  
 7 responsible to provide a basic education for the  
 8 parent's children in order to prepare the children to  
 9 participate effectively and intelligently as citizens  
 10 and to be self-reliant and self-sufficient members of  
 11 society. The state also has a compelling interest in  
 12 seeing that the youth who reside in this state have an  
 13 opportunity to receive a basic education. Therefore,  
 14 it is the intent of the general assembly to provide  
 15 parents and their children with a broad range of  
 16 educational alternatives in a manner that will permit  
 17 the accomplishment of these objectives without  
 18 infringing upon the primary rights of parents to raise  
 19 and teach their children or upon religious and other  
 20 beliefs of parents and their children.  
 21 Sec. 2. NEW SECTION. 299B.2 PURPOSE.  
 22 Notwithstanding chapters 280 and 299, this chapter  
 23 regulates instruction in nonpublic schools and private  
 24 instruction not regulated in chapter 280.  
 25 Sec. 3. NEW SECTION. 299B.3 DEFINITIONS.  
 26 As used in this chapter, unless the context  
 27 otherwise requires:  
 28 1. "Nonpublic school" means a school with two or  
 29 more students over seven and under sixteen years of  
 30 age and not related in attendance.

31 2. "Private instruction" means an educational  
32 program provided in the home of one or more students  
33 over seven and under sixteen years of age who are  
34 related.

35 3. "Public school" means a school directly  
36 supported in whole or in part by taxation and approved  
37 by the state board of public instruction pursuant to  
38 section 257.25.

39 4. "Dual enrollment" means the matriculation of a  
40 child in one public school or approved nonpublic  
41 school and one nonpublic school, in one public school  
42 while receiving private instruction, or in one  
43 approved nonpublic school while receiving private  
44 instruction, in subjects, courses, or programs not  
45 available to the child otherwise.

46 5. "Department" means the department of public  
47 instruction.

48 6. "Approved nonpublic school" means a nonpublic  
49 school which is approved by the state board of public  
50 instruction pursuant to section 257.25.

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1 7. "Instructor" means an instructor, who has or  
2 has not been issued a teaching certificate or the  
3 appropriate endorsement or approval by the state board  
4 of public instruction, but who provides private  
5 instruction or instruction in a nonpublic school.  
6 "Instructor" includes the person in charge of the  
7 nonpublic school.

8 8. "Local school district" means the school  
9 district of the child's residency.

10 **Sec. 4. NEW SECTION. 229B.4 DUAL ENROLLMENT.**

11 A child who is receiving private instruction  
12 pursuant to section 299B.7 or who is enrolled in a  
13 nonpublic school pursuant to section 299B.8 may also  
14 enroll in a public or approved nonpublic school for  
15 dual enrollment purposes.

16 If such a child enrolls in a public or approved  
17 nonpublic school on a full-time basis, the board of  
18 directors of the local school district or the  
19 authorities in charge of the approved nonpublic school  
20 may determine the appropriate grade level for the  
21 child by the administration of tests or other means of  
22 evaluation to determine achievement.

23 **Sec. 5. NEW SECTION. 299B.5 HOME INSTRUCTION**  
24 **ASSISTANCE PROGRAM.**

25 A public school or an approved nonpublic school may  
26 implement and administer a home instruction assistance  
27 program. If a public school administers a home

28 instruction assistance program, each child enrolled in  
 29 the program shall be included in the basic enrollment  
 30 pursuant to section 442.4.

31 Sec. 6. NEW SECTION. 299B.6 ENROLLMENT.

32 If a child, over seven and under sixteen years of  
 33 age, is not enrolled in a public or approved nonpublic  
 34 school, the person having the control of the child  
 35 shall enroll the child in one of the following:

36 1. A home instruction assistance program pursuant  
 37 to section 299B.4.

38 2. Private instruction pursuant to section 299B.7.

39 3. A nonpublic school pursuant to section 299B.8.

40 4. A home instruction assistance program  
 41 administered by a nonpublic school and meeting the  
 42 requirements set forth in section 299B.8.

43 Sec. 7. NEW SECTION. 299B.7 PRIVATE INSTRUCTION.

44 A person having control of a child over seven and  
 45 under sixteen years of age may provide private  
 46 instruction. The person shall:

47 1. Have at least a high school diploma or a high  
 48 school equivalency diploma.

49 2. Provide the following information once during  
 50 each school year to the board of directors of the

**Page 3**

1 local school district in a certificate in duplicate:

2 a. The child's name, age, and date of birth.

3 b. The name and address of the child's parent or  
 4 guardian.

5 c. The child's discerned grade or placement.

6 d. An indication of the child's educational  
 7 progress.

8 e. The name and address of the individual pro-  
 9 viding the private instruction to the child.

10 f. Whether the parent or guardian of the child is  
 11 a party to a dual enrollment agreement.

12 3. Provide evidence to the local school district  
 13 that the educational program for the child provides,  
 14 or in due course will provide instruction in the  
 15 following subjects:

16 a. Mathematics.

17 b. Science.

18 c. Language arts.

19 d. United States history.

20 e. History of Iowa.

21 f. Principles of American government.

22 4. The person provides to the local school  
 23 district a notarized statement indicating the reasons  
 24 the person is providing private instruction for the

25 child and eliminating the local school district and  
26 the state from liability and responsibility for the  
27 child's educational attainment.  
28 5. Provide annually to the board of directors of  
29 the local school district, when the child has a  
30 discerned grade or placement between the third grade  
31 and eighth grade in comparison with a public school,  
32 the results of a nationally standardized test which  
33 has been administered under conditions mutually  
34 acceptable to the board of directors of the local  
35 school district and the parent or guardian of the  
36 child, which test results shall show that minimum  
37 competency has been achieved as reflected by the Iowa  
38 norm for other students taking similar tests.  
39 6. Provide at the beginning of each semester or  
40 school year a curriculum and weekly lesson plans to  
41 the local school district complying with subsection 3.  
42 Failure to submit a curriculum and weekly lesson plans  
43 showing compliance is prima facie evidence that the  
44 private instruction does not meet the requirements of  
45 this section.  
46 7. Write an annual progress assessment report  
47 which shall include the person's individualized  
48 assessment of the child's academic progress in the  
49 subjects specified in subsection 3. The progress  
50 reports shall be retained by the parent or guardian

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1 for at least three years.  
2 When a person providing private instruction  
3 complies with this section, nothing herein contained  
4 grants to the state or any officers, agencies, or  
5 subdivisions of the state, any right or authority to  
6 control, manage, supervise, or make any suggestions as  
7 to the control, management, or supervision of any  
8 private instruction.  
9 Sec. 8. NEW SECTION. 299B.8 INSTRUCTION IN  
10 NONPUBLIC SCHOOL.  
11 An instructor may provide instruction in a  
12 nonpublic school if the instructor or parent provides:  
13 1. Evidence that the person has received a  
14 bachelors degree from a four-year institution of  
15 higher education.  
16 2. The local school district the following  
17 information once during each school year in a  
18 certificate in duplicate:  
19 a. The name, age, and date of birth of each child  
20 enrolled in the nonpublic school.  
21 b. The name and address of the parent or guardian

22 of each child.

23 c. The discerned grade or placement of each child.

24 d. An indication of the child's educational  
25 progress.

26 e. The name and address of the nonpublic school in  
27 which the child is enrolled.

28 f. Whether the parent or guardian of the child is  
29 a party to a dual enrollment agreement.

30 3. Evidence to the local school district that the  
31 educational program for the child provides, or in due  
32 course will provide, instruction in the following  
33 subjects:

34 a. Mathematics.

35 b. Science.

36 c. Language arts.

37 d. United States history.

38 e. History of Iowa.

39 f. Principles of American government.

40 4. To the local school district a notarized  
41 statement indicating the reasons the person is placing  
42 the child to obtain instruction in a nonpublic school  
43 and eliminating the local school district and the  
44 state from liability and responsibility for the  
45 child's educational attainment.

46 5. Annually to the board of directors of the local  
47 school district, when the child has a discerned grade  
48 or placement between the third grade and eighth grade  
49 in comparison with a public school, the results of a  
50 nationally standardized test which has been

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1 administered under conditions mutually acceptable to  
2 the board of directors of the local school district  
3 and the parent or guardian of the child, which test  
4 results shall show that minimum competency has been  
5 achieved as reflected by the Iowa norm for other  
6 students taking similar tests.

7 When a person providing instruction in a nonpublic  
8 school complies with this section, nothing herein  
9 contained grants to the state or any officers,  
10 agencies, or subdivisions of the state, any right or  
11 authority to control, manage, supervise, or make any  
12 suggestions as to the control, management, or  
13 supervision of any nonpublic school.

14 Sec. 9. NEW SECTION. 299B.9 OTHERWISE NOT  
15 QUALIFIED.

16 An instructor who provides private instruction  
17 pursuant to section 299B.6 or provides instruction in  
18 a nonpublic school pursuant to section 299B.7 but does

19 not hold a teacher's certificate issued by the state  
20 board of public instruction is not a certified  
21 teacher.  
22 Sec. 10. **NEW SECTION. 299.10 CHALLENGES.**  
23 In the event of challenge to the qualifications of  
24 anyone providing private instruction or instruction in  
25 a nonpublic school, it shall be an affirmative defense  
26 that such person has taken and passed a national  
27 standardized basic skills test or whose competence to  
28 provide instruction in the basic skills has been  
29 approved by informal methods of evaluation such as  
30 educational transcripts, diplomas, and other  
31 information as required by the department.  
32 Sec. 11. **NEW SECTION. 299B.11 REPEAL.**  
33 This chapter is repealed July 1, 1991."

RAY TAYLOR

S-5380

1 Amend Senate File 2245 as follows:  
2 1. Page 1, line 11, by striking the words "or the  
3 manager at an agency store".  
4 2. Page 1, line 14, by striking the words "wine  
5 permittees".  
6 3. Page 1, line 15, by striking the word "The".  
7 4. Page 1, by striking lines 16 and 17.  
8 5. Page 2, line 10, by striking the words "or  
9 wine permit".  
10 6. Page 2, line 21, by striking the words "or  
11 wine permit".  
12 7. Title page, line 3, by striking the words "and  
13 agency stores".  
14 8. Title page, line 4, by striking the word  
15 "agency" and inserting in lieu thereof the words  
16 "state liquor".  
17 9. Title page, line 6, by striking the words  
18 "wine permits."

CALVIN O. HULTMAN

S-5381

1 Amend amendment S-5355 to Senate File 2134 as follows:  
2 1. Page 1, line 11, by inserting after the word  
3 "unless" the words "the denial is".

DOUGLAS RITSEMA

S-5382

- 1 Amend Senate File 2269 as follows:  
 2 1. Page 3, line 7, by striking the words "four  
 3 hours" and inserting in lieu thereof the word "once".

JAMES RIORDAN

S-5383

- 1 Amend Senate File 2273 as follows:  
 2 1. Page 11, by striking lines 3 through 6 and  
 3 inserting the following: "~~Notwithstanding any~~  
 4 ~~contrary provision of the Code, no A~~ member of the  
 5 board of directors of any school district, or  
 6 director's spouse, shall not receive compensation  
 7 directly from the school board, except a director's  
 8 spouse may be employed by the district in a  
 9 noncertificated position, or in a certificated  
 10 position on a half-time basis or less. No director or  
 11 spoused affected by this".

JOHN PETERSON  
JOE BROWN

S-5384

- 1 Amend S-5347 to Senate File 2163 as follows:  
 2 1. Page 1, by striking lines 2 through 29 and  
 3 inserting the following:  
 4 "1. Page 1, by striking lines 4 through 12 and  
 5 inserting the following: "the state as per chapter  
 6 556. The proceeds shall be paid over to the treasurer  
 7 of state and put in a special fund. The general  
 8 assembly shall appropriate from the special fund to  
 9 the department of agriculture for the purpose of  
 10 administering and implementing section 99D.22. Any  
 11 unclaimed winnings received but not appropriated to  
 12 the department of agriculture, or appropriated but not  
 13 used by the department, to implement 99D.22 shall be  
 14 distributed in the following manner:  
 15 a. One-third of the unclaimed winnings shall be  
 16 divided among the tracks licensed under this chapter  
 17 in proportion to the amount of unclaimed winnings  
 18 collected from each track. The moneys shall be used  
 19 for capital improvement.  
 20 b. One-third of the unclaimed winnings shall be

21 divided among the counties in which a track licensed  
 22 under this chapter is located. The division shall be  
 23 in proportion to the amount of unclaimed winnings  
 24 collected from each track.

25 c. One-third of the unclaimed winnings shall be  
 26 divided among the cities in which a track licensed  
 27 under this chapter is located. The division shall be  
 28 in proportion to the amount of unclaimed winnings  
 29 collected from each track. If a track is not located  
 30 in a city, then the share that would have been  
 31 distributed to a city would be distributed to the  
 32 county in which the track is located.”

33 2. Renumber as necessary.

JOE WELSH

S-5385

1 Amend Senate File 2269 as follows:

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

4 “Sec. \_\_\_\_ . By July 1, 1987 all teachers possessing  
 5 certificates issued under chapter 260 and employed by  
 6 school districts in the state shall successfully  
 7 complete the same nationally recognized standardized  
 8 teacher competency examination required of instructors  
 9 in nonpublic schools pursuant to section 299B.5,  
 10 subsection 2 and achieve at least a sixty-five percent  
 11 score on the examination as administered by the state  
 12 board of educational examiners. After July 1, 1987,  
 13 the certificate of a teacher not in compliance with  
 14 this section shall be suspended by the board of  
 15 educational examiners until such teacher complies with  
 16 this section.”

WILLIAM W. DIELEMAN

S-5386

1 Amend Senate File 2245 as follows:

2 1. By striking page 1, line 3 through page 2,  
 3 line 26 and inserting the following:

4 “123.24 VENDORS -- CASH SALES LIQUOR AND WINE  
 5 SALES.

6 1. In the conduct and management of state liquor  
 7 stores, the director is ~~empowered to~~ may employ a  
 8 person ~~who shall be~~ known as a “vendor” who shall,  
 9 subject to the ~~directions~~ supervision of the director,

10 observe all provisions of this chapter and the rules  
 11 ~~and regulations~~ of the department. ~~No vendor of any~~  
 12 ~~state liquor store shall sell alcoholic liquor to any~~  
 13 ~~person except for cash or traveler's check. A vendor~~  
 14 ~~at a state liquor store may accept cash, personal~~  
 15 ~~checks, cashier's checks, traveler's checks, or the~~  
 16 ~~use of electronic funds transfer cards from liquor~~  
 17 ~~control licensees and the retail public for the~~  
 18 ~~purchase of alcoholic liquor or wine.~~

19 2. a. ~~Notwithstanding the preceding paragraph, a~~  
 20 ~~vendor may accept from a class "A", "B", "C" or "D"~~  
 21 ~~liquor control licensee, a cashier's check which shows~~  
 22 ~~the licensee is the remitter or a check issued by the~~  
 23 ~~licensee, in payment of alcoholic liquor purchased for~~  
 24 ~~resale. In the event If a check issued by a licensee~~  
 25 ~~is subsequently dishonored, the vendor department~~  
 26 ~~shall cause a notice of nonpayment and penalty to be~~  
 27 ~~served upon the licensee or upon any person in charge~~  
 28 ~~of the licensed premises. The notice shall state that~~  
 29 ~~if payment or satisfaction for the dishonored check is~~  
 30 ~~not made within ten days of the service of notice, the~~  
 31 ~~licensee's liquor control license shall be suspended~~  
 32 ~~by the procedures of section 123.39. The notice of~~  
 33 ~~nonpayment and penalty shall be in a form prescribed~~  
 34 ~~by the director, and shall be served by a peace~~  
 35 ~~officer sent by registered mail.~~

36 b. If upon notice and hearing under the procedures  
 37 specified in section 123.39 and pursuant to the  
 38 provisions of chapter 17A concerning a contested case  
 39 hearing, the director determines that the licensee  
 40 failed to satisfy the obligation for which the check  
 41 was issued within ten days after the notice of  
 42 nonpayment and penalty was served on the licensee as  
 43 provided in paragraph "a" of this subsection, the  
 44 director shall suspend the licensee's liquor control  
 45 license for not less than three days but not more than  
 46 thirty days.

47 c. Paragraphs "a" and "b" do not apply if a  
 48 licensee tenders the department three or more checks  
 49 during a twelve-month period which are dishonored.  
 50 Following notification to the department of dishonor

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1 of any check after the second check so dishonored, the  
 2 director shall suspend a licensee's liquor control  
 3 license for not less than three nor more than thirty  
 4 days, after notice and an opportunity for hearing.  
 5 Payment of any check whose dishonor subjects the  
 6 licensee to suspension does not affect the liability

7 of the licensee to suspension.”

8 2. Page 4, by inserting after line 18 the  
9 following:

10 “Sec. 4. Section 123.49, subsection 2, paragraph  
11 c, Code Supplement 1985, is amended to read as  
12 follows:

13 c. Sell alcoholic beverages, wine, or beer to any  
14 person on credit, except with a bona fide credit card  
15 or electronic funds transfer card. This provision  
16 does not apply to sales by a club to its members nor  
17 to sales by a hotel or motel to bona fide registered  
18 guests.”

19 3. Title page, by striking lines 2 through 4 and  
20 inserting the following: “by allowing the use of  
21 personal checks, traveler’s checks, and electronic  
22 funds transfer cards for purchases at state liquor”.

JOE WELSH  
CALVIN O. HULTMAN

S-5387

1 Amend House File 2167 as amended, passed, and re-  
2 printed by the House as follows:

3 1. Page 1, by inserting after line 22, the  
4 following:

5 “Sec. \_\_\_\_ . Section 275.25, subsection 4, Code  
6 Supplement 1985, is amended to read as follows:

7 4. The board of the newly formed district shall  
8 organize within fifteen days after the special  
9 election upon the call of the area education agency  
10 administrator. The new board shall have control of  
11 the employment of personnel for the newly formed  
12 district for the next following school year under  
13 section 275.33. Following the ~~organization first~~  
14 organizational meeting of the board of the newly  
15 formed district, the board may establish policy,  
16 organize curriculum, enter into contracts, complete  
17 planning, and take action as necessary for the  
18 efficient management of the newly formed community  
19 school district.

20 Sec. \_\_\_\_ . Section 275.33, subsection 2, Code  
21 Supplement 1985, is amended to read as follows:

22 2. The collective bargaining agreement of the  
23 district with the largest basic enrollment, as defined  
24 in section 442.4, in the new district shall serve as  
25 the base agreement and the employees of the other  
26 districts involved in the formation of the new  
27 district shall automatically be accreted to the

28 bargaining unit of that collective bargaining  
 29 agreement for purposes of negotiating the contract for  
 30 the following year without further action by the  
 31 public employment relations board. If only one  
 32 collective bargaining agreement is in effect among the  
 33 districts which are party to the reorganization, then  
 34 that agreement shall serve as the base agreement, and  
 35 the employees of the other districts involved in the  
 36 formation of the new district shall automatically be  
 37 accreted to the bargaining unit of that collective  
 38 bargaining agreement for purposes of negotiating the  
 39 contract for the following year without further action  
 40 by the public employment relations board. The board  
 41 of the newly formed district, using the base agreement  
 42 as its existing contract, shall bargain with the  
 43 combined employees of the existing districts for the  
 44 school year beginning with the effective date of the  
 45 reorganization. The bargaining shall be completed by  
 46 March 15 prior to the school year in which the  
 47 reorganization becomes effective or within one hundred  
 48 twenty eight days after the organization of the new  
 49 board, whichever is later. If a bargaining agreement  
 50 was already concluded by the board and employees of

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1 the existing district with the contract serving as the  
 2 base agreement for the school year beginning with the  
 3 effective date of the reorganization, that agreement  
 4 shall be void. However, if the base agreement  
 5 contains multiyear provisions affecting school years  
 6 subsequent to the effective date of the  
 7 reorganization, the base agreement shall remain in  
 8 effect as specified in the agreement.

9 The provisions of the base agreement shall apply to  
 10 the offering of new contracts, or continuation,  
 11 modification, or termination of existing contracts as  
 12 provided in subsection 1 of this section.

13 Sec. \_\_\_\_ . Section 279.15, subsection 1, Code 1985,  
 14 is amended to read as follows:

15 1. The superintendent or the superintendent's  
 16 designee shall notify the teacher not later than March  
 17 15 that the superintendent will recommend in writing  
 18 to the board at a regular or special meeting of the  
 19 board held not later than March 31 that the teacher's  
 20 continuing contract be terminated effective at the end  
 21 of the current school year. However, if the district  
 22 is subject to reorganization under chapter 275, the  
 23 notification shall not occur until after the first  
 24 organizational meeting of the board of the newly

25 formed district."

26 2. Title page, by striking lines 1 through 3 and  
27 inserting the following: "An Act relating to  
28 petitions, notice of termination, and the collective  
29 bargaining process because of reorganization of school  
30 districts."

LARRY MURPHY

S-5388

1 Amend Senate File 2261 as follows:

2 1. Page 8, by inserting after line 22 the  
3 following:

4 "Sec. \_\_\_\_ . Section 279.10, subsection 4, Code  
5 Supplement 1985, is amended to read as follows:

6 4. The state board of public instruction may grant  
7 a request made by a board of directors of a school  
8 district stating its desire to commence classes for  
9 regularly established elementary and secondary schools  
10 before the first day of September. Such request shall  
11 be based upon the determination that a starting date  
12 on or after the first day of September would have a  
13 significant negative educational impact or that other  
14 circumstances unique to the school district are  
15 present.

ARTHUR A. SMALL, Jr.

S-5389

1 Amend Senate File 2237 as follows:

2 1. Page 1, by striking lines 17 through 20 and  
3 inserting the following: "project sites, to develop  
4 curricula in the languages, histories, economics,  
5 governments, and cultures of other nations in order to  
6 improve Iowa's international trade position, and to  
7 identify other subject areas, such as mathematics and  
8 science, which have potential for effective and  
9 efficient".

JAMES RIORDAN  
RAY TAYLOR

S-5390

- 1 Amend Senate File 2237 as follows:  
2 1. Page 1, line 1, by inserting after the word  
3 "instruction" the following: "in cooperation with  
4 private communication carriers".  
5 2. Page 1, line 14, by inserting after the word  
6 "other" the following: "public and private".  
7 3. Page 1, line 24, by inserting after the word  
8 "instruction." the following: "The department of  
9 public instruction shall also begin to conduct  
10 research identifying potential marketing opportunities  
11 outside this state for educational programs using  
12 telecommunications and other emerging technologies  
13 developed in Iowa."

LARRY MURPHY  
JAMES RIORDAN  
ARTHUR L. GRATIAS

S-5391

- 1 Amend Senate File 2247 as follows:  
2 1. Page 1, by striking lines 16 through 23.  
3 2. Page 2, by striking lines 11 through 17.  
4 3. By striking page 2, line 35 through page 3,  
5 line 16.  
6 4. Page 4, lines 8 and 9, by striking the words  
7 " , other than personal notes,".  
8 5. Page 4, by striking lines 12 and 13 and  
9 inserting the following: "mental health facility,".  
10 6. Page 5, line 19, by striking the words "  
11 other than personal notes,".  
12 7. Page 6, by striking lines 1 and 2 and  
13 inserting the following: "a mental health facility".  
14 8. Page 6, by striking line 13 and inserting the  
15 following:  
16 "1. An individual or an individual's legal  
17 representative shall be informed that mental health  
18 information".  
19 9. Page 6, line 14, by striking the word "an" and  
20 inserting the following: "the".  
21 10. Page 6, line 35, by striking the words "  
22 other than personal notes,".  
23 11. Page 7, line 12, by striking the words "  
24 other than personal notes,".  
25 12. Page 7, line 13, by inserting after the  
26 figure "229.25," the following: "230.20,".

- 27 13. Page 7, line 18, by striking the words “,
- 28 other than personal notes,”.
- 29 14. Page 7, line 21, by striking the words “,
- 30 other than personal notes,”.
- 31 15. By renumbering as necessary.

JULIA B. GENTLEMAN

S-5392

- 1 Amend amendment S-5333 to House File 2067 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, line 3, by striking the figure “26”
- 4 and inserting the figure “17”.

ARTHUR A. SMALL, Jr.

S-5393

- 1 Amend Senate File 2274 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 “Section 1. Section 99E.10, subsection 2, Code
- 5 Supplement 1985, is amended to read as follows:
- 6 2. Funds transferred to the Iowa plan fund shall
- 7 be used for economic development initiatives. As used
- 8 in this subsection “economic development initiatives”
- 9 means initiatives which encourage development of
- 10 capital, research and development of new products, and
- 11 development of jobs in this state by expanding
- 12 existing business and industry; upgrade academic
- 13 institutions in order to maintain and attract business
- 14 and industry, creating new businesses and industries;
- 15 encourage the conservation of energy in order to
- 16 create new jobs and attract new business and industry;
- 17 develop alternate methods for the disposal of solid or
- 18 hazardous waste; develop markets for products grown or
- 19 produced or manufactured in the state including the
- 20 promotion of Iowa and Iowa products; and make grants
- 21 and loans available to local communities for local
- 22 economic development initiatives. “Economic
- 23 development initiatives” includes “economic
- 24 development projects” which, as used in this
- 25 subsection, means a project which creates a new
- 26 business or expands an existing business within the
- 27 state of Iowa. “Economic development initiatives”
- 28 does not include providing loans, grants, bonds, or
- 29 any other incentive or assistance for the construction

30 of a racetrack or other facility where gambling will  
31 be permitted.  
32 Sec. 2. 1985 Iowa Acts, chapter 33, section 301,  
33 subsection 1, unnumbered paragraph 1, is amended to  
34 read as follows:  
35 This division shall be construed broadly in order  
36 to facilitate achievement of its purposes. The  
37 general assembly finds and declares that a continuing  
38 need for programs to alleviate and prevent adverse  
39 economic conditions exists in this state, and that it  
40 is accordingly necessary to create, expand, and retain  
41 businesses, including agricultural businesses, to  
42 strengthen and revitalize the state's economy. In  
43 order to provide the means and incentives for  
44 encouragement, development, and assistance of  
45 industrial, commercial, and agricultural enterprises,  
46 specific accounts are created within the Iowa fund.  
47 The treasurer of state shall, for the fiscal year  
48 beginning July 1, 1985 and ending June 30, 1986, make  
49 allotments of the moneys within the Iowa plan fund for  
50 economic development created in section 99E.10 to

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1 separate accounts within that fund as follows:  
2 Sec. 3. 1985 Iowa Acts, chapter 33, section 302,  
3 subsection 2, paragraph c, is amended to read as  
4 follows:  
5 c. ~~Grants and loans~~ Loans to aid in economic  
6 development.  
7 Sec. 4. 1985 Iowa Acts, chapter 33, section 302,  
8 subsection 2, is amended by adding the following new  
9 lettered paragraph:  
10 **NEW LETTERED PARAGRAPH.** f. Grants to economic  
11 development projects, as defined in section 99E.10,  
12 subsection 2, if at least fifty percent of the total  
13 cost of the project is paid from sources other than  
14 the Iowa fund. If a project involves purchase or  
15 improvement of real property, a grant may be made only  
16 if the property is located in the state of Iowa."  
17 2. Title page, by striking lines 1 and 2 and  
18 inserting the following: "An Act relating to the  
19 provision of grants intended to facilitate the  
20 establishment of businesses within this state."

S-5394

1 Amend Senate File 2266 as follows:

2 1. Page 3, by inserting after line 25 the  
3 following:

4 "Sec. \_\_\_\_ . Section 527.9, Code 1985, is amended by  
5 adding the following new subsection:

6 **NEW SUBSECTION.** 5. a. Effective July 1, 1986, a  
7 person owning or operating a central routing unit  
8 authorized under this section shall include public  
9 representation on any board setting policy for the  
10 central routing unit. Four public members shall be  
11 appointed to the board in the following manner:

12 (1) Two members shall be appointed by the  
13 superintendent of banking.

14 (2) One member shall be appointed by the  
15 administrator of the credit union department.

16 (3) One member shall be appointed by the  
17 supervisor of savings and loan associations.

18 b. The superintendent of banking, administrator of  
19 the credit union department, and the supervisor of  
20 savings and loan associations shall form a committee  
21 to set, in conjunction with the entity owning or  
22 operating the central routing unit, the term of  
23 office, the rate of compensation, and the rate of  
24 reimbursement for each public member. However, the  
25 public members shall be entitled to reasonable  
26 compensation and reimbursement from the board.

27 c. Each public member is entitled to all the  
28 rights of participation and voting as any other member  
29 of the board. The public members are to represent the  
30 interest of consumers and the business and  
31 agricultural communities in establishing policies for  
32 the central routing unit.

33 d. It is the intention of the general assembly  
34 that the ratio of public members to the overall  
35 membership of the board shall not be less than one  
36 public member for each seven members of the board. If  
37 the number of members on the board is increased, then  
38 the number of members appointed pursuant to paragraph  
39 "b" shall be increased to maintain the minimum ratio.  
40 In this event, a committee composed of the  
41 superintendent of banking, the administrator of credit  
42 unions, and the supervisor of savings and loan  
43 associations shall appoint additional public members  
44 in order to maintain the minimum ratio.

45 e. An individual shall not be appointed as a  
46 public member pursuant to this subsection if the  
47 individual is directly employed by a financial

48 institution doing business in this state.”

49 2. Renumber as necessary.

PATRICK J. DELUHERY

S-5395

1 Amend House File 2414 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 109.38, subsection 2, Code  
6 1985, is amended to read as follows:

7 2. If following an investigation the commission  
8 finds that the number of hunters licensed to take deer  
9 or wild turkey should be limited, further regulated,  
10 or expanded, the commission shall conduct a drawing to  
11 determine which applicants receive a license. If  
12 further deer depopulation is warranted in localized  
13 areas, the commission shall consider additional  
14 hunting days and additional any-sex, antlered or  
15 antlerless deer licenses shall be issued for those  
16 areas. Applications for licenses shall be received  
17 and accepted during a forty-five day period  
18 established by the commission. At the end of the  
19 period the drawing shall be conducted. If the quota  
20 has not been filled, licenses shall be issued in the  
21 order in which applications are received and shall  
22 continue to be issued until the quota has been met or  
23 until a date fifteen days prior to the opening day of  
24 the season, whichever first occurs. If an applicant  
25 receives a deer license which is more restrictive than  
26 licenses issued to others for the same period and  
27 place, the applicant shall receive a certificate with  
28 the license entitling the applicant to priority in the  
29 drawing for the less restrictive deer licenses the  
30 following year. The certificate must accompany that  
31 person’s application the following year, or the  
32 applicant will not receive this priority. Persons  
33 purchasing a deer license for the gun season under  
34 this section and under section 110.1 are not eligible  
35 for a gun deer-hunting license under section 110.24.  
36 This subsection does not apply to the hunting of wild  
37 turkey on game breeding and shooting preserves  
38 licensed under chapter 110A.”

39 2. Page 2, by inserting after line 25 the  
40 following:

41 “Sec. \_\_\_\_ . Section 110.10, Code 1985, is amended  
42 to read as follows:

## 43 110.10 ISSUANCE OF LICENSES.

44 All licenses other than hunting, fishing, and fur  
 45 harvester licenses and deer and turkey hunting  
 46 licenses issued under section 110.24, shall be issued  
 47 by the director upon application to the departmental  
 48 office at Des Moines. Hunting, fishing, and fur  
 49 harvester licenses and deer and turkey hunting  
 50 licenses issued under section 110.24 shall be issued

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1 by the recorder of each county. The licenses shall  
 2 show the cost of the license and issuing fee.”  
 3 3. Page 3, lines 11 and 12, by striking the words  
 4 “state conservation commission” and inserting the  
 5 words “~~state conservation commission~~ county recorder”.

RAY TAYLOR

## S-5396

1 Amend S-5378 to House File 2197 as amended, passed,  
 2 and reprinted by the House as follows:  
 3 1. Page 3, line 4, by striking the figure “4” and  
 4 inserting the following: “5”.

JOE WELSH

## S-5397

1 Amend Senate File 2265 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 “Section 1. Section 64.6, unnumbered paragraph 1,  
 5 Code Supplement 1985, is amended to read as follows:  
 6 Unless covered by a higher limit blanket bond  
 7 purchased as provided in section ~~48.165~~ 505.26,  
 8 subsection 1, paragraph “b”, state officers shall give  
 9 bonds, the premiums being paid by the state, in an  
 10 amount as follows:  
 11 Sec. 2. Section 123.92, Code Supplement 1985, is  
 12 amended to read as follows:  
 13 123.92 CIVIL LIABILITY FOR SALE ~~OR GIFT AND~~  
 14 SERVICE OF BEER, WINE, OR INTOXICATING LIQUOR  
 15 (DRAMSHOP ACT).  
 16 ~~Every husband, wife, child, parent, guardian,~~  
 17 ~~employer or other person~~ Any person who is injured in  
 18 person or property or means of support by ~~any an~~

19 intoxicated person or resulting from the intoxication  
 20 of ~~any a~~ person, has a right of action for all damages  
 21 actually sustained, severally or jointly, against any  
 22 licensee or permittee, who ~~sells or gives sold and~~  
 23 served any beer, wine, or intoxicating liquor to ~~a the~~  
 24 intoxicated person while the person is when the  
 25 licensee or permittee knew or should have known the  
 26 person was intoxicated, or ~~serves a who sold to and~~  
 27 served the person to a point where the ~~person is~~  
 28 licensee or permittee knew or should have known the  
 29 person would become intoxicated. If the injury was  
 30 caused by an intoxicated person, a permittee or  
 31 licensee may establish as an affirmative defense that  
 32 the intoxication did not contribute to the injurious  
 33 action of the person.

34 Every liquor control licensee and class "B" beer  
 35 permittee shall furnish proof of financial  
 36 responsibility either by the existence of a liability  
 37 insurance policy or by posting bond in such amount as  
 38 determined by the department.

39 Sec. 3. NEW SECTION. 147.139 EXPERT WITNESS  
 40 STANDARDS.

41 If the standard of care given by a physician and  
 42 surgeon licensed pursuant to chapter 148, or  
 43 osteopathic physician and surgeon licensed pursuant to  
 44 chapter 150A is at issue, the court shall only allow a  
 45 person to qualify as an expert witness and to testify  
 46 on the issue of the appropriate standard of care if  
 47 the person meets both of the following qualifications:  
 48 1. The person's medical specialities relate  
 49 directly to the medical problem or problems at issue  
 50 and the type of treatment administered in the case.

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1 2. The person has devoted at least one-half of the  
 2 person's professional time to the practice of  
 3 medicine, teaching, or university-based research  
 4 related to the medical care and type of treatment  
 5 which gave rise to the medical problem of which the  
 6 plaintiff complains.

7 Sec. 4. NEW SECTION. 296.7 INDEBTEDNESS FOR  
 8 INSURANCE AUTHORIZED -- TAX LEVY.

9 A school district is authorized to contract  
 10 indebtedness and to issue general obligation bonds or  
 11 enter into insurance agreements obligating the school  
 12 district to make payments beyond its current budget  
 13 year to procure or provide for a policy of insurance,  
 14 a self insurance program, or a local government risk  
 15 pool to protect the school district from tort

16 liability associated with the operation of the school  
17 district. Taxes for the payment of the principal,  
18 premium, or interest on such a bond, the payment of  
19 such an insurance policy, the payment of the costs of  
20 such a self insurance program, the payment of the  
21 costs of such a local government risk pool, and the  
22 payment of any amounts payable under any such  
23 insurance agreement may be levied in excess of any tax  
24 limitation imposed by statute. Such a self insurance  
25 program or local government risk pool is not insurance  
26 and is not subject to regulation under chapters 505  
27 through 523C.

28 Sec. 5. Section 298.20, Code 1985, is amended to  
29 read as follows:

30 298.20 FUNDING OR REFUNDING BONDS.

31 For the purpose of providing for the payment of any  
32 indebtedness or anticipated indebtedness of any a  
33 school corporation represented by ~~judgments or bonds~~  
34 or judgments or anticipated judgments, the board of  
35 directors of ~~such the~~ school corporation; ~~at any time~~  
36 ~~or times~~; may provide by resolution for the issuance  
37 of bonds of ~~such the~~ school corporation, to be known  
38 as funding or refunding bonds. The proceeds derived  
39 from the negotiation of ~~such the~~ funding or refunding  
40 bonds shall be applied in payment of ~~such the~~  
41 indebtedness or held for an anticipated indebtedness;  
42 ~~or said the~~ funding bonds or refunding bonds may be  
43 issued in exchange for the evidences of ~~such~~  
44 indebtedness, par for par.

45 Sec. 6. Section 331.301, Code Supplement 1985, is  
46 amended by adding the following new subsection:  
47 NEW SUBSECTION. 11. A county may enter into  
48 insurance agreements obligating the county to make  
49 payments beyond its current budget year to procure or  
50 provide for a policy of insurance, a self insurance

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1 program, or a local government risk pool to protect  
2 the county against tort liability associated with the  
3 operation of the county. Such a self insurance  
4 program or local government risk pool is not insurance  
5 and is not subject to regulation under chapters 505  
6 through 523C.

7 Sec. 7. Section 331.424, subsection 1, paragraph  
8 1, Code 1985, is amended by striking the paragraph and  
9 inserting in lieu thereof the following:

10 1. Tort liability insurance that may be necessary  
11 in the operation of the county, costs of a self  
12 insurance program, costs of a local government risk

13 pool, and amounts payable under any insurance  
 14 agreements to provide or procure such insurance, self  
 15 insurance program, or local government risk pool.

16 Sec. 8. Section 331.441, subsection 2, paragraph  
 17 b, Code 1985, is amended by adding the following new  
 18 subparagraph:

19 NEW SUBPARAGRAPH. (8) The provision of insurance,  
 20 or funding a self insurance program or local  
 21 government risk pool, including but not limited to the  
 22 investigation and defense of claims, the payment of  
 23 claims, and the administration and management of such  
 24 self insurance program or local government risk pool.

25 Sec. 9. Section 364.4, Code Supplement 1985, is  
 26 amended by adding the following new subsection:

27 NEW SUBSECTION. 5. Enter into insurance  
 28 agreements obligating the city to make payments beyond  
 29 its current budget year to procure or provide for a  
 30 policy of insurance, a self insurance program, or a  
 31 local government risk pool to protect the city against  
 32 tort liability associated with the operation of the  
 33 city. Such a self insurance program or local  
 34 government risk pool is not insurance and is not  
 35 subject to regulation under chapters 505 through 523C.

36 Sec. 10. Section 384.12, subsection 18, Code Sup-  
 37 plement 1985, is amended by striking the subsection  
 38 and inserting in lieu thereof the following:

39 18. A tax to pay the premium costs on tort  
 40 liability insurance that may be necessary in the  
 41 operation of the city, the costs of a self insurance  
 42 program, the costs of a local government risk pool and  
 43 amounts payable under any insurance agreements to pro-  
 44 vide or procure such insurance, self insurance  
 45 program, or local government risk pool.

46 Sec. 11. Section 384.24, subsection 3, Code 1985,  
 47 is amended by adding the following new paragraph:

48 NEW PARAGRAPH. s. The provision of insurance, or  
 49 funding a self insurance program or local government  
 50 risk pool, including but not limited to the

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1 investigation and defense of claims, the establishment  
 2 of reserve funds for claims, the payment of claims,  
 3 and the administration and management of such self  
 4 insurance program or local government risk pool.

5 Sec. 12. Section 442.5, subsection 1, paragraph b,  
 6 subparagraph (3), Code 1985, is amended by striking  
 7 the subparagraph and inserting in lieu thereof the  
 8 following:

9 (3) Tort liability insurance that may be necessary

10 in the operation of a school district, the costs of a  
11 self insurance program, the costs of a local  
12 government risk pool, and amounts payable under any  
13 insurance agreements to provide or procure such in-  
14 surance, self insurance program, or local government  
15 risk pool.

16 Sec. 13. NEW SECTION. 505.21 DEFINITIONS.

17 As used in sections 505.21 through 505.31, unless  
18 the context otherwise requires:

19 1. "Department" means the department of insurance.

20 2. "Division" means the division of risk  
21 management created by section 505.23.

22 3. "Insurance coverage" means any contract whereby  
23 loss exposure or risk exposure is transferred to or  
24 shared by an insurer.

25 4. "Governmental subdivision" means a city,  
26 county, township, school district, area education  
27 agency, area vocational school, area community  
28 college, an entity created by agreement under chapter  
29 28E, or another political subdivision. The term does  
30 not include any unit or agency of state government.

31 Sec. 14. NEW SECTION. 505.22 SCOPE OF ACT.

32 Sections 505.21 through 505.31 apply to all  
33 property and casualty loss exposures, but do not apply  
34 to any exposure covered by life, accident and health,  
35 or workers compensation insurance, and do not apply to  
36 any retirement plan or system.

37 The duties of the department and the division under  
38 sections 505.21 through 505.31 extend to and encompass  
39 the personnel and property of the state board of  
40 regents and the state department of transportation in  
41 the same manner and to the same extent as other  
42 agencies of state government. Sections 505.21 through  
43 505.31 do not apply to losses and loss exposures for  
44 revenue producing facilities under the state board of  
45 regents which are required to carry insurance under a  
46 bond covenant.

47 Sec. 15. NEW SECTION. 505.23 RISK MANAGEMENT  
48 DIVISION.

49 A division of risk management is created within the  
50 insurance department. The division is the agency

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1 which administers sections 505.21 through 505.31. The  
2 division is supervised by a risk manager who shall be  
3 appointed and subject to removal by the insurance  
4 commissioner.

5 Sec. 16. NEW SECTION. 505.24 PERSONNEL.

6 The risk manager shall employ other permanent full-

7 time personnel as necessary to administer this  
8 chapter. All permanent full-time personnel other than  
9 the risk manager are subject to chapter 19A. The risk  
10 manager is authorized to hire as independent  
11 contractors other persons as necessary to assist the  
12 risk manager in establishing standards and procedures  
13 under sections 505.21 through 505.31.

14 Sec. 17. **NEW SECTION. 505.25 DUTIES OF DIVISION.**

15 1. The risk management division, with respect to  
16 losses and loss exposures of state government, shall:

17 a. Develop and maintain loss and exposure data on  
18 all state property and liability risks.

19 b. Develop risk reduction or elimination programs.

20 c. Determine which risk exposures shall be insured  
21 and which risk exposures shall be self-insured or  
22 assumed by the state.

23 d. Review the insurance purchasing practices of  
24 the state.

25 e. Establish standards for the purchase of  
26 necessary insurance coverage at the lowest costs,  
27 consistent with good underwriting practices and sound  
28 risk management techniques.

29 f. Recommend to the general assembly legislation  
30 as necessary from time to time to carry out the  
31 purposes of sections 505.21 through 505.31.

32 2. The division shall develop programs for the  
33 management of losses and loss exposures of  
34 governmental subdivisions which may include, but are  
35 not limited to, the following:

36 a. To assist subdivisions in the development and  
37 maintenance of loss and loss exposure data on property  
38 and liability risks of governmental subdivisions.

39 b. To recommend risk reduction or risk elimination  
40 programs to governmental subdivisions.

41 c. To recommend to governmental subdivisions those  
42 practices which will permit protection against losses  
43 at the lowest costs, consistent with good underwriting  
44 practices and sound risk management techniques.

45 d. To negotiate or acquire insurance coverage for  
46 governmental subdivisions, subject to the limitations  
47 contained in sections 505.21 through 505.31.

48 e. To recommend to the general assembly and  
49 governmental subdivisions, changes in statutes,  
50 ordinances, and policies as necessary to enable

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1 governmental subdivisions to develop and implement  
2 risk management programs and to acquire insurance  
3 coverage.

4 3. The division shall develop and implement a  
5 market assistance program to facilitate, arrange, or  
6 provide for the acquisition of insurance coverage for  
7 all public or private entities deemed to be essential  
8 to the public welfare and for which it is determined  
9 that present coverage is unavailable, unreasonable, or  
10 unacceptable.

11 4. The division shall provide technical advice and  
12 assistance to governmental subdivisions and public and  
13 private entities identified under subsection 3 seeking  
14 to utilize alternative financing methods to develop a  
15 stable pool of funds with which to insure and reinsure  
16 risk exposures, including administrative and personnel  
17 support for entities seeking to utilize state

18 financing, or combination financing under chapter 28E.

19 Sec. 18. NEW SECTION. 505.26 GUIDELINES.

20 1. The risk management division shall carry out  
21 its duties relating to state government loss and risk  
22 exposures pursuant to the following guidelines:

23 a. To the extent possible, all insurance coverage  
24 which is purchased for vehicles owned by the state  
25 shall be under fleet policies.

26 b. Bonding of state employees shall be  
27 reevaluated, and uniform standards shall be adopted  
28 for the purchase of all fidelity bonds recommended for  
29 state employees. To the extent possible, all bonded  
30 state employees shall be covered under one or more  
31 blanket bonds or position schedule bonds. In carrying  
32 out section 64.6, the state may purchase an individual  
33 or a blanket surety bond insuring the fidelity of  
34 state officers subject to the minimum surety bond  
35 requirements of section 64.6. A state officer listed  
36 in section 64.6 is deemed to have furnished surety if  
37 the officer is covered by a blanket bond purchased as  
38 provided in this paragraph.

39 c. The management of state property loss exposures  
40 and state liability risk exposures shall be  
41 accomplished for state government as a whole, and  
42 without regard to the branch of government or the  
43 agency within which the loss exposure or risk exposure  
44 arises, except that the state board of regents shall  
45 share in the management of property loss exposures and  
46 liability risk exposures involving institutions under  
47 the jurisdiction of the board.

48 d. Insurance coverage may include any type of  
49 insurance protection sold by insurers, including but  
50 not limited to, full coverage, partial coverage,

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1 coinsurance, reinsurance, and deductible insurance.  
2 2. The division shall develop programs relating to  
3 governmental subdivisions which are subject to the  
4 following guidelines:  
5 a. Participation by a governmental subdivision in  
6 any risk management program offered by the division  
7 shall be by contract or on a voluntary basis.  
8 b. The division is not required to negotiate or  
9 purchase insurance coverage for any governmental  
10 subdivision, as permitted by sections 505.21 through  
11 505.31, which fails to comply with standards adopted  
12 by the division, and may cancel coverage already  
13 negotiated or purchased upon determination of such  
14 failure.  
15 c. Risk management programs may treat loss and  
16 risk exposures of governmental subdivisions  
17 individually, or on a group basis, or both.  
18 Sec. 19. NEW SECTION. 505.27 PURCHASE OF  
19 INSURANCE.  
20 1. The division, in consultation with the director  
21 of the department of general services, is the  
22 exclusive contracting agency for the purchase of  
23 insurance coverage for state loss and risk exposure  
24 except for revenue producing facilities under the  
25 state board of regents which have to comply with bond  
26 covenants.  
27 2. The division shall negotiate with insurers on  
28 behalf of governmental subdivisions unable to obtain  
29 reasonable or acceptable insurance coverage, for the  
30 purchase of insurance coverage.  
31 3. The division may purchase contracts of  
32 insurance, and may contract with insurers, within the  
33 standards prescribed by the risk management division.  
34 Funding for the purchase of insurance for state loss  
35 and risk exposure shall be provided by a specific and  
36 separate appropriation provided solely for this  
37 purpose.  
38 4. The division may facilitate, arrange, or  
39 provide for the acquisition of insurance coverage on  
40 behalf of one or more governmental subdivisions. Any  
41 insurance contract negotiated by the division may  
42 include coverage or coverages for state loss or risk  
43 exposures and for the loss or risk exposures of one or  
44 more governmental subdivisions, or for any combination  
45 of these exposures.  
46 5. The risk manager may act as attorney in fact  
47 under section 520.2 for governmental subdivisions  
48 executing reciprocal or interinsurance contracts under

49 chapter 520.

50 6. The division shall not charge governmental

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1 subdivisions for risk management services, but may  
2 charge for the reimbursement of expenses incurred in  
3 facilitating, arranging, or acquiring insurance  
4 coverage.

5 Sec. 20. NEW SECTION. 505.28 EXECUTIVE COUNCIL  
6 SUPERVISION.

7 All standards adopted by the division under  
8 sections 505.21 through 505.31 are subject to review  
9 and approval or disapproval by the executive council.  
10 However, each standard proposed by the division shall  
11 be effective on the date specified in the standard  
12 unless specifically disapproved by the executive  
13 council within thirty days after a copy of the  
14 proposed standard is delivered to the secretary of the  
15 executive council.

16 Sec. 21. NEW SECTION. 505.29 ACCESS TO STATE  
17 RECORDS.

18 The division shall be given full assistance and  
19 cooperation by every state agency and its officers and  
20 employees. Each agency shall provide to the division  
21 all requested loss and loss exposure information, and  
22 shall comply with all standards and directives of the  
23 division and of the department of insurance relating  
24 to the administration of sections 505.21 through  
25 505.31 except as otherwise provided in those sections.

26 Sec. 22. NEW SECTION. 505.30 ACCESS TO RECORDS  
27 OF GOVERNMENTAL SUBDIVISIONS AND OTHER ENTITIES.

28 A governmental subdivision or other public or  
29 private entity requesting the assistance of the  
30 division shall, as a prerequisite to the assistance,  
31 provide the division with full cooperation and all  
32 requested loss and loss exposure information, and  
33 shall comply with all standards and directives of the  
34 division and the department of insurance relating to  
35 the administration of sections 505.21 through 505.31.

36 Sec. 23. NEW SECTION. 505.31 ANNUAL REPORT --  
37 LONG RANGE PLANNING.

38 The division, in conjunction with the commissioner  
39 of insurance, shall:

40 1. Annually submit to the general assembly a  
41 report containing the findings and recommendations of  
42 the division, setting out the standards adopted, and  
43 making recommendations for those statutory changes  
44 which are necessary to implement or permit the  
45 implementation of standards proposed by the division.

46 The report shall include a summary of the division's  
47 annual costs of operation, the risks covered, and the  
48 premiums paid.

49 2. Initiate continuing discussion and programming  
50 with public and private financing agencies and other

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1 interested entities regarding the feasibility and  
2 establishment of a continuing source of funds to serve  
3 as a reinsurance pool for public and private entities  
4 essential to the public welfare.

5 Sec. 24. NEW SECTION. 613.18 LIMITATION ON  
6 PRODUCTS LIABILITY OF NONMANUFACTURERS.

7 1. A person who is not the assembler, designer, or  
8 original manufacturer, and who wholesales, retails,  
9 distributes, or otherwise sells a product is:

10 a. Immune from any suit based upon strict  
11 liability in tort or breach of implied warranty of  
12 merchantability which arises solely from an alleged  
13 defect in the original design or manufacture of the  
14 product.

15 b. Not liable for damages based upon strict  
16 liability in tort or breach of implied warranty of  
17 merchantability for the product unless the original  
18 manufacturer is not subject to service within the  
19 state or has been judicially declared insolvent.

20 2. A person who is a retailer of a product and who  
21 assembles a product, such assembly having no causal  
22 relationship to the injury from which the claim  
23 arises, is not liable for damages based upon strict  
24 liability in tort or breach of implied warranty of  
25 merchantability which arises from an alleged defect in  
26 the original design or manufacture of the product.

27 Sec. 25. Section 613A.7, Code 1985, is amended to  
28 read as follows:

29 613A.7 INSURANCE.

30 The governing body of any municipality may purchase  
31 a policy of liability insurance insuring against all  
32 or any part of liability which might be incurred by  
33 such municipality or its officers, employees and  
34 agents under the provisions of section 613A.2 and  
35 section 613A.8 and may similarly purchase insurance  
36 covering torts specified in section 613A.4. The  
37 governing body of any municipality may adopt a self  
38 insurance program, including but not limited to the  
39 investigation and defense of claims, the establishment  
40 of a reserve fund for claims, the payment of claims,  
41 and the administration and management of the self  
42 insurance program, to cover all or any part of the

43 liability. The governing body of any municipality may  
44 join and pay funds into a local government risk pool  
45 to protect itself against any or all liability. The  
46 governing body of any municipality may enter into  
47 insurance agreements obligating the municipality to  
48 make payments beyond its current budget year to  
49 provide or procure such policies of insurance, self  
50 insurance program, or local government risk pool. The

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1 premium costs of such insurance, the costs of such a  
2 self insurance program, the costs of a local  
3 government risk pool, and the amounts payable under  
4 any such insurance agreements may be paid out of the  
5 general fund or any available funds or may be levied  
6 in excess of any tax limitation imposed by statute.  
7 Any independent or autonomous board or commission in  
8 the municipality having authority to disburse funds  
9 for a particular municipal function without approval  
10 of the governing body may similarly enter into  
11 insurance agreements, procure liability insurance,  
12 adopt a self insurance program, or join a local  
13 government risk pool within the field of its  
14 operation. The procurement of such insurance  
15 constitutes a waiver of the defense of governmental  
16 immunity as to those exceptions listed in section  
17 613A.4 to the extent stated in such policy but shall  
18 have no further effect on the liability of the  
19 municipality beyond the scope of this chapter, but if  
20 a municipality adopts a self insurance program or  
21 joins and pays funds into a local government risk pool  
22 such action does not constitute a waiver of the  
23 defense of governmental immunity as to the exceptions  
24 listed in section 613A.4. The existence of any  
25 insurance which covers in whole or in part any  
26 judgment or award which may be rendered in favor of  
27 the plaintiff, or lack of any such insurance, shall  
28 not be material in the trial of any action brought  
29 against the governing body of any municipality, or  
30 their officers, employees or agents and any reference  
31 to such insurance, or lack of same, shall be grounds  
32 for a mistrial. A self insurance program or local  
33 government risk pool is not insurance and is not  
34 subject to regulation under chapters 505 through 523C.  
35 Sec. 26. **NEW SECTION. 617.16 FRIVOLOUS ACTIONS.**  
36 If a party commencing an action has in the  
37 preceding five-year period unsuccessfully prosecuted  
38 three or more actions, the court may, if it deems the  
39 actions to have been frivolous, stay the proceedings

40 until that party furnishes an undertaking secured by  
41 cash or approved sureties to pay all costs resulting  
42 to opposing parties to the action including a rea-  
43 sonable attorney fee.

44 Sec. 27. Section 619.18, Code 1985, is amended by  
45 striking the section and inserting in lieu thereof the  
46 following:

47 619.18 MONEY DAMAGES NOT TO BE STATED.

48 In an action for personal injury or wrongful death,  
49 the amount of money damages demanded shall not be  
50 stated in the petition, original notice, or any

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1 counterclaim or cross-petition.

2 Sec. 28. NEW SECTION. 619.19 VERIFICATION NOT  
3 REQUIRED -- AFFIDAVITS.

4 Pleadings need not be verified unless otherwise  
5 required by statute. Where a pleading is verified, it  
6 is not necessary that subsequent pleadings be verified  
7 unless otherwise required by statute.

8 The signature of a party, the party's legal  
9 counsel, or any other person representing the party,  
10 to a motion, pleading, or other paper is a certificate  
11 that:

12 1. The person has read the motion, pleading, or  
13 other paper.

14 2. To the best of the person's knowledge, informa-  
15 tion, and belief, formed after reasonable inquiry, it  
16 is grounded in fact and is warranted by existing law  
17 or a good faith argument for the extension,  
18 modification, or reversal of existing law.

19 3. It is not interposed for any improper purpose,  
20 such as to harass or cause an unnecessary delay or  
21 needless increase in the cost of litigation.

22 If a motion, pleading, or other paper is not  
23 signed, it shall be stricken unless it is signed  
24 promptly after the omission is called to the attention  
25 of the pleader or movant.

26 If a motion, pleading, or other paper is signed in  
27 violation of this section, the court, upon motion or  
28 upon its own initiative, shall impose upon the person  
29 signing, the represented party, or both, an  
30 appropriate sanction, which may include an order to  
31 pay the other party or parties the amount of the  
32 reasonable expenses incurred because of the filing of  
33 the motion, pleading, or other paper, including a  
34 reasonable attorney fee.

35 Sec. 29. NEW SECTION. 624.39 PUNITIVE OR  
36 EXEMPLARY AWARDS.

37 1. In a trial of a claim involving the request for  
38 punitive or exemplary damages, the court shall  
39 instruct the jury to answer special interrogatories  
40 or, if there is no jury, shall make findings,  
41 indicating all of the following:  
42 a. Whether the conduct of the defendant from which  
43 the claim arose constituted willful and wanton  
44 disregard for the rights or safety of another.  
45 b. Whether the conduct of the defendant was  
46 directed specifically at the claimant, or at the  
47 person from which the claimant's claim is derived.  
48 2. An award for punitive or exemplary damages  
49 shall not be made unless the answer or finding  
50 pursuant to subsection 1, paragraph "a", is

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1 affirmative. If such answer or finding is  
2 affirmative, the jury, or court if there is no jury,  
3 shall fix the amount of punitive or exemplary damages  
4 to be awarded, and such damages shall be ordered paid  
5 as follows:  
6 a. If the answer or finding pursuant to subsection  
7 1, paragraph "b", is affirmative, the full amount of  
8 the punitive or exemplary damages awarded shall be  
9 paid to the claimant.  
10 b. If the answer or finding pursuant to subsection  
11 1, paragraph "b", is negative, after payment of all  
12 applicable costs and fees, an amount not to exceed  
13 twenty-five percent of the punitive or exemplary  
14 damages awarded may be ordered paid to the claimant,  
15 with the remainder of the award to be ordered paid  
16 into a civil reparations trust fund administered by  
17 the state court administrator. Funds placed in the  
18 civil reparations trust shall be under the control and  
19 supervision of the executive council, and shall be  
20 disbursed only for purposes of indigent civil  
21 litigation programs or insurance assistance programs.  
22 Sec. 30. Section 668.3, Code 1985, is amended by  
23 adding the following new subsection:  
24 **NEW SUBSECTION. 7.** When a final judgment or award  
25 is entered, any party may petition the court for a  
26 determination of the appropriate payment method of the  
27 judgment or award. The court may order that the  
28 payment method for all or part of the judgment or  
29 award be by structured, periodic, or other nonlump-sum  
30 payments. Structured, periodic, or other nonlump-sum  
31 payments may include appropriate interest if such  
32 interest was not included in the determination of the  
33 initial judgment or award. However, the court shall

34 not order a structured, periodic, or other nonlump-sum  
35 payment method if it finds that any of the following  
36 are true:

37 a. The payment method would be inequitable.

38 b. The payment method provides insufficient  
39 guarantees of future collectibility of the judgment or  
40 award.

41 c. Payments made under the payment method could be  
42 subject to other claims, past or future, against the  
43 defendant.

44 Sec. 31. NEW SECTION. 668.11 DISCLOSURE OF  
45 EXPERT WITNESSES.

46 1. A party in an action pursuant to this chapter  
47 who intends to call an expert witness of their own  
48 selection, shall certify to the court and all other  
49 parties the expert's name, qualifications and the  
50 purpose for calling the expert within the following

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1 time period:

2 a. The plaintiff within one hundred eighty days of  
3 the defendant's answer unless the court for good cause  
4 not ex parte extends the time of disclosure.

5 b. The defendant within ninety days of plaintiff's  
6 certification.

7 2. If a party fails to disclose an expert pursuant  
8 to subsection 1 or does not make the expert available  
9 for discovery, the expert shall be prohibited from  
10 testifying in the action unless leave for the expert's  
11 testimony is given by the court for good cause shown.

12 3. This section does not apply to court appointed  
13 experts.

14 Sec. 32. NEW SECTION. 668.12 LIABILITY FOR  
15 PRODUCTS -- STATE OF THE ART DEFENSE.

16 In any action brought pursuant to this chapter  
17 against an assembler, designer, supplier of  
18 specifications, distributor, manufacturer or seller  
19 for damages arising from an alleged defect in the  
20 design, testing, manufacturing, formulation,  
21 marketing, packaging, warning, or labeling of a  
22 product, a percentage of fault shall not be assigned  
23 to such persons if they plead and prove that the  
24 product or such person's actions in regard to the  
25 product, conformed to the state of the art in  
26 existence at the time the product was designed,  
27 tested, manufactured, formulated, marketed, packaged,  
28 provided with a warning, or labeled. Nothing  
29 contained in this section shall diminish the duty of  
30 an assembler, designer, supplier of specifications,

31 distributor, manufacturer or seller to warn concerning  
32 subsequently acquired knowledge of a defect or  
33 dangerous condition that would render the product  
34 unreasonably dangerous for its foreseeable use.  
35 Sec. 33. STUDY COMMISSION CREATED.  
36 1. There is established a commission to study the  
37 issues involved in liability and liability insurance  
38 concerns. The commission shall be composed of twelve  
39 voting members and two ex officio members, appointed  
40 as follows:  
41 a. Two members of the house of representatives, by  
42 the speaker of the house.  
43 b. Two members of the senate, by the senate  
44 majority leader.  
45 c. Two members of the house of representatives, by  
46 the house minority leader.  
47 d. Two members of the senate, by the senate  
48 minority leader.  
49 e. Four members of the public as representatives  
50 of the private sector for industries, professions, or

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1 other particularly affected groups, appointed by the  
2 chairperson and vice chairperson of the legislative  
3 council, in consultation with the senate and house  
4 minority leaders and with the approval of the  
5 legislative council.  
6 f. The attorney general or the attorney general's  
7 designee, who shall be an ex officio member.  
8 g. The commissioner of insurance or the  
9 commissioner's designee, who shall be an ex officio  
10 member.  
11 2. The commission's study shall include, but is  
12 not limited to, the following:  
13 a. The implementation of maximum caps on liability  
14 payments.  
15 b. The elimination of the collateral source rule.  
16 c. The review of present insurance practices,  
17 including:  
18 (1) A review and report on the feasibility and  
19 advisability of enacting a mandatory insurance  
20 disclosure Act.  
21 (2) A review and report on the present level of  
22 industry regulation and the potential for increasing  
23 such regulation. This report should approximate the  
24 cost of any recommendations made.  
25 (3) A review and report on the present powers,  
26 authority, and staffing of the insurance department.  
27 (4) A review and report on the feasibility and

28 advisability of enacting insurance assistance and risk  
29 management programs.  
30 d. The review of alternative methods of litigating  
31 actions.  
32 e. The review of alternatives to reduce  
33 nonmeritorious suits.  
34 f. Review and report on the advisability of  
35 limiting tort liability of the state arising from  
36 regulatory and licensing activities.  
37 g. Monitor and report on any operation savings in  
38 the insurance industry due to tort liability reform  
39 for the period from July 1, 1983 to present, including  
40 the effects of this Act, and the feasibility of  
41 mandatory rate adjustments for insurers to reflect  
42 such cost savings.  
43 h. Other issues necessary to ensure fairness in  
44 the operation of the tort liability system.  
45 3. The legislative council may authorize funds for  
46 the study commission, which may be used for the  
47 following commission purposes.  
48 a. Employment of a full-time staff person for the  
49 commission.  
50 b. Employment of actuarial, insurance, and legal

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1 consultants.  
2 c. Compilation, printing, and distribution of ma-  
3 terials prepared by the commission.  
4 d. Necessary expenses of travel, attendance, and  
5 participation in regional or national programs.  
6 4. Public members of the study commission shall  
7 receive a per diem of forty dollars and be reimbursed  
8 for their travel and other necessary expenses actually  
9 incurred in the performance of their official duties.  
10 Public employees who are members of the study  
11 commission shall be reimbursed for travel and other  
12 expenses actually incurred in the performance of their  
13 official duties.  
14 5. The study commission shall hold its first  
15 meeting within sixty days of its formation and shall  
16 transmit copies of its final report to the legislative  
17 council by December 15, 1986.  
18 Sec. 34. A county which has levied a tax pursuant  
19 to section 331.424, subsection 1, paragraph 1, or a  
20 city which has levied a tax pursuant to section  
21 384.12, subsection 18, for the fiscal year July 1,  
22 1985 through June 30, 1986, may use any unexpended  
23 proceeds of this tax to pay the costs of a self  
24 insurance program or the costs of a local government

25 risk pool.  
26 Sec. 35. Sections 18.160 through 18.169, Code  
27 1985, are repealed.  
28 Sec. 36. Sections 2, 3, 24, and 26 through 32 of  
29 this Act take effect July 1 following their enactment  
30 and apply to all cases filed on or after that date.  
31 Sec. 37. Sections 1, 4 through 12, 25, 33, and 34  
32 of this Act, being deemed of immediate importance,  
33 take effect from and after their publication in The  
34 Sioux City Journal, a newspaper published in Sioux  
35 City, Iowa, and in The Iowegian and Citizen, a  
36 newspaper published in Centerville, Iowa.”  
37 2. Title page, by striking lines 1 through 14,  
38 and inserting the following: “An Act relating to  
39 civil liability by modifying statutory language  
40 relating to civil liability for sale of alcohol,  
41 setting expert witness standards for certain medical  
42 malpractice actions, making statutory modifications to  
43 allow governmental subdivisions to take certain  
44 actions regarding insurance, self-insurance, or risk  
45 pooling, providing risk management and insurance  
46 coverage assistance to the state, governmental  
47 subdivisions, and other entities deemed essential to  
48 the public welfare, limiting the liability of  
49 nonmanufacturers for claims based upon strict  
50 liability in tort or breach of implied warranty of

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1 merchantability, authorizing the court to stay an  
2 action until sufficient surety to cover costs is  
3 posted by a claimant who has previously been involved  
4 in frivolous suits, prohibiting the stating of money  
5 damages demanded, providing sanctions for the filing  
6 of unwarranted motions, pleadings, or other papers,  
7 modifying the conditions under which punitive or  
8 exemplary damages may be awarded and the use of such  
9 punitive or exemplary damages, requiring the payment  
10 of awards or judgments by structured, periodic, or  
11 other nonlump-sum payment methods, prohibiting the  
12 assignment of a percentage of fault to an assembler,  
13 designer, supplier of specifications, manufacturer,  
14 distributor or seller who can plead and prove that the  
15 product or the person's actions in regard to the  
16 product conformed to the state of the art in existence  
17 at that time, requiring a party to disclose and  
18 register an expert witness of their own selection with  
19 the court within one hundred eighty days of the filing  
20 of an action, creating a liability and liability

21 insurance study commission, providing penalties, and  
 22 providing for publication and effective dates.”

COMMITTEE ON COMMERCE  
 GEORGE KINLEY, Chairperson

S-5398

1 Amend Senate File 2248 as follows:

2 1. Page 1, by inserting after line 33 the  
 3 following:

4 “Sec. 3. NEW SECTION. 249A.8 MEDICAL ASSISTANCE  
 5 DRUG REIMBURSEMENT PROGRAM.

6 Unless disapproved by the United States department  
 7 of health and human services, the department of human  
 8 services shall establish an estimated acquisition cost  
 9 program for prescription drugs under the medical  
 10 assistance program. Under the program, the department  
 11 shall determine the estimated acquisition cost of a  
 12 drug through the use of the direct pricing information  
 13 for the drug for major drug manufacturers listed in  
 14 the most current American druggist blue book and  
 15 through the use of the average wholesale price,  
 16 reduced by fifteen percent, for the drug for other  
 17 drug manufacturers listed in the most current American  
 18 druggist blue book. All medical assistance  
 19 reimbursements for prescription drugs shall be based  
 20 on the estimated acquisition cost.”

CALVIN O. HULTMAN

HOUSE AMENDMENT TO  
 SENATE FILE 2175

S-5399

1 Amend Senate File 2175 as amended, passed, and  
 2 reprinted by the Senate as follows:

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

5 “1. DECLARATION OF POLICY: THREE BRANCHES OF  
 6 GOVERNMENT. The separation of powers within state  
 7 government among the legislative, the executive, and  
 8 the judicial branches of the government is a  
 9 traditional American concept. The legislative branch  
 10 has the broad objective of determining policies and  
 11 programs and review of program performance for  
 12 programs previously authorized, the executive branch  
 13 carries out the programs and policies, and the  
 14 judicial branch has the responsibility for  
 15 adjudicating any conflicts which might arise from the

16 interpretation or application of the laws. It is a  
17 traditional concept of American government that the  
18 three branches are to function separately, without  
19 intermingling of authority, except as specifically  
20 provided by law."

21 2. Page 1, by striking lines 15 and 16 and  
22 inserting the following:

23 "c. The executive branch should be organized on a  
24 functional basis, so that programs can".

25 3. Page 2, by inserting immediately after line 11  
26 the following:

27 "Sec. 2. NEW SECTION. 7E.2 OFFICES, DEPARTMENTS  
28 AND INDEPENDENT AGENCIES.

29 The constitutional and statutory offices,  
30 administrative departments, and independent agencies  
31 which comprise the executive branch of state  
32 government are structured as follows:

33 1. SEPARATE CONSTITUTIONAL OFFICES. The elective  
34 constitutional and statutory officers who do not head  
35 operating departments each head a staff to be termed  
36 the "office" of the respective elective officer, but  
37 the office of the governor shall be known as the  
38 "executive office".

39 2. PRINCIPAL ADMINISTRATIVE UNITS. The principal  
40 administrative unit of the executive branch is a  
41 "department" and there may be one or more "independent  
42 agencies".

43 3. INTERNAL STRUCTURE.

44 a. The director of each department, subject to  
45 applicable statute, approval by the governor, and the  
46 provisions of subsection 4 of this section, may  
47 establish the internal structure within the office of  
48 the director so as to best suit the purposes of the  
49 department.

50 b. For field operations, departments may establish

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1 district or area offices which may cut across  
2 divisional lines of responsibility.

3 c. For their internal structure, all departments  
4 shall adhere to the following standard terms unless  
5 otherwise specified by law, and independent agencies  
6 are encouraged to review their internal structure and  
7 to adhere as much as possible to the following  
8 standard terms:

9 (1) The principal subunit of the department is the  
10 "division". Each division shall be headed by an  
11 "administrator".

12 (2) The principal subunit of the division is the

13 "bureau". Each bureau shall be headed by a "chief".

14 (3) If further subdivision is necessary, bureaus  
15 may be divided into subunits which shall be known as  
16 "sections" and which shall be headed by "supervisors"  
17 and sections may be divided into subunits which shall  
18 be known as "units" and which shall be headed by "unit  
19 managers".

20 4. INTERNAL ORGANIZATION AND ALLOCATION OF

21 FUNCTIONS. Subject to applicable law, the head of  
22 each department or independent agency shall, subject  
23 to the approval of the governor, establish the  
24 internal organization of the department or independent  
25 agency and allocate and reallocate duties and  
26 functions not assigned by law to an officer or any  
27 subunit of the department or independent agency to  
28 promote economic and efficient administration and  
29 operation of the department or independent agency.

30 5. ATTACHMENT FOR LIMITED PURPOSES. Any

31 commission, board, or other unit attached under this  
32 section to a department or independent agency, or a  
33 specified division of one, shall be a distinct unit of  
34 that department, independent agency, or specified  
35 division. Any commission, board, or other unit so  
36 attached shall exercise its powers, duties, and  
37 functions as may be prescribed by law, including  
38 rulemaking, licensing and regulation, and operational  
39 planning within the area of program responsibility of  
40 the commission, board, or other unit independently of  
41 the head of the department or independent agency, but  
42 budgeting, program coordination, and related  
43 management functions shall be performed under the  
44 direction and supervision of the head of the  
45 department or independent agency, unless otherwise  
46 provided by law.

47 Sec. \_\_\_\_ . NEW SECTION. 7E.2A HEADS OF  
48 DEPARTMENTS AND INDEPENDENT AGENCIES -- POWERS AND  
49 DUTIES.

50 Each head of a department or independent agency

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1 shall, except as otherwise provided by law:

2 1. SUPERVISION. Plan, direct, coordinate, and  
3 execute the functions vested in the department or  
4 independent agency.

5 2. BUDGET. Annually compile a comprehensive  
6 program budget which reflects all fiscal matters  
7 related to the operation of the department or  
8 independent agency and each program, subprogram, and  
9 activity in the department or agency.

10 3. ADVISORY BODIES. In addition to any councils  
11 specifically created by law, create by rule and  
12 appoint such councils or committees as the operation  
13 of the department or independent agency requires.  
14 Members of councils and committees created under this  
15 general authority shall serve without compensation,  
16 but may be reimbursed for their expenses.

17 4. ANNUAL REPORT. Unless otherwise provided by  
18 law, submit a report in November of each year to the  
19 governor and the legislature on the operation of the  
20 department or independent agency during the fiscal  
21 year concluded on the preceding June 30, and  
22 projecting the goals and objectives of the department  
23 or independent agency as developed in the program  
24 budget report for the fiscal year underway. Any  
25 department or independent agency may issue such  
26 additional reports on its findings and recommendations  
27 as its operations require.

28 Sec. \_\_\_\_ . NEW SECTION. 7E.2B DEFINITIONS AND  
29 TERMINOLOGY FOR EXECUTIVE BRANCH ORGANIZATION.

30 In statutory references and administrative usage,  
31 the following terminology and definitions shall be  
32 followed in regard to state governmental structure and  
33 organization to the extent practicable:

34 1. "Department" means a principal administrative  
35 agency within the executive branch of state  
36 government, but does not include independent agencies.

37 2. "Division", "bureau", "section", and "unit"  
38 mean the subunits of a department, whether  
39 specifically created by law or created by the head of  
40 the department for the more economic and efficient  
41 administration and operation of the programs assigned  
42 to the department.

43 3. "Independent agency" is an administrative unit  
44 which, because of its unique operations, does not fit  
45 into the general pattern of operating departments.

46 4. "Authority" means a body with independent power  
47 to issue and sell bonds.

48 5. "Head of the department" means the elective  
49 officer, director, or other official in charge of a  
50 department.

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1 6. "Commission" means a policymaking body that has  
2 quasi-legislative powers.

3 7. "Board" means a policymaking body that has  
4 quasi-judicial powers.

5 8. "Examining board" means a body which sets  
6 standards of professional competence and conduct for

7 the profession or occupation under its supervision,  
8 which may prepare and grade the examinations of  
9 prospective new practitioners when authorized by law,  
10 which may issue licenses when authorized by law, which  
11 investigates complaints of alleged unprofessional  
12 conduct, and which performs other functions assigned  
13 to it by law.

14 9. "Council" means an advisory body appointed to  
15 function on a continuing basis for the study, and  
16 recommendation of solutions and policy alternatives,  
17 of the problems arising in a specified functional area  
18 of state government.

19 10. "Committee" means a part-time body appointed  
20 to study a specific problem and to recommend a  
21 solution or policy alternative with respect to that  
22 problem, and intended to terminate on the completion  
23 of its assignment."

24 4. Page 2, line 31, by striking "audits and  
25 appeals" and inserting the following: "inspections  
26 and appeals".

27 5. Page 2, line 35, by inserting after the word  
28 "agriculture" the following: "and land stewardship".

29 6. Page 3, line 3, by inserting after the word  
30 "agriculture" the following: "and land stewardship".

31 7. Page 3, line 5, by striking "commerce and  
32 industry" and inserting the following: "regulated  
33 industries".

34 8. Page 3, by striking lines 25 through 28 and  
35 relettering the remaining paragraphs accordingly.

36 9. Page 4, line 29, by inserting after the word  
37 "opportunity," the following: "programs which serve  
38 the senior citizens of the state,".

39 10. Page 4, by inserting immediately after line  
40 30 the following:

41 "u. In the area of higher education, a unit headed  
42 by the board of regents and including all the  
43 institutions administered by the board of regents,  
44 which has primary responsibility for state involvement  
45 in higher education."

46 11. By striking page 4, line 33 through page 5,  
47 line 2, and inserting the following:

48 "b. There is an interstate cooperation  
49 commission."

50 12. Page 5, line 25, by striking the word

#### Page 5

1 "OFFICE" and inserting the word "DEPARTMENT".

2 13. Page 5, by striking line 27 and inserting the  
3 following: "~~There is created an office of state comp-~~

4 troller The department of".

5 14. Page 6, line 12, by striking the word  
6 "office" and inserting the word "department".

7 15. Page 6, by striking lines 18 and 19.

8 16. Page 6, line 34, by inserting after the word  
9 "COUNTY" the words "AND CITY".

10 17. Page 7, line 6, by inserting after the word  
11 "counties" the words "and cities".

12 18. Page 7, by striking lines 7 and 8 and  
13 inserting the following:

14 "3. Review and comment on county and city budgets  
15 to county and city officials and provide assistance to  
16 enable counties and cities to improve".

17 19. Page 7, by inserting after line 9 the  
18 following:

19 "4. Promulgate rules relating to budget amendments  
20 and the procedures for transferring moneys between  
21 funds for cities, including rules necessary to  
22 implement section 384.6, subsection 1."

23 20. Page 7, by inserting before line 10 the  
24 following:

25 "Sec. 107. NEW SECTION. 8.58 TARGETED SMALL  
26 BUSINESS LOAN GUARANTEE PROGRAM.

27 1. As used in this section, unless the context  
28 otherwise requires:

29 a. "Director" means the director of the department  
30 of economic development.

31 b. "Minority person" means an individual who is a  
32 Black, Hispanic, Asian or Pacific Islander, or  
33 American Indian or Alaskan native.

34 c. "Small business" means an enterprise which is  
35 located in this state, is operated for profit, and has  
36 either fewer than twenty employees or an annual gross  
37 income of less than three million dollars. However,  
38 "small business" does not include an enterprise  
39 operated primarily for the practice of a licensed  
40 profession.

41 d. "Targeted small business" means a small  
42 business owned and operated by one or more women or  
43 minority persons.

44 2. The director, in conjunction with the director  
45 of the department of management, shall establish a  
46 targeted small business loan guarantee program. The  
47 program shall provide for guarantees with respect to  
48 loans made to beginning targeted small businesses.

49 3. The director, with the approval of the director  
50 of the department of management, shall establish a

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1 loan reserve account from which any default on a  
2 guaranteed loan under this section shall be paid. A  
3 default is not eligible for payment until it has been  
4 reduced to judgment by the lender. All moneys  
5 designated for the targeted small business loan  
6 guarantee program shall be credited to the loan  
7 reserve account. The director, with the approval of  
8 the director of the department of management, shall  
9 also establish an administrative account from which  
10 the operating costs of the program shall be paid. The  
11 director, with the approval of the director of the  
12 department of management, may transfer moneys between  
13 the reserve and administrative accounts. The director  
14 of the department of management shall determine what  
15 is the actuarially sound reserve requirement for the  
16 amount of guaranteed loans outstanding.

17 4. Only moneys set aside in the loan reserve  
18 account may be used for the payment of a default. The  
19 program shall pay under a guarantee only seventy-five  
20 percent of the amount of the default.

21 5. The program shall provide that after the  
22 default has been reduced to judgment and the guarantee  
23 paid from the loan reserve account, the director, on  
24 behalf of the state, is entitled to an assignment of  
25 the judgment. The attorney general shall take all  
26 appropriate action to enforce the judgment or may  
27 enter into an agreement with the lender to provide for  
28 enforcement. Upon collection of the amount  
29 guaranteed, any excess collected shall be paid to the  
30 lender.

31 6. The director may organize one or more advisory  
32 groups composed of representatives of women, minority  
33 persons, the business and financial community, and  
34 others interested in the loan guarantee program to  
35 serve on a volunteer basis in advising the director  
36 concerning the implementation of this section.

37 7. The director, in conjunction with the director  
38 of the office of management shall adopt rules as  
39 necessary for the administration of the loan guarantee  
40 program under this section.

41 8. The general assembly is not obligated to  
42 appropriate any moneys to pay for any defaults or to  
43 appropriate any moneys to be credited to the loan  
44 reserve account. The loan guarantee program does not  
45 obligate the state except to the extent provided in  
46 this section, and the director in administering the  
47 program shall not give or lend the credit of the state  
48 of Iowa.

49 Sec. 108. NEW SECTION. 8.59 ADVICE AND  
50 ASSISTANCE TO FEMALE AND MINORITY NEW BUSINESSES.

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1 The director of the department of economic  
2 development, in conjunction with the director of the  
3 department of management and jointly with the  
4 universities under the jurisdiction of the state board  
5 of regents, the area community colleges, and the area  
6 vocational schools, shall develop and make available  
7 in all areas of the state programs whereby  
8 concentrated, in-depth advice and services are  
9 available to assist female and minority persons in  
10 starting and operating new businesses. The advice and  
11 services shall extend to all areas of business  
12 management in its practical application, including but  
13 not limited to accounting, engineering, drafting,  
14 obtaining financing, locating bond markets, market  
15 analysis, and projections of profit and loss.

16 Sec. 109. NEW SECTION. 8.61 TITLE.

17 Sections 8.61 through 8.66 may be cited as the  
18 "Iowa Targeted Small Business Procurement Act."

19 Sec. 110. NEW SECTION. 8.62 DEFINITIONS.

20 When used in sections 8.61 through 8.66, unless the  
21 context otherwise requires:

22 1. "Director" means the director of the department  
23 of management.

24 2. "Minority person" means an individual who is a  
25 Black, Hispanic, Asian, or Pacific Islander, or  
26 American Indian or Alaskan native.

27 3. "Small business" means an enterprise which is  
28 located in this state, is operated for profit, and has  
29 either fewer than twenty employees or an annual gross  
30 income of less than three million dollars. However,  
31 "small business" does not include an enterprise  
32 operated primarily for the practice of a licensed  
33 profession.

34 4. "Targeted small business" means a small  
35 business owned and operated by one or more women or  
36 minority persons. The director may by rule expand the  
37 definition of "targeted small business" to include a  
38 small business managed by one or more women or  
39 minority persons and a small business whose work force  
40 is composed of a high percentage of women or minority  
41 persons.

42 Sec. 111. NEW SECTION. 8.63 PROCUREMENT FROM  
43 TARGETED SMALL BUSINESSES.

44 1. TARGETED SMALL BUSINESS SET-ASIDES.

45 Notwithstanding section 18.6 and other provisions of

46 law relating to competitive bidding procedures, the  
47 director shall designate and set aside for awarding to  
48 targeted small businesses at least five percent of the  
49 value of anticipated total state procurement of goods  
50 and services, including construction, but not

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1 including utility services pursuant to section 18.8,  
2 each fiscal year. The department of general services,  
3 the department of transportation, and the state board  
4 of regents shall cooperate with the director and do  
5 all acts necessary to carry out sections 8.61 through  
6 8.66. The director may divide the procurements so  
7 designated into contract award units of economically  
8 feasible production runs to facilitate offers or bids  
9 from these small businesses. In designating set-aside  
10 procurements, the director may vary the included  
11 procurements so that a variety of goods and services  
12 produced by different small businesses may be set  
13 aside each year.

14 2. NEGOTIATED PRICE OR BID CONTRACT. The  
15 department of general services, the department of  
16 transportation, and the state board of regents may use  
17 either a negotiated price or bid contract procedure in  
18 the awarding of a contract under this set-aside  
19 program. The amount of an award shall not exceed by  
20 more than five percent the estimated price for the  
21 goods or services, if they were to be purchased on the  
22 open market or under the competitive bidding  
23 procedures of section 18.6 or other provisions of law  
24 relating to competitive bidding procedures, and not  
25 under this set-aside program. Surety bonds guaranteed  
26 by the federal small business administration are  
27 acceptable security for a construction award under  
28 this section.

29 3. DETERMINATION OF ABILITY TO PERFORM. Before  
30 announcing a set-aside award, the department of  
31 general services, the department of transportation,  
32 and the state board of regents shall evaluate whether  
33 the small business scheduled to receive the award is  
34 able to perform the set-aside contract. This  
35 determination shall include consideration of  
36 production and financial capacity and technical  
37 competence.

38 4. PROCUREMENT PROCEDURES. All laws and rules  
39 pertaining to solicitations, bid evaluations, contract  
40 awards, and other procurement matters apply to  
41 procurements set aside for small businesses to the  
42 extent there is no conflict. If sections 8.61 through

43 8.66 conflict with other laws or rules, then those  
44 sections govern.  
45 Sec. 112. NEW SECTION. 8.64 LOCATING AND  
46 ASSISTING TARGETED SMALL BUSINESSES.  
47 The director, in conjunction with the department of  
48 economic development, shall publicize the set-aside  
49 program, attempt to locate targeted small businesses  
50 able to perform set-aside awards, and encourage

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1 program participation. When the director, in  
2 conjunction with the director of the department of  
3 economic development, determines that a targeted small  
4 business is unable to perform under a set-aside  
5 contract, the director of the department of economic  
6 development shall assist the small business in  
7 attempting to remedy the causes of the inability to  
8 perform. In assisting the small business, the  
9 director of the department of economic development may  
10 use any management or financial assistance programs  
11 available through state or governmental agencies or  
12 private sources.

13 Sec. 113. NEW SECTION. 8.65 CERTIFICATION.  
14 The director, in cooperation with the director of  
15 the department of economic development, shall adopt by  
16 rule standards and procedures for certifying that  
17 targeted small businesses are eligible to participate  
18 in the set-aside program. The procedure for  
19 determination of eligibility shall not include self-  
20 certification by a business. The department of  
21 management and the department of economic development  
22 shall maintain a current directory of targeted small  
23 businesses which have been certified under this  
24 section.

25 Sec. 114. NEW SECTION. 8.66 ANNUAL REPORT.  
26 1. The director shall submit an annual report to  
27 the governor and the general assembly relating  
28 progress towards realizing the objectives and goals of  
29 sections 8.61 through 8.65 during the preceding fiscal  
30 year. The report shall include the following  
31 information:

- 32 a. The total dollar value and number of potential  
33 set-aside awards identified and the percentage of  
34 total state procurements this figure reflects.
- 35 b. The total dollar value and number of set-aside  
36 contracts awarded to targeted small businesses with  
37 appropriate designation as to the total number and  
38 value of set-aside contracts awarded to each small  
39 business, and the percentages of the total state

40 procurements the figures of total dollar value and the  
41 number of set-asides reflect.

42 c. The number of contracts which were designated  
43 and set aside pursuant to section 8.63, but which were  
44 not awarded to a targeted small business, the  
45 estimated total dollar value of these awards, the  
46 lowest offer or bid on each of these awards made by  
47 the small business and the price at which these  
48 contracts were awarded pursuant to the normal  
49 procurement procedures.

50 d. The efforts undertaken to publicize the set-

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1 aside program during the preceding year.

2 e. The efforts undertaken to identify targeted  
3 small businesses, and the efforts undertaken to  
4 encourage participation in the set-aside program.

5 f. The efforts undertaken by the director and the  
6 department of economic development to remedy the  
7 inability of these small businesses to perform on  
8 potential set-aside awards.

9 g. The director's recommendations for  
10 strengthening the set-aside program and delivery of  
11 services to these small businesses.

12 2. The department of general services, the  
13 department of transportation, the state board of  
14 regents, and the department of economic development  
15 shall provide all information requested by the  
16 director for the preparation of the annual report."

17 21. Page 7, by striking line 26 through page 8,  
18 line 1.

19 22. Page 8, by inserting before line 2 the  
20 following:

21 "Sec. 116. Section 24.17, unnumbered paragraph 1,  
22 Code 1985, is amended to read as follows:

23 The local budgets of the various political  
24 subdivisions shall be certified by the chairperson of  
25 the certifying board or levying board, as the case may  
26 be, in duplicate to the county auditor not later than  
27 March 15 of each year unless a city or county holds a  
28 special levy election, in which case certification  
29 shall not be later than fourteen days following the  
30 special levy election, on blanks prescribed by the  
31 state board, and according to the rules and  
32 instruction which shall be furnished all certifying  
33 and levying boards in printed form by the state board  
34 or city finance committee in the case of cities."

35 23. Page 8, line 7, by striking the word "office"  
36 and inserting the word "department".

37 24. Page 8, line 9, by striking the word "office"  
 38 and inserting the word "department".  
 39 25. Page 8, line 33, by striking the word  
 40 "office" and inserting the word "department".  
 41 26. Page 8, by inserting after line 34 the  
 42 following:  
 43 "Sec. 118. Section 24.48, unnumbered paragraphs 4,  
 44 5, and 7, Code 1985, are amended to read as follows:  
 45 The city finance committee shall have officially  
 46 notified any city of its approval, modification or  
 47 rejection of the city's request for a suspension of  
 48 the statutory property tax levy limitation prior to  
 49 ~~thirty-five days before March 15.~~  
 50 The state appeals board shall have officially

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1 notified any county or city of its approval,  
 2 modification or rejection of the county's or city's  
 3 request for a suspension of the statutory property tax  
 4 levy limitation prior to thirty-five days before March  
 5 15.  
 6 ~~For the purpose of this section, the city finance~~  
 7 ~~committee shall be the state appeal board when the~~  
 8 ~~political subdivision is a city."~~  
 9 27. Page 9, line 4, by striking the word "office"  
 10 and inserting the words "office department".  
 11 28. Page 9, line 7, by striking the word "office"  
 12 and inserting the words "office department".  
 13 29. Page 9, line 12, by striking the word  
 14 "office" and inserting the words "office department".  
 15 30. Page 9, line 16, by striking the word  
 16 "office" and inserting the words "office department".  
 17 31. Page 9, line 23, by striking the word  
 18 "office" and inserting the words "office department".  
 19 32. Page 9, line 30, by striking the word  
 20 "office" and inserting the words "office department".  
 21 33. Page 10, line 2, by striking the word  
 22 "office" and inserting the word "department".  
 23 34. Page 11, by striking lines 6 through 12.  
 24 35. Page 11, line 27, by striking the word  
 25 "office" and inserting the word "department".  
 26 36. Page 11, line 34, by striking the word  
 27 "office" and inserting the word "department".  
 28 37. Page 12, line 13, by striking the word  
 29 "office" and inserting the word "department".  
 30 38. Page 12, line 21, by striking the word  
 31 "office" and inserting the word "department".  
 32 39. Page 12, line 31, by striking the word  
 33 "office" and inserting the word "department".

34 40. Page 13, by striking lines 4 through 26 and  
35 inserting the following:  
36 "Sec. 127. Section 384.16, subsection 1,  
37 unnumbered paragraph 2, Code 1985, is amended to read  
38 as follow:  
39 A budget must show comparisons between the  
40 estimated expenditures in each program in the  
41 following year and the actual expenditures in each  
42 program during the two preceding years. Wherever  
43 practicable, as provided in rules of the ~~committee~~  
44 director of the department of management, a budget  
45 must show comparisons between the levels of service  
46 provided by each program as estimated for the  
47 following year, and actual levels of service provided  
48 by each program during the two preceding years.  
49 Sec. 128. Section 384.18, unnumbered paragraph 2,  
50 Code 1985, is amended to read as follows:

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1 A budget amendment must be prepared and adopted in  
2 the same manner as the original budget, as provided in  
3 section 384.16, and is subject to protest as provided  
4 in section 384.19, except that the ~~committee~~ director  
5 of the department of management may by rule provide  
6 that amendments of certain types or up to certain  
7 amounts may be made without public hearing and without  
8 being subject to protest. A city budget shall be  
9 amended by May 31 of the current fiscal year to allow  
10 time for a protest hearing to be held and a decision  
11 rendered before June 30. The amendment of a budget  
12 after May 31, which is properly appealed but without  
13 adequate time for hearing and decision before June 30  
14 is void."  
15 41. By striking page 13, line 27, through page  
16 14, line 11.  
17 42. By striking from page 13, line 27 through  
18 page 14, line 11.  
19 43. Page 14, line 18, by striking the words and  
20 figures "and 18.141 through 18.143" and inserting the  
21 words and figures "18.141 through 18.143, and 384.13  
22 through 384.15".  
23 44. Page 14, line 19, by striking the words and  
24 figures "section 18.136" and inserting the words and  
25 figures "sections 18.136 and 18.175 through 18.180".  
26 45. Page 15, by inserting after line 12 the  
27 following:  
28 "g. Employment relations, including the  
29 negotiation and administration of collective  
30 bargaining agreements on behalf of the executive

31 branch of the state and its departments and agencies  
32 as provided in chapter 20. However, the state board  
33 of regents, for the purposes of implementing and  
34 administering collective bargaining pursuant to  
35 chapter 20, shall act as the exclusive representative  
36 of the state with respect to its faculty, scientific,  
37 and other professional staff.”

38 46. Page 15, by striking lines 15 and 16.

39 47. By striking page 15, line 35 through page 16,  
40 line 4 and inserting the following: “the director.  
41 The director shall be appointed by the governor,  
42 subject to confirmation by the senate. The director  
43 shall serve at the pleasure of the governor. The  
44 person appointed shall be”.

45 48. Page 17, by inserting after line 4 the  
46 following:

47 “Sec. \_\_\_\_ . Section 19A.2, subsection 3, Code 1985,  
48 is amended by striking the subsection.”

49 49. By striking page 17, line 22 through page 18,  
50 line 14, and inserting the following:

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1 “Sec. \_\_\_\_ . Section 19A.3, Code Supplement 1985, is  
2 amended by striking the section and inserting in lieu  
3 thereof the following:

#### 4 19A.3 APPLICABILITY -- EXCEPTIONS.

5 The merit system shall apply to all employees of  
6 the state and to all positions in state government now  
7 existing or hereafter established except the  
8 following:

9 1. The general assembly, employees of the general  
10 assembly, other officers elected by popular vote, and  
11 persons appointed to fill vacancies in elective  
12 offices.

13 2. All judicial officers and court employees.

14 3. The staff of the governor.

15 4. All board members and commissioners whose  
16 appointments are provided for by the Code.

17 5. All presidents, deans, directors, teachers,  
18 professional and scientific personnel, and student  
19 employees under the jurisdiction of the state board of  
20 regents. The state board of regents shall adopt rules  
21 not inconsistent with the objectives of this chapter  
22 for all of its employees not cited specifically in  
23 this subsection. The rules are subject to approval by  
24 the director of the department of personnel. If at  
25 any time the director determines that the board of  
26 regents merit system does not comply with the intent  
27 of this chapter, the director may direct the board to

28 correct the rules. The rules of the board are not in  
29 compliance until the corrections are made.  
30 6. All appointments which are by law made by the  
31 governor.  
32 7. All personnel of the armed services under state  
33 jurisdiction.  
34 8. Part-time persons who are paid a fee on a  
35 contract-for-services basis.  
36 9. Seasonal employees appointed during the period  
37 of April 15 through October 15.  
38 10. Residents, patients, or inmates employed in  
39 state institutions, or persons on parole employed in  
40 work experience programs for a period no longer than  
41 one year.  
42 11. Professional employees under the supervision  
43 of the attorney general, the appellate defender, the  
44 auditor of state, and the public employment relations  
45 board.  
46 12. Production and engineering personnel under the  
47 jurisdiction of the Iowa public broadcasting board.  
48 13. Members of the Iowa highway safety patrol and  
49 other peace officers employed by the department of  
50 public safety. The commissioner of public safety

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1 shall adopt rules not inconsistent with the objectives  
2 of this chapter for the persons described in this  
3 subsection.  
4 14. Merit employees designated for the career  
5 executive pool while serving in management positions  
6 covered by the career executive program.  
7 15. The chief deputy administrative officer and  
8 each division head of each executive department not  
9 otherwise specifically provided for in this section,  
10 and physicians not otherwise specifically provided for  
11 in this section. As used in this subsection,  
12 "division head" means a principal administrative  
13 position designated by a chief administrative officer  
14 and approved by the department of personnel or as  
15 specified by law.  
16 The director of the department of personnel shall  
17 negotiate agreements with the administrator of the  
18 division for the blind of the department of human  
19 rights and with the director of the department of  
20 education concerning the applicability of the merit  
21 system to the professional employees of their  
22 respective agencies."  
23 50. By striking page 18, line 15 through page 19,  
24 line 8.

25 51. Page 21, lines 1 and 2, by striking the words  
 26 "as approved by the executive council" and inserting  
 27 the following: "as approved by the executive  
 28 council".

29 52. Page 21, line 30, by striking the words "with  
 30 the approval of the executive council" and inserting  
 31 the following: "with the approval of the executive  
 32 council".

33 53. Page 22, by striking lines 1 and 2 and  
 34 inserting the following: "reviewed at least once each  
 35 year by the governor and submitted to the executive  
 36 council for continuing approval."

37 54. Page 22, by striking lines 11 through 14 and  
 38 inserting the following: "the commission director.  
 39 The pay plan becomes effective only after it has been  
 40 approved by the executive council after submission  
 41 from the commission. Review of the pay plan for  
 42 revisions shall be made".

43 55. By striking page 25, line 15 through page 26,  
 44 line 7 and inserting the following:

45 "Sec. \_\_\_\_ . Section 19A.14, Code 1985, is amended  
 46 by striking the section and inserting in lieu thereof  
 47 the following:

48 19A.14 MERIT APPEALS.

49 1. EMPLOYEE DISCIPLINE. A merit system employee  
 50 who is discharged, suspended, demoted, or otherwise

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1 reduced in pay, except during the employee's  
 2 probationary period, may appeal to the appointing  
 3 authority for a review of the action. If not  
 4 satisfied, the employee may, within thirty calendar  
 5 days following the date of the discharge, suspension,  
 6 demotion, or reduction in pay, file an appeal with the  
 7 public employment relations board for hearing. The  
 8 employee has the right to a hearing closed to the  
 9 public, but the employee may request a public hearing.  
 10 The hearing shall otherwise be conducted in accordance  
 11 with the rules of the public employment relations  
 12 board and the Iowa administrative procedure Act.  
 13 Decisions rendered shall be based upon a standard of  
 14 just cause. If the public employment relations board  
 15 finds that the action taken by the appointing  
 16 authority was for political, religious, racial,  
 17 national origin, sex, age, or other reasons not  
 18 constituting just cause, the employee may be  
 19 reinstated without loss of pay or benefits for the  
 20 elapsed period or the public employment relations  
 21 board may fashion other appropriate remedies.

22 Decisions by the public employment relations board  
 23 constitute final agency action.  
 24 2. EMPLOYEE GRIEVANCES. A merit system employee  
 25 who has exhausted all available steps of the uniform  
 26 grievance procedure of the department of personnel  
 27 may, within thirty calendar days following the date a  
 28 decision was received or should have been received by  
 29 the employee at the second step of the grievance  
 30 procedure, file an appeal with the director. The  
 31 director may grant the relief sought, and that  
 32 decision constitutes final agency action. However, if  
 33 the director does not grant the relief sought, the  
 34 employee may, within thirty calendar days following  
 35 the date of filing of the appeal, file the appeal with  
 36 the public employment relations board for hearing.  
 37 The hearing shall be conducted in accordance with the  
 38 rules of the public employment relations board and the  
 39 Iowa administrative procedure Act. Decisions rendered  
 40 shall be based upon a standard of substantial  
 41 compliance with this chapter and the rules of the  
 42 department of personnel. Decisions by the public  
 43 employment relations board constitute final agency  
 44 action.”  
 45 56. By striking page 28, line 35, through page  
 46 29, line 5, and inserting the following:  
 47 “The department is responsible for directing and  
 48 monitoring the implementation of a state equal  
 49 employment opportunity program and affirmative action  
 50 remedies by all state agencies. All officers of state

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1 agencies who are responsible for the recruitment,  
 2 appointment, assignment, and advancement of state  
 3 personnel shall recruit, appoint, assign, and advance  
 4 state personnel solely on the basis of equal  
 5 employment opportunity programs and affirmative action  
 6 remedies required under this chapter.”  
 7 57. Page 29, line 9, by inserting after the word  
 8 “standards” the following: “applicable to each state  
 9 agency based on the population of the community in  
 10 which the agency functions, the population served by  
 11 the agency, or the persons that can be reasonably  
 12 recruited”.  
 13 58. Page 29, line 15, by striking the words “past  
 14 employment” and inserting the following:  
 15 “postemployment”.  
 16 59. Page 30, by inserting after line 1 the  
 17 following:  
 18 “\_\_\_ . Address equal opportunity and affirmative

19 action policies with respect to employee benefits and  
20 leaves of absence.”

21 60. By striking page 30, line 33 through page 31,  
22 line 2.

23 61. Page 31, line 5, by striking the word “--  
24 REGENTS”.

25 62. Page 31, by striking line 6 and inserting the  
26 following:

27 “1. The”.

28 63. Page 32, by striking lines 3 through 5.

29 64. Page 32, by inserting before line 6 the  
30 following:

31 “Sec. \_\_\_\_ . The department of economic development  
32 shall prepare and submit to the general assembly on or  
33 before January 1, 1987 a report on its policies,  
34 programs, and activities with respect to equal  
35 opportunity and affirmative action in recruitment,  
36 outreach, and program usage for women and minorities  
37 eligible for economic development programs and funds  
38 administered by the department.”

39 65. Page 32, by inserting before line 6 the  
40 following:

41 “Sec. \_\_\_\_ . NEW SECTION. 19B.7A SANCTIONS.

42 The department of management may impose appropriate  
43 sanctions on individual state agencies in order to  
44 ensure compliance with affirmative action plans, the  
45 contract compliance policy, and requirements for  
46 procurement set-asides for female and minority small  
47 businesses.”

48 66. Page 32, line 8, by striking the words

49 “PUBLIC INSTRUCTION” and inserting the following:  
50 “EDUCATION”.

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1 67. Page 33, by inserting after line 1 the  
2 following:

3 “Sec. \_\_\_\_ . Section 20.1, Code 1985, is amended by  
4 adding the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. The general assembly  
6 declares that the purposes of the public employment  
7 relations board established by this chapter are to  
8 implement the provisions of this chapter and  
9 adjudicate and conciliate employment-related cases  
10 involving the state of Iowa and other public employers  
11 and employee organizations. For these purposes the  
12 powers and duties of the board include but are not  
13 limited to the following:

14 1. Determining appropriate bargaining units and  
15 conducting representation elections.

16 2. Adjudicating prohibited practice complaints and  
 17 fashioning appropriate remedial relief for violations  
 18 of this chapter.

19 3. Adjudicating and serving as arbitrators  
 20 regarding state merit system grievances and grievances  
 21 arising under collective bargaining agreements between  
 22 public employers and certified employee organizations.

23 4. Providing mediators, fact-finders, and  
 24 arbitrators to resolve impasses in negotiations.

25 5. Collecting and disseminating information  
 26 concerning the wages, hours, and other conditions of  
 27 employment of public employees.

28 6. Assisting the attorney general in the  
 29 preparation of legal briefs and the presentation of  
 30 oral arguments in the district court and the supreme  
 31 court in cases affecting the board."

32 68. Page 34, line 31, by inserting before the  
 33 word "director" the word "the".

34 69. Page 39, by striking line 3 and inserting the  
 35 following: "supersede provisions of any existing  
 36 collective bargaining agreement and all bargaining  
 37 agreements concerning educational leaves of absence".

38 70. Page 52, line 10, by striking the figure  
 39 "19A.5," and inserting the following: "19A.4, 19A.5,  
 40 19A.6,".

41 71. Page 52, by inserting before line 13 the  
 42 following:  
 43 "Sec. 301. Section 2.43, unnumbered paragraph 1,  
 44 Code 1985, is amended to read as follows:  
 45 The legislative council in co-operation with the  
 46 officers of the senate and house shall have the duty  
 47 and responsibility for preparing for each session of  
 48 the general assembly. Pursuant to such duty and  
 49 responsibility, the legislative council ~~may shall~~  
 50 assign the use of areas in the state capitol ~~or other~~

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1 ~~state buildings except for the areas used by the~~  
 2 ~~governor and the courts and~~, in consultation with the  
 3 director of the department of general services and the  
 4 capitol planning commission, ~~may assign areas in other~~  
 5 ~~state office buildings~~ for use of the general assembly  
 6 or legislative agencies. The legislative council may  
 7 authorize the renovation, remodeling and preparation  
 8 of the physical facilities used or to be used by the  
 9 general assembly or legislative agencies subject to  
 10 the jurisdiction of the legislative council and award  
 11 contracts pursuant to such authority to carry out such  
 12 preparation. The legislative council may purchase

13 supplies and equipment deemed necessary for the proper  
14 functioning of the legislative branch of government.”

15 72. Page 53, by inserting after line 24 the  
16 following:

17 “Sec. 305. Section 18.8, unnumbered paragraph 5,  
18 Code 1985, is amended to read as follows:

19 The Except for buildings and grounds described in  
20 section 601B.6, subsection 9, and section 2.43,  
21 unnumbered paragraph 1, the director shall assign  
22 office space in at the capitol building, other state  
23 buildings; except the buildings and grounds referred  
24 to in section 601B.6, subsection 9; and elsewhere in  
25 the city of Des Moines, for all executive and judicial  
26 state agencies. Assignments may be changed at any  
27 time. The various officers to whom rooms have been so  
28 assigned may control the same while the assignment to  
29 them is in force. Official apartments shall be used  
30 only for the purpose of conducting the business of the  
31 state. The term “capitol” or “capitol building” as  
32 used in the Code shall be descriptive of all buildings  
33 upon the capitol grounds. The capitol building itself  
34 is reserved for the operations of the general  
35 assembly, the governor and the courts and the  
36 assignment and use of physical facilities for the  
37 general assembly shall be pursuant to section 2.43.

38 Sec. 306. Section 18.11, unnumbered paragraph 1,  
39 Code 1985, is amended to read as follows:

40 The director shall establish, publish, and enforce  
41 rules regulating, restricting, or prohibiting the use  
42 by state officials, state employees, and the public,  
43 of motor vehicle parking facilities at the state  
44 capitol complex. The assignment of legislative  
45 parking spaces shall be under the control of the  
46 legislative council. The rules established by the  
47 director may establish fines for violations and a  
48 procedure for payment of the fines. The director may  
49 order payment of a fine and enforce the order in the  
50 district court.”

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1 73. Page 53, line 35, by inserting after the word  
2 “agencies.” the following: “A political subdivision  
3 receiving communications services from the state as of  
4 April 1, 1986 may continue to do so until January 1,  
5 1988. The rates charged to the political subdivision  
6 shall be the same as the rates charged to state  
7 agencies.”

8 74. Page 53, by inserting after line 35 the  
9 following:

10 "Sec. 309. Section 18.133, subsection 1, Code  
11 1985, is amended to read as follows:

12 1. "State communications" means a system refers to  
13 the transmission of voice, data, video, the written  
14 word or other visual signals by electronic means to  
15 serve communications the needs of state agencies but  
16 does not include communications activities exempt  
17 under section 18.135, subsection 3 and of the state  
18 board of regents, radio and television facilities  
19 under the Iowa department division of public  
20 broadcasting or law enforcement communications  
21 systems.

22 Sec. 310. Section 18.135, subsections 2 and 3,  
23 Code 1985, is amended by striking those subsections."

24 75. Page 56, line 12, by inserting after the word  
25 "services," the following: "In the execution of the  
26 duties provided by this chapter, the state registrar  
27 of voters and the state commissioner of elections  
28 shall provide the maximum public access to the  
29 electoral process permitted by law."

30 76. Page 67, by inserting after line 7 the  
31 following new section:

32 "Sec. \_\_\_\_ . Section 135D.22, unnumbered paragraph  
33 5, Code Supplement 1985, is amended to read as  
34 follows:

35 The amounts due each county shall be paid by the  
36 state comptroller department of revenue and finance on  
37 December 15 of each year, drawn upon warrants payable  
38 to the respective county treasurers. The county  
39 treasurer in each county shall apportion the payment  
40 in accordance with section 135D.25."

41 77. Page 67, by inserting before line 8 the  
42 following new sections:

43 "Sec. \_\_\_\_ . Section 261.1, unnumbered paragraph 1,  
44 Code Supplement 1985, is amended to read as follows:

45 There is hereby created a commission to be known as  
46 the The "College Aid Commission" of the state of Iowa  
47 is created, which is within the department of revenue  
48 and finance for administrative and budgetary purposes.  
49 Membership of the commission shall be is as follows:

50 Sec. \_\_\_\_ . Section 261.1, Code Supplement 1985, is

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1 amended by adding the following new unnumbered  
2 paragraph:

3 NEW UNNUMBERED PARAGRAPH. The commission shall  
4 determine its organization.

5 Sec. \_\_\_\_ . Section 261.2, Code 1985, is amended to  
6 read as follows:

7 261.2 DUTIES OF COMMISSION -- FEDERAL CO-  
8 OPERATION.

9 The commission shall:

10 1. ~~Prepare and administer~~ Approve criteria for a  
11 state plan for higher education facilities which shall  
12 be the state plan submitted to the secretary of  
13 education, in connection with the participation of  
14 this state in programs authorized by the federal  
15 "Higher Education Facilities Act of 1963" (P.L. 88-  
16 204), [77 Stat. L. 363; 20 U.S.C. 701] together with  
17 any amendments thereto.

18 2. Provide for administrative hearings of  
19 decisions of the director of revenue and finance to  
20 every applicant for funds authorized under the "Higher  
21 Education Facilities Act of 1963" (P. L. 88-204), [77  
22 Stat. L. 363; 20 U.S.C. 701] together with any  
23 amendments thereto, in regard to the priority assigned  
24 to ~~such~~ application for funds by ~~said the~~ commission  
25 or to any other determination of the ~~state~~ commission  
26 adversely affecting the applicant.

27 3. ~~Apply for, receive, administer, expend, and~~  
28 ~~account~~ Approve applications for such federal moneys  
29 necessary for its own administrative expenses as  
30 authorized by the federal "Higher Education Facilities  
31 Act of 1963" (P. L. 88-204), [77 Stat. L. 363; 20  
32 U.S.C. 701] together with any amendments thereto.

33 4. ~~Prepare and administer~~ Approve criteria for a  
34 state plan for a state supported and administered  
35 scholarship program. Said state plan shall provide  
36 for scholarships based on ability and need to  
37 deserving students of Iowa, matriculating in Iowa  
38 universities, colleges, area vocational schools, area  
39 community colleges, or schools of professional  
40 nursing.

41 5. Receive, administer, and allot a tuition loan  
42 fund for the benefit of Iowa resident students  
43 enrolled in Iowa studying to be physicians or  
44 osteopathic physicians and surgeons and who agree to  
45 become general practitioners (family doctors) and  
46 practice in Iowa.

47 ~~Said The~~ fund shall be allotted to students for not  
48 more than three years of study and shall be in the  
49 nature of a loan. ~~Such The~~ loan shall have as one of  
50 its terms that fifty percent thereof shall be canceled

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1 at the end of five years of the general practice in  
2 Iowa with an additional ten percent to be canceled  
3 each year thereafter until the entire loan may be

4 canceled. No interest shall be charged on any part of  
5 the loan thus canceled. Additional terms and  
6 conditions of said loan shall be established by the  
7 college aid commission so as to facilitate the purpose  
8 of this section.

9 Chapter 8 shall apply to this subsection except  
10 that section 8.5 shall not apply.

11 6. ~~Administer the~~ Approve criteria for a tuition  
12 grant program under this chapter.

13 7. ~~Prepare~~ Approve criteria for a state plan,  
14 complete with fiscal implications, for a state  
15 matching program to match federal funds paid under the  
16 GI Bill Improvement Act of 1977 Public Law 95-202 to a  
17 veteran who is an Iowa resident for the purpose of  
18 repaying any school loans received by such veteran  
19 from the United States veterans administration.

20 8. ~~Prepare and administer~~ Approve criteria for the  
21 Iowa science and mathematics loan program under this  
22 chapter.

23 9. ~~Administer~~ Approve criteria for the  
24 supplemental grant program under this chapter.

25 10. Adopt rules defining the criteria for this  
26 section which shall include as applicable the  
27 determination of the level of financial need, defining  
28 tuition and mandatory fees, defining resident and  
29 determining the priority of grants. In establishing  
30 the priority of grants the commission may provide for  
31 proration of funds if the available funds are  
32 insufficient to pay all approved grants. Any  
33 proration shall take primary account of the financial  
34 need of the applicant. In determining who is a  
35 resident the rules shall be at least as restrictive as  
36 those of the board of regents. As necessary for  
37 administration of the guaranteed student loan  
38 authority, the rules may include the establishment of  
39 standards for educational institutions, lenders, and  
40 borrowers. The rules may also establish criteria for  
41 allocation of fund to participating postsecondary  
42 institutions under sections 261.81 to 261.83.

43 11. The commission shall hear appeals of the  
44 decisions made by the director of revenue and finance  
45 relative to the implementation of the criteria  
46 established under this section.

47 12. Recommend to the governor and the general  
48 assembly the funding levels for programs falling under  
49 the responsibility of the commission.

50 13. Approve requests for proposal to obtain

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1 agreements for servicing loan and grant programs.  
2 Sec. \_\_\_\_ . Section 261.3, Code 1985, is amended by  
3 striking the section and inserting in lieu thereof the  
4 following:  
5 261.3 DUTIES OF DIRECTOR.  
6 The director of revenue and finance shall:  
7 1. Maintain and exercise general supervision over  
8 the administration of this chapter.  
9 2. Prepare and administer a state plan for higher  
10 education facilities.  
11 3. Apply for, receive, expend and account for  
12 federal moneys necessary for its own administrative  
13 expenses as authorized by the federal "Higher  
14 Education Facilities Act of 1963" (P.L. 88-204),  
15 (Stat. L. 363,20 U.S.C. 701) together with any  
16 amendments thereto.  
17 4. Prepare and administer a state plan for a state  
18 supported and administered scholarship program as  
19 approved by the commission.  
20 5. Receive, administer, and allot a tuition loan  
21 fund for the benefit of Iowa resident students  
22 enrolled in Iowa studying to be physicians or  
23 osteopathic physicians and surgeons and who agree to  
24 become general practitioners (family doctors) and  
25 practice in Iowa.  
26 6. Administer the tuition grant program under this  
27 chapter.  
28 7. Prepare a state plan, complete with fiscal  
29 implications, for a state matching program to match  
30 federal funds paid under the GI Bill Improvement Act  
31 of 1977 Public Law 95-202 to a veteran who is an Iowa  
32 resident for the purpose of repaying any school loans  
33 received by such veteran from the United States  
34 veterans administration.  
35 8. Prepare and administer the Iowa science and  
36 mathematics loan program under this chapter.  
37 9. Administer the supplemental grant program under  
38 this chapter.  
39 10. Make and execute agreements, contracts, and  
40 other instruments with any public or private person or  
41 agency including the United States secretary of  
42 education.  
43 11. Accept appropriations, gifts, grants, loans or  
44 other aid from public or private persons or agencies  
45 including the United States secretary of education.  
46 The director shall designate one administrative  
47 position within the department relating to the  
48 administration of the programs under this chapter.

49 The position shall be exempt from chapter 19A. When a  
50 vacancy occurs in the administrative position, the

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1 commission shall submit to the director the names of  
2 up to five qualified applicants from which the  
3 director may select one to serve as administrator.

4 Sec. \_\_\_\_ . Section 261.4, Code 1985, is amended to  
5 read as follows:

6 ~~261.4 FUNDS -- COMPTROLLER DEPARTMENT --~~  
7 ~~COMPENSATION AND EXPENSES OF COMMISSION.~~

8 The ~~state comptroller department~~ shall keep an  
9 accounting of all funds received and expended by the  
10 ~~commission director~~. The members of the commission,  
11 except those members who are employees of the state,  
12 shall be ~~paid a forty-dollar per diem and shall be~~  
13 ~~reimbursed for actual and necessary expenses. All per~~  
14 ~~diem and~~ expense moneys paid to nonlegislative members  
15 shall be paid from funds appropriated to the  
16 ~~commission department of revenue and finance.~~  
17 Legislative members of the commission shall ~~receive~~  
18 ~~payment be paid~~ pursuant to section 2.10 and section  
19 2.12.

20 Sec. \_\_\_\_ . Section 261.9, Code 1985, is amended by  
21 adding the following new subsection:

22 NEW SUBSECTION. 8. "Director" means the director  
23 of revenue and finance.

24 Sec. \_\_\_\_ . Section 261.15, Code 1985, is amended to  
25 read as follows:

26 261.15 ADMINISTRATION BY COMMISSION DIRECTOR --  
27 RULES.

28 The commission director shall administer this  
29 program and shall:

30 1. Provide application forms and parents'  
31 confidential statement forms.

32 2. ~~Adopt rules and regulations for determining~~  
33 ~~financial need; defining tuition and mandatory fees;~~  
34 ~~defining residence for the purposes of this division;~~  
35 ~~processing and approving applications for tuition~~  
36 ~~grants; and determining priority of grants. The~~  
37 ~~commission may provide for proration of funds if the~~  
38 ~~available funds are insufficient to pay all approved~~  
39 ~~grants. Such proration shall take primary account of~~  
40 ~~the financial need of the applicant. In determining~~  
41 ~~who is a resident of Iowa; the commission's rules~~  
42 ~~shall be at least as restrictive as those of the board~~  
43 ~~of regents.~~

44 ~~3. Approve Announce~~ and award tuition grants.

45 ~~4~~ 3. Make an annual report to the governor and

46 general assembly, and evaluate the tuition grant  
47 program for the period. The ~~commission~~ director may  
48 require the accredited private institution to promptly  
49 furnish any information which the ~~commission~~ director  
50 may request in connection with the tuition grant

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1 program.

2 Sec. \_\_\_\_ . Section 261.16, Code 1985, is amended to  
3 read as follows:

4 261.16 APPLICATION FOR GRANTS.

5 Each applicant, in accordance with the rules ~~and~~  
6 ~~regulations of the commission~~ adopted under this  
7 chapter, shall:

8 1. Complete and file an application for a tuition  
9 grant.

10 2. Be responsible for the submission of the  
11 parents' confidential statement for processing, the  
12 processed information to be returned both to the  
13 ~~commission~~ director and to the college in which the  
14 applicant is enrolling.

15 3. Report promptly to the ~~commission~~ director any  
16 information requested.

17 4. File a new application and parents'  
18 confidential statement annually on the basis of which  
19 the applicant's eligibility for a renewed tuition  
20 grant will be evaluated and determined.

21 Sec. \_\_\_\_ . Section 261.17, subsections 6 and 7,  
22 Code 1985, are amended to read as follows:

23 6. The ~~commission~~ director shall administer this  
24 program and shall:

25 a. Provide application forms for distribution to  
26 students by Iowa high schools and area schools.

27 b. ~~Adopt rules for determining financial need,~~  
28 ~~defining residence for the purposes of this section,~~  
29 ~~processing and approving applications for grants and~~  
30 ~~determining priority for grants.~~

31 c. ~~Approve~~ Announce and award grants on an annual  
32 basis.

33 d. c. Make an annual report to the governor and  
34 general assembly.

35 7. Each applicant, in accordance with the rules  
36 established by the ~~commission~~ director, shall:

37 a. Complete and file an application for a  
38 vocational-technical tuition grant.

39 b. Be responsible for the submission of the  
40 financial information required for evaluation of the  
41 applicant's need for a grant, on forms determined by  
42 the ~~commission~~ director.

43 c. Report promptly to the ~~commission~~ director any  
44 information requested.

45 d. Submit a new application and financial  
46 statement for re-evaluation of the applicant's  
47 eligibility to receive a second-year renewal of the  
48 grant.

49 Sec. \_\_\_\_ . Section 261.18, Code 1985, is amended to  
50 read as follows:

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1 261.18 SUBVENTION PROGRAM.

2 1. ~~There is established a~~ A subvention program is  
3 ~~established~~ for resident students who are enrolled in  
4 the university of osteopathic medicine and health  
5 sciences of Des Moines, Iowa. The subvention program  
6 shall be administered by the ~~commission~~ director in  
7 the manner provided in this section and section  
8 261.19. The ~~commission~~ director shall initiate an  
9 affirmative action program to ensure equal opportunity  
10 for participation by women, men, and minority students  
11 in the program provided for in this section and  
12 section 261.19.

13 2. In making a final determination of who is a  
14 resident of Iowa, the commission shall adopt rules for  
15 ~~the academic year commencing in 1976 and for each~~  
16 ~~academic year thereafter~~ consistent with those  
17 followed for determining Iowa resident students in  
18 section ~~261.15~~ 261.2 and ~~be subject to the provisions~~  
19 ~~of adopted under~~ chapter 17A.

20 Sec. \_\_\_\_ . Section 261.19, Code 1985, is amended to  
21 read as follows:

22 261.19 PAYMENT OF SUBVENTION.

23 The registrar of the college of osteopathic  
24 medicine and surgery shall file, not later than August  
25 1 of each year, a certificate of enrollment which  
26 shall include the number, names, and addresses of all  
27 students enrolled, by class, and shall indicate which  
28 students are resident students. If the number of  
29 resident students does not equal thirty percent of the  
30 total enrollment of a class, the ~~commission~~ director  
31 shall deduct an amount which equals the actual state  
32 contribution per student for each class member under  
33 the required percentage. The ~~commission~~ director  
34 shall compute the amount of the subvention and shall  
35 transmit the funds to the college of osteopathic  
36 medicine and surgery by August 15 of each year for  
37 which funds are appropriated by the general assembly.

38 Sec. \_\_\_\_ . Section 261.26, Code 1985, is amended to  
39 read as follows:

## 40 261.26 OPTOMETRY SCHOOLS.

41 The ~~commission~~ director shall contract with the  
42 proper officials of states which have accredited  
43 schools and colleges of optometry for the admission  
44 and education of qualified applicants who are  
45 domiciliaries of Iowa and who have demonstrated  
46 interest, aptitude, and readiness for study in the  
47 field of optometry. In making a final determination  
48 of who is a domiciliary of Iowa, the ~~commission~~  
49 director shall adopt rules for each academic year  
50 consistent with those followed for determining Iowa

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1 resident students in section ~~261.15 and 261.2~~. The  
2 rules are subject to ~~the provisions~~ of chapter 17A.

3 Sec. \_\_\_\_ . Section 261.27, Code 1985, is amended to  
4 read as follows:

## 5 261.27 CONTRACT FOR RIGHT TO ENTER SCHOOL.

6 In carrying out ~~its~~ duties under ~~the provisions of~~  
7 section 261.26 the ~~commission~~ director shall contract  
8 for the right of not less than ten qualified persons  
9 for each academic class to enter accredited schools  
10 and colleges of optometry during each academic school  
11 year. The ~~commission~~ director shall initiate an  
12 affirmative action program to insure equal opportunity  
13 for participation by women, men, and minority students  
14 in the program provided for in this section and  
15 section 261.26. Funds expended on behalf of each  
16 person shall not exceed three thousand dollars during  
17 any one fiscal year. The ~~commission~~ director shall  
18 make a report regarding its duties under section  
19 261.26 to the legislative fiscal committee at such  
20 time as the legislative fiscal committee ~~shall request~~  
21 requests.

22 Sec. \_\_\_\_ . Section 261.35, Code 1985, is amended by  
23 adding the following new subsection:

24 NEW SUBSECTION. 6. "Director" means the director  
25 of revenue and finance.

26 Sec. \_\_\_\_ . Section 261.36, Code 1985, is amended to  
27 read as follows:

## 28 261.36 POWERS AND DUTIES OF THE COMMISSION.

29 The commission shall have necessary powers to carry  
30 out its purposes and duties under this division;  
31 ~~including but not limited to the power to and may:~~

32 1. Sue and be sued in its own name.

33 2. Incur and discharge debts including the payment  
34 of any defaulted loan obligations which have been  
35 guaranteed by the ~~commission~~.

36 3. ~~Make and execute agreements, contracts and~~

37 other instruments with any public or private person or  
 38 agency including the United States secretary of  
 39 education.

40 4. Guarantee loans made by eligible lenders to  
 41 eligible borrowers who are, or whose children are,  
 42 enrolled or will be enrolled at eligible institutions  
 43 as at least half-time students as defined by the  
 44 commission.

45 5 4. Approve educational institutions as eligible  
 46 institutions upon their meeting established the  
 47 requirements established by the commission.

48 6 5. Approve financial or credit institutions,  
 49 insurance companies or other lenders as eligible  
 50 lenders upon their meeting the standards established

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1 by the commission for making guaranteed loans.

2 7. Accept appropriations, gifts, grants, loans or  
 3 other aid from public or private persons or agencies  
 4 including the United States secretary of education.

5 8 6. Implement various means of encouraging  
 6 Encourage maximum lender participation in the Iowa  
 7 guaranteed student loan program.

8 7. Establish an insurance premium of not more than  
 9 one percent per annum of the principal amount of any  
 10 loan guaranteed.

11 8. Adopt rules pursuant to chapter 17A to  
 12 implement the provisions of this section. The rules  
 13 and standards established shall be consistent with the  
 14 requirements provided in the Higher Education Act of  
 15 1965.

16 Sec. \_\_\_\_ . Section 261.37, Code 1985, is amended to  
 17 read as follows:

18 261.37 POWERS AND DUTIES OF THE DIRECTOR.

19 The duties of the ~~commission~~ director under this  
 20 division shall be as follows:

21 1. To ~~review~~ administer the Iowa guaranteed  
 22 student loan program.

23 2. To review and make disposition of all  
 24 applications for the guarantee of student loans.

25 3. Collect an insurance premium of not more than  
 26 one percent per annum of the principal amount of any  
 27 loan guaranteed, beginning with the date of  
 28 disbursement and ending one year after the date on  
 29 which the borrower expects to complete the course of  
 30 study for which the loan was made. Such premium shall  
 31 be collected by the lender upon the disbursement of  
 32 the loan and shall be remitted promptly to the  
 33 commission.

34 4. To enter into all necessary agreements with the  
35 United States secretary of education as required for  
36 the purpose of receiving full benefit of the state  
37 program incentives offered pursuant to the Higher  
38 Education Act of 1965.

39 5. To promulgate rules pursuant to chapter 17A to  
40 implement the provisions of this division including  
41 establishing standards for educational institutions,  
42 lenders and individuals to become eligible  
43 institutions, lenders and borrowers. The rules and  
44 standards established shall be consistent with the  
45 requirements provided in the Higher Education Act of  
46 1965.

47 6. To reimburse eligible lenders for one hundred  
48 percent of the principal and accrued interest on  
49 defaulted loans guaranteed by the commission upon  
50 receipt of written notice of such default accompanied

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1 by evidence that the lender has exercised the required  
2 degree of diligence in efforts to collect the loan.

3 7. To establish an effective system for the  
4 collection of delinquent loans, including the adoption  
5 of an agreement with the Iowa department of revenue to  
6 set off against a defaulter's income tax refund or  
7 rebate the amount that is due because of a default on  
8 a guaranteed student or parental loan made under this  
9 division. The commission director shall adopt rules  
10 under chapter 17A necessary to assist the department  
11 of revenue in the implementation of implement the  
12 student loan setoff program as established under  
13 section 421.17, subsection 23.

14 8. To develop and disseminate informational and  
15 educational materials to lenders, postsecondary  
16 institutions and borrowers.

17 9. To develop all forms necessary to the proper  
18 administration of the guaranteed student loan program  
19 and provide supplies of such forms to participating  
20 lenders and postsecondary institutions.

21 10. To report annually to the governor and the  
22 general assembly on the status of the guaranteed  
23 student loan program.

24 11. To implement all possible assistance to  
25 eligible lenders for the purpose of easing the  
26 workload entailed in participation in the guaranteed  
27 student loan program.

28 11. Implement various means of encouraging maximum  
29 lender participation in the Iowa guaranteed student  
30 loan program.

31 Sec. \_\_\_\_ . Section 261.38, subsections 1, 2, and 3,

32 Code 1985, are amended to read as follows:

33 1. The commission director shall establish a loan  
34 reserve account from which any default on a guaranteed  
35 student loan shall be paid. The commission director  
36 shall credit to this account all moneys designated  
37 exclusively for the reserve fund by the United States,  
38 the state of Iowa, or any of their agencies,  
39 departments, or instrumentalities, as well as any  
40 funds accruing to the program which are not required  
41 for current administrative expenses.

42 2. The commission director shall establish an  
43 administrative account from which the operating costs  
44 of the guaranteed student loan program shall be paid.  
45 The commission director may transfer funds between the  
46 reserve and administrative accounts upon approval of  
47 the state comptroller and shall report transfers to  
48 the commission. The administrative account shall be  
49 used only for administrative expenses incurred under  
50 the guaranteed student loan program. The state

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1 comptroller shall determine what is the actuarially  
2 sound reserve requirement for the amount of guaranteed  
3 loans outstanding.

4 3. The payment of any funds for the default on a  
5 guaranteed student loan shall be solely from the loan  
6 reserve account. The general assembly ~~shall~~ is not be  
7 obligated to appropriate any moneys to pay for any  
8 defaults or to appropriate any moneys to be credited  
9 to the loan reserve account. The commission director  
10 shall not give or lend the credit of the state of  
11 Iowa.

12 Sec. \_\_\_\_ . Section 261.39, unnumbered paragraph 1,  
13 Code 1985, is amended to read as follows:

14 All moneys which are to be refunded to the state  
15 under the contract with United Student Aid Funds,  
16 Incorporated, involving the Iowa guaranteed student  
17 loan program in effect prior to July 1, 1978, shall be  
18 refunded to the commission director and shall be  
19 credited to the loan reserve account except those  
20 funds which must be repaid to the United States  
21 government.

22 Sec. \_\_\_\_ . Section 261.40, Code 1985, is amended to  
23 read as follows:

24 261.40 REPAYMENT OF STATE APPROPRIATIONS.

25 The commission director shall repay to the  
26 treasurer of state all funds appropriated for the Iowa  
27 guaranteed student loan program for the fiscal years

28 1979, 1980, and 1981. The commission director shall  
29 repay ~~such the~~ funds in any fiscal year only when the  
30 funds available are in excess of the amount needed to  
31 pay the costs of administering the program and to  
32 insure an actuarially sound reserve account for that  
33 fiscal year and then only in the amount of the excess  
34 funds available.

35 Sec. \_\_\_\_ . Section 261.41, Code 1985, is amended to  
36 read as follows:

37 261.41 ACCOUNT DISSOLVED -- BALANCE TO GENERAL  
38 FUND.

39 The loan program and the loan reserve account  
40 established by this division shall not be dissolved  
41 until all guaranteed loans have been repaid by the  
42 borrower or, if in default, by the commission  
43 director. Upon dissolution of the loan program, all  
44 the property and moneys of the program and in the loan  
45 reserve account not owed to the federal government  
46 shall be transferred to the state general fund.

47 Sec. \_\_\_\_ . Section 261.45, unnumbered paragraph 1,  
48 Code 1985, is amended to read as follows:

49 ~~There is established a~~ A guaranteed student loan  
50 payment program is established, to be administered by

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1 the commission director. An individual who meets all  
2 of the following conditions is eligible for  
3 reimbursement payments under the program if the  
4 individual:

5 Sec. \_\_\_\_ . Section 261.51, Code Supplement 1985, is  
6 amended to read as follows:

7 261.51 SCIENCE AND MATHEMATICS LOAN PROGRAM.

8 The Iowa science and mathematics loan program is  
9 established to be administered by the commission  
10 director. The purpose of the loan program is to  
11 assist individuals possessing a baccalaureate degree  
12 or higher to either obtain teaching certificates in  
13 the areas of science or mathematics, or both, or if  
14 the individuals are already certificated teachers  
15 under chapter 260, to obtain or upgrade their  
16 approvals to teach in the areas of science or  
17 mathematics, or both. The commission director shall  
18 adopt rules under chapter 17A, in consultation with  
19 the board of educational examiners, to administer the  
20 program. The rules shall provide that loans not be  
21 granted to teachers for the purpose of improving their  
22 knowledge of subject content or teaching skills in  
23 order to teach courses in subject matter areas for  
24 which they possess approval granted by the board of

25 educational examiners.

26 Sec. \_\_\_\_ . Section 261.52, unnumbered paragraph 2,  
27 Code Supplement 1985, is amended to read as follows:

28 The ~~commission~~ director shall set a final date for  
29 submission of applications each year and shall review  
30 the applications and inform the recipients within a  
31 reasonable time after the deadline.

32 Sec. \_\_\_\_ . Section 261.54, Code Supplement 1985, is  
33 amended to read as follows:

34 261.54 REPAYMENT.

35 Repayment of the loan shall begin one year after  
36 the recipient completes the educational program for  
37 which tuition and fees are received except as  
38 otherwise provided in this section. If a recipient  
39 submits evidence to the ~~commission~~ director that the  
40 recipient was employed as a teacher of one or more  
41 science or mathematics courses or as an elementary  
42 teacher teaching science and mathematics in a public  
43 school district or nonpublic school in this state or  
44 at the Iowa braille and sight-saving school or the  
45 Iowa school for the deaf during that year, fifty  
46 percent of the amount of the loan is canceled. If the  
47 recipient continues employment as a teacher of science  
48 or mathematics courses or as an elementary teacher  
49 teaching science and mathematics during the next  
50 succeeding school year and submits evidence to the

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1 ~~commission~~ director of the continuation of teaching  
2 employment, the recipient is not required to commence  
3 repayment during that school year and at the end of  
4 that school year the remaining fifty percent of the  
5 loan is canceled.

6 ~~There is created a~~ A science and mathematics loan  
7 repayment fund is created for deposit of payments made  
8 by recipients. Payments made by recipients of the  
9 loans shall be transferred on each June 30 from the  
10 fund created in this section to the general fund of  
11 the state.

12 The interest rate collected on the loan shall be  
13 equal to the interest rate being collected by an  
14 eligible lender under the guaranteed student loan  
15 program.

16 The ~~commission~~ director shall prescribe by rule the  
17 terms of repayment which shall provide for monthly  
18 payments of principal and interest of not less than  
19 seventy-five dollars.

20 Sec. \_\_\_\_ . Section 261.61, unnumbered paragraph 2,  
21 Code Supplement 1985, is amended to read as follows:

22 The department of public instruction shall transmit  
23 to the commission director a list of high school  
24 graduates who have successfully completed the courses  
25 required in this section.

26 Sec. \_\_\_\_ . Section 261.71, Code Supplement 1985, is  
27 amended to read as follows:

28 261.71 FORGIVABLE LOAN PROGRAM.

29 ~~There is established a~~ A forgivable student loan  
30 program is established to be administered by the  
31 ~~college aid commission director~~. An individual is  
32 eligible for the reimbursement payments plan under the  
33 program if the individual meets all of the following  
34 conditions:

35 1. Is an Iowa resident student enrolled at an  
36 accredited private institution as defined in section  
37 261.9, subsection 5 or at an institution under the  
38 control of the state board of regents.

39 2. Has filed an application for the loan with the  
40 ~~college aid commission~~ department of revenue and  
41 finance, using the procedures specified in section  
42 261.16.

43 3. Meets the requirements for a tuition grant.

44 Sec. \_\_\_\_ . Section 261.72, Code Supplement 1985, is  
45 amended to read as follows:

46 261.72 FORGIVABLE LOAN ADMINISTRATION.

47 The ~~college aid commission~~ director shall  
48 administer the forgivable loan program in the same  
49 manner as specified in section 261.15 for the tuition  
50 grant program. The maximum loan that a student is

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1 eligible to receive is an amount equal to the maximum  
2 tuition grant awarded by the commission director for  
3 the same fiscal year. A student is eligible to  
4 receive both a tuition grant and a forgivable loan.  
5 The interest rate for the forgivable loan shall be  
6 equal to the interest rate being collected by an  
7 eligible lender under the Iowa guaranteed student loan  
8 program for the year in which the forgivable loan is  
9 made.

10 Sec. \_\_\_\_ . Section 261.73, Code Supplement 1985, is  
11 amended to read as follows:

12 261.73 INTEREST AND PRINCIPAL PAYMENT.

13 A student receiving a forgivable loan under section  
14 261.71 shall begin paying the annual cost of interest  
15 immediately following graduation on an annual basis  
16 for five years. If the student remains an Iowa  
17 resident and is employed in a teaching position in an  
18 area in which a teaching shortage exists, as

19 determined by the department of public instruction,  
 20 for five years immediately following graduation, the  
 21 student is not responsible for payment of the  
 22 principal amount of the loan and shall not pay  
 23 interest on the loan. If the commission director  
 24 determines that the student does not meet the criteria  
 25 for elimination of the principal and interest  
 26 payments, the commission director shall establish by  
 27 rule a plan for repayment of the principal and  
 28 interest over a ten-year period. If a student who is  
 29 required to make the repayment does not make the  
 30 required payments, the commission director shall  
 31 provide for collecting the payments.

32 ~~There is created a~~ A forgivable loan repayment fund  
 33 is created for deposit of payments made by the  
 34 recipients. Payments made by the recipients of the  
 35 loans shall be credited to the fund and may be used to  
 36 make additional loans under the program. Moneys in  
 37 the fund shall not revert to the general fund of the  
 38 state at the close of a fiscal year.

39 Sec. \_\_\_\_ . Section 261.81, Code Supplement 1985, is  
 40 amended to read as follows:

41 261.81 WORK-STUDY PROGRAM.

42 The Iowa college work-study program is established  
 43 to stimulate and promote the part-time employment of  
 44 students attending Iowa postsecondary educational  
 45 institutions who are in need of employment earnings in  
 46 order to pursue postsecondary education. The program  
 47 shall be administered by the commission director. The  
 48 commission director shall adopt rules under chapter  
 49 17A to carry out the program. The employment under  
 50 the program shall be employment by the postsecondary

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1 education institution itself or work in a public  
 2 agency or private nonprofit organization under a  
 3 contract between the institution and the agency or  
 4 organization. The work shall not result in the  
 5 displacement of employed workers or impair existing  
 6 contracts for services.

7 Sec. \_\_\_\_ . Section 261.82, Code Supplement 1985, is  
 8 amended to read as follows:

9 261.82 DUTIES OF COLLEGE AID COMMISSION DIRECTOR.

10 The college aid commission director shall:

11 1. Enter into agreements with eligible  
 12 postsecondary education institutions for participation  
 13 in the program.

14 2. Allocate funds to participating postsecondary  
 15 education institutions if funds are available to the

16 ~~commission director~~ for that purpose.

17 3. Review reports from participating postsecondary  
18 education institutions.

19 4. Conduct program reviews and audits of  
20 participating postsecondary education institutions.

21 5. Accept gifts, grants, and other aid from public  
22 and private persons or agencies.

23 Sec. \_\_\_\_ . Section 261.83, Code Supplement 1985, is  
24 amended to read as follows:

25 261.83 ELIGIBILITY AND DUTIES OF INSTITUTIONS.

26 An eligible postsecondary education institution is  
27 an institution of higher education under the state  
28 board of regents, a merged area school, or an  
29 accredited private institution as defined in section  
30 261.9, subsection 5. The ~~commission director~~ may  
31 enter into an agreement with an eligible postsecondary  
32 education institution under which the ~~commission~~  
33 ~~director~~ will make grants to the institution for the  
34 work-study program.

35 The participating institution shall:

36 1. File the proper forms with the ~~commission~~  
37 ~~director~~ for participation in the program.

38 2. Develop jobs that meet the requirements of the  
39 Iowa college work-study program. To the extent  
40 possible, the job should complement the student's  
41 educational program and career goal.

42 3. Supervise and evaluate employment and maintain  
43 the records required by the ~~commission director~~.

44 4. Participate in the federal work-study program.

45 Sec. \_\_\_\_ . Section 261A.6, subsections 3 and 4,  
46 Code 1985, are amended to read as follows:

47 3. The members of the authority shall annually  
48 elect one of the members as chairperson and one as  
49 vice chairperson. The members of the authority may  
50 appoint an executive director, an assistant executive

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1 director, and other officers as the members of the  
2 authority determine. The officers shall not be  
3 members of the authority, shall serve at the pleasure  
4 of the authority, and shall receive compensation as  
5 fixed by the authority. The authority may designate  
6 the college aid commission to provide administrative  
7 staff and support services for the authority. The  
8 designation of the college aid commission to provide  
9 services shall be in lieu of employing its own.

10 4. The ~~executive director or assistant executive~~  
11 ~~director or other~~ person designated by resolution of  
12 the authority shall keep a record of the proceedings.

13 of the authority and shall be custodian of all books,  
14 documents, and papers filed with the authority, the  
15 minute book or journal of the authority, and its  
16 official seal. The ~~executive director, assistant~~  
17 ~~executive director, or other~~ person may cause copies  
18 to be made of minutes and other records and documents  
19 of the authority and may give certificates under the  
20 official seal of the authority that the copies are  
21 true copies, and persons dealing with the authority  
22 may rely upon the certificates."

23 78. Page 67, by inserting after line 28 the  
24 following new sections:

25 "Sec. \_\_\_\_ . Section 334A.2, Code 1985, is amended  
26 to read as follows:

27 334A.2 DISTRIBUTION OF FUNDS.

28 On or before December 15 of each fiscal year the  
29 ~~state comptroller~~ director of revenue and finance  
30 shall distribute the funds in the county government  
31 assistance fund to each county in the state in the  
32 proportion that the population residing in the  
33 unincorporated area of each county is to the total  
34 population residing in the unincorporated areas of all  
35 of the counties.

36 For purposes of this section "population" shall be  
37 based on the most recent federal census.

38 Sec. \_\_\_\_ . Section 405.1, unnumbered paragraph 2,  
39 Code 1985, is amended to read as follows:

40 On or before December 15 of each fiscal year, the  
41 ~~state comptroller~~ director of revenue and finance  
42 shall distribute the moneys in the municipal  
43 assistance fund to each city in the state in the  
44 proportion that the population of each city is to the  
45 total population of all cities in the state. However,  
46 the comptroller shall in no event distribute in any  
47 year to any city an amount in excess of one-half the  
48 amount to be collected from property tax levies by  
49 that city for that year. Any moneys remaining in the  
50 municipal assistance fund shall remain in the fund and

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1 be available for distribution the following year.

2 Sec. \_\_\_\_ . Section 411.20, subsection 2, unnumbered  
3 paragraph 4, Code 1985, is amended to read as follows:

4 For the fiscal year commencing July 1, 1979 and  
5 each fiscal year thereafter, the ~~state comptroller~~  
6 director of revenue and finance shall pay to each city  
7 an amount equal to the ratio of payroll computed for a  
8 retirement system times the payroll of the active  
9 members employed under that system for the fiscal

10 year.”

11 79. Page 68, line 13, by inserting after the word  
12 “revenue” the words “and finance”.

13 80. Page 69, line 1, by striking the word  
14 “subsection” and inserting the word “subsections”.

15 81. Page 69, by inserting after line 2 the  
16 following:

17 “NEW SUBSECTION. 28. Administer chapter 261.

18 NEW SUBSECTION. 29. Provide administrative  
19 services and support to the Iowa higher education loan  
20 authority under chapter 261A.

21 NEW SUBSECTION. 30. Assume the accounting  
22 functions of the state comptroller’s office.”

23 82. Page 69, by inserting before line 3 the  
24 following:

25 “NEW SUBSECTION. 31. Administer a law enforcement  
26 officer training reimbursement program. The program  
27 shall provide reimbursement to a city or county for  
28 necessary and actual expenses incurred in training a  
29 law enforcement officer who resigns from law  
30 enforcement service with the city or county within  
31 four years after completion of the law enforcement  
32 training. The reimbursable training expenses include  
33 mileage, food, lodging, tuition, replacement of an  
34 officer while the officer is in training if the  
35 replacement officer is a temporary employee hired for  
36 that purpose only or is on overtime status, and salary  
37 costs of the officer while in training. The law  
38 enforcement training eligible for reimbursement is the  
39 minimum law enforcement officer training required  
40 under chapter 80B and, if funding is available,  
41 approved advanced law enforcement training. The  
42 director shall adopt rules prescribing application  
43 forms, expense documentation, and procedures necessary  
44 to administer the reimbursement program.

45 a. The amount of reimbursement shall be determined  
46 as follows:

47 (1) If a law enforcement officer resigns less than  
48 one year following completion of approved training,  
49 one hundred percent.

50 (2) If a law enforcement officer resigns one year

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1 or more but less than two years after completion of  
2 approved training, seventy-five percent.

3 (3) If a law enforcement officer resigns two years  
4 or more but less than three years after completion of  
5 the approved training, fifty percent.

6 (4) If a law enforcement officer resigns three

7 years or more but not more than four years after  
completion of the approved training, twenty-five  
percent.

b. A law enforcement training reimbursement fund  
is created in the state treasury. The proceeds of the  
fund shall be used by the director to reimburse cities  
or counties for eligible law enforcement training  
expenses incurred as provided in this subsection. If  
the proceeds of the fund are insufficient to reimburse  
the total amount of all claims made during a fiscal  
year, the reimbursements shall be prorated. Any  
unencumbered or unobligated money remaining in the  
fund on June 30 of each fiscal year shall revert to  
the general fund of the state."

83. Page 70, by inserting after line 24 the  
following new sections:

"Sec. \_\_\_\_ . NEW SECTION. 421.31 POWERS AND  
DUTIES.

In addition to the powers and duties transferred to  
the director of revenue, the director has the  
following powers and duties:

1. AUDIT OF CLAIMS. To audit all demands by the  
state, and to preaudit all accounts submitted for the  
issuance of warrants.

2. COLLECTION AND PAYMENT OF FUNDS -- MONTHLY  
PAYMENTS. To control the payment of all moneys into  
the treasury, and all payments from the treasury by  
the preparation of appropriate warrants, or warrant  
checks, directing such collections and payment, and to  
advise the state treasurer monthly in writing of the  
amount of public funds not currently needed for  
operating expenses. Whenever the state treasury  
includes state funds that require distribution to  
counties, municipalities, or other political  
subdivisions of this state, and the counties,  
municipalities, and other political subdivisions  
certify to the director that warrants will be stamped  
for lack of funds within the thirty-day period  
following certification, the director may partially  
distribute the funds on a monthly basis. Whenever the  
law requires that any funds be paid by a specific  
date, the comptroller shall prepare a final accounting  
and shall make a final distribution of any remaining  
funds prior to that date.

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3. CONTRACTS. To certify, record, and encumber  
all formal contracts to prevent overcommitment of  
appropriations and allotments.

4 4. ACCOUNTS. To keep the central budget and  
5 proprietary control accounts of the state government  
6 in accordance with generally accepted accounting  
7 principles. Budget accounts are those accounts  
8 maintained to control the receipt and disposition of  
9 all funds, appropriations, and allotments.

10 Proprietary accounts are those accounts relating to  
11 assets, liabilities, income, and expense.

12 5. PREAUDIT SYSTEM. To establish and fix a  
13 reasonable imprest cash fund for each state department  
14 and institution for disbursement purposes where  
15 needed. These revolving funds shall be reimbursed  
16 only upon vouchers approved by the state comptroller.

17 It is the purpose of this subdivision to establish a  
18 preaudit system of settling all claims against the  
19 state, but the preaudit system is not applicable to  
20 the institutions under the control of the state board  
21 of regents or to the state fair board.

22 6. FAIR BOARD AND BOARD OF REGENTS. To control  
23 the financial operations of the state fair board and  
24 the institutions under the state board of regents:

25 a. By charging all warrants issued to the  
26 respective educational institutions and the state fair  
27 board to an advance account to be further accounted  
28 for and not as an expense which requires no further  
29 accounting.

30 b. By charging all collections made by the  
31 educational institutions and state fair board to the  
32 respective advance accounts of the institutions and  
33 state fair board, and by crediting all such repayment  
34 collections to the respective appropriations and  
35 special funds.

36 c. By charging all disbursements made to the  
37 respective allotment accounts of each educational  
38 institution or state fair board and by crediting all  
39 such disbursements to the respective advance and  
40 inventory accounts.

41 d. By requiring a monthly abstract of all receipts  
42 and of all disbursements, both money and stores, and a  
43 complete account-current each month from each  
44 educational institution and the state fair board.

45 7. CUSTODY OF RECORDS. To have the custody of all  
46 books, papers, records, documents, vouchers,  
47 conveyances, leases, mortgages, bonds, and other  
48 securities appertaining to the fiscal affairs and  
49 property of the state, which are not required to be  
50 kept in some other office.

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1 8. APPORTIONMENT OF INTEREST. To apportion the  
2 interest of the permanent school fund on the first  
3 Monday of March of each year, among the area education  
4 agencies of this state as provided in section 302.13.

5 9. DEPARTMENT OF HUMAN SERVICES. Assign an  
6 employee of the department of revenue and finance to  
7 check and audit all claims against the directors of  
8 the divisions of the department of human services  
9 controlling state institutions, before the claims are  
10 approved by the human services directors. The  
11 director of the department of revenue and finance  
12 shall keep all records and accounts relating to the  
13 expenditures of the human services directors. The  
14 employee, in the checking and auditing of claims  
15 against the human services directors and keeping the  
16 records and accounts of the human services directors,  
17 is under the direction and supervision of the director  
18 of the department of revenue and finance, and acts as  
19 an agent of that director. The director of the  
20 department of human services shall furnish the  
21 employee of the director of the department of revenue  
22 and finance with office space and help and assistants  
23 as necessary to properly perform the duties specified  
24 in this subsection.

25 Sec. \_\_\_\_ . NEW SECTION. 421.32 ACCOUNTING.

26 The director of the department of revenue and  
27 finance may at any time require any person receiving  
28 money, securities, or property belonging to the state,  
29 or having the management, disbursement, or other  
30 disposition of them, an account of which is kept in  
31 the department of revenue and finance, to render  
32 statements thereof and information in reference  
33 thereto.

34 Sec. \_\_\_\_ . NEW SECTION. 421.33 STATING ACCOUNT.

35 If an officer who is accountable to the treasury  
36 for any money or property neglects to render an  
37 account to the director of the department of revenue  
38 and finance within the time prescribed by law, or, if  
39 no time is so prescribed, within twenty days after  
40 being required so to do by the director of the  
41 department of revenue and finance, the director of the  
42 department of revenue and finance shall state an  
43 account against the officer from the books of the  
44 officer's office, charging ten percent damages on the  
45 whole sum appearing due, and interest at the rate of  
46 six percent per annum on the aggregate from the time  
47 when the account should have been rendered; all of  
48 which may be recovered by action brought on the

49 account, or on the official bond of the officer.

50 Sec. \_\_\_\_ . NEW SECTION. 421.34 COMPELLING

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1 PAYMENT.

2 If an officer fails to pay into the treasury the  
3 amount received by the officer within the time  
4 prescribed by law, or, having settled with the  
5 director of the department of revenue and finance,  
6 fails to pay the amount found due, the director of the  
7 department of revenue and finance shall charge the  
8 officer with twenty percent damages on the amount due,  
9 with interest on the aggregate from the time it became  
10 due at the rate of six percent per annum, and the  
11 whole may be recovered by an action brought on the  
12 account, or on the official bond of the officer, and  
13 the officer shall forfeit the officer's commission.

14 Sec. \_\_\_\_ . NEW SECTION. 421.35 DEFENSE TO CLAIM.

15 The penal provisions in sections 421.33 and 421.34  
16 are subject to any legal defense which the officer may  
17 have against the account as stated by the director of  
18 the department of revenue and finance, but judgment  
19 for costs shall be rendered against the officer in the  
20 action, whatever its result, unless the officer  
21 rendered an account within the time named in those  
22 sections.

23 Sec. \_\_\_\_ . NEW SECTION. 421.36 REQUESTED CREDITS

24 -- OATH REQUIRED.

25 When a county treasurer or other receiver of public  
26 money seeks to obtain credit on the books of the  
27 department of revenue and finance for payment made to  
28 the treasurer, before giving such credit the director  
29 of the department of revenue and finance shall require  
30 that person to take and subscribe an oath that the  
31 person has not used, loaned, nor appropriated any of  
32 the public money for the person's private benefit, nor  
33 for the benefit of any other person.

34 Sec. \_\_\_\_ . NEW SECTION. 421.37 REQUISITION FOR  
35 INFORMATION.

36 In those cases where the director of the department  
37 of revenue and finance is authorized to call upon  
38 persons or officers for information, or statements, or  
39 accounts, the comptroller may issue a requisition  
40 therefor in writing to the person or officer called  
41 upon, allowing reasonable time, which, having been  
42 served and return made to the director of the  
43 department of revenue and finance, as a notice in a  
44 civil action, is evidence of the making of the  
45 requisition.

46 Sec. \_\_\_\_ . NEW SECTION. 421.38 LIMITS ON CLAIMS.

47 The director of the department of revenue and  
48 finance is limited in authorizing the payment of  
49 claims, as follows:

50 1. THREE MONTHS LIMIT. A claim shall not be

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1 allowed by the department of revenue and finance if  
2 the claim is presented after the lapse of three months  
3 from its accrual. However, claims by state employees  
4 for benefits pursuant to chapters 85, 85A, and 86 are  
5 subject to limitations provided in those chapters.

6 2. CONVENTION EXPENSES. No claims for expenses in  
7 attending conventions, meetings, conferences, or  
8 gatherings of members of any association or society  
9 organized and existing as a quasi-public association  
10 or society outside the state of Iowa shall be allowed  
11 at public expense, unless authorized by the executive  
12 council; and claims for such expenses outside of the  
13 state shall not be allowed unless the voucher is  
14 accompanied by so much of the minutes of the executive  
15 council, certified to by its secretary, showing that  
16 the expense was authorized by the council. This  
17 section does not apply to claims in favor of the  
18 governor, attorney general, Iowa state commerce  
19 commissioners, or to trips referred to in section  
20 217.20.

21 3. PAYMENT FROM FEES. No claims for per diem and  
22 expenses payable from fees shall be approved for  
23 payment in excess of those fees if the law provides  
24 that such expenditures are limited to the special  
25 funds collected and deposited in the state treasury.

26 Sec. \_\_\_\_ . NEW SECTION. 421.39 CLAIMS --APPROVAL.

27 The director of the department of revenue and  
28 finance before approving a claim shall determine:

29 1. That the creation of the claim is clearly  
30 authorized by law.

31 2. That the claim has been authorized by an  
32 officer or official body having legal authority to so  
33 authorize and that the fact of authorization has been  
34 certified to the director of the department of revenue  
35 and finance by such officer or official body.

36 3. That all legal requirements have been observed,  
37 including notice and opportunity for competition, if  
38 required by law.

39 4. That the claim is in proper form as the state  
40 comptroller may provide.

41 5. That the charges are reasonable, proper, and  
42 correct and no part of the claim has been paid.

43 Sec. \_\_\_\_ . NEW SECTION. 421.40 VOUCHERS --  
44 INTEREST.

45 Before a warrant or its equivalent is issued for a  
46 claim payable from the state treasury, the department  
47 shall file an itemized voucher showing in detail the  
48 items of service, expense, thing furnished, or  
49 contract for which payment is sought. The claimant's  
50 original invoice shall be attached to a department's

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1 approved voucher. The director of the department of  
2 revenue and finance shall adopt rules specifying the  
3 form and contents for invoices submitted by a vendor  
4 to a department. The requirements apply to acceptance  
5 of an invoice by a department. A department shall not  
6 impose additional or different requirements on  
7 submission of invoices than those contained in rules  
8 of the director of the department of revenue and  
9 finance unless the director exempts the department  
10 from the invoice requirements or a part of the  
11 requirements upon a finding that compliance would  
12 result in poor accounting or management practices.

13 Vouchers for postage, stamped envelopes, and postal  
14 cards may be audited as soon as an order for them is  
15 entered.

16 The departments, the general assembly, and the  
17 courts shall pay their claims in a timely manner. If  
18 a claim for services, supplies, materials, or a  
19 contract which is payable from the state treasury  
20 remains unpaid after sixty days following the receipt  
21 of the claim or the satisfactory delivery, furnishing,  
22 or performance of the services, supplies, materials,  
23 or contract, whichever date is later, the state shall  
24 pay interest at the rate of one percent per month on  
25 the unpaid amount of the claim. This paragraph does  
26 not apply to claims against the state under chapters  
27 25 and 25A or to claims paid by federal funds. The  
28 interest shall be charged to the appropriation or fund  
29 to which the claim is certified. The director of the  
30 department of revenue and finance shall adopt rules  
31 under chapter 17A relating to the administration of  
32 this paragraph.

33 Sec. \_\_\_\_ . NEW SECTION. 421.41 WARRANTS -- FORM.

34 Each warrant shall bear on its face the signature  
35 or its facsimile of the director of the department of  
36 revenue and finance, or the signature or its facsimile  
37 of an assistant in case of a vacancy in the office of  
38 the director; a proper number, date, amount, and name  
39 of payee; a reference to the law under which it is

40 drawn; whether for salaries or wages, services, or  
 41 supplies, and what kind of supplies; and from what  
 42 office or department, or for what other general or  
 43 special purposes; or in lieu thereof, a coding system  
 44 may be used, which particulars shall be entered in a  
 45 warrant register kept for that purpose in the order of  
 46 issuance; and as soon as practicable after issuing a  
 47 warrant register, the director shall certify a  
 48 duplicate of it to the treasurer.  
 49 Sec. \_\_\_\_ . NEW SECTION. 421.42 REQUIRED PAYEE.  
 50 All warrants shall be drawn to the order of the

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1 person entitled to payment or compensation, except  
 2 that when goods or material are purchased in foreign  
 3 countries, warrants may be drawn upon the treasurer of  
 4 state, payable to bearer for the net amount of invoice  
 5 and current exchange, and the treasurer of state shall  
 6 furnish a foreign draft payable to the order of the  
 7 person from whom purchase is made.  
 8 Sec. \_\_\_\_ . NEW SECTION. 421.43 PROHIBITED PAYEE.  
 9 In no case shall warrants be drawn in the name of  
 10 the certifying office, department, board, or  
 11 institution, or in the name of an employee of it,  
 12 except for personal service rendered or expense  
 13 incurred by the employee, unless there is express  
 14 statutory authority therefor.  
 15 Sec. \_\_\_\_ . NEW SECTION. 421.44 CLAIMS EXCEEDING  
 16 APPROPRIATIONS.  
 17 No claim shall be allowed when the claim will  
 18 exceed the amount specifically appropriated for it.  
 19 Sec. \_\_\_\_ . NEW SECTION. 421.45 CANCELLATION OF  
 20 STATE WARRANTS.  
 21 The director of the department of revenue and  
 22 finance, as of March 31, June 30, September 30, and  
 23 December 31 of each year shall cancel and request the  
 24 treasurer of state to stop payment on all state  
 25 warrants which have been outstanding and unredeemed by  
 26 the state treasurer for one year or longer.  
 27 Sec. \_\_\_\_ . Section 422.100, Code 1985, is amended  
 28 to read as follows:  
 29 422.100 ALLOCATION TO MONEYS AND CREDITS  
 30 REPLACEMENT FUND IN EACH COUNTY.  
 31 There is created a permanent fund in the office of  
 32 the treasurer of state to be known as the "moneys and  
 33 credits replacement fund". The director shall  
 34 determine the percentage which the aggregate taxable  
 35 value for the year 1965 of the property described in  
 36 and subject to taxation under section 429.2, Code

37 1966, owned or held by individuals, administrators,  
38 executors, guardians, conservators, trustees or an  
39 agent or nominee thereof, and the aggregate taxable  
40 value for the year 1965 of the property described in  
41 and subject to taxation under section 431.1, Code  
42 1966, for the year 1965 but not subject to taxation  
43 under that section for the year 1966, in each county  
44 bears to the total aggregate taxable value of such  
45 property reported from all of the counties in the  
46 state and shall certify the percentage for each county  
47 to the state comptroller prior to January 1, 1967. In  
48 July of each year, the ~~state comptroller~~ director  
49 shall apply that percentage to the money in the moneys  
50 and credits tax replacement fund prior to that July

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1 and determine the amount due to each county. The  
2 ~~state comptroller~~ director shall draw warrants on the  
3 moneys and credits tax replacement fund in such  
4 amounts payable to the county treasurer of each county  
5 and transmit them. The county treasurer shall  
6 apportion these amounts as follows: For the amounts  
7 received in January 1972, and all previously collected  
8 amounts, twenty percent to the county general fund,  
9 fifty percent to the school general fund, and the  
10 remaining thirty percent to cities and towns in the  
11 proportion that the taxable values for each city and  
12 town for 1965 of property subject to taxation in 1965  
13 under sections 429.2, Code 1966, and 431.1, Code 1966,  
14 is to the total of such taxable values for all cities  
15 and towns within the county; for the amounts received  
16 in January 1973, and all subsequently collected  
17 amounts, forty percent to the county, and the  
18 remaining sixty percent to cities and towns in the  
19 proportion that the taxable values for each city and  
20 town for the year 1965 under sections 429.2 and 431.1,  
21 Code 1966, is to the total of such taxable values for  
22 all the cities and towns within the county.”  
23 84. Page 71, by inserting after line 20 the  
24 following new sections:  
25 “Sec. \_\_\_\_ . Section 426.6, unnumbered paragraph 1,  
26 Code 1985, is amended to read as follows:  
27 The agricultural land tax credit allowed each year  
28 shall be computed as follows: On or before the first  
29 of June the county auditor shall list by school  
30 districts all tracts of agricultural lands which they  
31 are entitled to credit ~~hereunder~~, together with the  
32 taxable value for the previous year, together with the  
33 budget from each school district for the previous .

34 year, and the tax rate determined for the general fund  
35 of the district in the manner prescribed in section  
36 444.3 for the previous year, and if such tax rate is  
37 in excess of five dollars and forty cents per thousand  
38 dollars of assessed value, the auditor shall multiply  
39 the tax levy which is in excess of five dollars and  
40 forty cents per thousand dollars of assessed value by  
41 the total taxable value of the agricultural lands  
42 entitled to credit ~~hereunder~~ in the district, and on  
43 or before the first of June certify the amount ~~thereof~~  
44 to the ~~state comptroller~~ department of revenue and  
45 finance.

46 Sec. \_\_\_\_ . Section 426.7, Code 1985, is amended to  
47 read as follows:

48 426.7 WARRANTS DRAWN BY ~~COMPTROLLER~~ DIRECTOR.

49 After receiving from the county auditors the  
50 certifications provided for in section 426.6, and

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1 during the following fiscal year, the ~~state~~  
2 ~~comptroller~~ director of revenue and finance shall draw  
3 warrants on the agricultural land credits fund created  
4 in section 426.1, payable to the county treasurers in  
5 the amount certified by the county auditors of the  
6 respective counties and mail the warrants to the  
7 county auditors on August 15 of each year taking into  
8 consideration the relative budget and cash position of  
9 the state resources. However, if the agricultural  
10 land credits fund is insufficient to pay in full the  
11 total of the amounts certified to the ~~state~~  
12 ~~comptroller~~ director of revenue and finance, the ~~state~~  
13 ~~comptroller~~ director shall prorate the fund to the  
14 county treasurers and notify the county auditors of  
15 the pro rata percentage on or before August 1.

16 Sec. \_\_\_\_ . Section 426.8, Code 1985, is amended to  
17 read as follows:

18 426.8 APPORTIONMENT BY AUDITOR.

19 Upon receiving the pro rata percentage from the  
20 ~~state comptroller~~ director of revenue and finance, the  
21 county auditor shall determine the amount ~~thereof~~ to  
22 be credited to each tract of agricultural land, and  
23 shall enter upon tax lists as a credit against the tax  
24 levied on each tract of agricultural land on which  
25 there has been made an allowance of credit before  
26 delivering said tax lists to the county treasurer.  
27 Upon receipt of the ~~comptroller's~~ director's warrant  
28 by the county auditor, the auditor shall deliver said  
29 warrant to the county treasurer for apportionment.  
30 The county treasurer shall show on each tax receipt

31 the amount of tax credit for each tract of  
32 agricultural land. In case of change of ownership the  
33 credit shall follow the title.

34 Sec. \_\_\_\_ . Section 426.10, Code 1985, is amended to  
35 read as follows:

36 426.10 RULES PRESCRIBED.

37 The ~~state comptroller~~ director of revenue and  
38 finance shall ~~have the power and authority to~~  
39 prescribe forms and rules, not inconsistent with the  
40 ~~provisions~~ of this chapter, necessary to carry out ~~and~~  
41 ~~effectuate~~ its purposes.

42 Sec. \_\_\_\_ . Section 426A.4, Code 1985, is amended to  
43 read as follows:

44 426A.4 CERTIFICATION BY DIRECTOR OF REVENUE AND  
45 FINANCE.

46 Sums distributable from the military service tax  
47 credit fund shall be allocated annually to the  
48 counties of the state. On September 15 annually the  
49 director of revenue and finance shall certify to the  
50 ~~comptroller the total credits claimed by each county.~~

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1 ~~Upon receipt of the certification from the director of~~  
2 ~~revenue, the comptroller shall and~~ draw warrants to  
3 the treasurer of each county payable from the military  
4 service tax credit fund in the amount claimed.  
5 However, if the amount of money in the fund is  
6 insufficient to pay the credits claimed in full, the  
7 claims shall be paid on a pro rata basis. Payments  
8 shall be made to the treasurer of each county not  
9 later than September 30 of each year. The ~~state~~  
10 ~~comptroller~~ director of revenue and finance shall  
11 transfer any funds in the military service tax credit  
12 fund on May 31 of each year not necessary for the  
13 payment of claims to the general fund.

14 Sec. \_\_\_\_ . Section 427.17, subsections 3 and 4,  
15 Code 1985, are amended to read as follows:  
16 3. On or before January 15, 1974, the county  
17 auditor of each county shall prepare a statement  
18 listing for each taxing district in the county the  
19 assessed or taxable values of all livestock assessed  
20 for taxation as of January 1, 1973. The statement  
21 shall also show the tax rates of the various taxing  
22 districts and the total amount of taxes which in the  
23 absence of this section would have been levied upon  
24 livestock assessed as of January 1, 1973. The county  
25 auditor shall certify and forward copies of the  
26 statement to the director of revenue and finance not  
27 later than January 15, 1974. The director of revenue

28 and finance shall compute the applicable tax credit  
29 and ~~certify to the state comptroller~~ the amount due to  
30 each taxing district, which amount shall be the dollar  
31 amount which would be payable if all livestock so  
32 assessed were taxed, based upon those assessed as of  
33 January 1, 1973.

34 4. The amounts due each taxing district shall be  
35 paid on warrants payable to the respective county  
36 treasurers by the ~~state comptroller~~ director of  
37 revenue and finance on July 15 of each year. The  
38 county treasurer shall apportion the proceeds to the  
39 various taxing districts in the county.

40 Sec. \_\_\_\_ . Section 427A.6, Code 1985, is amended to  
41 read as follows:

42 427A.6 LISTING BY AUDITOR.

43 On or before July 1 of each year, the auditor of  
44 each county shall prepare a statement listing for each  
45 taxing district in the county all personal property  
46 upon which taxes shall not be collected due to the tax  
47 credit granted in this chapter. The statement shall  
48 show the tax rates of the various taxing districts and  
49 the total amount of taxes which shall not be collected  
50 in each district because of the tax credit. The

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1 auditor shall certify and forward one copy of the  
2 statement to the ~~state comptroller~~ department of  
3 revenue and finance on or before July 15 of each year.  
4 The department of revenue and finance shall ~~have the~~  
5 ~~responsibility of auditing~~ audit credits allowed in  
6 all counties in the state and the assessed values and  
7 assessment practices which affect the amounts of  
8 credits and the audit shall be completed within  
9 twenty-four months from July 1 of the year the claims  
10 were filed. A copy of the audit containing disallowed  
11 credits shall be sent to the county auditor; and the  
12 county treasurer ~~and state comptroller~~; and the  
13 ~~individuals~~ these officers shall be directed to  
14 correct their books and records accordingly. A  
15 written notice of a disallowance shall be mailed by  
16 ordinary mail to the claimant at the claimant's last  
17 known address. The amount of any erroneous credit  
18 shall be charged to the county ~~by the state~~  
19 ~~comptroller~~. The director of revenue and finance  
20 shall disallow any claim ~~where~~ if the audit or  
21 investigation revealed that the claimant was not  
22 entitled to the credit claimed. ~~Persons and business~~  
23 ~~enterprises~~ Claimants may appeal any disallowed  
24 personal property credit to the state board of tax

25 review.

26 Sec. \_\_\_\_ . Section 427B.11, unnumbered paragraph 3,  
27 Code 1985, is amended to read as follows:

28 The county auditor shall certify and forward one  
29 copy of the statement to the ~~state comptroller~~  
30 department of revenue and finance not later than July  
31 1 of each year."

32 85. Page 75, by inserting after line 6 the  
33 following new section:

34 "Sec. \_\_\_\_ . Section 8.6, Code Supplement 1985, is  
35 amended by striking subsections 1, 2, 3, 5, 6, 7, 8,  
36 9, and 19.

37 Sec. \_\_\_\_ . Sections 8.7, 8.8, 8.9, 8.10, 8.11,  
38 8.12, 8.13, 8.14, 8.15, 8.16, 8.17, 8.18, 8.19, and  
39 8.20, Code 1985, are repealed."

40 86. Page 75, line 13, by striking the word  
41 "audits" and inserting the following: "inspections".

42 87. Page 75, line 15, by striking the word  
43 "audits" and inserting the following: "inspections".

44 88. Page 75, line 19, by striking the word  
45 "audits" and inserting the following: "inspections".

46 89. Page 76, by inserting after line 31 the  
47 following:

48 "8. Have the powers and status of peace officers  
49 when enforcing provisions of this chapter relative to  
50 the board of medical examiners and the board of

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1 pharmacy examiners, as provided in sections 147.96,  
2 147.103 and 155.32."

3 90. Page 77, by striking lines 7 through 11 and  
4 inserting the following: "denial, suspension, or  
5 revocation of a license. Hospital records, medical  
6 records, or the condition, diagnosis, care, or  
7 treatment of a patient or former patient or counselee,  
8 or former counselee, including outpatient, shall not  
9 be disclosed to the general public. This shall not be  
10 construed to prohibit the division from releasing the  
11 minimal amount of information necessary in its  
12 judgment to conduct audits, inspections,  
13 investigations, appeals and hearings, and shall not  
14 prohibit the introduction of such information as  
15 evidence at any hearing conducted by the department.  
16 The department may provide the".

17 91. Page 77, line 35, by striking the word  
18 "audits" and inserting the following: "inspections".

19 92. Page 78, line 26, by striking the words  
20 "Hearings and appeals" and inserting the following:  
21 "Appeals".

- 22 93. Page 78, by striking lines 29 through 31 and  
23 inserting the following: "discipline."  
24 94. Page 78, by striking lines 32 and 33 and  
25 inserting the following:  
26 "Judicial review of the division's actions in these  
27 areas may be sought in accordance with the terms of  
28 chapter 17A."  
29 95. Page 78, line 35, by striking the word  
30 "department" and inserting the following: "division".  
31 96. Page 79, line 1, by striking the word  
32 "department" and inserting the following: "division".  
33 97. Page 79, by striking lines 5 through 7 and  
34 inserting the following: "facilities. Decisions of  
35 the division in this area are subject to review by the  
36 department of inspections and appeals.  
37 h. Hearings and appeals relative to the  
38 administration of the department of public health.  
39 Decisions of the division in this area are subject to  
40 review by the department of public health."  
41 98. Page 80, line 5, by striking the word  
42 "audits" and inserting the following: "inspections".  
43 99. Page 80, line 13, by striking the word  
44 "facilities." and inserting the following:  
45 "facilities, including all accountability audits of  
46 controlled substances provided for in section  
47 204.501."  
48 100. Page 80, line 29, by striking the word  
49 "audits" and inserting the following: "inspections".  
50 101. Page 81, by inserting before line 4 the

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- 1 following:  
2 "Findings of the investigations shall be reported  
3 to, and reviewed by the appropriate examining board  
4 which board shall then make a determination of whether  
5 or not to hold a hearing, in accordance with chapter  
6 17A, for purposes of revoking or suspending a  
7 practitioner's license, or otherwise taking  
8 disciplinary action against a licensee. Disciplinary  
9 actions taken by an examining board may be appealed by  
10 affected parties to the department. The department  
11 shall adopt appeal procedures in accordance with  
12 chapter 17A."  
13 102. Page 81, line 30, by striking the word  
14 "audits" and inserting the following: "inspections".  
15 103. Page 82, by inserting after line 9 the  
16 following:  
17 "The division shall be the sole designated  
18 licensing authority for these programs."

19 104. Page 82, by striking lines 12 through 14 and  
20 inserting the following: "established within the  
21 department of health."

22 105. Page 82, line 23, by striking the word  
23 "audits" and inserting the following: "inspections".

24 106. Page 85, line 15, by striking the word  
25 "audits" and inserting the following: "inspections".

26 107. Page 85, line 25, by striking the word  
27 "audits" and inserting the following: "inspections".

28 108. Page 85, by inserting after line 27 the  
29 following:

30 "Sec. \_\_\_\_ . Section 17A.16, subsection 2, Code  
31 1985, is amended to read as follows:

32 2. Any party may file an application for  
33 rehearing, stating the specific grounds therefor and  
34 the relief sought, within twenty days after the  
35 issuance of any final decision by the agency in a  
36 contested case. A copy of such application shall be  
37 timely mailed by the ~~applicant~~ presiding agency to all  
38 parties of record not joining therein. Such an  
39 application for rehearing shall be deemed to have been  
40 denied unless the agency grants the application within  
41 twenty days after its filing."

42 109. Page 85, line 34, by striking the word  
43 "audits" and inserting the following: "inspections".

44 110. Page 87, line 30, by striking the word  
45 "audits" and inserting the following: "inspections".

46 111. Page 89, line 22, by striking the word  
47 "audits" and inserting the following: "inspections".

48 112. Page 89, by inserting after line 34 the  
49 following:

50 "Sec. \_\_\_\_ . Section 170.1, Code 1985, is amended by

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1 adding the following new subsections:

2 NEW SUBSECTION. 3. "Retail food store sanitation  
3 code" means the retail food store sanitation code  
4 recommended by the food and drug administration in  
5 1982.

6 NEW SUBSECTION. 4. "Department" means the  
7 department of inspections and appeals.

8 NEW SUBSECTION. 5. "Director" means the director  
9 of the department of inspections and appeals.

10 Sec. 528. Section 170.2, Code 1985, is amended to  
11 read as follows:

12 170.2 LICENSE REQUIRED.

13 ~~No~~ A person shall not open or operate a food  
14 establishment until a license has been obtained from  
15 the department of ~~agriculture~~ inspections and appeals.

16 ~~Each~~ A license shall expire one year from date of  
17 issue. A license is renewable. This section ~~shall~~  
18 ~~does~~ not require the licensing of establishments  
19 exclusively engaged in the processing of meat and  
20 poultry which are licensed pursuant to section 189A.3.

21 Sec. 529. Section 170.4, Code 1985, is amended to  
22 read as follows:

23 170.4 OPERATION WITHOUT INSPECTION OR LICENSE.

24 ~~No~~ A person shall ~~not~~ open or operate a food  
25 establishment until inspection has been made by the  
26 department of ~~agriculture inspections and appeals~~.  
27 Inspections shall be conducted according to the  
28 standards of the retail food store sanitation code.

29 Sec. 530. Section 170.5, unnumbered paragraph 1,  
30 Code 1985, is amended to read as follows:

31 The department of ~~agriculture inspections and~~  
32 appeals shall collect the following fees for licenses:

33 Sec. 531. Section 170.4, Code 1985, is amended by  
34 adding the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. A food establishment  
36 under section 170.2 which is also considered a food  
37 service establishment ~~under~~ section 170A.2 shall be  
38 inspected by the department, or a local board of  
39 health which has contracted with the department, for  
40 both purposes at the same time.

41 Sec. \_\_\_\_ . Section 170.46, Code 1985, is amended to  
42 read as follows:

43 170.46 ANNUAL REGULAR INSPECTION.

44 The department shall ~~inspect~~ provide for the  
45 inspection of each food establishment in the state ~~at~~  
46 ~~least once each calendar year~~ in accordance with the  
47 standards of the retail food store sanitation code.

48 The inspector may enter the food establishment at any  
49 reasonable hour to make the inspection. The  
50 management shall afford free access to every part of

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1 the premises and render all aid and assistance  
2 necessary to enable the inspector to make a thorough  
3 and complete inspection.

4 Sec. \_\_\_\_ . NEW SECTION. 170.55 AUTHORITY TO  
5 ENFORCE THE RETAIL FOOD STORE SANITATION CODE.

6 The director has sole and exclusive authority to  
7 regulate, license, and inspect food establishments and  
8 to enforce the retail food store sanitation code in  
9 Iowa. Municipal corporations shall not regulate,  
10 license, inspect, or collect license fees from food  
11 establishments except as provided for in agreements  
12 entered into between the director and the municipal

13 corporations.

14 If a municipal corporation wants its local board of  
15 health to license, inspect, and otherwise enforce the  
16 retail food store sanitation code within its  
17 jurisdiction, the municipal corporation may enter into  
18 an agreement to do so with the director. The director  
19 may enter into such an agreement if the director finds  
20 that the local board of health has adequate resources  
21 to perform the required functions.

22 Sec. 532. Section 170A.2, subsections 2, 3, 5, and  
23 10, Code 1985, are amended to read as follows:

24 2. "Secretary Director" means the ~~secretary of~~  
25 agriculture director of the department of inspections  
26 and appeals or the chief inspector of the inspections  
27 division of the department of inspections and appeals.

28 3. "Department" means the department of  
29 agriculture inspections and appeals.

30 5. "Food service establishment" means ~~any a~~ place  
31 where food is prepared and intended for individual  
32 portion service, and includes the site at which  
33 individual portions are provided. The term includes  
34 any such place regardless of whether consumption is on  
35 or off the premises and regardless of whether there is  
36 a charge for the food. The term also includes  
37 delicatessen-type operations that prepare sandwiches  
38 intended for individual portion service and food  
39 service operations in schools and summer camps. The  
40 term does not include private homes where food is  
41 prepared or stored for individual family consumption,  
42 retail food stores, the location of food vending  
43 machines, and supply vehicles, and retail food stores  
44 except grocery stores and convenience stores which  
45 include delicatessen-type operations or otherwise  
46 prepare food which is intended for individual portion  
47 service. The term does not include child day care  
48 facilities; and food service facilities subject to  
49 inspection by other agencies of the state and located  
50 in nursing homes, health care facilities, or

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1 hospitals.

2 10. "Regulatory authority" means the ~~state~~  
3 department of ~~agriculture~~ or a local board of health  
4 that has entered into an agreement with the ~~secretary~~  
5 of agriculture director pursuant to section 170A.4 for  
6 authority to enforce the Iowa food service sanitation  
7 code in its jurisdiction.

8 Sec. 533. Section 170A.3, unnumbered paragraph 1,  
9 Code 1985, is amended to read as follows:

10 As soon as practicable, the secretary director  
11 shall adopt the food service sanitation ordinance,  
12 ~~section 170A.2(12)~~, subsection 12, by rule as part  
13 of the Iowa food service sanitation code with the  
14 following exceptions:

15 Sec. 534. Section 170A.4, unnumbered paragraphs 1  
16 through 4, Code 1985, are amended to read as follows:

17 The secretary has sole and exclusive authority to  
18 director shall regulate, license, and inspect food  
19 service establishments and ~~to enforce the Iowa food~~  
20 service sanitation code in Iowa. Municipal  
21 corporations shall not regulate, license, inspect, or  
22 collect license fees from food service establishments  
23 except as provided for in the Iowa food service  
24 sanitation code.

25 If a municipal corporation wants its local board of  
26 health to license, inspect, and otherwise enforce the  
27 Iowa food service sanitation code within its  
28 jurisdiction, the municipal corporation may enter into  
29 an agreement to do so with the secretary director.

30 The secretary director may enter into such an  
31 agreement if the secretary director finds that the  
32 local board of health has adequate resources to  
33 perform the required functions. A municipal  
34 corporation may only enter into an agreement to  
35 enforce the Iowa food service sanitation code if it  
36 also agrees to enforce the Iowa hotel sanitation code  
37 pursuant to section 170B.3 and ~~to enforce the food and~~  
38 beverage vending machine laws pursuant to section  
39 191A.14. To avoid duplication of inspection, the  
40 department, not a local board of health, shall inspect  
41 a food service establishment located within a food  
42 establishment, unless a local board of health has  
43 contracted with the department for inspections of food  
44 establishments and food service establishments.

45 If the secretary director enters into an agreement  
46 with a municipal corporation as provided by this  
47 section, the secretary director shall cause the  
48 inspection practices of a municipal corporation to be  
49 spot checked on a regular basis.

50 ~~Each~~ A local board of health that is responsible

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1 for enforcing the Iowa food service sanitation code  
2 within its jurisdiction pursuant to an agreement shall  
3 make an annual report to the secretary director  
4 providing the following information:  
5 Sec. 535. Section 170A.4, subsection 4 and  
6 unnumbered paragraph 5, Code 1985, are amended to read

7 as follows:

8 4. Other information the secretary director  
9 requests.

10 The secretary director shall monitor local boards  
11 of health to determine if they are enforcing the Iowa  
12 food service sanitation code within their respective  
13 jurisdictions. If the secretary director determines  
14 that the Iowa food service sanitation code is enforced  
15 by a local board of health, such enforcement shall be  
16 accepted in lieu of enforcement by the department in  
17 that jurisdiction. If the secretary director  
18 determines that the Iowa food service sanitation code  
19 is not enforced by a local board of health, the  
20 secretary director may rescind the agreement after  
21 reasonable notice and an opportunity for a hearing.  
22 If the agreement is rescinded, the secretary director  
23 shall assume responsibility for enforcement in the  
24 jurisdiction involved.

25 Sec. 536. Section 170A.4, Code 1985, is amended by  
26 adding the following new unnumbered paragraph:  
27 NEW UNNUMBERED PARAGRAPH. A food service  
28 establishment under section 170A.2 which is also  
29 considered a food establishment under section 170.2  
30 shall be inspected by the department for both purposes  
31 at the same time.

32 Sec. 537. Section 170A.5, Code 1985, is amended by  
33 adding the following new unnumbered paragraph:  
34 NEW UNNUMBERED PARAGRAPH. The fees paid by a food  
35 service establishment to the department shall be  
36 reduced by fifty percent of the amount of any fees  
37 paid to the department by it for a food establishment  
38 license for the same premises.

39 Sec. 538. Section 170B.2, subsections 1, 2, and 7,  
40 Code 1985, are amended to read as follows:

41 1. "Secretary Director" means the secretary of  
42 agriculture director of the department of inspections  
43 and appeals or the chief inspector of the inspections  
44 division of the department of inspections and appeals.

45 2. "Department" means the department of  
46 agriculture inspections and appeals.

47 7. "Regulatory authority" means the state  
48 department of agriculture or a local board of health  
49 that has entered into an agreement with the secretary  
50 director pursuant to section 170B.3 for authority to

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1 enforce the Iowa hotel sanitation code in its  
2 jurisdiction.

3 Sec. 539. Section 170B.3, unnumbered paragraphs 1,

4 2, and 3, Code 1985, are amended to read as follows:

5 The ~~secretary has sole and exclusive authority to~~  
6 director shall regulate, license, and inspect hotels  
7 ~~and to enforce the Iowa hotel sanitation code in Iowa.~~  
8 Municipal corporations shall not regulate, license,  
9 inspect, or collect license fees from hotels except as  
10 provided for in the Iowa hotel sanitation code.

11 If a municipal corporation wants its local board of  
12 health to license, inspect, and otherwise enforce the  
13 Iowa hotel sanitation code within its jurisdiction,  
14 the municipal corporation may enter into an agreement  
15 to do so with the secretary director. The secretary  
16 director may enter into the agreement if the secretary  
17 director finds that the local board of health has  
18 adequate resources to perform the required functions.  
19 A municipal corporation may only enter into an  
20 agreement to enforce the Iowa hotel sanitation code if  
21 it also agrees to enforce the Iowa food service  
22 sanitation code pursuant to section 170A.4 and ~~to~~  
23 ~~enforce~~ the food and beverage vending machine laws  
24 pursuant to section 191A.14.

25 ~~Each A~~ local board of health that is responsible  
26 for enforcing the Iowa hotel sanitation code within  
27 its jurisdiction; pursuant to an agreement, shall make  
28 an annual report to the secretary director providing  
29 the following information:

30 Sec. 540. Section 170B.3, subsection 4 and  
31 unnumbered paragraph 4, Code 1985, are amended to read  
32 as follows:

33 4. Other information the secretary director  
34 requests.

35 The secretary director shall monitor local boards  
36 of health to determine if they are enforcing the Iowa  
37 hotel sanitation code within their respective  
38 jurisdictions. If the secretary director determines  
39 that the Iowa hotel sanitation code is enforced by a  
40 local board of health, such enforcement shall be  
41 accepted in lieu of enforcement by the department in  
42 that jurisdiction. If the secretary director  
43 determines that the Iowa hotel sanitation code is not  
44 enforced by a local board of health, the secretary  
45 director may rescind the agreement after reasonable  
46 notice and an opportunity for a hearing. If the  
47 agreement is rescinded, the secretary director shall  
48 assume responsibility for enforcement in the  
49 jurisdiction involved.

50 Sec. 541. Section 191A.1, subsections 2, 3, and

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1 10, Code 1985, are amended to read as follows:

2 2. "Secretary Director" means the ~~secretary of~~  
3 agriculture director of the department of inspections  
4 and appeals or the chief inspector of the inspections  
5 division of the department of inspections and appeals.

6 3. "Department" means the department of  
7 agriculture inspections and appeals.

8 10. "Regulatory authority" means the ~~state~~  
9 department of ~~agriculture~~ or a local board of health  
10 that has entered into an agreement with the ~~secretary~~  
11 of agriculture director pursuant to section 191A.14  
12 for authority to enforce the food and beverage vending  
13 machine laws in its jurisdiction.

14 Sec. 542. Section 191A.3, Code 1985, is amended to  
15 read as follows:

16 191A.3 APPLICATION.

17 An application for a vending machine operator's  
18 license shall be made upon a form furnished by the  
19 regulatory authority. The application form shall  
20 provide for obtaining information relating to  
21 ownership of commissaries, location of commissaries,  
22 location of shops and other servicing centers, and the  
23 total number of licensable vending machines by general  
24 product type owned and operated by the applicant and  
25 other information required by the secretary director.  
26 The operator shall agree in the application to  
27 maintain within the jurisdiction of the regulatory  
28 authority a complete list of all vending machines and  
29 machine locations operated by the applicant and to  
30 make the list available to the regulatory authority at  
31 the time of inspection or auditing.

32 Sec. 543. Section 191A.7, Code 1985, is amended to  
33 read as follows:

34 191A.7 DISCIPLINARY ACTION.

35 A license issued under this chapter may be revoked  
36 by the regulatory authority for violation by the  
37 licensee of a provision of this chapter or an  
38 applicable rule of the department. In lieu of license  
39 revocation, the regulatory authority may require the  
40 immediate discontinuance of operation of a vending  
41 machine or commissary ~~whenever~~ if it finds insanitary  
42 conditions or other conditions which constitute a  
43 substantial hazard to the public health. The order  
44 shall apply only to the vending machines, commissary,  
45 or product involved. A person whose license is  
46 revoked, or who is ordered to discontinue the  
47 operation of a vending machine or commissary, may  
48 appeal that decision to the secretary director. The

49 secretary director or the secretary's designee chief  
50 hearing officer of the department shall schedule and

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1 hold a hearing upon the appeal not later than thirty  
2 days from the time of revocation or the order of  
3 discontinuance. The secretary director or the chief  
4 hearing officer shall issue a decision immediately  
5 following the hearing. Judicial review may be sought  
6 in accordance with the terms of the Iowa  
7 administrative procedure Act.

8 Sec. 544. Section 191A.14, Code 1985, is amended  
9 to read as follows:

10 191A.14 AUTHORITY TO ENFORCE THE FOOD AND BEVERAGE  
11 VENDING MACHINE LAWS.

12 The ~~secretary~~ has sole and exclusive authority to  
13 director shall regulate, license, and inspect food and  
14 beverage vending machines and operators and to  
15 otherwise enforce the food and beverage vending  
16 machine laws. Municipal corporations shall not  
17 regulate, license, inspect, or collect license fees  
18 for food and beverage vending machines or their  
19 operation except pursuant to this section.

20 If a municipal corporation wants its local board of  
21 health to enforce the food and beverage vending  
22 machine laws within its jurisdiction, the municipal  
23 corporation may enter into an agreement to do so with  
24 the secretary director. The secretary director may  
25 enter into such an agreement if the secretary director  
26 finds that the local board of health has adequate  
27 resources to perform the required functions. A  
28 municipal corporation may only enter into an agreement  
29 to enforce the food and beverage vending machine laws  
30 if it also agrees to enforce the Iowa food service  
31 sanitation code pursuant to section 170A.4 and to  
32 enforce the Iowa hotel sanitation code pursuant to  
33 section 170B.3.

34 ~~Each A~~ local board of health that is responsible  
35 for enforcing the food and beverage vending machine  
36 laws within its jurisdiction pursuant to an agreement  
37 shall make an annual report to the secretary director  
38 providing the following information:

- 39 1. The total number of food or beverage vending  
40 machine operator's licenses granted or renewed during  
41 the year.
- 42 2. The amount of money collected in license fees  
43 during the year.
- 44 3. Other information the secretary director  
45 requests.

46 The secretary director shall monitor local boards  
47 of health to determine if they are enforcing the food  
48 and beverage vending machine laws within their  
49 respective jurisdictions. If the secretary director  
50 determines that the food and beverage vending machine

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1 laws are enforced by a local board of health, the  
2 secretary director shall accept such enforcement in  
3 lieu of enforcement by the department in that  
4 jurisdiction. If the secretary director determines  
5 that the food and beverage vending machine laws are  
6 not enforced by a local board of health, the secretary  
7 director may rescind the agreement after reasonable  
8 notice and an opportunity for a hearing. If the  
9 agreement is rescinded, the secretary director shall  
10 assume responsibility for enforcement in the  
11 jurisdiction involved.

12 Sec. \_\_\_\_ . The department shall develop and adopt  
13 procedures and guidelines for contract agreements with  
14 local boards of health under section 170.55 no later  
15 than January 1, 1987."

16 113. Page 90, line 4, by striking the word  
17 "audits" and inserting the following: "inspections".

18 114. Page 90, line 18, by striking the word  
19 "audits" and inserting the following: "inspections".

20 115. Page 90, by inserting after line 26 the  
21 following:

22 "Sec. \_\_\_\_ . Section 83.2, subsections 2 and 3, Code  
23 1985, are amended to read as follows:

24 2. "Department Division" means the department  
25 division of soil conservation within the department of  
26 agriculture and land stewardship.

27 3. "Director Administrator" means the  
28 administrative officer division administrator of the  
29 department division of soil conservation or a  
30 designee.

31 Sec. \_\_\_\_ . Section 83A.2, subsections 1 and 5, Code  
32 Supplement 1985, are amended to read as follows:

33 1. "Administrator" means the administrative  
34 officer division administrator of the department  
35 responsible for administration or enforcement of this  
36 chapter or that officer's division of soil  
37 conservation or a designee.

38 5. "Department Division" means the department  
39 division of soil conservation within the department of  
40 agriculture and land stewardship.

41 Sec. \_\_\_\_ . Sections 83A.4 and 83A.5, Code 1985, are  
42 repealed. Sections 83A.3 and 83A.6, Code Supplement

43 1985, are repealed.

44 Sec. \_\_\_\_ . Section 159.1, subsections 1 and 2, Code  
45 1985, are amended to read as follows:

46 1. "Secretary" ~~shall mean~~ means the secretary of  
47 agriculture.

48 2. "Department" ~~shall mean~~ means the Iowa  
49 department of agriculture and land stewardship and  
50 ~~wherever such if~~ the department is required or

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1 authorized to do an act, unless otherwise provided, it  
2 ~~shall be construed as authorizing performance the act~~  
3 may be performed by an officer, regular assistant, or  
4 duly authorized agent of ~~such the~~ department.

5 Sec. \_\_\_\_ . Section 159.2, subsection 2, Code 1985,  
6 is amended by striking the subsection and inserting in  
7 lieu thereof the following:

8 2. To encourage a relationship between people and  
9 the land that recognizes land as a resource to be  
10 managed in a manner that avoids irreparable harm.

11 3. To develop and implement policies that inspire  
12 public confidence in the long-term future of  
13 agriculture as an economic activity as well as a way  
14 of life.

15 Sec. \_\_\_\_ . Section 159.3, Code 1985, is amended to  
16 read as follows:

17 159.3 ~~CO-OPERATION~~ COOPERATION.

18 The department of ~~agriculture~~ and the Iowa ~~State~~  
19 ~~University state university~~ of science and technology  
20 shall ~~co-operate~~ cooperate in all ways that may be  
21 beneficial to the agricultural interests of the state,  
22 but without duplicating research or educational work  
23 conducted by ~~said the~~ university. ~~Nothing herein~~  
24 ~~contained shall be construed to~~ This section does not  
25 subordinate either the department or the university in  
26 their ~~several~~ spheres of action.

27 The department of ~~agriculture~~ is hereby authorized  
28 ~~to co-operate~~ may cooperate with the United States  
29 department of agriculture as the ~~Iowa~~ department ~~may~~  
30 ~~deem~~ deems wise and just.

31 Sec. \_\_\_\_ . Section 159.5, unnumbered paragraph 1,  
32 Code 1985, is amended to read as follows:

33 The secretary of agriculture ~~shall be is~~ the head  
34 of the department of agriculture and land stewardship  
35 which shall:

36 Sec. \_\_\_\_ . Section 159.5, Code 1985, is amended by  
37 adding the following new subsection:

38 NEW SUBSECTION. 2B. Establish and maintain a  
39 division of soil conservation. The division

40 administrator shall be appointed by the secretary and  
41 shall serve at the pleasure of the secretary."

42 116. Page 90, by inserting after line 28 the  
43 following:

44 "12A. Coal mining and mines as set forth in  
45 chapters 83 and 83A."

46 117. Page 90, by inserting after line 34 the  
47 following:

48 "Sec. \_\_\_\_ . Section 159.20, Code 1985, is amended  
49 by striking the section and inserting in lieu thereof  
50 the following:

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#### 1 159.20 POWERS OF DIVISION.

2 A farm commodity division, hereinafter referred to  
3 as the division, is created within the Iowa department  
4 of agriculture and land stewardship. It is the duty  
5 of the division to do or cause to be done those things  
6 designed to lead to more advantageous marketing of  
7 Iowa farm commodities. To implement this purpose the  
8 division is authorized to:

9 1. Investigate the subject of marketing farm  
10 commodities.

11 2. Promote their sales, distribution and  
12 merchandising.

13 3. Furnish information and assistance concerning  
14 farm commodities to the public.

15 4. Cooperate with the college of agriculture of  
16 the Iowa state university of science and technology in  
17 its farm marketing education and research.

18 5. Gather and diffuse useful information  
19 concerning all phases of the marketing of Iowa farm  
20 commodities in cooperation with other public or  
21 private agencies and, in that context, establish a  
22 farm commodity informational data base.

23 6. Investigate methods and practices in connection  
24 with the processing, handling, grading, classifying,  
25 sorting, weighing, packing, transportation, storage,  
26 inspection, and merchandising of farm commodities  
27 within this state.

28 7. Ascertain sources of supply of Iowa farm  
29 commodities, and prepare and periodically publish  
30 lists of names and addresses of producers and  
31 consignors of farm commodities, to be available upon  
32 request.

33 8. Perform inspection or grading, or both, of any  
34 farm commodity if requested by the person engaged in  
35 the production, marketing, or processing of the farm  
36 commodity, except that the person shall pay for the

37 services as provided by the rules of the department.  
 38 9. Cooperate with the department of economic  
 39 development to avoid duplication of efforts between  
 40 the division and the agricultural marketing program  
 41 operated by the department of economic development.

42 The division shall have a division administrator  
 43 appointed by the secretary of agriculture.

44 As used in this division of this chapter, "farm  
 45 commodity" means any unprocessed agricultural product,  
 46 including animals, agricultural crops, and forestry  
 47 products grown, raised, produced, or fed in Iowa for  
 48 sale in commercial channels. "Commercial channels"  
 49 means the processes of sale of a farm commodity or  
 50 unprocessed product from the farm commodity to any

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1 person, public or private, who resells the farm  
 2 commodity for breeding, processing, slaughter, or  
 3 distribution.

4 Sec. \_\_\_\_ . Section 162.2, subsection 10, Code 1985,  
 5 is amended by striking the subsection.

6 Sec. \_\_\_\_ . Section 163.26, subsections 1 and 2,  
 7 Code 1985, are amended by striking the subsections.

8 Sec. \_\_\_\_ . Section 163.35, subsection 2, Code 1985,  
 9 is amended by striking the subsection.

10 Sec. \_\_\_\_ . Section 163A.1, subsection 1, Code 1985,  
 11 is amended by striking the subsection.

12 Sec. \_\_\_\_ . Section 164.1, subsection 1, Code 1985,  
 13 is amended by striking the subsection.

14 Sec. \_\_\_\_ . Section 165.2, unnumbered paragraph 2,  
 15 Code 1985, is amended to read as follows:

16 ~~It shall be the duty of each and every~~ An owner of  
 17 dairy or breeding cattle in the state ~~to shall~~ conform  
 18 to and abide by the rules laid down by the ~~state~~  
 19 department and ~~the federal departments~~ department of  
 20 agriculture and follow their instructions designed to  
 21 suppress the disease, prevent its spread, and avoid  
 22 reinfection of the herd.

23 Sec. \_\_\_\_ . Section 165.15, Code 1985, is amended to  
 24 read as follows:

25 165.15 ACCREDITED VETERINARIAN.

26 An accredited veterinarian is one who has  
 27 successfully passed an examination set by the ~~state~~  
 28 department and ~~the federal departments~~ department of  
 29 agriculture and ~~is authorized to~~ may make tuberculin  
 30 tests of accredited herds of cattle under the uniform  
 31 methods and rules governing accredited herd work which  
 32 are approved by the United States department of  
 33 agriculture.

34 Sec. \_\_\_\_ . Section 166A.1, subsection 1, Code 1985,  
35 is amended by striking the subsection.  
36 Sec. \_\_\_\_ . Section 166B.1, subsection 3, Code 1985,  
37 is amended by striking the subsection.  
38 Sec. \_\_\_\_ . Section 166C.2, subsections 1 and 2,  
39 Code 1985, are amended by striking the subsections.  
40 Sec. \_\_\_\_ . Section 168.1, subsection 2, Code 1985,  
41 is amended by striking the subsection.  
42 Sec. \_\_\_\_ . Section 170A.2, subsections 2 and 3,  
43 Code 1985, are amended by striking the subsections.  
44 Sec. \_\_\_\_ . Section 170B.2, subsections 1 and 2,  
45 Code 1985, are amended by striking the subsections.  
46 Sec. \_\_\_\_ . Section 172.1, subsection 4, Code 1985,  
47 is amended by striking the subsection.  
48 Sec. \_\_\_\_ . Section 172A.1, subsections 5 and 6,  
49 Code 1985, are amended by striking the subsections.  
50 Sec. \_\_\_\_ . Section 172B.1, subsection 4, Code 1985,

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1 is amended by striking the subsection.”  
2 118. Page 91, by inserting after line 3 the  
3 following:  
4 “Sec. \_\_\_\_ . Section 173.1, subsections 1 and 4,  
5 Code 1985, are amended by striking the subsections and  
6 inserting in lieu thereof the following:  
7 1. The governor of the state, the secretary of  
8 agriculture, and the president of the Iowa state  
9 university of science and technology or their  
10 qualified representatives, who shall serve as  
11 nonvoting members of the board.  
12 4. A secretary appointed by the secretary of  
13 agriculture from a list of three candidates nominated  
14 by the voting members of the board. The secretary of  
15 the board is a nonvoting member of the board.  
16 5. A treasurer elected by the voting members of  
17 the board, who is a nonvoting member of the board.  
18 Sec. \_\_\_\_ . Section 173.9, unnumbered paragraph 1,  
19 Code 1985, is amended by striking the paragraph and  
20 inserting in lieu thereof the following:  
21 The secretary of the board shall serve at the  
22 pleasure of the secretary of agriculture. However,  
23 the voting members of the board shall make an annual  
24 recommendation to the secretary of agriculture as to  
25 whether the secretary of the board should be retained.  
26 The secretary of the board shall:  
27 Sec. \_\_\_\_ . STATE FAIR STUDY. A nine-member panel  
28 shall study and make a report with recommendations to  
29 the general assembly by January 15, 1987 in regard to  
30 all aspects of the continued existence of the Iowa

31 state fair and the Iowa state fair board. The panel  
32 consists of the governor or the governor's designee;  
33 the secretary of agriculture or the secretary's  
34 designee; two members of the house of representatives,  
35 one appointed by the speaker of the house and one  
36 appointed by the minority leader; two members of the  
37 senate, one appointed by the majority leader and one  
38 appointed by the minority leader; the secretary of the  
39 Iowa state fair board; and two members of the Iowa  
40 state fair board designated by the board."

41 119. Page 91, by inserting before line 4 the  
42 following:

43 "Sec. \_\_\_\_ . Section 175.2, subsection 3, Code  
44 Supplement 1985, is amended to read as follows:

45 3. "Authority" means the **Iowa family farm**  
46 agricultural development authority established in  
47 section 175.3.

48 Sec. \_\_\_\_ . Section 175.3, subsection 1, Code  
49 Supplement 1985, is amended to read as follows:

50 1. The **Iowa family farm** agricultural development

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1 authority is established; ~~and within the department of~~  
2 agriculture and land stewardship. The authority is  
3 constituted a public instrumentality and agency of the  
4 state exercising public and essential governmental  
5 functions. The authority is established to undertake  
6 programs which assist beginning farmers in purchasing  
7 agricultural land and agricultural improvements and  
8 depreciable agricultural property for the purpose of  
9 farming, and programs which provide financing to  
10 farmers for permanent soil and water conservation  
11 practices on agricultural land within the state or for  
12 the acquisition of conservation farm equipment. The  
13 powers of the authority are vested in and exercised by  
14 a board of eleven members with nine members appointed  
15 by the governor subject to confirmation by the senate.  
16 The treasurer of state or the treasurer's designee and  
17 the secretary of agriculture or the secretary's  
18 designee are ex officio nonvoting members. No more  
19 than five appointed members shall belong to the same  
20 political party. As far as possible the governor  
21 shall include within the membership persons who  
22 represent financial institutions experienced in  
23 agricultural lending, the real estate sales industry,  
24 farmers, beginning farmers, average taxpayers, local  
25 government, and other persons specially interested in  
26 family farm development.

27 Sec. \_\_\_\_ . Section 175.7, subsection 1, Code 1985,

28 is amended to read as follows:

29 1. The ~~governor, subject to confirmation by the~~  
30 ~~senate, secretary of agriculture~~ shall appoint an  
31 executive director of the authority, who shall serve  
32 at the pleasure of the ~~governor secretary~~. The  
33 executive director shall be selected primarily for  
34 administrative ability and knowledge in the field,  
35 without regard to political affiliation. The  
36 executive director shall not, directly or indirectly,  
37 exert influence to induce any other officers or  
38 employees of the state to adopt a political view, or  
39 to favor a political candidate for office.

40 Sec. \_\_\_\_ . Section 182.1, subsection 8, Code  
41 Supplement 1985, is amended by striking the  
42 subsection.

43 Sec. \_\_\_\_ . Section 183A.1, subsection 7, Code  
44 Supplement 1985, is amended by striking the  
45 subsection.

46 Sec. \_\_\_\_ . Section 185.1, subsection 1, Code 1985,  
47 is amended by striking the subsection.

48 Sec. \_\_\_\_ . Section 185C.1, subsection 1, Code 1985,  
49 is amended by striking the subsection.

50 Sec. \_\_\_\_ . Section 187.1, subsection 1, Code 1985,

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1 is amended by striking the subsection.

2 Sec. \_\_\_\_ . Section 189.1, subsections 2 and 3, Code  
3 1985, are amended to read as follows:

4 2. "Department" ~~shall mean means~~ the department of  
5 agriculture; ~~and land stewardship, and; wherever said~~  
6 ~~if the department is required or authorized to do an~~  
7 ~~act, it shall be construed as authorizing performance~~  
8 ~~the act may be performed~~ by a regular assistant or a  
9 duly authorized agent of ~~said~~ the department.

10 3. "Secretary" ~~shall mean means~~ the secretary of  
11 agriculture.

12 Sec. \_\_\_\_ . Section 189A.2, subsections 1 and 2,  
13 Code 1985, are amended by striking the subsections.

14 Sec. \_\_\_\_ . Section 191A.1, subsections 2 and 3,  
15 Code 1985, are amended by striking the subsections.

16 Sec. \_\_\_\_ . Section 192A.1, subsections 2 and 3,  
17 Code 1985, are amended by striking the subsections.

18 Sec. \_\_\_\_ . Section 194.3, subsection 1, Code 1985,  
19 is amended by striking the subsection.

20 Sec. \_\_\_\_ . Section 195.3, subsection 1, Code 1985,  
21 is amended by striking the subsection.

22 Sec. \_\_\_\_ . Section 196A.1, subsection 7, Code 1985,  
23 is amended by striking the subsection.

24 Sec. \_\_\_\_ . Section 198.3, subsection 1, Code 1985,

25 is amended by striking the subsection.

26 Sec. \_\_\_\_ . Section 206.2, subsections 9 and 10,

27 Code 1985, are amended by striking the subsections.

28 Sec. \_\_\_\_ . Section 214A.1, subsection 2, Code

29 Supplement 1985, is amended by striking the

30 subsection.

31 Sec. \_\_\_\_ . Section 467A.2, Code 1985, is amended by

32 striking the section and inserting in lieu thereof the

33 following:

34 467A.2 DECLARATION OF POLICY.

35 It is hereby declared to be the policy of the

36 legislature to integrate the conservation of soil and

37 water resources into the production of agricultural

38 commodities to insure the long term protection of the

39 soil and water resources of the state of Iowa, and to

40 encourage the development of farm management and

41 agricultural practices that are consistent with the

42 capability of the land to sustain agriculture, and

43 thereby to preserve natural resources, control floods,

44 prevent impairment of dams and reservoirs, assist and

45 maintain the navigability of rivers and harbors,

46 preserve wildlife, protect the tax base, protect

47 public lands and promote the health, safety and public

48 welfare of the people of this state.”

49 120. Page 91, line 8, by inserting after the word

50 “agriculture” the words “and land stewardship”.

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1 121. Page 91, by inserting after line 8 the

2 following:

3 “Sec. \_\_\_\_ . Section 467A.3, Code 1985, is amended

4 by adding the following new subsection:

5 NEW SUBSECTION. 3A. “Division” means the division

6 of soil conservation created within the department.”

7 122. Page 91, by inserting before line 9 the

8 following:

9 “Sec. \_\_\_\_ . Section 467A.3, subsection 13, Code

10 1985, is amended by striking the section.”

11 123. Page 91, by striking lines 12 through 20,

12 and inserting the following: “state and The soil

13 conservation division is established within the

14 department to perform the functions conferred upon it

15 in this chapter, the department of soil conservation

16 chapters 83, 83A, and 467A through 467C. The

17 department division shall be administered in

18 accordance with the policies of the state soil

19 conservation committee, which shall advise the

20 division and which shall approve administrative rules

21 proposed by the department division for the

22 administration of chapters 83, 83A, and 467A through  
 23 467C before the rules are adopted pursuant to chapter  
 24 17A. The state soil conservation committee ~~shall~~".  
 25 124. Page 91, line 21, by striking the word  
 26 "nine" and inserting the words "ten other".  
 27 125. Page 91, lines 23 and 24, by striking the  
 28 words "state agricultural extension service" and  
 29 inserting the words "state agricultural Iowa  
 30 cooperative extension service in agriculture and home  
 31 economics".  
 32 126. Page 91, line 29, by striking the word  
 33 "Seven" and inserting the word "Nine".  
 34 127. Page 91, line 33, by inserting after the  
 35 figure "467D.3," the following: "Code 1985,".  
 36 128. Page 91, by striking line 35 and inserting  
 37 the following: "county. The seventh, ~~and eighth,~~ and  
 38 ninth appointive members".  
 39 129. Page 92, lines 1 and 2, by striking the  
 40 words "with one appointed" and inserting the  
 41 following: "with one appointed".  
 42 130. Page 92, line 2, by striking the words "and  
 43 one" and inserting the words "and, one".  
 44 131. Page 92, by striking line 3, and inserting  
 45 the following: "appointed to be a representative of  
 46 the mining industry, and one appointee who is a farmer  
 47 actively engaged in tree farming operations. The".  
 48 132. Page 92, line 19, by striking the word  
 49 "department" and inserting the words "department  
 50 division".

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1 133. Page 94, line 8, by striking the words  
 2 "department of ~~soil conservation~~" and inserting the  
 3 words "department division of soil conservation".  
 4 134. Page 94, line 9, by striking the word  
 5 "department" and inserting the word "division".  
 6 135. Page 94, by inserting after line 9 the  
 7 following:  
 8 "Sec. \_\_\_\_ . Section 467A.4, subsection 4,  
 9 paragraphs "g" through "m", Code Supplement 1985, are  
 10 amended by striking the paragraphs."  
 11 136. Page 94, line 28, by striking the word  
 12 "department" and inserting the word "division".  
 13 137. Page 95, line 8, by striking the word  
 14 "department" and inserting the word "division".  
 15 138. Page 95, line 14, by striking the word  
 16 "department, the department" and inserting the word  
 17 "division, the department division".  
 18 139. Page 96, line 2, by striking the word

19 "department" and inserting the word "division".  
 20 140. Page 96, line 11, by striking the word  
 21 "department" and inserting the word "division".  
 22 141. Page 96, line 12, by striking the word  
 23 "department" and inserting the word "division".  
 24 142. Page 96, line 29, by striking the word  
 25 "department" and inserting the word "division".  
 26 143. Page 96, line 31, by striking the word  
 27 "department" and inserting the word "division".  
 28 144. Page 97, line 3, by striking the word  
 29 "department" and inserting the word "division".  
 30 145. Page 97, line 12, by striking the word  
 31 "department" and inserting the word "division".  
 32 146. Page 97, line 20, by striking the word  
 33 "department" and inserting the word "division".  
 34 147. Page 97, line 28, by striking the word  
 35 "department" and inserting the words "department  
 36 division".  
 37 148. By striking page 97, line 34, and inserting  
 38 the following: "division, and the estimates of the  
 39 committee division as".  
 40 149. Page 98, line 1, by striking the word  
 41 "department" and inserting the words "department  
 42 division".  
 43 150. Page 98, by inserting after line 2 the  
 44 following:  
 45 "Sec. \_\_\_\_ . Section 467A.42, subsection 1, Code  
 46 1985, is amended to read as follows:  
 47 1. "Soil loss limit" means the maximum amount of  
 48 soil loss due to erosion by water or wind, expressed  
 49 in terms of tons per acre per year, which the  
 50 commissioners of the respective soil conservation

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1 districts shall determine is acceptable in order to  
 2 meet the objectives expressed in section 467D.1, Code  
 3 1985."  
 4 151. Page 98, line 9, by striking the word  
 5 "department" and inserting the word "division".  
 6 152. Page 98, line 14, by striking the word  
 7 "department" and inserting the word "division".  
 8 153. Page 98, line 19, by striking the word  
 9 "department" and inserting the word "division".  
 10 154. Page 98, line 24, by striking the word  
 11 "department" and inserting the word "division".  
 12 155. Page 98, line 29, by striking the word  
 13 "department" and inserting the word "division".  
 14 156. Page 98, line 34, by striking the word  
 15 "DEPARTMENT" and inserting the word "DIVISION".

16 157. Page 99, line 3, by striking the word  
17 "department" and inserting the word "division".  
18 158. Page 99, line 4, by striking the word  
19 "department" and inserting the word "division".  
20 159. Page 99, line 5, by striking the word  
21 "department" and inserting the word "division".  
22 160. Page 99, line 30, by striking the word  
23 "department" and inserting the word "division".  
24 161. Page 100, line 10, by striking the word  
25 "department" and inserting the word "division".  
26 162. Page 100, line 19, by striking the word  
27 "department" and inserting the word "division".  
28 163. Page 101, line 7, by striking the word  
29 "department" and inserting the word "division".  
30 164. Page 102, line 7, by striking the word  
31 "department" and inserting the word "division".  
32 165. By striking page 102, line 8 through page  
33 104, line 2, and inserting the following:  
34 "Sec. \_\_\_\_ . Section 455B.280 and Chapter 467D, Code  
35 1985, are repealed."  
36 166. Page 104, line 6, by inserting after the  
37 word "agriculture" the words "and land stewardship".  
38 167. Page 104, line 15, by inserting after the  
39 word "agriculture" the words "and land stewardship".  
40 168. By striking page 104, line 16 through page  
41 105, line 31 and inserting the following:  
42 "DEPARTMENT OF REGULATED INDUSTRIES  
43 Sec. 701. NEW SECTION. 546.1 DEFINITIONS.  
44 When used in this chapter, unless the context  
45 otherwise requires:  
46 1. "Department" means the department of regulated  
47 industries.  
48 2. "Director" means the director of the department  
49 of regulated industries.  
50 Sec. 702. NEW SECTION. 546.2 DEPARTMENT OF

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1 REGULATED INDUSTRIES.  
2 1. A department of regulated industries is created  
3 to coordinate and administer the various regulatory,  
4 service, and licensing functions of the state relating  
5 to the conducting of business or commerce in the  
6 state.  
7 2. The chief administrative officer of the  
8 department is the director. The director shall be  
9 appointed by the governor, subject to the confirmation  
10 of the senate, and shall serve at the pleasure of the  
11 governor. The salary shall be fixed by the governor  
12 within a range established by the general assembly.

- 13 3. The department is administratively organized  
14 into the following divisions:  
15 a. Banking.  
16 b. Credit union.  
17 c. Savings and loan.  
18 d. Gaming.  
19 e. Utility commission.  
20 f. Insurance.  
21 g. Alcoholic beverage control.  
22 h. Professional licensing and regulation.
- 23 4. The director shall have the following  
24 responsibilities:  
25 a. To establish general operating policies for the  
26 department to provide general uniformity among the  
27 divisions while providing for necessary flexibility.  
28 b. To assemble a department structure and  
29 strategic plan that will provide optimal  
30 decentralization of responsibilities and authorities  
31 with sufficient coordination for appropriate growth  
32 and development.  
33 c. To coordinate personnel services and shared ad-  
34 ministrative support services to assure maximum  
35 support and assistance to the divisions.  
36 d. To coordinate the development of an annual  
37 budget which quantifies the operational plans of the  
38 divisions.  
39 e. To identify and, with the chief administrative  
40 officers of each division, facilitate the  
41 opportunities for consolidation and efficiencies  
42 within the department.  
43 f. To maintain monitoring and control systems,  
44 procedures, and policies which will permit each level  
45 of responsibility to quickly and precisely measure its  
46 results with its plan and standards.
- 47 5. The chief administrative officer of each  
48 division shall have the following responsibilities:  
49 a. To make rules pursuant to chapter 17A except to  
50 the extent that rulemaking authority is vested in a

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- 1 policymaking commission.  
2 b. To hire, allocate, develop, and supervise  
3 employees of the division necessary to perform duties  
4 assigned to the division by law.  
5 c. To supervise and direct personnel and other re-  
6 sources to accomplish duties assigned to the division  
7 by law.  
8 d. To establish fees assessed to the regulated in-  
9 dustry except to the extent this power is vested in a

10 policymaking commission.

11 6. Each division is responsible for policymaking  
12 and enforcement duties assigned to the division under  
13 the law. Except as provided in section 546.11,  
14 subsection 3:

15 a. Each division shall adopt rules pursuant to  
16 chapter 17A to implement its duties.

17 b. Decisions by the divisions are final agency  
18 actions pursuant to chapter 17A."

19 169. Page 106, line 29, by striking the word  
20 "COMMERCE" and inserting the following: "UTILITY".

21 170. Page 106, line 31, by striking the word  
22 "commerce" and inserting the following: "utility".

23 171. Page 107, line 1, by striking the word  
24 "commission" and inserting the following: "governor".

25 172. Page 107, line 11, by striking the words  
26 "BEER AND LIQUOR" and inserting the following:  
27 "ALCOHOLIC BEVERAGE".

28 173. Page 107, line 13, by striking the words  
29 "beer and liquor" and inserting the following:  
30 "alcoholic beverage".

31 174. Page 107, line 15, by striking the words  
32 "beer and liquor" and inserting the following:  
33 "alcoholic beverage".

34 175. Page 107, line 16, by striking the words  
35 "beer and liquor" and inserting the following:  
36 "alcoholic beverage".

37 176. Page 108, by inserting after line 17 the  
38 following:

39 "Sec. \_\_\_\_ . Section 19A.3, subsection 5, Code  
40 Supplement 1985, is amended to read as follows:

41 5. All employees under the supervision of the  
42 attorney general or assistant attorneys general, and  
43 all employees under the supervision of the appellate  
44 defender or assistant appellate defenders. However,  
45 employees of the consumer advocate division of the  
46 department of justice, other than the consumer  
47 advocate, are subject to the merit employment system."

48 177. Page 108, line 21, by striking the words  
49 "commerce and industry" and inserting the following:  
50 "regulated industries".

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1 178. Page 109, by inserting after line 15 the  
2 following:

3 "Sec. \_\_\_\_ . Section 99D.5, subsection 1, Code 1985,  
4 is amended to read as follows:

5 1. ~~There is created a~~ A state racing commission is  
6 created within the department of regulated industries

7 consisting of five members who shall be appointed by  
 8 the governor subject to confirmation by the senate,  
 9 and who shall serve not to exceed a three-year term at  
 10 the pleasure of the governor. The term of each member  
 11 shall begin and end as provided in section 69.19.”

12 179. Page 109, line 24, by striking the words  
 13 “the commission” and inserting the following: “the  
 14 ~~commission each member~~”.

15 180. Page 109, by inserting after line 30 the  
 16 following:

17 “Sec. \_\_\_\_ . Section 99D.6, Code 1985, is amended to  
 18 read as follows:

19 99D.6 CHAIRPERSON -- ADMINISTRATOR -- EMPLOYEES --  
 20 DUTIES -- BOND.

21 The commission shall elect in July of each year one  
 22 of its members chairperson for the succeeding year.  
 23 The ~~commission may employ a secretary and governor~~  
 24 shall appoint an administrator of the gaming division  
 25 of the department of regulated industries subject to  
 26 confirmation by the senate. The administrator shall  
 27 serve a four-year term. The term shall begin and end  
 28 as provided in section 69.19. A vacancy shall be  
 29 filled for the unexpired portion of the term in the  
 30 same manner as a full-term appointment is made. The  
 31 administrator may hire other assistants and employees  
 32 as necessary to carry out its the division's duties.  
 33 Some or all of the information required of applicants  
 34 in section 99D.8A, subsections 1 and 2, may also be  
 35 required of employees of the ~~commission division~~ if  
 36 the commission deems it necessary. The ~~secretary~~  
 37 administrator shall keep a record of the proceedings  
 38 of the commission, and preserve the books, records,  
 39 and documents entrusted to the ~~secretary's~~  
 40 administrator's care, ~~and perform other duties as the~~  
 41 ~~commission prescribes~~. The ~~commission governor~~ shall  
 42 require the ~~secretary administrator~~ to post a bond in  
 43 a sum ~~it the governor~~ may fix, conditioned upon the  
 44 faithful performance of the ~~secretary's~~  
 45 administrator's duties. ~~Subject to the approval of~~  
 46 ~~the~~ The governor; ~~the commission~~ shall fix the  
 47 compensation of its ~~secretary the administrator~~ within  
 48 salary range five as set by the general assembly. The  
 49 ~~commission shall also fix the compensation of its~~  
 50 ~~other employees; subject to the approval of the~~

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1 ~~governor~~. The ~~commission division~~ shall have its  
 2 headquarters in the city of Des Moines, and shall meet  
 3 in July of each year and at other times and places as

- 4 it finds necessary for the discharge of its duties.”
- 5 181. Page 110, line 2, by striking the words
- 6 “commerce and industry” and inserting the following:
- 7 “regulated industries”.
- 8 182. Page 111, line 13, by striking the words
- 9 “commerce and industry” and inserting the following:
- 10 “regulated industries”.
- 11 183. Page 111, line 29, by striking the words
- 12 “commerce and industry” and inserting the following:
- 13 “regulated industries”.
- 14 184. Page 112, line 13, by striking the word
- 15 “committee” and inserting the following: “council”.
- 16 council”.
- 17 185. Page 113, line 7, by striking the words
- 18 “commerce and industry” and inserting the following:
- 19 “regulated industries”.
- 20 186. Page 113, line 26, by striking the words
- 21 “commerce and industry” and inserting the following:
- 22 “regulated industries”.
- 23 187. Page 115, line 14, by striking the words
- 24 “commerce and industry” and inserting the following:
- 25 “regulated industries”.
- 26 188. Page 116, line 5, by striking the words
- 27 “commerce and industry” and inserting the following:
- 28 “regulated industries”.
- 29 189. Page 116, line 30, by striking the words
- 30 “commerce and industry” and inserting the following:
- 31 “regulated industries”.
- 32 190. Page 118, line 2, by striking the words
- 33 “commerce and industry” and inserting the following:
- 34 “regulated industries”.
- 35 191. Page 118, line 24, by striking the words “A
- 36 beer and liquor” and inserting the following: “beer
- 37 and liquor An alcoholic beverage.”
- 38 192. Page 118, line 25, by striking the words
- 39 “commerce and industry” and inserting the following:
- 40 “regulated industries”.
- 41 193. Page 118, lines 34 and 35, by striking the
- 42 words “A beer and liquor” and inserting the following:
- 43 “beer and liquor An alcoholic beverage”.
- 44 194. Page 119, line 35 through page 120, line 1,
- 45 by striking the words “beer and liquor” and inserting
- 46 the following: “beer and liquor alcoholic beverage”.
- 47 195. Page 120, lines 7 and 8, by striking the
- 48 words “beer and liquor” and inserting the following:
- 49 “alcoholic beverage”.
- 50 196. Page 121, line 4, by striking the word

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1 “department” and inserting the following: “department  
2 division”.

3 197. Page 121, line 7, by striking the word  
4 “department” and inserting the following: “department  
5 division”.

6 198. Page 121, line 8, by striking the word  
7 “department” and inserting the following: “department  
8 division”.

9 199. Page 121, line 13, by striking the word  
10 “department” and inserting the following: “department  
11 division”.

12 200. Page 121, by striking lines 25 and 26 and  
13 inserting the following:

14 “The Iowa state commerce A utility commission shall  
15 be division is created within the department of  
16 regulated industries. The”.

17 201. By striking page 121, line 35 through page  
18 122, line 13 and inserting the following:

19 “On the second Tuesday of July of each year, the  
20 Iowa state commerce commission The utility division  
21 shall organize by electing one of its members as  
22 chairperson, and appointing an executive secretary,  
23 who shall take the same oath as the commissioners.  
24 The commission shall set the salary of the executive  
25 secretary within the limits of the pay plan for exempt  
26 positions provided for in section 19A.9, subsection 2,  
27 unless otherwise provided by the general assembly.  
28 The commission may employ additional personnel as it  
29 may find necessary. Subject to confirmation by the  
30 senate, the governor shall appoint a commissioner as  
31 the chairperson of the commission. The chairperson  
32 shall be the administrator of the utility division.  
33 The appointment as chairperson shall be for a two-year  
34 term which begins and ends as provided in section  
35 69.19.”

36 As used in this chapter and chapter 475A, the words  
37 “commission” and “commerce utility commission” mean  
38 the Iowa state commerce utility commission division of  
39 the department of regulated industries.”

40 202. Page 122, line 33, by striking the word  
41 “commerce” and inserting the following: “commerce  
42 utility”.

43 203. Page 123, lines 17 and 18, by striking the  
44 words “as provided” and inserting the following: “as  
45 provided in the same manner as set forth”.

46 204. Page 123, by inserting after line 18 the  
47 following:

48 “Sec. \_\_\_\_ . Section 475A.1, subsection 5, Code

49 1985, is amended to read as follows:

50 5. REMOVAL. The ~~governor~~ attorney general may

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1 remove the consumer advocate for malfeasance or  
2 nonfeasance in office, or for any cause which renders  
3 the advocate ineligible for appointment, or incapable  
4 or unfit to discharge the duties of the advocate's  
5 office; and the advocate's removal, when so made, is  
6 final."

7 205. Page 123, by striking lines 19 through 32

8 and inserting the following:

9 "Sec. \_\_\_\_ . Section 475A.3, Code 1985, is amended  
10 to read as follows:

11 475A.3 OFFICE -- EMPLOYEES -- EXPENSES.

12 1. OFFICE. The office of consumer advocate ~~is at~~  
13 ~~the seat of the government shall be a separate~~  
14 ~~division of the department of justice and located at~~  
15 ~~the same location as the Iowa state commerce utility~~  
16 ~~commission division of the department of regulated~~  
17 ~~industries. Administrative support services shall be~~  
18 ~~provided to the consumer advocate division by the~~  
19 ~~utility commission division of the department of~~  
20 ~~regulated industries.~~

21 2. EMPLOYEES. The consumer advocate may employ  
22 attorneys, legal assistants, secretaries, clerks, and  
23 other employees the consumer advocate finds necessary  
24 for the full and efficient discharge of the duties and  
25 responsibilities of the office. The consumer advocate  
26 may employ consultants as expert witnesses or  
27 technical advisors pursuant to contract in any  
28 proceeding in which the consumer advocate division is  
29 a party. Notwithstanding section 19A.3, subsection 5,  
30 employees of the consumer advocate division, other  
31 than the consumer advocate, are subject to merit  
32 employment.

33 3. SALARIES, EXPENSES, AND APPROPRIATION. The  
34 salary of the consumer advocate shall be fixed by the  
35 attorney general within the salary range set by the  
36 general assembly, notwithstanding 1981 Iowa Acts,  
37 chapter 9, sections 6 and 7 and subsequent amendments  
38 to those sections. The salaries of employees of the  
39 consumer advocate and the reimbursement of expenses  
40 for the employees and the consumer advocate are as  
41 provided by law. The appropriation for the office of  
42 consumer advocate shall be a separate line item  
43 contained in the appropriation for the ~~Iowa state~~  
44 ~~commerce commission~~ department of justice.

45 In establishing salaries and benefits for employees

46 the consumer advocate shall provide for an affirmative  
47 action plan which shall be based upon guidelines  
48 provided by the Iowa state civil rights commission.  
49 In addition, when establishing salaries and benefits  
50 the consumer advocate shall not discriminate in the

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1 employment or pay between employees on the basis of  
2 gender by paying wages to employees at a rate less  
3 than the rate at which wages are paid to employees of  
4 the opposite gender for work of comparable worth. As  
5 used in this section "comparable worth" means the  
6 value of work as measured by the composite of the  
7 skill, effort, responsibility, and working conditions  
8 normally required in the performance of work.

9 The consumer advocate shall make a report to the  
10 legislative council which shall contain a copy of the  
11 affirmative action plan adopted and details regarding  
12 the manner in which compliance is made for  
13 establishing salaries and benefits based on comparable  
14 worth. ~~The report shall be made to the legislative~~  
15 ~~council as soon as possible after July 1, 1983 but not~~  
16 ~~later than August 1, 1983, unless the legislative~~  
17 ~~council shall extend the date for making the report.~~

18 Sec. \_\_\_\_ . Section 475A.7, Code 1985, is amended to  
19 read as follows:

20 475A.7 CONSUMER ADVISORY PANEL.

21 The ~~governor attorney general~~ shall appoint nine  
22 members to a consumer advisory panel to meet at the  
23 request of the consumer advocate for consultation  
24 regarding public utility regulation. A member shall  
25 be appointed from each congressional district with the  
26 appointee residing within the congressional district  
27 at the time of appointment. The remaining appointees  
28 shall be members at large. No more than five members  
29 shall belong to the same political party as provided  
30 in section 69.16. Not more than a simple majority of  
31 the members shall be of the same gender. The members  
32 shall serve four-year terms at the pleasure of the  
33 ~~governor attorney general~~ and their appointments are  
34 not subject to confirmation. The ~~governor attorney~~  
35 ~~general~~ shall fill a vacancy in the same manner as the  
36 original appointment for the unexpired portion of the  
37 member's term. Members of the consumer advisory panel  
38 shall serve without compensation, but shall be  
39 reimbursed for actual expenses from funds appropriated  
40 to the ~~office of~~ consumer advocate division."

41 206. Page 124, line 2, by striking the words  
42 "commerce and industry" and inserting the following:

- 43 "regulated industries".  
44 207. Page 124, line 24, by striking the words  
45 "commerce and industry" and inserting the following:  
46 "regulated industries".  
47 208. Page 125, lines 19 and 20, by striking the  
48 words "commerce and industry" and inserting the  
49 following: "regulated industries".  
50 209. Page 127, line 10, by striking the words

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- 1 "commerce and industry" and inserting the following:  
2 "regulated industries".  
3 210. Page 127, lines 28 and 29, by striking the  
4 words "commerce and industry" and inserting the  
5 following: "regulated industries".  
6 211. Page 128, lines 27 and 28, by striking the  
7 words "commerce and industry" and inserting the  
8 following: "regulated industries".  
9 212. Page 129, by inserting after line 23 the  
10 following:  
11 "4. "Small business" means a nonprofessional  
12 enterprise which is located in this state, which is  
13 operated for profit and under a single management, and  
14 which has either fewer than twenty employees or an  
15 annual gross income of less than three million dollars  
16 computed as the average of the three preceding fiscal  
17 years. This definition does not apply to any program  
18 or activity for which a definition for small business  
19 is provided for the program or activity by federal law  
20 or regulation or other state law."  
21 213. Page 129, line 27, by striking the word  
22 "eleven" and inserting the following: "seven".  
23 214. Page 129, line 27, by striking the word  
24 "six" and inserting the following: "seven".  
25 215. Page 129, line 30, by inserting after the  
26 words "of the" the following: "university of northern  
27 Iowa, the".  
28 216. Page 130, line 2, by striking the word "six"  
29 and inserting the following: "four"  
30 217. Page 130, line 3, by inserting after the  
31 word "party." the following: "The secretary of  
32 agriculture shall be one of the voting members."  
33 218. Page 130, line 4, by inserting after the  
34 words "appoint the" the following: "remaining six".  
35 219. Page 131, by striking lines 5 through 21 and  
36 inserting the following:  
37 "1. Develop and coordinate the implementation of a  
38 twenty-year comprehensive economic development plan of  
39 specific goals, objectives, and policies for the

40 state. This plan shall be updated annually and  
41 revised as necessary. All other state agencies  
42 involved in economic development activities shall  
43 annually submit to the board for its approval and  
44 inclusion in the plan their goals, objectives, and  
45 policies.  
46 2. Prepare a five-year strategic plan for state  
47 economic growth to implement the specific  
48 comprehensive goals, objectives, and policies of the  
49 state. All other state agencies involved in economic  
50 development activities shall annually submit to the

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1 board for its approval and inclusions in the strategic  
2 plan their specific strategic plans and programs. The  
3 five-year strategic plan for state economic growth  
4 shall be updated annually.  
5 3. Develop a method of evaluation of the  
6 attainment of goals and objectives from pursuing the  
7 policies of the five-year and twenty-year plans.  
8 4. Implement the requirements of chapter 73.”  
9 220. Page 131, line 24, by striking the words  
10 “Approve the guidelines or procedures” and inserting  
11 the following: “Establish guidelines, procedures, and  
12 policies”.  
13 221. Page 132, by inserting after line 29 the  
14 following:  
15 “9. Have management authority over, prepare the  
16 budgets of, and have responsibility over the small  
17 business development centers, the center for  
18 industrial research and service, the Iowa high  
19 technology council, and the Iowa product development  
20 corporation.  
21 10. Implement the requirements of chapter 73.”  
22 222. Page 133, by inserting after line 26 the  
23 following:  
24 “f. Provide support, assistance, and  
25 administration for the small business and development  
26 centers and the center for industrial research and  
27 service.”  
28 223. Page 135, by inserting after line 3 the  
29 following:  
30 “d. Aid in the promotion and development of the  
31 agricultural processing industry in the state.”  
32 224. Page 135, by striking lines 10 through 19  
33 and inserting the following:  
34 “(1) Assume the management of technical assistance  
35 services to Iowa businesses, industries, and  
36 communities by the small business development centers,

37 the center for industrial research and service, and  
38 the Iowa high technology council. The advisory boards  
39 for the small business development centers and the  
40 center for industrial research and service in  
41 existence on the effective date of this section shall  
42 become advisory committees for the board and their  
43 members shall be appointed by the governor and shall  
44 serve at the pleasure of the governor. In order to  
45 achieve coordination with educational institutions,  
46 the department shall establish periodic meetings with  
47 representatives from the merged area schools and the  
48 state board of regents institutions to review and  
49 approve their economic development related programs.”  
50 225. Page 137, lines 19 and 20, by striking the

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1 word and figure “to 15.204” and inserting the  
2 following: “and 15.202”.  
3 226. Page 137, line 31, by inserting after the  
4 words “by the governor” the following: “and the Iowa  
5 district export council which advises the United  
6 States department of commerce”.  
7 227. Page 141, line 22, by striking the words  
8 ““job start” program” and inserting the following:  
9 ““self-employment loan program””.  
10 228. Page 141, by striking lines 30 through 32  
11 and inserting the following: “in the state including,  
12 but not limited to, the following:  
13 (1) Evaluating the feasibility and economic  
14 viability of proposed employee-owned businesses.  
15 (2) Providing or arranging for the small business  
16 development centers to provide technical assistance  
17 and counseling services including, but not limited to,  
18 legal, tax, management, marketing, labor, and contract  
19 assistance to persons who seek to form employee-owned  
20 businesses.  
21 (3) Assisting persons in obtaining financing for  
22 the purchase and operation of employee-owned  
23 businesses.”  
24 229. Page 142, line 1, by inserting after the  
25 word “responsibility,” the following: “the department  
26 may establish a small business advisory council and”.  
27 230. Page 142, by striking lines 4 through 9 and  
28 inserting the following:  
29 “b. Aid in the set-aside of procurements for  
30 targeted small businesses pursuant to sections 8.61  
31 through 8.66.”  
32 231. Page 142, by inserting after line 17 the  
33 following:

34 "e. Administer and manage the small business  
35 development centers.  
36 f. Study the feasibility of reducing the total  
37 number of state licenses, permits, and certificates  
38 required to conduct small businesses.  
39 g. Encourage and assist small businesses to obtain  
40 state contracts and subcontracts by cooperating with  
41 the directors of purchasing in the department of  
42 general services, the state board of regents, and the  
43 department of transportation in performing the  
44 following functions:  
45 (1) Compiling and maintaining a comprehensive  
46 source list of small businesses.  
47 (2) Assuring that responsible small businesses are  
48 solicited on each suitable purchase.  
49 (3) Assisting small businesses in complying with  
50 the procedures for bidding and negotiating for

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1 contracts.  
2 (4) Simplifying procurement specifications and  
3 terms in order to increase the opportunities for small  
4 business participation.  
5 (5) When economically feasible, dividing total  
6 purchases into tasks or quantities to permit maximum  
7 small business participation.  
8 (6) Preparing timely forecasts of repetitive  
9 contracting requirements by dollar volume and types of  
10 contracts to enhance the participation of responsible  
11 small businesses in the public purchasing process.  
12 (7) Developing a mechanism to measure and monitor  
13 the amount of participation by small businesses in  
14 state procurement."  
15 232. Page 143, line 11, by inserting after the  
16 word "state." the following: "However, the department  
17 in conjunction with other state agencies, including  
18 the board of regents, shall provide incentives to  
19 inventors whose research is funded in whole or in part  
20 by the state for having their products produced in the  
21 state. These incentives may include taking a smaller  
22 portion of the inventor's royalties or earnings than  
23 would otherwise occur under this paragraph or other  
24 provisions of the law."  
25 233. Page 143, by inserting after line 11 the  
26 following:  
27 "d. Administer or oversee federal rural economic  
28 development programs in the state."  
29 234. Page 144, by inserting after line 2 the  
30 following:

31 "7. Aid in the promotion and development of the  
32 agricultural processing industry in the state."

33 235. Page 144, by inserting after line 13 the  
34 following:

35 "Sec. \_\_\_\_ . NEW SECTION. 15.203 STRATEGIC  
36 PLANNING COUNCIL.

37 The department shall establish, in consultation  
38 with the department of agriculture and land  
39 stewardship, a strategic planning council for the  
40 purpose of advising the two departments in relation to  
41 the sales, promotion, marketing, export of  
42 agricultural commodities, and value added agricultural  
43 products processed in Iowa and for the purpose of  
44 assisting in the coordination of the respective  
45 agricultural marketing programs of the two  
46 departments. The council shall consist of one member  
47 from each of the following associations, appointed by  
48 the secretary of agriculture: Iowa pork producers  
49 association, Iowa beef cattle producers association,  
50 Iowa sheep and wool promotion board, Iowa egg council,

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1 Iowa dairy industry commission, Iowa turkey marketing  
2 council, Iowa soybean promotion board, Iowa corn  
3 promotion board, Iowa wood industry association, and  
4 state horticulture society and up to an additional ten  
5 members, appointed by the director, who are  
6 experienced in exporting agricultural products,  
7 financing the export of agricultural products, and  
8 adding value to and processing of agricultural  
9 products.

10 The strategic planning council shall submit  
11 recommendations to the departments of economic  
12 development and agriculture and land stewardship, the  
13 governor, and the general assembly."

14 236. By striking page 144, line 14 through page  
15 145, line 22.

16 237. Page 147, line 20, by striking the words  
17 "'JOB START" PROGRAM" and inserting the following:  
18 "'SELF EMPLOYMENT LOAN PROGRAM"."

19 238. Page 147, lines 22 and 23, by striking the  
20 words "'job start" program" and inserting the words  
21 "'self employment loan program"."

22 239. Page 147, line 30, by striking the words  
23 "job start" and inserting the following: "self  
24 employment loan".

25 240. Page 148, line 1, by striking the words "job  
26 start" and inserting the following: "self employment  
27 loan program".

28 241. Page 148, by inserting after line 5 the  
29 following:  
30 "Sec. \_\_\_\_ . Section 7B.4, Code Supplement 1985, is  
31 amended by adding the following new subsection:  
32 NEW SUBSECTION. Services under this section shall  
33 be available for assisting employee-owned businesses  
34 and employee-ownership groups which intend to start up  
35 an employee-owned business."  
36 242 . Page 148, by striking line 11 and  
37 inserting the following: "and shall make".  
38 243. Page 148, lines 15 and 16, by striking the  
39 words "its bonding activities" and inserting the  
40 following: "the amount of bonds outstanding and each  
41 new bond issue".  
42 244. By striking page 148, line 31 through page  
43 149, line 25 and inserting the following:  
44 "2. Notwithstanding any other provision of the  
45 Code the treasurer shall coordinate the issuance of  
46 obligations by authorities. The treasurer, or the  
47 treasurer's designee, shall serve as ex officio  
48 nonvoting member of each authority. Prior to the  
49 issuance of obligations, an authority shall notify the  
50 treasurer of its intention to do so. The treasurer

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1 shall:  
2 a. Select and fix the compensation for, in  
3 consultation with the respective authority, through a  
4 competitive selection procedure, attorneys,  
5 accountants, financial advisors, banks, underwriters,  
6 insurers, and other employees and agents which in the  
7 treasurer's judgment are necessary to carry out the  
8 authority's intention. Prior to the initial  
9 selection, the treasurer shall, after consultation  
10 with the authorities, establish a procedure which  
11 provides for a fair, and open selection process  
12 including, but not limited to, the opportunity to  
13 present written proposals and personal interviews.  
14 The treasurer shall maintain a list of firms which  
15 have requested to be notified of requests for  
16 proposal. The selection criteria shall take into  
17 consideration, but is not limited to, compensation,  
18 expenses, experience with similar issues, scheduling,  
19 ability to provide the services of individuals with  
20 specific knowledge in the relevant subject matter and  
21 length of the engagement. At the request of the  
22 treasurer, the state executive council may waive the  
23 requirement for a competitive selection procedure.  
24 Upon selection by the treasurer, the authority shall

25 promptly employ the individual or firm and be  
26 responsible for payment of costs.

27 b. Submit an account to the respective authority  
28 for all costs incurred in each transaction. The  
29 treasurer will charge an authority for costs of  
30 administration. The authority shall disburse to the  
31 treasurer the amounts set forth in the account.

32 c. Direct the investment or deposit of the  
33 proceeds of the sale of the obligations, in accordance  
34 with the language of the documents drafted to  
35 effectuate issuance of the obligations, except for the  
36 proceeds necessary to fund the ongoing operations of  
37 the authority. This paragraph does not apply to  
38 proceeds of obligations issued before the effective  
39 date of this section.

40 d. Collect from an authority and other sources,  
41 any statistical and financial information necessary to  
42 draft an offering document or prepare a presentation  
43 necessary for the issuance or marketing of the  
44 obligations.

45 3. Each respective authority shall consult with  
46 the treasurer on the following:

47 a. Amount, terms, and conditions of the  
48 obligations to be issued by the authority including  
49 other provisions deemed necessary by the treasurer or  
50 the authority.

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1 b. The documents or instruments necessary to  
2 effectuate issuance of the obligation.

3 c. Presentations to rating agencies and marketing  
4 activities. The treasurer may choose to participate  
5 in these presentations.

6 4. Professional services, including but not  
7 limited to attorneys, accountants, financial advisors,  
8 banks, underwriters, insurers, and other employees  
9 employed by a project sponsor may be selected by the  
10 project sponsor, if the obligation is issued in behalf  
11 of the project sponsor and the purchaser of the  
12 obligation does not have recourse to the authority or  
13 state.

14 5. The treasurer may delay implementation of this  
15 section for up to six months following the effective  
16 date of this section for an authority to facilitate an  
17 orderly transition."

18 245. Page 149, by inserting after line 25 the  
19 following:

20 "3. An underwriter employed to assist in the  
21 issuance of obligations by an authority shall meet the

22 requirements for doing business in Iowa sufficient to  
 23 be subject to tax under rules of the department of  
 24 revenue.”

25 246. Page 150, by inserting after line 25 the  
 26 following:

27 “Sec. \_\_\_\_ . Section 28.51, unnumbered paragraph 1,  
 28 Code 1985, is amended to read as follows:

29 The Iowa high technology council, hereafter  
 30 referred to as the “council” is created. ~~The council~~  
 31 ~~shall be administratively integrated into the Iowa~~  
 32 ~~development commission for staff support and~~  
 33 ~~assistance. The council shall be an advisory body to~~  
 34 ~~the Iowa department of economic development. The~~  
 35 ~~department may provide staff support and assistance.~~

36 Sec. \_\_\_\_ . Section 28.52, unnumbered paragraph 1,  
 37 Code 1985, is amended to read as follows:

38 The purpose of the council shall be to encourage  
 39 the development of and advise the Iowa department of  
 40 economic development regarding high technology  
 41 industries and research in Iowa which will establish  
 42 net new employment opportunities for Iowa workers or  
 43 assist in improving the efficiency, productivity, and  
 44 viability of family farm operations and which will  
 45 improve the quality of life in an environmentally  
 46 sound manner. For high technologies consistent with  
 47 this purpose, the council shall advise the department  
 48 on how to:

49 Sec. \_\_\_\_ . Section 28.53, Code 1985, is amended to  
 50 read as follows:

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1 28.53 GRANTS, GIFTS, AND BEQUESTS.

2 The council ~~may receive and expend~~ shall advise the  
 3 department on the receipt and expenditure of grants,  
 4 gifts, and bequests, including but not limited to  
 5 appropriations, federal funding, and other funding  
 6 available for the purposes pursuant to section 28.52.

7 Sec. \_\_\_\_ . Section 28.55, unnumbered paragraph 1,  
 8 Code 1985, is amended to read as follows:

9 A public investment in commercial development by  
 10 ~~the council~~ Iowa department of economic development  
 11 may be made only in Iowa and in conjunction with  
 12 private investment and shall be reflected in a public  
 13 ownership interest in the commercial entity which is  
 14 established. The public ownership interest shall be  
 15 negotiated with the other investing parties, including  
 16 but not limited to, educational institutions,  
 17 inventors, and private investors. A provision  
 18 relating to the terms of ownership and the

19 circumstances of disposal of the public ownership  
20 interest shall be made at the time of investment.

21 Sec. \_\_\_\_ . Section 28.83, subsections 3 and 6, Code  
22 1985, are amended to read as follows:

23 3. The board of directors shall annually elect one  
24 member as chairperson and one member as secretary.  
25 The board may elect other officers of the corporation  
26 as necessary. Members ~~are entitled to receive forty~~  
27 ~~dollars per diem for each day spent in performance of~~  
28 ~~duties and~~ shall be reimbursed for necessary expenses  
29 incurred in the performance of duties from funds  
30 appropriated to the Iowa department of economic  
31 development commission.

32 6. The corporation shall be a part of the Iowa  
33 department of economic development commission for  
34 administrative purposes only which shall provide all  
35 staff and administrative assistance. The corporation  
36 shall submit to the department for its approval all  
37 plans, programs, initiatives and budgets."

38 247. Page 151, by striking lines 22 through 28.

39 248. Page 152, by inserting after line 19 the  
40 following:

41 "Sec. \_\_\_\_ . Section 220.1, subsection 28, Code  
42 Supplement 1985, is amended by adding after paragraph  
43 c the following new unnumbered paragraph:  
44 NEW UNNUMBERED PARAGRAPH. "Small business"  
45 includes an employee-owned business which has been an  
46 employee-owned business for less than three years or  
47 which meets the conditions of paragraphs "a" through  
48 "c"."

49 249. Page 153, by striking lines 3 through 9.

50 250. Page 155, line 25, by inserting after the

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1 figure "28.10," the following: "28.41 through  
2 28.46,".

3 251. Page 155, line 25, by striking the word and  
4 figures "28.61 through 28.66,".

5 252. Page 155, line 26, by striking the figures  
6 "159.20, 159.22" and inserting the following:  
7 "159.21".

8 253. Page 155, by inserting after line 28 the  
9 following:

10 "Sec. 901. NEW SECTION. 84A.1 DEPARTMENT OF  
11 EMPLOYMENT SERVICES -- DIRECTOR -- DIVISIONS --  
12 CREATED.

13 1. The department of employment services is  
14 created to administer the laws of this state relating  
15 to unemployment compensation insurance, job placement

16 and training, employment safety, labor standards, and  
17 workers' compensation.

18 2. The chief executive officer of the department  
19 is the director who shall be appointed by the  
20 governor, subject to confirmation by the senate. The  
21 director shall serve at the pleasure of the governor.  
22 The governor shall set the salary of the director  
23 within the applicable salary range established by the  
24 general assembly. The director shall be selected  
25 solely on the ability to administer the duties and  
26 functions granted to the director and the department  
27 and shall devote full time to the duties of the  
28 director. If the office of director becomes vacant,  
29 the vacancy shall be filled in the same manner as the  
30 original appointment was made.

31 The director of the department of employment  
32 services shall prepare, administer, and control the  
33 budget of the department and its divisions and shall  
34 approve the employment of all personnel of the  
35 department and its divisions. The director, one  
36 deputy director, and one confidential secretary are  
37 exempt from the merit system under section 19A.3.

38 3. The department shall include the division of  
39 job service, the division of labor services, and the  
40 division of industrial services.

41 Sec. 902. **NEW SECTION. 84A.2 DEPARTMENT AND**  
42 **DIVISION RESPONSIBILITIES.**

43 1. The division of job service is responsible for  
44 the administration of unemployment compensation  
45 benefits and for the collection of employer  
46 contributions under chapter 96. The division is  
47 responsible for the administration of the free public  
48 employment offices established pursuant to chapter 96,  
49 other job placement and training programs established  
50 pursuant to section 84A.3, and the administration of

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1 the offices of the division located throughout the  
2 state and for the personnel attached to those offices.  
3 The executive head of the division is the job service  
4 commissioner.

5 2. The division of labor services is responsible  
6 for the administration of the laws of this state  
7 relating to occupational health and safety, the  
8 inspection of amusement rides, the removal and  
9 encapsulation of asbestos, the inspection of boilers,  
10 wage payment collection, child labor, employment  
11 agency licensing, boxing and wrestling, inspection of  
12 elevators, and hazardous chemical risks under chapters

13 88, 88A, 88B, 89, 91, 91A, 91B, 92, 94, 95, 99C, 104,  
14 and 455D, and section 327F.37. The executive head of  
15 the division is the labor commissioner, appointed  
16 pursuant to section 91.2.

17 3. The division of industrial services is  
18 responsible for the administration of the laws of this  
19 state relating to workers' compensation under chapters  
20 85, 85A, 85B, 86, and 87. The executive head of the  
21 division is the industrial commissioner, appointed  
22 pursuant to section 86.1.

23 4. The director shall form a coordinating  
24 committee composed of the job service commissioner,  
25 the labor commissioner, and the industrial  
26 commissioner. The committee shall monitor federal  
27 compliance issues relating to coordination of  
28 functions among the divisions.

29 Sec. 903. NEW SECTION. 84A.3 JOB PLACEMENT AND  
30 TRAINING PROGRAMS.

31 1. The job service commissioner, in coordination  
32 with the department of economic development, may  
33 provide, with or without reimbursement, intake, client  
34 eligibility, and a significant portion of job  
35 placement services to individuals participating in the  
36 job training partnership program established under  
37 chapter 7B. The department of employment services and  
38 the department of economic development shall work  
39 together to develop policies encouraging coordination  
40 between job training, labor exchange, and economic  
41 development activities.

42 2. The job service commissioner, in cooperation  
43 with the department of human rights, shall establish  
44 an experimental retired Iowan employment program. The  
45 program shall encourage and promote the meaningful  
46 employment of retired citizens of the state.

47 3. The job service commissioner, in cooperation  
48 with the department of human rights, shall establish a  
49 program to provide job placement and training to  
50 persons with disabilities.

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1 Sec. 904. Section 17.3, subsections 8 and 10, Code  
2 Supplement 1985, are amended by striking the  
3 subsections."

4 254. Page 158, line 27, by striking the word  
5 "its" and inserting the following: "~~its~~ the".

6 255. Page 159, by inserting after line 9 the fol-  
7 lowing:

8 "Sec. \_\_\_\_ . Section 86.8, Code 1985, is amended to  
9 read as follows:

## 10 86.8 DUTIES.

11 ~~It shall be the duty of the~~ The commissioner shall:

12 1. ~~To establish~~ Adopt and enforce ~~all necessary~~  
 13 ~~rules not in conflict with the provisions of necessary~~  
 14 to implement this chapter and chapters 85, 85A, 85B,  
 15 ~~and 87 for carrying out the purposes thereof.~~

16 2. ~~To prepare~~ Prepare and distribute the necessary  
 17 blanks relating to computation, adjustment, and  
 18 settlement of compensation ~~arising thereunder.~~

19 3. ~~To prepare~~ Prepare and publish statistical  
 20 reports and analyses regarding the cost, occurrence,  
 21 and sources of employment injuries.

22 4. ~~To administer~~ Administer oaths; ~~and~~ examine  
 23 books and records of parties subject to ~~such~~  
 24 provisions the workers' compensation laws.

25 5. ~~In general to do all things not inconsistent~~  
 26 ~~with law in carrying out said provisions according to~~  
 27 ~~their true intent and purpose.~~

28 6. ~~To provide~~ Provide a seal for the  
 29 authentication of orders and records and for ~~such~~  
 30 other purposes as required.

31 ~~In carrying out the duties and responsibilities~~  
 32 ~~under this chapter, the industrial~~ Subject to the  
 33 approval of the director of the department of  
 34 employment services, the commissioner may enter into  
 35 contracts with any state agency, with or without  
 36 reimbursement, for the purpose of obtaining the  
 37 services, facilities, and personnel of ~~such the agency~~  
 38 and with the consent of any state agency or ~~any~~  
 39 political subdivision of the state, accept and use the  
 40 services, facilities, and personnel of ~~any the agency~~  
 41 ~~of the state~~ or political subdivision, and employ  
 42 experts and consultants or organizations in order to  
 43 expeditiously, efficiently, and economically  
 44 effectuate the purposes of this chapter. The  
 45 ~~provisions of agreements under~~ this paragraph are  
 46 subject to approval by the executive council ~~where if~~  
 47 approval is required by law.

48 Sec. \_\_\_\_ . Section 86.9, Code 1985, is amended to  
 49 read as follows:

## 50 86.9 REPORTS.

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1 The director of the department of employment ser-  
 2 VICES, in consultation with the commissioner, shall,  
 3 at the time provided by law, make a biennial an annual  
 4 report to the governor setting forth in appropriate  
 5 form the business and expense of the office division  
 6 of industrial service for the two preceding years

7 year, the number of claims ~~before processed~~ by the  
8 agency division and the disposition of the claims, and  
9 other matters pertaining to the office division which  
10 are of public interest, together with recommendations  
11 for change or amendment of the laws in this chapter  
12 and chapters 85, 85A, 85B, and 87, and the  
13 recommendations, if any, shall be transmitted by the  
14 governor to the first general assembly in session,  
15 after the report is filed.

16 The commissioner, after consultation with the  
17 director of the department of employment services, may  
18 ~~make compile~~ an annual report setting forth the final  
19 decisions, rulings, and orders of the office division  
20 for the preceding year and setting forth other matters  
21 or information ~~that~~ which the commissioner considers  
22 desirable for publication. These annual reports may  
23 be distributed by the state on request to public  
24 officials as set forth in chapter 17. Members of the  
25 public may obtain the annual report upon payment of  
26 its cost as set by the commissioner.

27 Sec. \_\_\_\_ . Section 86.24, Code 1985, is amended by  
28 adding the following new subsection:  
29 NEW SUBSECTION. 5. The decision of the industrial  
30 commissioner is final agency action and an appeal of  
31 the decision shall be made directly to the district  
32 court.

33 Sec. \_\_\_\_ . Section 88.2, subsections 1, 4, and 5,  
34 Code 1985, are amended to read as follows:

35 1. The ~~bureau of labor, established in chapter 91,~~  
36 ~~is designated to labor commissioner, appointed~~  
37 pursuant to section 91.2, and the division of labor  
38 services of the department of employment services  
39 created in section 84A.1 shall administer this  
40 chapter.

41 4. ~~In carrying out responsibilities of the~~  
42 ~~commissioner under this chapter, the~~ Subject to the  
43 approval of the director of the department of  
44 employment services, the labor commissioner is  
45 ~~authorized to may~~ enter into contracts with any state  
46 agency, with or without reimbursement, for the purpose  
47 of obtaining the services, facilities, and personnel  
48 of ~~such the~~ agency, and with the consent of any state  
49 agency or any political subdivision of the state,  
50 accept and use the services, facilities, and personnel

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1 of ~~any the~~ agency of the state or political  
2 subdivision, and employ experts and consultants or  
3 organizations, in order to expeditiously, efficiently,

4 and economically effectuate the purposes of this  
 5 chapter. The ~~provisions of agreements~~ under this  
 6 subsection are subject to approval of the executive  
 7 council ~~where if approval~~ is required by law.

8 5. The commissioner, the governor, and the state  
 9 comptroller ~~are hereby authorized to may~~ obtain and  
 10 accept federal grants to the state to be used in  
 11 connection with the funds appropriated for the  
 12 administration of this chapter and federal funds in  
 13 ~~addition thereto available to the division.~~

14 Sec. \_\_\_\_ . Section 88A.1, subsection 2, Code 1985,  
 15 is amended by striking the subsection and inserting in  
 16 lieu thereof the following:

17 2. "Division" means the division of labor services  
 18 of the department of employment services created under  
 19 section 84A.1.

20 Sec. \_\_\_\_ . Section 88B.1, subsection 2, Code 1985,  
 21 is amended by striking the subsection and inserting in  
 22 lieu thereof the following:

23 2. "Division" means the division of labor services  
 24 of the department of employment services created under  
 25 section 84A.1.

26 Sec. \_\_\_\_ . Section 88B.3, subsections 1 and 4, Code  
 27 1985, are amended to read as follows:

28 1. The ~~bureau of labor~~ commissioner shall  
 29 administer this chapter.

30 4. At least once a year, during an actual asbestos  
 31 project, the ~~bureau division~~ shall conduct an on-site  
 32 inspection of each licensee's procedures for removing  
 33 and encapsulating asbestos.

34 Sec. \_\_\_\_ . Section 91.1, Code 1985, is amended to  
 35 read as follows:

36 91.1 LABOR COMMISSIONER.

37 The ~~bureau division~~ of labor ~~shall be services of~~  
 38 the department of employment services, created under  
 39 section 84A.1, is under the control of a labor  
 40 commissioner, who shall have an office at the seat of  
 41 government and shall devote the commissioner's entire  
 42 time to the duties of the office.

43 Sec. \_\_\_\_ . Section 91.4, subsection 5 and  
 44 unnumbered paragraph 2, Code 1985, are amended to read  
 45 as follows:

46 5. ~~Report to the governor biennially on all~~  
 47 ~~matters pertaining to the bureau of labor. The~~  
 48 director of the department of employment services, in  
 49 consultation with the labor commissioner, shall, at  
 50 the time provided by law, make an annual report to the

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1 governor setting forth in appropriate form the  
 2 business and expense of the division of labor services  
 3 for the preceding year, the number of disputes or  
 4 violations processed by the division and the  
 5 disposition of the disputes or violations, and other  
 6 matters pertaining to the division which are of public  
 7 interest, together with recommendations for change or  
 8 amendment of the laws in this chapter and chapters 88,  
 9 88A, 88B, 89, 91A, 91B, 92, 94, 95, 99C, 104, and  
 10 455D, and in section 327F.37, and the recommendations,  
 11 if any, shall be transmitted by the governor to the  
 12 first general assembly in session after the report is  
 13 filed.

14 The ~~bureau of labor~~ division of labor services may  
 15 sell documents printed by the ~~bureau of labor~~ division  
 16 at cost according to rules established by the ~~bureau,~~  
 17 ~~which rules shall be subject labor commissioner~~  
 18 pursuant to chapter 17A. Receipts from such the sale  
 19 shall be deposited to the credit of the bureau of  
 20 ~~labor~~ division and may be used by the bureau division  
 21 for administrative expenses."

22 256. Page 160, by inserting after line 30 the  
 23 following:

24 "Sec. \_\_\_\_ . Section 94.2, unnumbered paragraph 1,  
 25 Code 1985, is amended to read as follows:

26 ~~It shall be the duty of the director of the~~  
 27 ~~department of~~ The job service commissioner, through  
 28 the free employment service to, shall."

29 257. Page 163, by striking lines 12 through 22  
 30 and inserting the following:

31 "Sec. \_\_\_\_ . Section 96.10, Code 1985, is amended to  
 32 read as follows:

33 96.10 DEPARTMENT DIVISION OF JOB SERVICE.

34 ~~There is established an Iowa department of job~~  
 35 ~~service.~~ The chief executive officer of the division  
 36 of job service of the department of employment  
 37 services is the director of job service commissioner  
 38 who shall be appointed by the governor subject to  
 39 confirmation by the senate and shall serve at the  
 40 pleasure of the governor. The director commissioner  
 41 shall be selected solely on the ability to administer  
 42 the duties and functions granted to the department  
 43 division and shall devote full time to the duties of  
 44 director commissioner. If the office of director  
 45 commissioner becomes vacant, the vacancy shall be  
 46 filled in the same manner as the original appointment  
 47 was made.

48 The salary of the ~~director~~ commissioner shall be

49 set by the governor within the applicable salary range  
 50 established by the general assembly.

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1 The director of the department may establish,  
 2 consolidate, and abolish divisions of the department  
 3 when necessary for the efficient performance of the  
 4 department.

5 Sec. \_\_\_\_ . Section 96.11, subsection 4, unnumbered  
 6 paragraph 1, Code Supplement 1985, is amended by  
 7 striking the unnumbered paragraph.

8 Sec. \_\_\_\_ . Section 96.19, Code 1985, is amended by  
 9 adding the following new subsections:

10 NEW SUBSECTION. 39. "Department" means the  
 11 department of employment services created in section  
 12 84A.1.

13 NEW SUBSECTION. 40. "Director" means the job  
 14 service commissioner of the division of job service of  
 15 the department of employment services appointed pur-  
 16 suant to section 96.10."

17 258. By striking page 163, line 33 through page  
 18 164, line 12 and inserting the following:

19 "Sec. \_\_\_\_ . Section 104.1, subsections 3, 4, 15,  
 20 16, and 17, Code 1985, are amended to read as follows:

21 3. "Division" means the elevator safety division  
 22 of labor services of the department of employment  
 23 services created by this chapter as a part of the  
 24 bureau of labor under section 84A.1.

25 4. "Commissioner" means the labor commissioner,  
 26 appointed pursuant to section 91.2, or the labor  
 27 commissioner's designee.

28 15. "Inspector" means an inspector employed by the  
 29 bureau of labor division for the purpose of  
 30 administering this chapter.

31 16. "Special inspector" means an inspector  
 32 licensed by the labor commissioner, and not employed  
 33 by the bureau of labor division.

34 17. "Provisions of this chapter" includes rules  
 35 adopted by the labor commissioner pursuant to this  
 36 chapter.

37 Sec. \_\_\_\_ . Section 241.3, subsection 2, Code 1985,  
 38 is amended to read as follows:

39 2. The department shall consult and co-operate  
 40 with the department division of job service of the  
 41 department of employment services, the United States  
 42 commissioner of social security administration, the  
 43 commission on division of the status of women of the  
 44 department of human rights, the representative of the  
 45 administrative agency administering the job training

46 partnership Act, the state department of public  
47 instruction education and other persons in the  
48 executive branch of the state government as the  
49 department considers appropriate to facilitate the co-  
50 ordination of multipurpose service programs

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1 established under this chapter with existing programs  
2 of a similar nature.

3 Sec. \_\_\_\_ . Section 455D.3, subsection 1, Code 1985,  
4 is amended by striking the subsection and inserting in  
5 lieu thereof the following:

6 1. "Division" means the division of labor services  
7 of the department of employment services created under  
8 section 84A.1.

9 Sec. \_\_\_\_ . Section 455D.8, subsections 2 and 4,  
10 Code 1985, are amended to read as follows:

11 2. The bureau division of labor services shall  
12 administer this division of the chapter. The bureau  
13 division may exercise the enforcement powers set out  
14 in chapter 88 and the rules adopted pursuant to  
15 chapter 88 to enforce this division of the chapter.

16 4. In addition to the chemical information  
17 required to be reported under federal hazard  
18 communication standard 29 C.F.R. sec. 1910.1200(d),  
19 the bureau labor commissioner may adopt by rule  
20 additional hazardous chemical information to be  
21 regulated; ~~if the interagency council recommends such~~  
22 ~~action pursuant to section 455D.17.~~

23 Sec. \_\_\_\_ . Section 455D.12, subsection 2, Code  
24 1985, is amended to read as follows:

25 2. The bureau division of labor services shall  
26 receive and handle requests for information and  
27 complaints under this division of this chapter which  
28 involve employer information covered under division II  
29 of this chapter. The bureau labor commissioner shall  
30 adopt rules pursuant to chapter 17A regarding requests  
31 for information and the investigation and adjudication  
32 of complaints.

33 Sec. \_\_\_\_ . Section 455D.15, subsection 1, Code  
34 1985, is amended to read as follows:

35 1. At the same time that an employer provides the  
36 information to employees required under division II,  
37 the employer shall submit to the local fire department  
38 a list of hazardous chemicals which are consistently  
39 generated by, used by, stored at, or transported from  
40 the employer's facility. The information shall be  
41 provided in sufficient specificity that the local fire  
42 department is informed of the nature of the hazardous

43 chemicals, the hazards presented by the chemicals, and  
 44 the appropriate response in dealing with an emergency  
 45 involving the hazardous chemicals. The information  
 46 shall conform to guidelines adopted by the ~~bureau from~~  
 47 ~~recommendations of the interagency council under~~  
 48 ~~section 455D-19~~ labor commissioner. The employer  
 49 shall send the information by certified mail. The  
 50 ~~bureau~~ labor commissioner shall adopt rules exempting

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1 employers from this requirement when buildings or  
 2 structures do not contain significant amounts of a  
 3 hazardous chemical.  
 4 Sec. \_\_\_\_ . Section 601H.5, Code 1985, is repealed.  
 5 Sec. \_\_\_\_ . CODIFICATION. In the codification of  
 6 this Act, the Code editor may:  
 7 1. Transfer chapters 90 and 93A to chapter numbers  
 8 less than 85 or greater than 97.  
 9 2. Transfer chapters 97C, 99C, 104, and 455D to  
 10 chapter numbers between 84A and 97.  
 11 However, if the Code arrangement required by this  
 12 section is not feasible or is not satisfactory to the  
 13 Code editor, the Code editor may rearrange the  
 14 affected chapters as necessary.”  
 15 259. By striking page 164, line 13, through page  
 16 182, line 13.  
 17 260. Page 182, by striking lines 30 and 31.  
 18 261. Page 183, line 12, by striking the word  
 19 “State” and inserting the following: “State Iowa”.  
 20 262. Page 184, line 17, by striking the word  
 21 “State” and inserting the following: “State”.  
 22 263. Page 185, line 29, by inserting after the  
 23 figure “135C,” the following: “135D”.  
 24 264. Page 186, by inserting after line 5 the  
 25 following:  
 26 “Sec. \_\_\_\_ . NEW SECTION. 135.11A PROFESSIONAL  
 27 LICENSURE DIVISION.  
 28 There shall be a professional licensure division  
 29 within the department of public health. Each board of  
 30 examiners specified under chapter 147 or under the  
 31 administrative authority of the department shall  
 32 receive administrative and clerical support from the  
 33 division and may not employ its own support staff for  
 34 administrative and clerical duties.”  
 35 265. Page 186, line 27, by inserting after the  
 36 word “of” the following: “public”.  
 37 266. Page 187, line 25, by striking the word  
 38 “audits” and inserting the word “inspections”.  
 39 267. Page 187, line 30, by inserting after the

40 word "department" the following: "of inspections and  
41 appeals".

42 268. Page 187, line 33, by striking the word  
43 "audits" and inserting the word "inspections".

44 269. Page 188, line 26, by striking the word  
45 "whereon" and inserting the following: "whereon  
46 wherein".

47 270. Page 188, line 35, by inserting after the  
48 word "of" the following: "public".

49 271. Page 189, line 6, by striking the words  
50 "state department of health ~~shall have the~~" and

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1 inserting the following: "state department of public  
2 health ~~shall have the~~".

3 272. Page 189, line 8, by striking the word "to"  
4 and inserting the following: "to".

5 273. Page 189, line 11, by inserting after the  
6 words "department of" the following: "public".

7 274. Page 189, by inserting after line 19 the  
8 following:

9 "Sec. \_\_\_\_ . Section 136.1, Code 1985, is amended to  
10 read as follows:

11 136.1 COMPOSITION OF BOARD.

12 The state board of health shall consist of the  
13 following members: Nine Five members learned in  
14 health-related disciplines and four members  
15 representing the general public.

16 The commissioner of public health shall serve as  
17 secretary of the board."

18 275. Page 190, line 2, by inserting after the  
19 word "of" the following: "public".

20 276. Page 201, by inserting after line 33 the  
21 following:

22 "Sec. \_\_\_\_ . Notwithstanding section 136.1, the  
23 governor shall appoint one member to the state board  
24 of health representing the general public in 1987, two  
25 members representing the general public in 1988, and  
26 one member representing the general public in 1989."

27 277. Page 202, by striking line 11, and inserting  
28 the following:

29 "5. Division of community action agencies."

30 278. Page 202, by striking line 13 and inserting  
31 the following:

32 "7. Division for the blind."

33 279. Page 202, by inserting before line 14, the  
34 following:

35 "8. Division of elder affairs."

36 280. Page 202, by striking line 15 and inserting

37 the following: "DEPARTMENT COORDINATOR AND  
38 ADMINISTRATORS."

39 281. Page 202, line 16, by striking the word  
40 "administrative" and inserting the following:  
41 "department".

42 282. Page 202, line 18, by striking the word  
43 "administrative" and inserting the following:  
44 "department".

45 283. Page 202, by striking lines 19 through 23  
46 and inserting the following: "pleasure of the  
47 governor. The department coordinator shall:

48 1. Approve personnel decisions for the department,  
49 as submitted by the commissions.

50 2. Receive budgets submitted by each commission

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1 and reconcile the budgets among the divisions. The  
2 department coordinator shall submit a budget for the  
3 department, subject to the budget requirements  
4 pursuant to chapter 8."

5 284. Page 202, line 24, by striking the words  
6 "division directors" and inserting the following:  
7 "administrators".

8 285. Page 202, line 25, by inserting after the  
9 word "senate." the following: "The commission on the  
10 status of women shall submit three names for  
11 administrator of the division of the status of women  
12 and the governor shall select one of the three for  
13 administrator of the division of the status of women."

14 286. Page 202, line 26, by striking the words  
15 "division director" and inserting the following:  
16 "administrator".

17 287. Page 202, line 32, by striking the word  
18 "seven" and inserting the word "eight".

19 288. Page 202, line 33, by striking the words  
20 "division directors" and inserting the following:  
21 "administrators".

22 289. Page 203, line 16, by striking the word  
23 "administrative" and inserting the following:  
24 "department".

25 290. Page 203, by striking line 22 and inserting  
26 the following:

27 "2. "Department coordinator" means the  
28 department".

29 291. Page 203, by striking line 33 and inserting  
30 the following:

31 "3. "Administrator" means the administrator of the  
32 division".

33 292. Page 204, by striking lines 16 and 17 and

34 inserting the following:

35 "The governor shall appoint the chairperson of the  
36 commission and the commission shall".

37 293. Page 204, line 23, by striking the words  
38 "division director" and inserting the following:  
39 "administrator".

40 294. Page 204, by inserting after line 29 the  
41 following: "The administrator shall carry out  
42 programs and policies as determined by the  
43 commission."

44 295. Page 205, line 16, by striking the word "Be"  
45 and inserting the following: "Pursuant to section  
46 601K.2, be".

47 296. Page 205, by inserting after line 17 the  
48 following:

49 "\_\_\_\_. Maintain information on the qualifications  
50 of Spanish language interpreters and maintain and

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1 provide a list of those deemed qualified to Iowa  
2 courts or administrative agencies, as requested."

3 297. Page 206, by striking line 9 and inserting  
4 the following:

5 "3. "Administrator" means the administrator of the  
6 division".

7 298. Page 206, by striking lines 12 through 24  
8 and inserting the following:

9 "Sec. \_\_\_\_ . NEW SECTION. 601K.31. POLICY FOR  
10 CHILDREN, YOUTH, AND FAMILIES.

11 It is the policy of the state of Iowa to promote  
12 the best interests of children, youth, and families.  
13 To further this policy there is created a division of  
14 children, youth, and families and the commission on  
15 children, youth, and their families. The division of  
16 children, youth, and families shall:

17 1. Promote coordination of federal, state and  
18 local services by developing a plan to streamline  
19 delivery of services and making recommendations to the  
20 governor and general assembly by December 1 of each  
21 year.

22 2. Work with state agencies in an advisory  
23 capacity to help plan needed services for children,  
24 youth, and their families.

25 3. Provide the administrator, general assembly and  
26 governor with recommendations and information to  
27 improve services for children, youth, and their  
28 families by December 1st of each year.

29 4. Identify state and federal resources that can  
30 be used in local areas; and

- 31 5. Provide information to parents to assist and  
32 support them in their parenting roles.  
33 The commission shall examine the following issues  
34 related to the cycle of dependency which some families  
35 have on services, including, but not limited to, child  
36 care, chemical dependency, child welfare, youth  
37 employment, parent education, health, and education.”  
38 299. Page 207, by striking line 3.  
39 300. Page 207, by striking lines 6 and 7 and  
40 inserting the following:  
41 “d. One citizen, who shall be a professional  
42 family counselor.  
43 e. Seven citizens who have expertise in the areas  
44 of child care, child welfare, youth employment,  
45 maternal and child health, chemical dependency,  
46 education, or law.  
47 f. A person sixteen through eighteen years of age  
48 at the time of appointment.”  
49 301. Page 207, by striking lines 8 and 9.  
50 302. Page 208, by striking lines 1 through 3 and

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- 1 inserting the following: “membership a chairperson of  
2 the commission. The commission shall meet at”.  
3 303. Page 208, line 19, by striking the word  
4 “DIRECTOR” and inserting the following:  
5 “ADMINISTRATOR”.  
6 304. Page 208, line 20, by striking the words  
7 “division director” and inserting the following:  
8 “administrator”.  
9 305. Page 208, lines 21 and 22, by striking the  
10 words “division director” and inserting the following:  
11 “administrator”.  
12 306. Page 208, line 22, by inserting after the  
13 word “and” the following: “, pursuant to section  
14 601K.2.”.  
15 307. Page 208, line 25, by inserting after the  
16 word “commission.” the following: “The administrator  
17 shall carry out programs and policies as determined by  
18 the commission.”  
19 308. Page 209, line 5, by striking the word “The”  
20 and inserting the following: “Pursuant to section  
21 601K.2, the”.  
22 309. Page 209, by striking line 16 and inserting  
23 the following:  
24 “3. “Administrator” means the administrator of the  
25 division”.  
26 310. Page 209, by striking lines 21 through 23  
27 and inserting the following: “representing a cross

28 section of the citizens of Iowa. No more than a  
29 simple majority of the commission shall be of the same  
30 political party."

31 311. Page 209, line 25, by inserting after the  
32 word "chairperson" the following: "of the  
33 commission".

34 312. Page 210, by striking lines 3 through 5 and  
35 inserting the following: "chairperson. The".

36 313. Page 210, line 28, by striking the words  
37 "employees. The" and inserting the following:  
38 "employees. Pursuant to section 601K.2, the".

39 314. Page 210, line 30, by inserting after the  
40 word "division." the following: "The administrator  
41 shall carry out programs and policies as determined by  
42 the commission."

43 315. Page 211, by striking line 14.

44 316. Page 212, by striking line 20 and inserting  
45 the following:

46 "3. "Administrator" means the administrator of the  
47 division".

48 317. Page 212, line 27, by inserting after the  
49 word "following" the following: "or designee".

50 318. Page 212, line 30, by striking the word

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1 "commissioner" and inserting the following:

2 "director".

3 319. Page 212, line 33, by striking the word

4 "commissioner" and inserting the following:

5 "director".

6 320. Page 212, line 33, by inserting after the

7 word "of" the following: "the department of".

8 321. Page 212, by striking line 35 and inserting

9 the following:

10 "5. The administrator of the division for the  
11 blind."

12 322. Page 213, by striking line 3 and inserting  
13 the following:

14 "8. The commissioner of the division of job  
15 service."

16 323. Page 213, by striking lines 4 and 5 and  
17 inserting the following:

18 "9. The director of the department of personnel."

19 324. Page 213, line 10, by inserting after the  
20 words "consist of" the following: "persons with  
21 disabilities, family members of persons with  
22 disabilities,".

23 325. Page 213, by striking lines 24 through 27  
24 and inserting the following:

- 25 "The governor shall appoint the chairperson of the  
 26 commission. Members of the commission shall".  
 27 326. Page 213, line 35, by striking the words  
 28 "disabled persons" and inserting the following:  
 29 "persons with disabilities".  
 30 327. Page 214, line 2, by striking the words "the  
 31 disabled" and inserting the following: "persons with  
 32 disabilities".  
 33 328. Page 214, lines 4 and 5, by striking the  
 34 words "the disabled" and inserting the following:  
 35 "persons with disabilities".  
 36 329. Page 214, line 8, by striking the words "the  
 37 disabled" and inserting the following: "persons with  
 38 disabilities".  
 39 330. Page 214, by striking line 10, and inserting  
 40 the following: "workers who are persons with  
 41 disabilities".  
 42 331. Page 214, line 11, by striking the words  
 43 "disabled persons" and inserting the following:  
 44 "persons with disabilities".  
 45 332. Page 214, line 17, by striking the words  
 46 "disabled persons" and inserting the following:  
 47 "persons with disabilities".  
 48 333. Page 214, line 18, by striking the word "Be"  
 49 the following: "Pursuant to section 601K.2, be".  
 50 334. Page 214, line 20, by striking the words

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- 1 "DIVISION DIRECTOR" and inserting the following:  
 2 "ADMINISTRATOR".  
 3 335. Page 214, line 22, by striking the words  
 4 "division director" and inserting the following:  
 5 "administrator".  
 6 336. Page 214, line 27, by inserting after the  
 7 word "part." the following: "The administrator shall  
 8 carry out programs and policies as determined by the  
 9 commission."  
 10 337. Page 214, by striking line 34 and inserting  
 11 the following:  
 12 "DIVISION OF COMMUNITY ACTION AGENCIES"  
 13 338. Page 215, by striking line 12, and inserting  
 14 the following:  
 15 "3. "Administrator" means the administrator of the  
 16 division of".  
 17 339. Page 215, by striking line 13, and inserting  
 18 the following: "community action agencies of the  
 19 department of human rights."  
 20 340. Page 215, by striking line 16, and inserting  
 21 the following:

- 22 "5. "Division" means the division of community  
 23 action agencies".
- 24 341. Page 215, line 19, by striking the words  
 25 "division director" and inserting the following:  
 26 "administrator".
- 27 342. Page 219, line 3, by striking the word  
 28 "director" and inserting the following:  
 29 "administrator".
- 30 343. Page 219, line 5, by inserting after the  
 31 word "grant," the following: "administer the".
- 32 344. Page 219, line 6, by striking the word  
 33 "and".
- 34 345. Page 219, line 7, by striking the word  
 35 "Iowa" and inserting the following: "Iowa,".
- 36 346. Page 219, line 13, by striking the words  
 37 "division director" and inserting the following:  
 38 "administrator".
- 39 347. Page 219, by striking line 24 and inserting  
 40 the following:  
 41 "3. "Administrator" means the administrator of the  
 42 division".
- 43 348. Page 219, line 30, by striking the words  
 44 "advisory committee" and inserting the following:  
 45 "commission".
- 46 349. Page 219, line 35, by striking the word  
 47 "select" and inserting the following: "appoint".
- 48 350. Page 220, line 12, by striking the words  
 49 "division director" and inserting the following:  
 50 "administrator".

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- 1 351. Page 220, line 14, by inserting after the  
 2 word "commission." the following: "The administrator  
 3 shall carry out programs and policies as determined by  
 4 the commission."
- 5 352. Page 221, line 12, by striking the word "Be"  
 6 and inserting the following: "Pursuant to section  
 7 601K.2, be".
- 8 353. Page 221, by striking line 32 and inserting  
 9 the following:  
 10 "DIVISION FOR THE BLIND".
- 11 354. Page 222, by striking line 2 and inserting  
 12 the following:  
 13 "2. "Division" means the division for the blind."
- 14 355. Page 222, by striking line 4 and inserting  
 15 the following:  
 16 "4. "Administrator" means the administrator of the  
 17 division".
- 18 356. Page 222, line 5, by striking the words "of

19 blind persons services" and inserting the following:  
 20 "for the blind".  
 21 357. Page 222, line 8, by striking the words  
 22 "subject the" and inserting the following: "subject  
 23 to".  
 24 358. Page 222, line 9, by striking the word  
 25 "committee" and inserting the following:  
 26 "commission".  
 27 359. Page 222, line 14, by striking the word  
 28 "Committee" and inserting the following:  
 29 "Commission".  
 30 360. Page 222, by striking line 17 and inserting  
 31 the following: "The members of the commission shall  
 32 appoint officers for the commission. A".  
 33 361. Page 223, line 34, by inserting after the  
 34 word "blind" the following: ", such as assisting the  
 35 blind in finding employment".  
 36 362. Page 223, line 35, by striking the word "Be"  
 37 and inserting the following: "Pursuant to section  
 38 601K.2, be".  
 39 363. Page 224, line 3, by striking the words  
 40 "division director" and inserting the following:  
 41 "administrator".  
 42 364. Page 224, line 12, by striking the word  
 43 "clerical".  
 44 365. Page 224, line 14, by striking the words  
 45 "division director" and inserting the following:  
 46 "administrator".  
 47 366. Page 224, line 16, by inserting after the  
 48 word "commission." the following: "The administrator  
 49 shall carry out programs and policies as determined by  
 50 the commission."

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1 367. Page 224, by inserting after line 33, the  
 2 following:  
 3  
 4 "PART 9  
 5 DIVISION OF ELDER AFFAIRS  
 6 Sec. \_\_\_\_ . NEW SECTION. 601K.110 DEFINITIONS.  
 7 For purposes of this part, unless the context  
 8 otherwise requires:  
 9 1. "Commission" means the commission on elder  
 10 2. "Division" means the division of elder affairs  
 11 3. "Administrator" means the administrator of the  
 12 4. "Equivalent support" means in-kind

16 contributions of services, goods, volunteer support  
17 time, administrative support, or other support  
18 reasonably determined by the division as equivalent to  
19 a dollar amount.

20 5. "Administrative action" means an action or  
21 decision made by an owner, employee, or agent of a  
22 long-term care facility, or by a governmental agency,  
23 which affects the service provided to residents  
24 covered in sections 601K.131 through 601K.134.

25 6. "Long-term care facility" means a long-term  
26 care unit of a hospital, a foster group home, a group  
27 living arrangement, or a facility licensed under  
28 section 135C.1 whether the facility is public or  
29 private.

30 7. "Resident's aide program" means the state long-  
31 term care ombudsman program operated by the commission  
32 on elder affairs and administered by the long-term  
33 care resident's aide.

34 8. "Federal Act" means the Older Americans Act of  
35 1965, 42 U.S.C. §§ 3001 et seq., as amended to July 1,  
36 1986.

37 Sec. \_\_\_\_ . NEW SECTION. 601K.111 COMMISSION  
38 CREATED.

39 A commission on elder affairs is created which  
40 consists of eleven members. Two members shall be  
41 appointed by the president of the senate from the  
42 members of the senate to serve as ex officio nonvoting  
43 members with no more than one member being appointed  
44 from the same political party. Two members shall be  
45 appointed by the speaker of the house of  
46 representatives from the members of the house to serve  
47 as ex officio nonvoting members with no more than one  
48 member being appointed from the same political party.  
49 Seven members shall be appointed by the governor  
50 subject to confirmation by the senate.

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1 All members of the commission shall be appointed  
2 for terms of four years.

3 The terms of office of all members shall commence  
4 on the first day of July. If a legislative member  
5 ceases to be a member of the general assembly the  
6 legislative member may continue to serve as a member  
7 of the commission until a successor is appointed. A  
8 successor may be appointed to complete the term of the  
9 person who ceases to be a member of the general  
10 assembly.

11 The governor shall appoint the chairperson of the  
12 commission. The commission shall meet at regular

13 intervals at least six times each year and may hold  
 14 special meetings at the call of the chairperson or at  
 15 the request of a majority of the commission  
 16 membership. The commission shall meet at the seat of  
 17 government or such other place as the commission  
 18 members designate. The commission shall be reimbursed  
 19 for actual expenses and may also be eligible to  
 20 receive compensation as provided in section 7E.3.

21 Sec. \_\_\_\_ . NEW SECTION. 601K.112 ADMINISTRATOR  
 22 DUTIES.

23 The administrator shall:

- 24 1. Administer the division.
- 25 2. Implement programs required in the division.
- 26 3. Issue the division annual report to the  
 27 department coordinator.

28 4. Subject to section 601K.2, be responsible for  
 29 personnel and budgetary decisions for the division.

30 The administrator shall carry out programs and  
 31 policies as determined by the commission.

32 Sec. \_\_\_\_ . NEW SECTION. 601K.113 DUTIES OF  
 33 DIVISION.

34 The division, with the approval of the commission,  
 35 shall:

36 1. Collect facts and statistics and make special  
 37 studies of conditions and problems pertaining to the  
 38 employment, health, financial status, recreation,  
 39 social adjustment, or other conditions and problems  
 40 pertaining to the general welfare of the elderly of  
 41 the state.

42 2. Make recommendations to state and local  
 43 agencies serving the elderly for purposes of  
 44 coordinating the agencies' activities, and request and  
 45 receive reports from the various state agencies and  
 46 institutions on matters within the jurisdiction of the  
 47 division.

48 3. Keep informed of the latest developments of  
 49 research, studies, and programs being conducted  
 50 throughout the nation on the problems and needs of the

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1 elderly.

2 4. Serve as a central agency for the mutual  
 3 exchange of ideas and information on the elderly among  
 4 federal, state, and local governmental agencies,  
 5 private organizations, and individuals.

6 5. Cooperate with federal, state, and local  
 7 agencies, and private organizations, in administering  
 8 and supervising demonstration programs of services for  
 9 elderly designed to foster continued participation of

10 older people in family and community life and to  
 11 prevent insofar as possible the onset of dependency  
 12 and the need for long-term institutional care.  
 13 6. Report and make recommendations to the general  
 14 assembly on the activities of the division and  
 15 improvements and additional resources needed to  
 16 promote the general welfare of the elderly in Iowa.

17 7. Seek resources to provide direct service  
 18 programs and services to the elderly at the state,  
 19 regional, county, or local levels and provide services  
 20 through contractual arrangements with public or  
 21 private nonprofit agencies.

22 The division may create subcommittees to undertake  
 23 special studies and may include noncommission members  
 24 who are qualified in any field of activity related to  
 25 the general welfare of the aging in the membership of  
 26 the subcommittees.

27 The commission shall adopt rules pursuant to  
 28 chapter 17A to administer the division.

29 Sec. \_\_\_\_ . NEW SECTION. 601K.114 AREA AGENCIES.

30 The division of elder affairs may establish area  
 31 agencies on aging for the planning and service areas  
 32 developed by the former office for planning and  
 33 programming pursuant to the "Older Americans  
 34 Comprehensive Services Amendments of 1973", Pub. L.  
 35 No. 93-29, section 304. An area agency may be merged  
 36 with a contiguous planning and service area but not  
 37 without the approval of each policymaking body which  
 38 is a party to the merger. Merged planning and service  
 39 areas forming one area agency shall be governed by  
 40 only one policymaking body.

41 ELDERLY CARE PROGRAM

42 Sec. \_\_\_\_ . NEW SECTION. 601K.120 ELDERLY CARE  
 43 PROGRAM --PURPOSE.

44 The administrator shall, with the advice and  
 45 assistance of the interagency coordinating committee  
 46 created in section 601K.121, establish an elderly care  
 47 program to implement and effectuate the provisions of  
 48 this part.

49 The purpose of the elderly care program is to  
 50 reduce the need and incidence of institutionalization

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1 of elderly Iowans by encouraging community involvement  
 2 in the provision of services which help elderly Iowans  
 3 remain in their own homes, and to increase the  
 4 availability to elderly Iowans of chore, telephone  
 5 reassurance, adult day care, home repair, and other  
 6 elderly services if the other elderly services are

7 approved by an area agency on elderly affairs for  
8 provision within the area. The elderly care program  
9 is established to fund those local innovative  
10 projects, with a minimum of state regulation, which  
11 demonstrate local input in their planning, funding,  
12 and general operations. The program shall give  
13 preference to projects and services provided for the  
14 benefit of the low income elderly.

15 Sec. \_\_\_\_ . NEW SECTION. 601K.121 INTERAGENCY  
16 COORDINATING COMMITTEE CREATED.

17 An interagency coordinating committee is created to  
18 advise and assist the division in the establishment of  
19 the elderly care program and in the implementation of  
20 this part. The interagency coordinating committee  
21 consists of a representative of the commission  
22 selected by the commission, a representative of the  
23 department of human services selected by the director  
24 of human services, a representative of the Iowa  
25 department of public health selected by the director  
26 of health, and two consumer representatives, appointed  
27 by the governor and not subject to senate  
28 confirmation. The consumer representatives, while  
29 engaged in their official duties, shall be reimbursed  
30 for their actual expenses out of funds appropriated to  
31 the division.

32 Sec. \_\_\_\_ . NEW SECTION. 601K.122 DUTIES OF THE  
33 INTERAGENCY COORDINATING COMMITTEE.

34 The interagency coordinating committee shall assist  
35 and advise the division in establishing the elderly  
36 care program by:

37 1. Recommending rules, eligibility guidelines, and  
38 procedures necessary to approve grants and disburse  
39 funds appropriated to the division from the general  
40 fund for the elderly care program, and other funds  
41 available to the program.

42 2. Recommending uniform financial reporting  
43 procedures for all funds appropriated to the division  
44 from the general fund for the elderly care program.

45 3. Reviewing applications for grants to local area  
46 agencies on aging and approving any waivers or  
47 modifications of the local match requirement contained  
48 in the grants. However, rejection of any waiver or  
49 modification request shall only affect that portion of  
50 the grant for which the waiver or modification was

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1 requested.  
2 4. Advising on the reallocation and redistribution  
3 of funds, the handling of appeals, grievances, and  
4 waiver requests, and other matters relevant to the  
5 program when requested by the division.  
6 5. Evaluating local projects and the overall state  
7 program periodically.  
8 6. Assisting with liaison efforts to the general  
9 assembly, governmental agencies, private  
10 organizations, and individuals, and with the  
11 dissemination of information relating to the program  
12 as requested by the division.  
13 Sec. \_\_\_\_ NEW SECTION. 601K.123 ALLOCATION OF  
14 FUNDS.  
15 Moneys appropriated to the division from the  
16 general fund for the elderly care program shall be  
17 allocated initially to the area agencies on aging on  
18 the basis of population over sixty-five years of age,  
19 double-weighted for the low income population over  
20 sixty-five years of age. Area agencies on aging may  
21 apply for grants of funds not to exceed the amount  
22 allocated to the area by this method. Area agency on  
23 aging applications shall consist of grant requests  
24 from local, public, and private organizations  
25 recommended to the division and given priority ranking  
26 by the area agency based upon areawide needs  
27 assessment for elderly low income Iowans and  
28 compatibility with the comprehensive aging plan for  
29 the area. The interagency coordinating committee  
30 shall review the grant applications of area agencies  
31 on aging and make recommendations to the division  
32 regarding the awarding of grants to area agencies on  
33 aging. The division has final responsibility for  
34 awarding grants to the area agencies on aging. The  
35 funds allocated to area agencies on the basis of  
36 population and income and not granted by the division  
37 to the area agencies by December 1, and the funds  
38 granted by the division to the area agencies by  
39 December 1 which the division determines will not be  
40 expended during the fiscal year, shall be considered  
41 excess funds and shall be transferred to a  
42 reallocation pool. The reallocation pool shall be  
43 reallocated to area agencies on aging by a method  
44 recommended by the interagency coordinating committee  
45 and approved by the division. Area agencies on aging  
46 may apply for grants of funds from the reallocation  
47 pool. The interagency coordinating committee shall  
48 review these applications and make recommendations to  
49 the division regarding the awarding of reallocation  
50 grants. The division has final authority for awarding

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1 reallocation grants. Excess funds not reallocated or  
2 granted by January 31 may be transferred to the energy  
3 policy council or other agency responsible for utility  
4 assistance, to be used to assist the low income  
5 elderly in the payment of winter utility bills.

6 Sec. \_\_\_\_ . NEW SECTION. 601K.124 LOCAL MATCH.

7 Funds appropriated to the division from the general  
8 fund for the elderly care program shall only be  
9 awarded and distributed to local projects which match  
10 each state dollar with two dollars of local funds in  
11 cash or in equivalent support. Funds appropriated to  
12 the division from the general fund for the elderly  
13 care program shall only be used to establish new  
14 projects, to expand existing programs, or to continue  
15 existing elderly care projects. Elderly care funds  
16 shall not be used to replace funds in existing  
17 programs or to free funds for other state-supported  
18 services. The interagency coordinating committee may  
19 waive or modify the local match requirements of this  
20 section in accordance with rules adopted by the  
21 commission.

22 Sec. \_\_\_\_ . NEW SECTION. 601K.125 RECORDS.

23 The division shall maintain uniform records on all  
24 local projects receiving funds appropriated to the  
25 division from the general fund for the elderly care  
26 program. The division shall require uniform reporting  
27 and financial accounting by area agencies on elderly  
28 affairs and local projects as necessary to fulfill the  
29 purposes of this section. The records maintained by  
30 the division shall include, but need not be limited  
31 to, the following information:

32 1. A description of the project.

33 2. The nature and size of the local match provided  
34 as a condition for the receipt of state funds.

35 3. The number of elderly citizens including low  
36 income elderly citizens served by the project.

37 4. The method by which elderly citizens, with  
38 particular attention to low income elderly citizens,  
39 are located and served by the project.

40 5. The items for which state funds are expended by  
41 the project.

42 6. Evaluation by the administrator of the  
43 effectiveness of the project.

44 7. Financial records indicating all state and  
45 federal funds and local matching funds allocated to  
46 and expended by the project.

47 8. Documentation of participant and other  
48 community involvement in program direction.

49                   LONG-TERM CARE RESIDENT'S AIDE  
50 Sec. \_\_\_\_ . NEW SECTION. 601K.130 PURPOSE.

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1    The purpose of this part is to establish the long-  
2 term care resident's aide program operated by the  
3 division of elder affairs in accordance with the  
4 requirements of the Older Americans Act of 1965, 42  
5 U.S.C. §§3026(a)(6)(d), 3027(a)(12), 3030d(a)(10)  
6 amended to July 1, 1983, and referred to in this part  
7 as the "federal Act", and to adopt the supporting  
8 federal regulations and guidelines for its  
9 implementation. In accordance with chapter 17A, the  
10 commission on elder affairs shall adopt and enforce  
11 rules for the implementation of this part.  
12 Sec. \_\_\_\_ . NEW SECTION. 601K.131 LONG-TERM CARE  
13 RESIDENT'S AIDE -- DUTIES.  
14 The division of elder affairs, in accordance with  
15 section 3027(a)(12) of the federal Act, shall  
16 establish the office of long-term care resident's aide  
17 within the division. The long-term care resident's  
18 aide shall perform the following duties:  
19    1. Investigate and resolve complaints about  
20 administrative actions that may adversely affect the  
21 health, safety, welfare, or rights of older persons in  
22 long-term care facilities.  
23    2. Monitor the development and implementation of  
24 federal, state, and local laws, regulations, and  
25 policies that relate to long-term care facilities in  
26 Iowa.  
27    3. Provide information to other agencies and to  
28 the public about the problems of older persons in  
29 long-term care facilities.  
30    4. Train volunteers and assist in the development  
31 of citizens' organizations to participate in the long-  
32 term care resident's aide program.  
33    5. Carry out other activities consistent with the  
34 resident's aide provisions of the federal Act.  
35 The resident's aide shall have access to long-term  
36 care facilities, private access to residents, access  
37 to residents' personal and medical records, and access  
38 to other records maintained by the facilities or  
39 governmental agencies pertaining only to the person on  
40 whose behalf a complaint is being investigated.  
41 Sec. \_\_\_\_ . NEW SECTION. 601K.132 AUTHORITY AND  
42 RESPONSIBILITIES OF THE DIVISION.  
43 To ensure compliance with the federal Act the  
44 division of elder affairs shall establish the  
45 following:

- 46 1. Procedures to protect the confidentiality of a  
 47 resident's records and files.  
 48 2. A statewide uniform reporting system.  
 49 3. Procedures to enable the long-term care  
 50 resident's aide to elicit, receive, and process

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1 complaints regarding administrative actions which may  
 2 adversely affect the health, safety, welfare, or  
 3 rights of older persons in long-term care facilities.  
 4 Sec. \_\_\_\_ . NEW SECTION. 601K.133 CARE REVIEW  
 5 COMMITTEE.

6 1. The care review committee program is under the  
 7 statewide long-term care resident's aide program  
 8 within the division.

9 2. The responsibilities of the care review  
 10 committee are in accordance with the rules adopted by  
 11 the commission pursuant to chapter 17A. When adopting  
 12 the rules, the commission shall consider the needs of  
 13 residents of each category of licensed health care  
 14 facility as defined in chapter 135C.1, subsection 4,  
 15 and the services each facility may render. The  
 16 division shall coordinate the development of any rules  
 17 with the mental health and mental retardation  
 18 commission to the extent the rules would apply to a  
 19 facility primarily serving persons who are mentally  
 20 ill, mentally retarded, or developmentally disabled.  
 21 The division shall coordinate the development of any  
 22 rules with other state agencies.

23 Sec. \_\_\_\_ . NEW SECTION. 601K.134 CONFIDENTIALITY  
 24 OF COMPLAINANT.

25 The name of the person who files a complaint with  
 26 the division, long-term care resident's aide, or a  
 27 care review committee regarding a person in a long-  
 28 term care facility shall be kept confidential and is  
 29 not subject to discovery, subpoena, or other means of  
 30 legal compulsion for its release to a person other  
 31 than division employees or care review committee  
 32 members involved in the initial complaint or the  
 33 department of inspections and appeals as it pertains  
 34 to its duties."

35 368. By striking page 224, line 34 through page  
 36 225, line 5.

37 369. Page 225, by striking lines 6 through 34.

38 370. Page 226, by striking lines 13 through 15.

39 371. Page 226, line 18, by inserting before the  
 40 figure "601" the following: "249B,".

41 372. By striking page 226, line 21 through page  
 42 249, line 23, and inserting the following:

43 "Sec. 1301. NEW SECTION. 303.1A DEPARTMENT OF  
44 CULTURAL AFFAIRS.

45 1. The department of cultural affairs is created.  
46 The department is under the control of a director who  
47 shall be appointed by the governor, subject to  
48 confirmation by the senate, and shall serve at the  
49 pleasure of the governor. The salary of the director  
50 shall be set by the governor within a range set by the

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1 general assembly.

2 2. The department has primary responsibility for  
3 development of the state's interest in the areas of  
4 the arts, history, libraries, and other cultural  
5 matters. In fulfilling this responsibility, the  
6 department will be advised and assisted by the state  
7 library commission, the state historical society and  
8 its board of trustees, the Iowa arts council, the  
9 Terrace Hill commission, and the Iowa public  
10 broadcasting board.

11 The department shall:

12 a. Develop a comprehensive, co-ordinated, and  
13 efficient policy to preserve, research, interpret, and  
14 promote to the public an awareness and understanding  
15 of local, state, and regional history.

16 b. Stimulate and encourage educational radio and  
17 television and other educational communications  
18 services as necessary to aid in accomplishing the  
19 educational objectives of the state.

20 c. Stimulate and encourage throughout the state  
21 the study and presentation of the performing and fine  
22 arts and public interest and participation in them.

23 d. Determine the legitimate cultural and artistic  
24 needs and aspirations of citizens in all parts of the  
25 state.

26 e. Ascertain how the state resources, including  
27 those already in existence and those which should be  
28 brought into existence, are to serve the cultural  
29 needs and aspirations of the citizens of the state.

30 f. Design a comprehensive, statewide, long-range  
31 plan with the assistance of the Iowa arts council to  
32 develop the arts in Iowa. The department is  
33 designated as the state agency for carrying out the  
34 plan.

35 g. Meet the informational needs of the three  
36 branches of state government.

37 h. Provide for the improvement of library services  
38 to all Iowa citizens and foster development and  
39 cooperation among libraries.

- 40 3. The department shall consist of the following:
- 41 a. Division of administrative services.
  - 42 b. Division of libraries and archives.
  - 43 c. Division of museums and historic sites.
  - 44 d. Division of historic preservation.
  - 45 e. Division of arts and cultural planning and
  - 46 programming.
  - 47 f. Division of marketing, public relations and
  - 48 publishing.
  - 49 g. Division of public broadcasting.
- 50 4. The director may create, combine, eliminate,

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1 alter or reorganize the organization of the department  
2 by rule except for those matters prescribed by  
3 sections 303.75 through 303.83.

4 5. The department by rule may establish advisory  
5 groups necessary for the receipt of federal funds or  
6 grants or the administration of any of the  
7 department's programs.

8 6. The divisions shall be administered by  
9 administrators who shall be appointed by the governor  
10 and serve at the governor's pleasure. However, the  
11 administrator of the public broadcasting division  
12 shall be appointed by and serve at the pleasure of the  
13 public broadcasting board. The decisions of the  
14 administrator are final agency action under chapter  
15 17A. The administrators shall:

16 a. Organize the activities of the division.  
17 b. Submit a biennial report to the governor on the  
18 activities and an evaluation of the division and its  
19 programs and policies.

20 c. Control all property of the division.

21 d. Perform other duties imposed by law.

22 Sec. 1302. NEW SECTION. 303.1B DIRECTOR'S  
23 DUTIES.

24 Except for those matters prescribed by sections  
25 303.75 through 303.83, the director shall:

26 1. Adopt rules that are necessary for the  
27 effective administration of the department.

28 2. Direct and administer the programs and services  
29 of the department.

30 3. Prepare the departmental budget request by  
31 September first of each year on the forms furnished,  
32 and including the information required by the office  
33 of management.

34 4. Accept, receive, and administer grants or other  
35 funds or gifts from public or private agencies  
36 including the federal government for the various

37 divisions and the department.

38 5. Appoint and approve the technical,  
39 professional, secretarial, and clerical staff  
40 necessary to accomplish the purposes of the department  
41 subject to chapter 19A.

42 6. Appoint or serve as the state historic  
43 preservation officer, certified by the governor  
44 pursuant to federal requirements.

45 The director may appoint a member of the staff to  
46 be acting director who shall have the powers delegated  
47 by the director, in the director's absence.

48 The director may delegate the powers and duties of  
49 that office to the administrators. The director is  
50 not liable for the activities of the division of

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1 public broadcasting.

2 Sec. 1303. NEW SECTION. 303.1C DIVISION  
3 RESPONSIBILITIES.

4 1. The division of administrative services shall  
5 provide administrative, accounting, and clerical  
6 services for the department and perform other duties  
7 assigned to it by the director.

8 2. The division of museums and historic sites  
9 shall:

10 a. Administer and care for historical sites under  
11 the authority of the division, and maintain  
12 collections within these buildings.

13 b. Encourage and assist local county and state  
14 organizations and museums devoted to historical  
15 purposes.

16 c. Develop standards and criteria for the  
17 acquisition of historic properties and for the  
18 preservation, restoration, maintenance, operation, and  
19 interpretation of properties under the jurisdiction of  
20 the division.

21 d. Implement the intent of the original gift of  
22 Terrace Hill and the federal and state laws regarding  
23 historic preservation and public buildings, to  
24 complete the preservation, renovation, and landscaping  
25 of Terrace Hill, and to raise the necessary funds for  
26 these purposes.

27 A state agency which owns, manages, or administers  
28 a historical site must enter into an agreement with  
29 the department of cultural affairs under chapter 28E  
30 to insure the proper management, maintenance, and  
31 development of the site. For the purposes of this  
32 section, "historical site" is defined as any district,  
33 site, building, or structure listed on the national

34 register of historic sites or identified as eligible  
35 for such status by the state historic preservation  
36 officer or that is identified according to established  
37 criteria by the state historic preservation officer as  
38 significant in national, state, and local history,  
39 architecture, engineering, archaeology, or culture.  
40 3. The division of libraries and archives shall:  
41 a. Administer the archives of the state as defined  
42 in section 303.12.  
43 b. Have authority to enter into appropriate  
44 agreements for the division with the University of  
45 Northern Iowa, the State University of Iowa, Iowa  
46 State University of science and technology, or an  
47 accredited private institution as defined in section  
48 261.9 to establish multicounty area research centers,  
49 which are in addition to but do not duplicate archives  
50 as defined in section 303.12. An area research center

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1 shall serve as the depository for the archives of  
2 counties and cities and for other unpublished original  
3 resource material of a given area to be designated in  
4 the agreement.  
5 c. May enter into interstate library compacts on  
6 behalf of the state of Iowa with any state which  
7 legally joins in the compacts as provided in section  
8 303A.8.  
9 d. Shall determine policy for providing  
10 information service to the three branches of state  
11 government and to the legal and medical communities in  
12 this state.  
13 e. Shall coordinate a statewide interregional  
14 interlibrary loan and information network among  
15 libraries in this state and support activities which  
16 increase cooperation among all types of libraries.  
17 f. Shall establish and administer a program for  
18 the collection and distribution of state publications  
19 to depository libraries.  
20 4. The division of historic preservation shall:  
21 a. Identify and document historic properties.  
22 b. Prepare and maintain a state register of  
23 historic places, including those listed on the  
24 national register of historic places.  
25 c. Conduct historic preservation activities  
26 pursuant to federal and state requirements.  
27 5. The division of arts and cultural planning and  
28 programming shall:  
29 a. Make surveys as deemed advisable of existing  
30 artistic and cultural programs and activities within

31 the state, including but not limited to music,  
32 theatre, dance, painting, sculpture, architecture, and  
33 allied arts and crafts.

34 b. Administer the program of agreements for  
35 indemnification by the state in the event of loss of  
36 or damage to special exhibit items established by  
37 sections 304A.21 through 304A.30.

38 c. Submit a report to the governor and to the  
39 general assembly not later than ten calendar days  
40 following the commencement of each first session of  
41 the general assembly concerning the studies undertaken  
42 during the biennium and recommending legislation and  
43 other action as necessary for the implementation and  
44 enforcement of this article.

45 d. Implement tourism related art and history  
46 projects as directed by the general assembly.

47 e. Administer other statewide programs relating to  
48 cultural affairs.

49 f. Shall develop and adopt, in conjunction with  
50 the Iowa regional library system, long-range plans for

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1 the continued improvement of library services in the  
2 state. To insure that the concerns of all types of  
3 libraries are addressed, the division shall establish  
4 a long-range planning committee to review and evaluate  
5 progress and report findings and recommendations to  
6 the division and to the trustees of the Iowa regional  
7 library system at an annual meeting.

8 g. Shall develop in cooperation with the Iowa  
9 regional library system an annual plan of service for  
10 the Iowa regional library system and its individual  
11 members to insure consistency with the state long-  
12 range plan.

13 h. Shall establish and administer a statewide  
14 continuing education program for librarians and  
15 trustees.

16 i. Shall give to libraries advice and counsel in  
17 specialized areas which may include, but are not  
18 limited to, building construction and space  
19 utilization, children's services, and technological  
20 developments.

21 j. Shall obtain from libraries reports showing the  
22 condition, growth, and development of services  
23 provided and disseminate this information in a timely  
24 manner to the citizens of Iowa.

25 k. Shall establish and administer certification  
26 guidelines for librarians not covered by other  
27 accrediting agencies.

28 l. Administer other programs designed to be of  
29 service to local communities' cultural efforts.

30 m. Establish a program of grants to cities and  
31 community groups for the development of community  
32 programs that provide local jobs for Iowa residents  
33 and at the same time promote a city's historical,  
34 ethnic, and cultural heritages through the development  
35 of festivals, music, drama, or cultural programs, or  
36 tourist attractions.

37 At least twenty-five percent of the funds  
38 appropriated shall be used for the purpose of  
39 developing community programs eligible for grants  
40 under this subsection which were not in existence  
41 prior to the due date of grant applications each year.

42 A city or community group may submit applications  
43 to the administrator. Applications shall be reviewed  
44 by the arts council, the state historical society  
45 board, and the department of economic development,  
46 acting as an advisory committee to the department.  
47 The advisory committee shall submit recommendations to  
48 the director or designee regarding possible recipients  
49 and grant amounts.

50 The amount of a grant shall not exceed fifty

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1 percent of the cost of the community program and the  
2 application must demonstrate that the city or  
3 community group will provide the required matching  
4 money. In lieu of providing the entire match in  
5 money, a city or community group may substitute in-  
6 kind services for up to fifty percent of the matching  
7 requirement.

8 n. Administer other grants awarded by the  
9 department.

10 6. The division of marketing, public relations and  
11 publishing shall:

12 a. Publish matters of historical value to the  
13 public, and pursue historical, architectural, and  
14 archaeological research and development which may  
15 include but are not limited to continuing surveys,  
16 excavation, scientific recording, interpretation, and  
17 publication of the historical, architectural,  
18 archaeological, and cultural sites, buildings, and  
19 structures in the state.

20 b. Provide for the layout, printing, and  
21 publishing of departmental documents, communications  
22 and publications.

23 c. Market and promote the programs of the  
24 department.

25 d. Market and promote the various cultural  
26 industries of the state.

27 e. Provide public information and public relation  
28 services for the department.

29 Sec. 1304. Section 303.1, Code 1985, is amended by  
30 striking the section and inserting in lieu thereof the  
31 following:

32 303.1 STATE HISTORICAL SOCIETY OF IOWA -- BOARD OF  
33 TRUSTEES.

34 A state historical society board of trustees is  
35 established consisting of seven members selected as  
36 follows:

37 1. Three members shall be elected by the members  
38 of the state historical society according to rules  
39 established by the board of trustees.

40 2. Four members shall be appointed by the  
41 governor, two of whom shall be professional historians  
42 or archaeologists on the faculty of a college or  
43 university in the state.

44 The term of office of members of the board of  
45 trustees is three years commencing and ending as  
46 provided in section 69.19.

47 Sec. 1305. Section 303.2, Code 1985, is amended to  
48 read as follows:

49 303.2 OFFICERS -- MEETINGS.

50 The state historical society board of trustees

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1 shall annually elect a chairperson and vice  
2 chairperson from its membership, ~~and the executive~~  
3 ~~director shall serve as secretary to the board.~~ The  
4 board shall meet as often as deemed necessary, upon  
5 the call of the chairperson, or at the request of a  
6 majority of the members of the board.

7 Members of the board ~~shall are entitled to be paid~~  
8 ~~a forty dollar per diem and shall be reimbursed for~~  
9 ~~actual and necessary expenses while engaged in their~~  
10 ~~official duties. Members may also be eligible for~~  
11 ~~compensation as provided in section 7E.3.~~

12 Sec. 1306. Section 303.4, Code 1985, is amended to  
13 read as follows:

14 303.4 MEMBERSHIP IN STATE HISTORICAL SOCIETY.

15 1. The state historical society board of trustees  
16 shall ~~establish~~ recommend to the director rules for  
17 membership of the general public in the state  
18 historical society, including rules relating to  
19 membership fees. Members shall be persons who  
20 indicate an interest in the history, progress, and  
21 development of the state and who pay the prescribed

22 fee. The members of the state historical society may  
 23 meet at least one time per year to further the  
 24 understanding of the history of this state. ~~The~~  
 25 ~~society may elect officers, and the executive director~~  
 26 ~~of the state historical department, or the executive~~  
 27 ~~director's designee, shall serve as secretary to the~~  
 28 ~~society.~~ The officers members of the society shall  
 29 not determine policy for the ~~state historical~~  
 30 ~~department of cultural affairs~~ but may advise the  
 31 director and perform functions to stimulate interest  
 32 in the history of this state among the general public.  
 33 The society may perform other activities related to  
 34 history which are not contrary to this chapter;  
 35 subject to the approval of the state historical board.

36 1 2. As used in this chapter, "state historical  
 37 society" means the ~~Iowa~~ state historical society of  
 38 Iowa, an agency of the state ~~located in Iowa City~~  
 39 which is part of the department of cultural affairs.  
 40 It does not mean or include any private entity.

41 2 3. Unless designated otherwise, a gift, bequest,  
 42 devise, endowment, or grant to or application for  
 43 membership in the state historical society shall be  
 44 presumed to be to or in the state historical society  
 45 of the ~~Iowa state historical department.~~

46 Sec. 1307. Section 303.6, Code 1985, is amended by  
 47 striking the section and inserting in lieu thereof the  
 48 following:

49 303.6 POWERS AND DUTIES OF BOARD AND DIVISION.

50 1. The state historical board shall:

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1 a. Recommend to the department a comprehensive,  
 2 coordinated, and efficient policy to preserve,  
 3 research, interpret, and promote to the public an  
 4 awareness and understanding of local, state, and  
 5 regional history.

6 b. Make recommendations to the director on  
 7 historically related matters.

8 c. Review and recommend to the director policy  
 9 decisions regarding the division.

10 d. Recommend to the director for approval the  
 11 state preservation plan submitted by the state  
 12 historic preservation officer.

13 e. Perform other functions prescribed by law to  
 14 further historically related matters in the state.

15 2. The department shall:

16 a. Have authority to acquire by fee simple title  
 17 historic properties by gift, purchase, devise, or  
 18 bequest; preserve, restore, transfer, and administer

19 historic properties; and charge reasonable admission  
20 to historic properties.

21 b. Maintain research centers in Des Moines and  
22 Iowa City.

23 Sec. 1308. Section 303.9, Code 1985, is amended to  
24 read as follows:

25 303.9 FUNDS RECEIVED BY STATE HISTORICAL  
26 DEPARTMENT.

27 1. All funds received by the ~~state historical~~  
28 department, including but not limited to gifts,  
29 endowments, funds from the sale of memberships in the  
30 state historical society, funds from the sale of  
31 mementos and other items relating to Iowa history as  
32 authorized under subsection 2, interest generated by  
33 the life membership trust fund, and fees, except  
34 entrance fees for the Montauk governor's mansion,  
35 shall be credited to the account of the ~~state~~  
36 ~~historical~~ department and are appropriated to the  
37 ~~state historical~~ department to be invested or used for  
38 programs and purposes under the authority of the ~~state~~  
39 ~~historical board~~ department. Interest earned on funds  
40 credited to the department, except funds appropriated  
41 to the department from the general fund of the state,  
42 shall be credited to the department. Section 8.33  
43 does not apply to funds credited to the ~~state~~  
44 ~~historical~~ department under this section.

45 2. The department may sell mementos and other  
46 items relating to Iowa history and historic sites on  
47 the premises of property under control of the  
48 department and at the state capitol. The department  
49 is not a retailer under chapter 422 and the sale of  
50 such items is not a retail sale under chapter 422 and

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1 is exempt from the sales tax.  
2 Sec. 1309. Section 303.11, Code 1985, is amended  
3 to read as follows:  
4 303.11 GIFTS.  
5 The ~~state historical board~~ department may accept  
6 gifts and bequests which shall be used in accordance  
7 with the desires of the donor if expressed. Funds  
8 contained in an endowment fund for either the  
9 department of history and archives or the state  
10 historical society existing on July 1, 1974 ~~shall~~  
11 remain an endowment of the department. Gifts shall be  
12 accepted only on behalf of the ~~state historical~~  
13 department, and gifts to a ~~division part~~, branch, or  
14 section of the department are presumed to be gifts to  
15 the department.

16 In instances where If publication of a book is  
17 financed by the endowment fund, ~~nothing~~ in this  
18 chapter ~~shall~~ does not prevent the return of moneys  
19 from sales of the book to the endowment fund.  
20 Sec. 1310. Section 303.12, Code 1985, is amended  
21 to read as follows:  
22 303.12 ARCHIVES.  
23 Archives "Archives" means ~~those~~ documents, books,  
24 papers, photographs, sound recordings, or similar  
25 material produced or received pursuant to law in  
26 connection with official government business, which no  
27 longer have administrative, legal, or fiscal value to  
28 the office having present custody of them, and which  
29 have been appraised by the ~~executive~~ director of the  
30 ~~state historical~~ department as having sufficient  
31 historical, research, or informational value to  
32 warrant permanent preservation. The ~~executive~~  
33 director of the ~~state historical~~ department is the  
34 trustee and custodian of the archives of Iowa, except  
35 that ~~archives do not include~~ county or municipal  
36 archives are not included unless they are voluntarily  
37 deposited with the ~~executive~~ director with the written  
38 consent of the ~~executive~~ director. The ~~executive~~  
39 director shall prescribe rules for the systematic  
40 arrangement of archives as to the proper labeling to  
41 indicate the contents and order of filing and the  
42 archives must be labeled before the archives may be  
43 transferred to the ~~executive~~ director's custody.  
44 Sec. 1311. Section 303.13, Code 1985, is amended  
45 to read as follows:  
46 303.13 TRANSFER OF ARCHIVES.  
47 The state; executive; and administrative  
48 departments, officers or offices, councils, boards,  
49 bureaus, and commissions, ~~may~~ shall transfer and  
50 deliver to the ~~state historical~~ department archives as

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1 defined in section 303.12 and as prescribed in the  
2 records management manual. Before transferring  
3 archives, the office of present custody shall file  
4 with the ~~executive~~ director a classified list of the  
5 archives being transferred in detail as the ~~executive~~  
6 director prescribes. If the ~~executive~~ director, on  
7 receipt of the list, and after consultation with the  
8 chief executive of the office filing the classified  
9 list or with a representative designated by the  
10 executive, finds that, according to the records  
11 management manual, certain classifications of the  
12 archives listed are not of sufficient historical,

13 legal, or administrative value to justify permanent  
14 preservation, the ~~executive~~ director shall not accept  
15 the material for deposit in the state archives.

16 Sec. 1312. Section 303.14, Code 1985, is amended  
17 to read as follows:

18 303.14 REMOVAL OF ORIGINAL.

19 After archives have been received by the ~~executive~~  
20 director, they shall not be removed from the ~~executive~~  
21 director's custody without the ~~executive~~ director's  
22 consent except in obedience to a subpoena of a court  
23 of record or a written order of the state executive  
24 council.

25 The ~~executive~~ director is not required to preserve  
26 permanently vouchers, claims, canceled or redeemed  
27 state warrants, or duplicate warrant registers of the  
28 state comptroller and the treasurer of state, but may,  
29 after microfilming, destroy by burning or shredding  
30 any warrants having no historical value, that have  
31 been in the ~~executive~~ director's custody for a period  
32 of one year, and may destroy by burning or shredding  
33 any vouchers, claims, and duplicate warrant registers  
34 which have been in the director's custody for a period  
35 of one year. A properly authenticated reproduction of  
36 a microfilmed record is admissible in evidence in a  
37 court in this state.

38 Sec. 1313. Section 303.15, Code 1985, is amended  
39 to read as follows:

40 303.15 CERTIFIED COPIES -- FEES.

41 Upon request of a person, the ~~executive~~ director of  
42 the ~~state historical~~ department shall make a certified  
43 copy of any document, manuscript, or record contained  
44 in the archives or in the custody of the ~~state~~  
45 ~~historical~~ department except ~~where~~ if reproduction is  
46 inappropriate because of legal, curatorial, or  
47 physical considerations. ~~When~~ If a copy is properly  
48 authenticated it has the same legal effect as though  
49 certified by the officer from whose office it was  
50 obtained or by the secretary of state. The copy may

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1 be made in writing, or by a suitable photographic  
2 process. The ~~executive~~ director shall charge and  
3 collect for copies the fees allowed by law to the  
4 official in whose office the document originates for  
5 certified copies. The ~~executive~~ director shall charge  
6 a person requesting a search of census records for the  
7 purpose of determining genealogy the actual cost of  
8 performing the search.

9 Sec. 1314. Section 303.20, subsection 4, Code

10 1985, is amended to read as follows:

11 4. "Department" means the ~~Iowa state historical~~  
 12 department of cultural affairs.

13 Sec. 1315. NEW SECTION. 303.70 TERRACE HILL  
 14 COMMISSION.

15 1. The Terrace Hill commission is created within  
 16 the department of cultural affairs. The commission  
 17 consists of nine persons appointed by the governor who  
 18 are knowledgeable in business management, and historic  
 19 preservation and renovation. The governor shall  
 20 appoint the chairperson. The terms of the committee  
 21 members are for three years beginning on July 1 and  
 22 ending on June 30.

23 2. The Terrace Hill commission may consult with  
 24 the Terrace Hill Society, Terrace Hill Foundation, the  
 25 executive and legislative branches of this state and  
 26 other persons interested in the property and advise  
 27 the director.

28 Sec. 1316. NEW SECTION. 303.75 DEFINITIONS.

29 As used in sections 303.75 through 303.83 unless  
 30 the context otherwise requires:

31 1. "Board" means the Iowa public broadcasting  
 32 board.

33 2. "Administrator" means the administrator of the  
 34 public broadcasting division of the department of  
 35 cultural affairs.

36 3. "Radio and television facility" means  
 37 transmitters, towers, studios, and all necessary  
 38 associated equipment for broadcasting, including  
 39 closed circuit television.

40 Sec. 1317. NEW SECTION. 303.76 PUBLIC  
 41 BROADCASTING DIVISION CREATED.

42 The public broadcasting division of the department  
 43 of cultural affairs is created. The chief  
 44 administrative officer of the division is the adminis-  
 45 trator who shall be appointed by and serve at the  
 46 pleasure of the Iowa public broadcasting board. The  
 47 governor shall set the division director's salary  
 48 unless otherwise provided by law. Educational  
 49 programming shall be the highest priority of the  
 50 division.

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1 Sec. 1318. NEW SECTION. 303.77 BOARD.

2 1. The Iowa public broadcasting board is created  
 3 to plan, establish, and operate an educational radio  
 4 and television facility and other educational com-  
 5 munications services as necessary to aid in  
 6 accomplishing the educational objectives of the state.

7 The board shall be composed of nine members selected  
8 in the following manner:

9 a. Three members shall be appointed by the state  
10 board of public instruction from its own membership or  
11 from the personnel of the state department of  
12 education.

13 b. Three members shall be appointed by the state  
14 board of regents from its own membership or from among  
15 its employees or employees of institutions under the  
16 jurisdiction of the board.

17 c. Three members shall be appointed by the  
18 governor, at least one of whom shall be from a  
19 regionally accredited private four-year college or  
20 university.

21 2. Board members shall serve a three-year term  
22 commencing on July 1 of the year of appointment. A  
23 vacancy shall be filled in the same manner as the  
24 original appointment for the remainder of the term.

25 Membership on the board does not constitute holding  
26 a public office and members shall not be required to  
27 take and file oaths of office before serving. A  
28 member shall not be disqualified from holding any  
29 public office or employment by reason of appointment  
30 to the board nor shall a member forfeit an office or  
31 employment by reason of appointment to the board.

32 3. The board shall appoint at least two advisory  
33 committees as follows:

34 a. Advisory committee on general operations and  
35 policy.

36 b. Advisory committee on curricula and educational  
37 matters.

38 Duties of the advisory committees, and of  
39 additional advisory committees the board may from time  
40 to time appoint, shall be specified in rules of  
41 internal management adopted by the board.

42 Sec. 1319. NEW SECTION. 303.78 MEETINGS.

43 1. The board shall elect from among its members a  
44 president and a vice president to serve a one-year  
45 term. The board shall meet at least four times  
46 annually and shall hold special meetings at the call  
47 of the president or in the absence of the president by  
48 the vice president or by the president upon written  
49 request of four members. The board shall establish  
50 procedures and requirements relating to quorum, place,

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1 and conduct of meetings.

2 2. Board members shall receive actual expenses

3 incurred in performing their official duties. Members

4 may also be eligible for compensation as provided in  
5 section 7E.3.

6 Sec. 1320. NEW SECTION. 303.79 FACILITIES AND  
7 PERMITS.

8 1. The board may purchase, lease, and improve  
9 property, equipment, and services for proper  
10 educational communications uses, and may dispose of  
11 property and equipment when not necessary for its  
12 purposes. The board and division director may arrange  
13 for joint use of available services and facilities.

14 2. The board shall apply for channels,  
15 frequencies, licenses, and permits as required for  
16 broadcasting.

17 3. This section does not prohibit institutions  
18 under the state board of regents and merged area  
19 schools under the department of education from owning,  
20 operating, improving, and maintaining educational  
21 radio and television stations and transmitters now in  
22 existence and operation. The institutions and schools  
23 may enter into agreements with the board for the lease  
24 or purchase of equipment and facilities.

25 4. The board may locate its administrative offices  
26 and production facilities outside the city of Des  
27 Moines.

28 5. The board may adopt rules to implement and  
29 administer the programs of the division.

30 6. The decision of the board is final agency  
31 action under chapter 17A.

32 Sec. 1321. NEW SECTION. 303.80 COMPETITION WITH  
33 PRIVATE SECTOR.

34 It is the intent of the general assembly that the  
35 division shall not compete with the private sector by  
36 actively seeking revenue from its operations. It is  
37 not the intent of the general assembly to prohibit the  
38 receipt of charitable contributions as defined by  
39 section 170 of the Internal Revenue Code. The board,  
40 the governor, or the administrator may apply for and  
41 accept federal or nonfederal gifts, loans, or grants  
42 of funds and may use the funds for projects under this  
43 chapter.

44 Sec. 1322. NEW SECTION. 303.81 CAPITAL EQUIPMENT  
45 REPLACEMENT REVOLVING FUND.

46 1. The board may provide noncommercial production  
47 or reproduction services for other public agencies,  
48 nonprofit corporations or associations organized under  
49 state law, or other nonprofit organizations, and may  
50 collect the costs of providing the services from the

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1 public agency, corporation, association, or  
2 organization, plus a separate equipment usage fee in  
3 an amount determined by the board and based upon the  
4 equipment used. The costs shall be deposited to the  
5 credit of the board. The separate equipment usage fee  
6 shall be deposited in the capital equipment  
7 replacement revolving fund.

8 2. The board may establish a capital equipment  
9 replacement revolving fund into which shall be  
10 deposited equipment usage fees collected under  
11 subsection 1 and funds from other sources designated  
12 for deposit in the capital equipment replacement  
13 revolving fund. The board may expend moneys from the  
14 capital equipment replacement revolving fund to  
15 purchase technical equipment for operating the  
16 educational radio and television facility.

17 Sec. 1323. NEW SECTION. 303.82 TRUSTS.

18 Notwithstanding section 633.63, the board may  
19 accept and administer trusts and may authorize  
20 nonprofit foundations acting solely for the support of  
21 the educational radio and television facility to  
22 accept and administer trusts deemed by the board to be  
23 beneficial to the operation of the educational radio  
24 and television facility. The board and the  
25 foundations may act as trustees in such instances.

26 Sec. 1324. NEW SECTION. 303.83 REVENUE FROM  
27 CONTRACTS.

28 The board shall retain for its use revenues  
29 generated through contracts with nonprofit  
30 organizations or their affiliated organizations from  
31 the use of the educational radio and television  
32 facility and other educational communications  
33 services. The administrator may receive services from  
34 other divisions and state agencies.

35 Sec. 1325. NEW SECTION. 303.86 ARTS COUNCIL.

36 The Iowa state arts council is created as an  
37 advisory council, consisting of fifteen members,  
38 appointed by the governor from among citizens of Iowa  
39 who are recognized for their interest or experience in  
40 connection with the performing and fine arts. In  
41 making appointments, due consideration shall be given  
42 to the recommendations made by representative civic,  
43 educational, and professional associations and groups  
44 concerned with or engaged in the production or  
45 presentation of the performing and fine arts.

46 The term of office of each member of the Iowa state  
47 arts council is three years. The governor shall  
48 designate a chairperson and a vice chairperson from

49 the members of the council to serve at the pleasure of  
50 the governor. All vacancies shall be filled for the

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1 balance of any unexpired term in the same manner as  
2 original appointments. The members of the council  
3 shall not receive compensation for their services, but  
4 shall be reimbursed for their actual and necessary  
5 expenses incurred in the performance of their duties  
6 as members of the council. Members may also be  
7 eligible for compensation as provided in section 7E.3.  
8 Sec. 1326. NEW SECTION. 303.87 DUTIES OF  
9 COUNCIL.

10 The arts council shall:

11 1. Advise the director with respect to policies,  
12 programs, and procedures for carrying out the  
13 administrator's functions, duties, or  
14 responsibilities.

15 2. Review programs to be supported and make  
16 recommendations on the programs to the director.

17 Sec. 1327. NEW SECTION. 303.89 ADMINISTATOR'S  
18 POWERS AND AUTHORITY.

19 The arts and cultural planning and programming  
20 administrator may:

21 1. Make and sign any agreements and perform any  
22 acts which are necessary, desirable, or proper to  
23 carry out the purpose of the division.

24 2. Request and obtain assistance and data from any  
25 department, division, board, bureau, commission, or  
26 agency of the state.

27 3. Accept any federal funds granted, by Act of  
28 Congress or by executive order, for all or any  
29 purposes of this chapter, and receive and disburse as  
30 the official agent of the state any funds made  
31 available by the national foundation on the arts.

32 4. Accept gifts, contributions, or bequests for  
33 all or any of the purposes of the division.

34 Sec. 1328. NEW SECTION. 303.95 DIVISION OF  
35 LIBRARIES AND ARCHIVES DEFINITIONS.

36 As used in sections 303.95 through 303.100, unless  
37 the context otherwise requires:

38 1. "Commission" means the state library  
39 commission.

40 2. "State agency" means a legislative, executive,  
41 or judicial office of the state and all of its  
42 respective officers, departments, divisions, bureaus,  
43 boards, commissions, and committees, and state  
44 institutions of higher education governed by the state  
45 board of regents.

46 3. "State publications" means all multiple-  
47 produced publications regardless of format, which are  
48 issued by a state agency and supported by public  
49 funds, but it does not include:

50 a. Correspondence and memoranda intended solely

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1 for internal use within the agency or between  
2 agencies.

3 b. Materials excluded from this definition by the  
4 department through the adoption and enforcement of  
5 rules.

6 Sec. 1329. NEW SECTION. 303.97 STATE LIBRARY  
7 COMMISSION ESTABLISHED.

8 1. The state library commission consists of one  
9 member appointed by the state supreme court and six  
10 members appointed by the governor to serve four-year  
11 terms beginning and ending as provided in section  
12 69.19. Of the governor's appointees, one member shall  
13 be from the medical profession and five members  
14 selected at large. Not more than three of the members  
15 appointed by the governor shall be of the same gender.  
16 The members shall be reimbursed for their actual  
17 expenditures necessitated by their official duties.  
18 Members may also be eligible for compensation as  
19 provided in section 7E.3.

20 2. The commission shall elect one of its members  
21 as chairperson. The commission shall meet at the time  
22 and place specified by call of the chairperson. Four  
23 members are a quorum for the transaction of business.

24 3. The department:

25 a. May receive and expend money for providing  
26 programs and services. The department may receive,  
27 accept, and administer any moneys appropriated or  
28 granted to it, separate from the general library fund,  
29 by the federal government or by any other public or  
30 private agency.

31 b. Shall foster public awareness of the condition  
32 of libraries in Iowa and of methods to improve library  
33 services to the citizens of the state.

34 c. Shall establish and administer standards for  
35 state agency libraries, the Iowa regional library  
36 system, and public libraries.

37 Sec. 1330. NEW SECTION. 303.99 STATE  
38 PUBLICATIONS.

39 Upon issuance of a state publication, a state  
40 agency shall deposit with the department at no cost to  
41 the department, seventy-five copies of the publication  
42 or a lesser number if specified by the department.

43 Sec. 1331. NEW SECTION. 303.100 MEDICAL AND LAW  
44 LIBRARY.

45 The state library includes, but is not limited to,  
46 a medical library and a law library.

47 1. The medical library shall be headed by a  
48 medical librarian, appointed by the director, subject  
49 to chapter 19A. The medical librarian shall:

50 a. Operate the medical library which shall always

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1 be available for free use by the residents of Iowa  
2 under rules the department adopts.

3 b. Give no preference to any school of medicine  
4 and shall secure books, periodicals, and pamphlets for  
5 every legally recognized school of medicine without  
6 discrimination.

7 c. Perform other duties imposed by law or  
8 prescribed by the rules of the division.

9 2. The law library shall be headed by a law  
10 librarian, appointed by the director with the approval  
11 of the Iowa supreme court, subject to chapter 19A.  
12 The law librarian shall:

13 a. Operate the law library department which shall  
14 be maintained in the state capitol or in rooms  
15 convenient to the state supreme court and which shall  
16 be available for free use by the residents of Iowa  
17 under rules the department adopts.

18 b. Maintain, as an integral part of the law  
19 library, reports of various boards and agencies and  
20 copies of bills, journals, and other information  
21 relating to current or proposed legislation.

22 c. Arrange to make exchanges of all printed  
23 material published by the states and the government of  
24 the United States.

25 d. Perform other duties imposed by law or by the  
26 rules of the department.

27 Sec. 1332. Section 103A.45, unnumbered paragraph 1  
28 and subsection 4, Code 1985, are amended to read as  
29 follows:

30 The state ~~historic building code advisory,~~  
31 historical society board shall:

32 4. Consult with state agencies, including the  
33 state fire marshal and the ~~Iowa state historical~~  
34 department of cultural affairs, governmental  
35 subdivisions, architects, engineers, and others who  
36 have knowledge of or interest in the rehabilitation,  
37 preservation, restoration, and relocation of historic  
38 buildings, with respect to matters relating to the  
39 state historic building code.

40 Sec. 1333. Sections 7.18, 103A.44, 303.3, 303.5,  
41 and 304A.1 through 304A.7, and chapter 18B, Code 1985,  
42 and sections 7A.51 through 7A.54, 18B.13 and 303A.1  
43 through 303A.7, Code Supplement 1985, are repealed.”  
44 373. Page 250, by striking line 9 and inserting  
45 the following:  
46 “3. “Director” means the director of the depart-  
47 ment of education.”  
48 374. Page 252, line 1, by striking the word  
49 “commissioner” and inserting the following: “director  
50 of the department”.

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1 375. Page 252, line 2, by striking the word  
2 “commissioner” and inserting the following:  
3 “director”.  
4 376. Page 252, line 4, by striking the word  
5 “commissioner” and inserting the following “director”.  
6 377. Page 252, by inserting after line 19 the  
7 following:  
8 “— . Appoint the director of the department of  
9 education as provided in section 256.8.”  
10 378. Page 252, by striking lines 20 through 24  
11 and inserting the following:  
12 “Sec. — . NEW SECTION. 256.8 DIRECTOR OF  
13 DEPARTMENT.  
14 The state board shall appoint a director of the  
15 department subject to confirmation by the senate. The  
16 director shall possess a background in education and  
17 administrative experience and shall serve at the  
18 pleasure of the state board.”  
19 379. Page 252, line 25, by striking the word  
20 “COMMISSIONER” and inserting the following:  
21 “DIRECTOR”.  
22 380. Page 252, line 26, by striking the word  
23 “commissioner” and inserting the following:  
24 “director”.  
25 381. Page 252, line 35, by striking the word  
26 “commissioner” and inserting the following:  
27 “director”.  
28 382. Page 253, by striking line 1 and inserting  
29 the following: “director and division administrators  
30 deemed necessary. They”.  
31 383. Page 253, line 15, by striking the word  
32 “commissioner” and inserting the following:  
33 “director”.  
34 384. Page 253, line 28, by striking the word  
35 “commissioner's” and inserting the following:  
36 “director's”.

- 37 385. Page 255, line 5, by striking the word  
38 "commissioner's" and inserting the following:  
39 "director's".
- 40 386. Page 255, line 24, by inserting after the  
41 word "administrators" the following: ", members of  
42 the general assembly,".
- 43 387. Page 256, line 6, by striking the word  
44 "commissioner" and inserting the following:  
45 "director".
- 46 388. Page 256, line 13, by striking the word  
47 "commissioner" and inserting the following:  
48 "director".
- 49 389. Page 256, line 23, by striking the word  
50 "accrediting" and inserting the following: "approval

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- 1 of".
- 2 390. Page 256, line 28, by striking the word "ac-  
3 creditation" and inserting the following: "approval".
- 4 391. Page 257, line 22, by striking the word "ac-  
5 credited" and inserting the following: "approved".
- 6 392. Page 260, line 32, by striking the word  
7 "commissioner" and inserting the following:  
8 "director".
- 9 393. Page 260, line 33, by striking the word  
10 "commissioner" and inserting the following:  
11 "director".
- 12 394. Page 261, line 2, by striking the word  
13 "commissioner" and inserting the following:  
14 "director".
- 15 395. Page 261, line 4, by striking the word  
16 "commissioner" and inserting the following:  
17 "director".
- 18 396. Page 261, line 35, by striking the word  
19 "commissioner" and inserting the following:  
20 "director".
- 21 397. Page 262, line 18, by striking the word  
22 "commissioner" and inserting the following:  
23 "director".
- 24 398. Page 262, line 25, by striking the word  
25 "accreditation" and inserting the following:  
26 "approval".
- 27 399. By striking page 262, line 31, through page  
28 264, line 32, and inserting the following:  
29 "10. As a basis for inclusion on the list of  
30 approved schools, the director shall evaluate the  
31 school educational program in the several school  
32 systems of the state for the purposes of school  
33 improvement and approval, and each public and

34 nonpublic school system shall make reports as the  
35 director deems necessary to show compliance with the  
36 minimum educational standards and other requirements  
37 established by law or administrative rule. The  
38 director, in consultation with the board of directors  
39 and administration of the school district, shall  
40 conduct an immediate evaluation of the educational  
41 program of each school district which the director  
42 determines has failed to comply with the curriculum  
43 programs and other requirements.

44 The director shall make recommendations and sugges-  
45 tions in writing to each school and school district  
46 which is subject to this section when the director  
47 determines, after due investigation, that a school or  
48 school district does not meet the minimum educational  
49 standards required by law or administrative rule.

50 The state board shall adopt rules establishing

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1 approval standards to implement, interpret, and make  
2 effective this section. In adopting the rules, the  
3 state board shall take into account recognized  
4 educational standards. The rules shall be of general  
5 application without specific regard to school  
6 population.

7 The rules are subject to chapter 17A. In addition,  
8 rules shall be reported by the state board to the  
9 general assembly within twenty days after the  
10 commencement of a regular legislative session. A  
11 school or school district shall not be removed from  
12 the approved list for failure to comply with the  
13 standards, until at least one hundred twenty days have  
14 elapsed following the reporting of the rules to the  
15 general assembly as provided in this section.

16 11. The state board shall remove for cause, and  
17 after due investigation and notice by the  
18 commissioner, any school or school district from the  
19 approved list if the school or school district fails  
20 to comply with the approval standards in the manner  
21 prescribed in this section. The state board shall  
22 allow a reasonable period of time after notification  
23 of noncompliance, not to exceed the following school  
24 year, for compliance with the approval standards.

25 During the period of time allowed for compliance,  
26 the director shall confer with the affected school  
27 board and with the school boards of contiguous school  
28 districts to assist the affected school board in  
29 determining how best to offer the students of that  
30 district an approved educational program.

31 12. The state board shall give any school or  
32 school district which is to be removed from the  
33 approved list at least one year's notice. Notice  
34 shall be given by registered or certified mail  
35 addressed to the superintendent of the school district  
36 or the corresponding official of a private school, and  
37 shall specify the reasons for removal. The notice  
38 shall also be sent by ordinary mail to each member of  
39 the board of directors or governing body of the school  
40 or school district, and to the news media which serve  
41 the area where the school or school district is  
42 located; but any good faith error or failure to comply  
43 with this sentence shall not affect the validity of  
44 the action by the state board. If, during that year,  
45 the school or school district remedies the reasons for  
46 removal and satisfies the state board that it will  
47 thereafter comply with the laws and approval  
48 standards, the state board shall continue the school  
49 or school district on the approved list and shall give  
50 the school or school district notice of that action by

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1 registered or certified mail. At any time during the  
2 year, the board of directors or governing body of the  
3 school or school district may request a public hearing  
4 before the state board, by mailing a written request  
5 to the state board by registered or certified mail.  
6 The state board shall promptly set a time and place  
7 for the public hearing, which shall be either in Des  
8 Moines or in the affected area. At least thirty days'  
9 notice of the time and place of the hearing shall be  
10 given by registered or certified mail addressed to the  
11 superintendent of the school district or the  
12 corresponding official of a private school. At least  
13 ten days before the hearing, notice of the time and  
14 place of the hearing and the reasons for removal shall  
15 also be published by the department in a newspaper of  
16 general circulation in the area where the school or  
17 school district is located. At the hearing the school  
18 or school district may be represented by counsel and  
19 may present evidence. The state board may provide for  
20 the hearing to be recorded or reported. If requested  
21 by the school or school district at least ten days  
22 before the hearing, the state board shall provide for  
23 the hearing to be recorded or reported at the expense  
24 of the school or school district, using any reasonable  
25 method specified by the school or school district.  
26 Within ten days after the hearing, the state board  
27 shall render a written decision, and shall affirm,

28 modify, or vacate the action or proposed action to  
29 remove the school or school district from the approved  
30 list.  
31 After notification of removal from the approved  
32 list, the board of directors shall seek to merge the  
33 territory of the school district with one or more  
34 contiguous school districts pursuant to chapter 275.  
35 If on the date specified for removal from the approved  
36 list, the district, or any portion of the district,  
37 has not been merged with one or more contiguous school  
38 districts, the portion that has not been merged shall  
39 be merged with one or more contiguous school districts  
40 by the state board, and sections 275.25 to 275.38  
41 apply. Until the merger is completed, the school  
42 district shall pay tuition for its resident students  
43 to an approved school district under section 282.24.”  
44 400. Page 265, line 4, by striking the word “ac-  
45 credited” and inserting the following: “approved”.  
46 401. Page 265, line 6, by striking the word “ac-  
47 creditation” and inserting the following: “approval”.  
48 402. Page 265, line 24, by striking the word “ac-  
49 credited” and inserting the following: “approved”.  
50 403. Page 265, line 26, by striking the word “ac-

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1 creditation” and inserting the following: “approval”.  
2 404. Page 265, line 30, by striking the word “ac-  
3 credited” and inserting the following: “approved”.  
4 405. Page 266, line 4, by striking the word  
5 “commissioner” and inserting the following:  
6 “director”.  
7 406. Page 267, line 8, by striking the figure  
8 “256.12” and inserting the following: “256.13”.  
9 407. Page 268, line 4, by striking the word  
10 “commissioner” and inserting the following:  
11 “director”.  
12 408. Page 268, line 9, by striking the word  
13 “commissioner” and inserting the following:  
14 “director”.  
15 409. Page 268, line 28, by striking the figure  
16 “256.18” and inserting the following: “256.17”.  
17 410. Page 269, line 4, by striking the word “ac-  
18 credited” and inserting the following: “approved”.  
19 411. Page 269, line 13, by striking the word  
20 “personnel” and inserting the following: “its  
21 certificated staff using staff members who possess  
22 evaluator approval under section 260.33”.  
23 412. Page 269, line 33, by striking the word “ac-  
24 credited” and inserting the following: “approved”.

- 25 413. Page 270, line 5, by striking the word  
 26 "commissioner" and inserting the following:  
 27 "director".
- 28 414. Page 270, line 9, by striking the word "ac-  
 29 creditation" and inserting the following: "approval".
- 30 415. Page 270, line 13, by striking the word "ac-  
 31 creditation" and inserting the following: "approval".
- 32 416. Page 270, by striking lines 15 and 16 and  
 33 inserting the following: "Section 256.11, subsection  
 34 12, applies to schools and school districts not  
 35 meeting the approval standards."
- 36 417. Page 270, by striking lines 20 and 21 and  
 37 inserting the following: "approval by the state board  
 38 of ~~public instruction~~ education pursuant to section  
 39 ~~257.25~~ 256.11."
- 40 418. By striking page 270, line 22, through page  
 41 271, line 29.
- 42 419. Page 274, by striking lines 12 through 24.
- 43 420. Page 274, by inserting after line 30 the  
 44 following:  
 45 "Sec. \_\_\_\_ . NEW SECTION. 258.8 ADMINISTRATION.  
 46 The state council on vocational education shall be  
 47 included in the department of education for  
 48 administrative purposes."
- 49 421. Page 280, line 6, by striking the figure  
 50 "259.10" and inserting the following: "259.9".

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- 1 422. Page 281, line 29, by striking the word  
 2 "agreement" and inserting the following: "agreement  
 3 agreements".
- 4 423. Page 283, line 7, by striking the words  
 5 "~~approved accredited~~" and inserting the following:  
 6 "approved".
- 7 424. Page 283, line 22, by striking the word  
 8 "~~expenditure~~" and inserting the following:  
 9 "expenditures".
- 10 425. Page 284, by inserting after line 1 the  
 11 following:  
 12 "Sec. \_\_\_\_ . NEW SECTION. 260.33 EVALUATOR  
 13 APPROVAL.  
 14 Effective July 1, 1988, in addition to endorsements  
 15 required under rules adopted pursuant to this chapter,  
 16 an individual employed as an administrator,  
 17 supervisor, school service person, or teacher by a  
 18 school district, area education agency, or area  
 19 school, who conducts evaluations of the performance of  
 20 individuals holding certificates under this chapter,  
 21 shall possess an evaluator approval.

22 The board of educational examiners, in consultation  
23 with representatives from institutions of higher  
24 learning who offer approved programs for  
25 administrative endorsements, shall adopt rules  
26 establishing requirements for an evaluator approval  
27 and for the pretest and posttest required under this  
28 section. The requirements shall include completion of  
29 a program approved by the board of educational  
30 examiners as follows:

31 1. For evaluation of teachers, the development of  
32 skills including but not limited to analysis of lesson  
33 plans, classroom observation, analysis of data,  
34 performance improvement strategies, and communication  
35 skills.

36 2. For evaluation of certificated employees other  
37 than teachers, the development of skills including but  
38 not limited to communication skills, analysis of  
39 employee performance, analysis of data, and  
40 performance improvement strategies.

41 An approved program shall include a pretesting  
42 component, and individuals enrolled in the program who  
43 perform satisfactorily on the pretest shall be issued  
44 an evaluator approval and are not required to complete  
45 the program.

46 An approved program shall also include a posttest  
47 component. An individual who does not perform  
48 satisfactorily on the posttest shall not be issued an  
49 evaluator approval.

50 An evaluator approval is valid for a period of five

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1 years from its issuance.

2 Notwithstanding chapter 20, a teacher who holds an  
3 evaluator approval is not disqualified from membership  
4 in a bargaining unit that has other teachers as  
5 members.”

6 426. Page 284, line 35, by striking the word and  
7 figures “9, and 13” and inserting the following: “and  
8 9”.

9 427. By striking page 285, line 32 through page  
10 286, line 17.

11 428. By striking page 291, line 15 through page  
12 292, line 4.

13 429. By striking page 292, line 15 through page  
14 293, line 25.

15 430. Page 293, by striking lines 26 through 34.

16 431. Page 295, by striking lines 20 through 22.

17 432. Page 298, line 21, by inserting after the  
18 word “board.” the following: “The state board may

19 affirm, modify, or vacate the decision, or may direct  
20 a rehearing before the commissioner."

21 433. Page 302, by striking lines 21 through 23  
22 and inserting the following: "deaf, and the  
23 superintendent of the Iowa braille and sight-saving  
24 school; and the superintendent of the state  
25 tuberculosis sanatorium."

26 434. By striking page 304, line 25, through page  
27 305, line 30.

28 435. Page 308, by inserting after line 17 the  
29 following:

30 "Sec. \_\_\_\_ . Section 299.2, subsection 5, Code 1985,  
31 is amended to read as follows:

32 5. Who is attending a private college preparatory  
33 school approved or probationally approved under ~~the~~  
34 ~~provisions of section 257.25~~ 256.11, subsection 14  
35 13."

36 436. Page 313, by striking lines 15 through 34.

37 437. Page 313, by inserting after line 34 the  
38 following:

39 "Sec. \_\_\_\_ . Section 601A.9, subsections 1, 2, and  
40 3, Code Supplement 1985, are amended to read as  
41 follows:

42 It ~~shall be is~~ an unfair or discriminatory practice  
43 for any educational institution to discriminate on the  
44 basis of race, creed, color, sex, national origin,  
45 religion, or disability in any program or activity.  
46 Such discriminatory practices shall include but not be  
47 limited to the following practices:

48 1. ~~On the basis of sex, exclusion~~ Exclusion of a  
49 person or persons from participation in, denial of the  
50 benefits of, or subjection to discrimination in any

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1 academic, extracurricular, research, occupational  
2 training, or other program or activity except athletic  
3 programs;

4 2. ~~On the basis of sex, denial~~ Denial of  
5 comparable opportunity in intramural and  
6 interscholastic athletic programs;

7 3. ~~On the basis of sex discrimination~~  
8 Discrimination among persons in employment and the  
9 conditions ~~thereof~~ of employment;"

10 438. By striking page 313, line 35, through page  
11 314, line 20.

12 439. Page 314, by inserting after line 20 the  
13 following:

14 "Sec. \_\_\_\_ . Section 714.19, subsection 10, Code  
15 1985, is amended to read as follows:

16 10. Private college preparatory schools approved  
17 or probationally approved under the provisions of sec-  
18 tion ~~257.25~~ 256.11, subsection 13.”

19 440. Page 314, by striking lines 25 through 31.

20 441. By striking page 315, line 28, through page

21 319, line 10, and inserting the following:

22 “Sec. \_\_\_\_ . Section 246.805, subsection 7, para-  
23 graph a, Code Supplement 1985, is amended to read as  
24 follows:

25 a. Inmates applying to participate in a program  
26 shall be approved by the ~~work release committee~~  
27 designated pursuant to section 246.902 director of the  
28 department of corrections and shall reside at state  
29 correctional institutions.

30 Sec. \_\_\_\_ . Section 246.901, Code Supplement 1985,  
31 is amended to read as follows:

32 246.901 PROGRAM.

33 The Iowa department of corrections, in consultation  
34 with the board of parole, shall establish a work  
35 release program under which the board of parole may  
36 grant inmates sentenced to an institution under the  
37 jurisdiction of the department ~~may be granted~~ the  
38 privilege of leaving actual confinement during  
39 necessary and reasonable hours for the purpose of  
40 working at gainful employment. Under appropriate  
41 conditions the program may also include release for  
42 the purpose of seeking employment and attendance at an  
43 educational institution. An inmate may be placed on  
44 work release status in the inmate's own home, under  
45 appropriate circumstances, which may include child  
46 care and housekeeping in the inmate's own home. ~~An~~  
47 ~~inmate shall receive a unanimous vote from the work~~  
48 ~~release committee to be approved for home work~~  
49 ~~release.~~

50 Sec. \_\_\_\_ . Section 246.903, Code Supplement 1985,

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1 is amended to read as follows:

2 246.903 **APPLICATION AGREEMENT BY INMATE.**

3 An inmate ~~eligible~~ approved to participate in the  
4 work release program ~~may make application to the~~  
5 ~~superintendent or executive officer of the institution~~  
6 ~~in which confined for permission to participate in the~~  
7 ~~program shall sign a work release agreement.~~ The  
8 ~~application agreement~~ shall include a statement that  
9 the inmate agrees to abide by all terms and conditions  
10 of the particular plan adopted for the inmate by the  
11 ~~committee if the application is approved~~ board of  
12 parole, shall state the name and address of the

13 proposed employer, if any, and shall contain such  
 14 other information as the committee may require. The  
 15 superintendent or executive officer may, at that  
 16 person's discretion, recommend such application to the  
 17 committee. The committee may approve, disapprove, or  
 18 defer action on the recommendation. If the  
 19 recommendation is approved, the committee shall adopt  
 20 a work release plan for the applicant which shall  
 21 contain such terms and conditions as may be the board  
 22 of parole deems necessary and proper. The plan shall  
 23 be signed by the inmate prior to participation in the  
 24 program. Approval may be revoked for any reason by  
 25 the superintendent or executive officer or by the  
 26 committee a member of the board of parole at any time  
 27 after being granted.

28 Sec. \_\_\_\_ . Section 246.904, Code Supplement 1985,  
 29 is amended to read as follows:

30 246.904 HOUSING FACILITIES -- HALFWAY HOUSES.

31 Unless the inmate is transferred to the  
 32 correctional release center, or returns after working  
 33 hours to the institution under jurisdiction of the  
 34 department of corrections, the department of  
 35 corrections shall contract with a judicial district  
 36 department of correctional services for the quartering  
 37 and supervision of the inmate in local housing  
 38 facilities. The committee board of parole shall  
 39 include as a specific term or condition in the work  
 40 release plan of any inmate the place where the inmate  
 41 is to be housed when not on the work assignment. The  
 42 committee board of parole shall not place an inmate on  
 43 work release for longer than six months in any twelve-  
 44 month period. ~~However, an inmate may be placed on~~  
 45 ~~work release for a period in excess of six months in~~  
 46 ~~any twelve month period if unanimous unless approval~~  
 47 is given by the committee a majority of the full board  
 48 of parole. Inmates may be temporarily released to the  
 49 supervision of a responsible person to participate in  
 50 family and selected community, religious, educational,

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1 social, civic, and recreational activities when it is  
 2 determined that the participation will directly  
 3 facilitate the release transition from institution to  
 4 community. The department of corrections shall  
 5 provide a copy of the work release plan and a copy of  
 6 any restitution plan of payment to the judicial  
 7 district department of correctional services  
 8 quartering and supervising the inmate.  
 9 Sec. \_\_\_\_ . Section 246.906, Code Supplement 1985,

10 is amended to read as follows:

11 246.906 STATUS OF INMATES ON WORK RELEASE.

12 An inmate employed in the community under this  
 13 chapter is not an agent, employee, or involuntary  
 14 servant of the department of corrections ~~nor, the~~  
 15 board of parole, or the judicial district department  
 16 of correctional services while released from  
 17 confinement under the terms of a work release plan.  
 18 If an inmate suffers an injury arising out of or in  
 19 the course of the inmate's employment under this  
 20 chapter, the inmate's recovery shall be from the  
 21 insurance carrier of the employer of the project and  
 22 no proceedings for compensation shall be maintained  
 23 against the insurance carrier of the state  
 24 institution, the state, the insurance carrier of the  
 25 judicial district department of correctional services,  
 26 or the judicial district department of correctional  
 27 services, and there is no employer-employee  
 28 relationship between the inmate and the state  
 29 institution, the board of parole, or the judicial  
 30 district department of correctional services.

31 Sec. \_\_\_\_ . Section 246.908, subsection 1, Code  
 32 Supplement 1985, is amended to read as follows:

33 1. Upon request by the Iowa department of  
 34 corrections, the board of parole, or a judicial  
 35 district department of correctional services a county  
 36 shall provide temporary confinement for alleged  
 37 violators of work release conditions if space is  
 38 available.

39 Sec. \_\_\_\_ . Section 904.1, Code 1985, is amended to  
 40 read as follows:

41 904.1 BOARD OF PAROLE.

42 The board of parole ~~shall consist~~ consists of seven  
 43 electors of the state. Not more than four members  
 44 shall belong to the same political party. At least  
 45 three members shall be practicing attorneys-at-law at  
 46 the time of appointment. Each member shall serve a  
 47 term of five years beginning and ending as provided by  
 48 section 69.19, except appointees to fill vacancies who  
 49 shall serve for the balance of the unexpired term.  
 50 The chairperson of the board shall be elected by the

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1 members of the board to a term of one year and may  
 2 serve more than one term. A majority of the members  
 3 of the board constitutes a quorum to transact  
 4 business. However, the board shall be divided into  
 5 hearing panels of three or more members to interview  
 6 and consider inmates for parole or work release and to

7 conduct parole revocation hearings. A majority vote  
 8 of the member of the hearing panel is required to  
 9 grant or revoke a parole, or work release or revoke a  
 10 parole; however, a parole shall not be granted or  
 11 revoked without the affirmative votes of at least  
 12 three members of the full board, but a work release  
 13 may be revoked by any member of the board.

14 Sec. \_\_\_\_ . Section 906.1, Code 1985, is amended to  
 15 read as follows:

16 **906.1 DEFINITION OF PAROLE AND WORK RELEASE.**

17 Parole is the release of a person who has been  
 18 committed to the custody of the director of the Iowa  
 19 department of corrections by reason of the person's  
 20 commission of a public offense, which release occurs  
 21 prior to the expiration of the person's term, is  
 22 subject to supervision by the district department of  
 23 correctional services, and is on conditions imposed by  
 24 the district department.

25 Work release is the release of a person, who has  
 26 been committed to the custody of the director of the  
 27 Iowa department of corrections, pursuant to sections  
 28 246.901 through 246.909.

29 Sec. \_\_\_\_ . Section 906.3, Code 1985, is amended to  
 30 read as follows:

31 **906.3 AUTHORITY OF PAROLE BOARD.**

32 The board of parole shall adopt rules regarding a  
 33 system of paroles from correctional institutions, and  
 34 shall direct, control, and supervise the  
 35 administration of the system of paroles. The board of  
 36 parole shall consult with the director of the  
 37 department of corrections on rules regarding a system  
 38 of work release and shall assist in the direction,  
 39 control, and supervision of the work release system.

40 The board shall determine which of those persons who  
 41 have been committed to the custody of the director of  
 42 the Iowa department of corrections, by reason of their  
 43 conviction of a public offense, shall be released on  
 44 parole or work release. The grant or denial of parole  
 45 or work release is not a contested case as defined in  
 46 section 17A.2.

47 Sec. \_\_\_\_ . Section 906.4, Code 1985, is amended to  
 48 read as follows:

49 **906.4 STANDARDS FOR RELEASE ON PAROLE OR WORK**  
 50 **RELEASE.**

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1 A parole or work release shall be ordered only for  
 2 the best interest of society and the offender, not as  
 3 an award of clemency. The board shall release on

4 parole or work release any person whom it has the  
5 power to so release, when in its opinion there is  
6 reasonable probability that ~~such~~ the person can be  
7 released without detriment to the community or to the  
8 person. A person's release is not a detriment to the  
9 community or the person ~~when~~ if the person is able and  
10 willing to fulfill the obligations of a law-abiding  
11 citizen, as in the board shall determine board's  
12 determination.

13 Sec. \_\_\_\_ . Section 906.5, Code Supplement 1985, is  
14 amended to read as follows:

15 906.5 RECORD REVIEWED -- ELIGIBILITY OF PRIOR  
16 FORCIBLE FELON FOR PAROLE OR WORK RELEASE -- RULES.

17 Within one year after the commitment of a person  
18 other than a class "A" felon to the custody of the  
19 director of the Iowa department of corrections, a  
20 member of the board shall interview the person.  
21 Thereafter, at regular intervals, not to exceed one  
22 year, the board shall interview the person and  
23 consider the person's prospects for parole or work  
24 release. At the time of an interview, the board shall  
25 consider all pertinent information regarding ~~this~~ the  
26 person, including the circumstances of the person's  
27 offense, any presentence report which is available,  
28 the previous social history and criminal record of the  
29 person, the person's conduct, work, and attitude in  
30 prison, and the reports of physical and mental  
31 examinations that have been made.

32 If the person who is under consideration for parole  
33 is serving a sentence for conviction of a felony and  
34 has a criminal record of one or more prior convictions  
35 for a forcible felony or a crime of a similar gravity  
36 in this or any other state, parole shall be denied  
37 unless the person has served at least one-half of the  
38 maximum term of the defendant's sentence. However,  
39 the mandatory sentence provided for by this section  
40 ~~shall~~ does not apply if the sentence being served is  
41 for a felony other than a forcible felony and the  
42 sentences for the prior forcible felonies expired at  
43 least five years before the date of conviction for the  
44 present felony.

45 A person while on parole or work release is under  
46 the supervision of the district department of  
47 correctional services of the district designated by  
48 the board of parole. The department of corrections  
49 shall prescribe ~~regulations~~ rules for governing  
50 persons on parole or work release. The board may

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1 adopt other rules not inconsistent with the rules of  
2 the department of corrections as ~~it~~ the board deems  
3 proper or necessary for the performance of its  
4 functions.

5 Sec. . Section 906.6, Code 1985, is amended to  
6 read as follows:

7 906.6 CO-OPERATION OF CORRECTION PERSONNEL.

8 ~~It shall be the duty of all~~ All persons employed in  
9 ~~any a~~ correctional institution ~~to shall~~ grant to the  
10 members of the board of parole, or its properly  
11 accredited representatives, access at all reasonable  
12 times to any person over whom the board has  
13 jurisdiction, ~~to shall~~ provide for the board or ~~such~~  
14 its representatives facilities for communicating with  
15 and observing ~~such~~ the person, and ~~to shall~~ furnish to  
16 the board ~~such~~ reports ~~as~~ the board ~~shall require~~  
17 requires concerning the conduct and character of any  
18 person in their custody and any other facts deemed by  
19 the board pertinent in determining whether the person  
20 shall be released on parole or work release.

21 Sec. \_\_\_\_ . Section 906.16, unnumbered paragraph 1,  
22 Code 1985, is amended to read as follows:

23 The time when a prisoner is on parole or work  
24 release from the institution shall be held to apply  
25 upon the sentence against the parolee or work releasee  
26 even if the parole or work release is subsequently  
27 revoked, except that the time when the parolee or work  
28 releasee is in violation of the terms of the parole or  
29 work release agreement shall not apply upon the  
30 sentence.

31 Sec. \_\_\_\_ . Section 904.5, Code 1985, is amended to  
32 read as follows:

33 904.5 ADMINISTRATION OF BOARD OF PAROLE.

34 The board of parole shall be responsible directly  
35 to the governor. The board of parole is attached to  
36 the department of corrections for routine  
37 administrative and support services only. The board  
38 of parole shall appoint an executive secretary and  
39 employ a clerical staff sufficient to carry on the  
40 necessary duties of the board. The board shall employ  
41 ~~not less~~ no fewer than four persons who shall serve as  
42 liaison personnel between the board, inmates and staff  
43 at the state's penal and correctional facilities and  
44 who shall perform other duties designated by the board  
45 of parole. The board shall submit to the ~~state~~  
46 ~~comptroller~~ executive director of the office of  
47 management an estimate of the funds needed for  
48 salaries, maintenance, and office supplies at the time

49 and in the manner provided by section 8.23.  
50 Sec. \_\_\_\_ . NEW SECTION. 904.7 RISK ASSESSMENT

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1 PROGRAM.

2 There is created under the board of parole a risk  
3 assessment program, which shall provide risk  
4 assessment analysis for the board of parole.

5 Sec. \_\_\_\_ . Section 246.902, Code Supplement 1985,  
6 is repealed.”

7 442. Page 319, by inserting after line 11 the  
8 following:

9 “Sec. \_\_\_\_ . Section 80.9, subsection 2, Code 1985,  
10 is amended by adding the following new lettered  
11 paragraphs:

12 NEW LETTERED PARAGRAPH. g. To provide and  
13 coordinate the training of law enforcement officers.

14 NEW LETTERED PARAGRAPH. h. Assist in the  
15 administrative support of the correctional training  
16 center, in order to promote efficiency of operation.

17 Sec. \_\_\_\_ . Section 80.17, Code 1985, is amended by  
18 adding the following new subsection:

19 NEW SUBSECTION. 8. Iowa law enforcement academy.”

20 443. Page 319, by striking lines 12 through 22.

21 444. Page 319, by inserting before line 23, the  
22 following:

23 “Sec. \_\_\_\_ . Section 80B.5, Code 1985, is amended to  
24 read as follows:

25 80B.5 ADMINISTRATION.

26 The administration of ~~the Iowa law enforcement~~  
27 ~~academy and council Act shall be~~ this chapter is  
28 vested in the office of the governor ~~director of~~  
29 public safety. A director of the academy and such  
30 staff as may be necessary for it to function shall be  
31 employed pursuant to the Iowa merit system. The  
32 governor shall appoint a director of the academy, who  
33 is exempt from chapter 19A, the Iowa merit system.  
34 The director shall employ staff sufficient for the  
35 academy to function, which staff is subject to chapter  
36 19A.

37 Sec. \_\_\_\_ . Section 80B.8, Code 1985, is amended to  
38 read as follows:

39 80B.8 COMPENSATION AND EXPENSES.

40 ~~The members of the council, who are not employees~~  
41 ~~of the state or a political subdivision, shall be paid~~  
42 ~~a forty-dollar per diem. All members~~ Members of the  
43 council shall be reimbursed for ~~necessary~~ and actual  
44 expenses incurred in attending meetings and in the  
45 performance of their duties. All ~~per diem~~ and expense

46 moneys paid to nonlegislative members shall be paid  
 47 from funds appropriated to the ~~Iowa law enforcement~~  
 48 ~~academy department of public safety~~. Legislative  
 49 members of the council shall receive payment pursuant  
 50 to ~~section sections~~ 2.10 and ~~section~~ 2.12.

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1 Sec. \_\_\_\_ . Section 80B.11, unnumbered paragraph 1,  
 2 Code Supplement 1985, is amended to read as follows:  
 3 The director ~~of the academy of public safety~~,  
 4 subject to the approval of the council, shall  
 5 ~~promulgate adopt~~ rules in accordance with ~~the~~  
 6 ~~provisions~~ of this chapter and chapter 17A, giving due  
 7 consideration to varying factors and special  
 8 requirements of law enforcement agencies relative to  
 9 the following:

10 Sec. \_\_\_\_ . Section 80B.12, Code 1985, is amended to  
 11 read as follows:

12 80B.12 AGREEMENTS WITH OTHER AGENCIES.

13 The director ~~with the approval of the council~~ may  
 14 enter into agreements with other public and private  
 15 agencies, colleges, and universities to carry out the  
 16 intent of this chapter."

17 445. Page 320, line 4, by striking the word  
 18 "governor" and inserting the following: "~~governor~~  
 19 director of public safety".

20 446. Page 320, by inserting after line 32 the  
 21 following:

22 "Sec. \_\_\_\_ . Section 692.2, subsection 1, paragraph  
 23 b, Code Supplement 1985, is amended to read as  
 24 follows:

25 b. Other public agencies as authorized by the  
 26 ~~confidential records council~~ director of public  
 27 safety.

28 Sec. \_\_\_\_ . Section 692.2, subsection 5, unnumbered  
 29 paragraph 1, Code Supplement 1985, is amended to read  
 30 as follows:

31 Notwithstanding other provisions of this section,  
 32 the department and bureau may provide copies or  
 33 communicate information from criminal history data to  
 34 any youth service agency approved by the ~~confidential~~  
 35 ~~records council~~ director of public safety. The  
 36 department shall adopt rules to provide for the  
 37 qualification and approval of youth service agencies  
 38 to receive criminal history data.

39 Sec. \_\_\_\_ . Section 692.19, Code 1985, is amended to  
 40 read as follows:

41 692.19 CONFIDENTIAL RECORDS COUNCIL -- OVERSIGHT  
 42 BY DIRECTOR.

43 There is hereby created a confidential records  
44 council consisting of nine regular members. Two  
45 members shall be appointed from the house of  
46 representatives to serve as ex officio nonvoting  
47 members by the speaker of the house, no more than one  
48 of whom shall be from the same party. Two members  
49 shall be appointed from the senate to serve as ex  
50 officio nonvoting members by the lieutenant governor.

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1 no more than one of whom shall be from the same party.  
2 The other members of the council shall be: A judge of  
3 the district court appointed by the chief justice of  
4 the supreme court, one local law enforcement official,  
5 appointed by the governor; the commissioner of public  
6 safety or the commissioner's designee; and two private  
7 citizens not connected with law enforcement, appointed  
8 by the governor. The council shall select its own  
9 chairperson. The members shall serve at the pleasure  
10 of those by whom their appointments are made.

11 The council shall meet at least annually and at any  
12 other time upon the call of the governor, the  
13 chairperson of the council, or any three of its  
14 members. Each nonlegislative council member shall be  
15 entitled to reimbursement for actual and necessary  
16 expenses incurred in the performance of official  
17 duties from funds appropriated to the department of  
18 public safety. Each legislative member shall receive  
19 expenses pursuant to section 2-10 and section 2-12.

20 The council director of public safety shall have  
21 the following responsibilities and duties:

22 1. Shall periodically monitor the operation of  
23 governmental information systems which deal with the  
24 collection, storage, use and dissemination of criminal  
25 history or intelligence data.

26 2. Shall review the implementation and  
27 effectiveness of legislation and administrative rules  
28 concerning such systems.

29 3. May recommend changes in said rules and  
30 legislation to the legislature and the appropriate  
31 administrative officials.

32 4. May require such reports from state agencies as  
33 may be necessary to perform its duties.

34 5. May receive and review complaints from the  
35 public concerning the operation of such systems.

36 6. May conduct such inquiries and investigations  
37 as it finds appropriate to achieve the purposes of  
38 this chapter. Each criminal justice agency in this  
39 state and each state and local agency otherwise

40 authorized access to criminal history data is  
 41 authorized and directed to furnish to the ~~council~~  
 42 director of public safety, upon ~~its~~ the director's  
 43 request, such statistical data, reports, and other  
 44 information in its possession as the ~~council~~ director  
 45 deems necessary to carry out its functions under this  
 46 chapter. ~~However, the council and its members, in~~  
 47 ~~such capacity, shall not have access to criminal~~  
 48 ~~history data or intelligence data unless it is data~~  
 49 ~~from which individual identities are not ascertainable~~  
 50 ~~or data which has been masked so that individual~~

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1 identities are not ascertainable. However, the  
 2 council may examine data from which the identity of an  
 3 individual is ascertainable if requested in writing by  
 4 that individual or the individual's attorney with  
 5 written authorization and fingerprint identification.  
 6 7 6. Shall annually approve rules adopted in  
 7 accordance with section 692.10 and rules to assure the  
 8 accuracy, completeness and proper purging of criminal  
 9 history data.  
 10 8 7. Shall approve all agreements, arrangements  
 11 and systems for the interstate transmission and  
 12 exchange of criminal history data.  
 13 Sec. \_\_\_\_ . Sections 80.10 through 80.14, 80B.10,  
 14 and 80B.14, Code 1985, are repealed."  
 15 447. Page 327, by striking lines 7 and 8 and  
 16 inserting the following:  
 17 "3. "Natural resource commission" means the  
 18 natural resource commission created under section  
 19 455A.5."  
 20 448. Page 327, line 23, by inserting after the  
 21 word "capabilities." the following: "The director  
 22 shall be educated and possess special knowledge in the  
 23 general field of natural resource management and  
 24 environmental protection."  
 25 449. Page 327, line 30, by striking the words  
 26 "state parks and wildlife" and inserting the  
 27 following: "natural resource".  
 28 450. Page 327, by striking lines 33 through 35  
 29 and inserting the following: "vested in the  
 30 department."  
 31 451. Page 328, by striking lines 2 and 3 and  
 32 inserting the following: "of functions to be  
 33 administered by the administrators under chapters 84,  
 34 93, 106, 107, 108, 108A, 109, 109A, 110, 110A, 110B,  
 35 111, 111B, 111D, 112, 305, 321G, 455B, 455C, and 469."  
 36 452. Page 328, by striking line 34 and inserting

37 the following:

38 "Sec. 1805. NEW SECTION. 455A.5 NATURAL  
39 RESOURCE".

40 453. Page 329, by striking line 1 and inserting  
41 the following:

42 "1. A natural resource commission is created,  
43 which".

44 454. Page 329, line 35, by striking the word and  
45 figure "or 112" and inserting the following: "112, or  
46 321G".

47 455. Page 330, line 4, by striking the word and  
48 figure "or 112" and inserting the following: "112, or  
49 321G".

50 456. Page 331, by striking line 15 and inserting

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1 the following: "effective administration of chapter  
2 455B,".

3 457. By striking page 331, line 22 through page  
4 332, line 3, and inserting the following:

5 "Sec. 1807. NEW SECTION. DIVISIONS CREATED --  
6 DEPUTY DIRECTOR AND ADMINISTRATORS APPOINTED BY  
7 DIRECTOR.

8 1. The following divisions are created within the  
9 department:

10 a. Parks, forests, and preserves division which is  
11 responsible for programs relating to water access  
12 development, state forests, parks and recreation  
13 areas, and preserves.

14 b. Fish and wildlife division which is responsible  
15 for programs relating to wildlife, law enforcement,  
16 fisheries, and land acquisition and management.

17 c. Energy and geological resources division which  
18 is responsible for programs relating to energy,  
19 geological survey, and oil and gas production.

20 d. Environmental protection division which is  
21 responsible for programs relating to wastewater  
22 treatment, water supply, hazardous wastes, air and  
23 land, and field services.

24 e. Coordination and information division which has  
25 the responsibility for legal services, governmental  
26 liaison, information and education, and planning.

27 f. Administrative services division which is  
28 responsible for finance, budget and grants,  
29 administrative support, data processing, licensing,  
30 and construction services.

31 g. Additional divisions deemed necessary for the  
32 effective and efficient administration of the  
33 department.

34 2. The director shall appoint a deputy director  
 35 who shall be in charge of the department in the  
 36 absence of the director. The appointment shall be  
 37 based on the appointee's training, experience, and  
 38 capabilities.

39 3. The director shall appoint an administrator for  
 40 each division created under subsection 1. The  
 41 director shall make the appointment based on the  
 42 appointee's training, experience, and capabilities.  
 43 Each administrator has the responsibility of  
 44 administering the programs assigned the division under  
 45 subsection 1 and other programs assigned by the  
 46 director. Each administrator shall carry out the  
 47 duties and responsibilities of office under the  
 48 general direction and supervision of the director."

49 458. Page 332, lines 7 and 8, by striking the  
 50 words "state parks and wildlife" and inserting the

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1 following: "natural resources".

2 459. Page 332, lines 23 and 24, by striking the  
 3 words "the land rehabilitation advisory board,".

4 460. By striking page 332, line 31 through page  
 5 334, line 17.

6 461. Page 334, by striking lines 25 and 26 and  
 7 inserting the following:

8 "20. "Director" means the director of the  
 9 department or a".

10 462. Page 335, line 22, by striking the word  
 11 "commission" and inserting the following:  
 12 "department".

13 463. By striking page 335, line 34 through page  
 14 336, line 1, and inserting the following:

15 4. "Director" means the director of ~~energy policy~~  
 16 the department or a designee."

17 464. Page 337, by striking line 13 and inserting  
 18 the following: "program ~~under the direction of the~~  
 19 council. The".

20 465. Page 337, lines 15 and 16, by striking the  
 21 words "with the approval of the ~~council commission,~~"  
 22 and inserting the following: "~~with the approval of~~  
 23 the council,".

24 466. Page 337, line 26, by striking the word  
 25 "commission" and inserting the word "department".

26 467. Page 338, by striking lines 1 and 2 and  
 27 inserting the following:

28 "12. "Commission" means ~~state conservation the~~  
 29 natural resource commission."

30 468. Page 338, by striking lines 9 and 10 and

31 inserting the following:

32 "Sec. 1838. Sections 106.2, 106.3, and 106.4, Code  
33 1985, are amended by striking the words "state  
34 conservation commission" or "conservation commission".

35 469. Page 338, by striking lines 22 and 23 and  
36 inserting the following:

37 "3. "Commission" means the natural resource  
38 commission."

39 470. Page 338, by inserting before line 24 the  
40 following:

41 "Sec. \_\_\_\_ . Section 107.13, Code 1985, is amended  
42 to read as follows:

43 107.13 OFFICERS AND EMPLOYEES.

44 The director shall, ~~with the consent of the~~  
45 ~~commission~~, employ the number of assistants, including  
46 a professionally trained state forester, that are  
47 necessary to carry out the duties imposed on the  
48 commission; and, under the same conditions, the  
49 director shall appoint the number of full-time  
50 officers and supervisory personnel that are necessary

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1 to enforce ~~the all~~ laws of the state and rules and  
2 regulations; ~~the enforcement of which are imposed on~~  
3 the commission. The full-time officers and  
4 supervisory personnel ~~shall~~ have the same powers that  
5 are conferred by law on peace officers in the  
6 enforcement of ~~the all~~ laws of the state of Iowa and  
7 the apprehension of violators. ~~Any A~~ person appointed  
8 as a full-time officer shall be at least twenty-one  
9 years of age, but not more than sixty-five years of  
10 age, on the date of appointment. ~~Officer~~ Full-time  
11 officer means any person appointed by the ~~state~~  
12 ~~conservation commission~~ director to enforce the laws  
13 of this state ~~under the jurisdiction of the~~  
14 ~~commission~~.

15 Sec. \_\_\_\_ . Section 107.14, Code 1985, is amended to  
16 read as follows:

17 107.14 TEMPORARY APPOINTMENTS.

18 The ~~commission~~ director may appoint temporary  
19 officers for a period not to exceed six months: ~~The~~  
20 ~~commission~~ and may adopt minimum physical,  
21 educational, mental, and moral requirements for the  
22 temporary officers. ~~The provisions of chapter~~ Chapter  
23 80B shall does not apply to the temporary officers.  
24 Temporary officers have all the powers of peace  
25 officers in the enforcement of chapters 106 through  
26 111, 111B, 321G, and the trespass laws."

27 471. Page 338, by striking lines 28 through 32

28 and inserting the following: "fund from the checkoff  
 29 to the fish and wildlife division of ~~fish and game~~ of  
 30 the commission department for the purposes pursuant to  
 31 specified in this section."

32 472. Page 339, by inserting after line 1 the fol-  
 33 lowing:

34 "Sec. \_\_\_\_ . Section 107.17, unnumbered paragraph 2,  
 35 Code 1985, is amended to read as follows:

36 The state fish and game protection fund, except as  
 37 otherwise provided, consists of all moneys accruing  
 38 from license fees and all other sources of revenue  
 39 arising under the fish and wildlife division of ~~fish~~  
 40 ~~and game~~. Notwithstanding section 453.7, subsection  
 41 2, interest or earnings on investments or time  
 42 deposits of the funds in the state fish and game  
 43 protection fund and the public outdoor recreation and  
 44 resources fund shall be credited to those funds  
 45 respectively."

46 473. Page 339, line 6, by striking the word  
 47 "commission" and inserting the following: "commission  
 48 department".

49 474. Page 339, by striking lines 19 through 21  
 50 and inserting the following: "embraced in the fish

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1 and wildlife division of ~~fish and game~~."

2 475. Page 339, line 28, by striking the word  
 3 "commission" and inserting the following: "commission  
 4 department".

5 476. Page 339, by striking lines 30 through 32  
 6 and inserting the following: "activities embraced in  
 7 the fish and ~~game~~ wildlife division."

8 477. Page 344, by inserting after line 12 the  
 9 following:

10 "Sec. \_\_\_\_ . Sections 107.20, 107.24, 107.27 through  
 11 107.29, and 107.31 through 107.34, Code 1985, are  
 12 amended by striking the words "state conservation  
 13 commission", "conservation commission", and  
 14 "commission" where they appear in those sections and  
 15 inserting in lieu thereof the word "department"."

16 478. Page 344, by striking lines 19 and 20 and  
 17 inserting the following:

18 "3. "Commission" means the natural resource  
 19 commission."

20 479. Page 345, by striking lines 9 and 10 and  
 21 inserting the following:

22 "1. "Commission" means the ~~state conservation~~  
 23 natural resource commission."

24 480. Page 345, by striking lines 22 and 23 and

25 inserting the following:

26 "13. "Commission" means the ~~state conservation~~  
27 natural resource commission."

28 481. Page 346, line 24, by striking the word and  
29 number "and 109.19" and inserting the following:  
30 "109.19, and 109.58".

31 482. Page 346, by striking lines 30 and 31 and  
32 inserting the following:

33 "1. "Commission" means the ~~state conservation~~  
34 natural resource commission."

35 483. Page 347, by striking line 8 and inserting  
36 the following:

37 "3. "Commission" means the natural resource".

38 484. Page 347, by striking line 16 and inserting  
39 the following:

40 "3. "Commission" means the natural resource".

41 485. Page 347, by striking lines 20 and 21 and  
42 inserting the following:

43 "2. "Commission" means ~~state conservation the~~  
44 natural resource commission."

45 486. Page 347, by striking line 31 and inserting  
46 the following:

47 "3. "Commission" means the natural resource".

48 487. Page 349, lines 28 and 29, by striking the  
49 words "state ~~conservation parks and wildlife~~" and  
50 inserting the following: "~~state conservation natural~~

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1 resource".

2 488. Page 349, line 30, by striking the words "or  
3 village" and inserting the following: "~~or village~~".

4 489. Page 350, by striking lines 3 and 4 and  
5 inserting the following: "~~commission department of~~  
6 natural resources or ~~such the~~ county or ~~municipality~~  
7 city and not devoted or dedicated to".

8 490. Page 350, lines 9 and 10, by striking the  
9 words "state ~~conservation parks and wildlife~~" and  
10 inserting the following: "~~state conservation natural~~  
11 resource".

12 491. Page 350, line 17, by striking the words  
13 "state ~~conservation parks and wildlife~~" and inserting  
14 the following: "~~state conservation natural resource~~".

15 492. Page 350, lines 20 and 21, by striking the  
16 words "state ~~conservation parks and wildlife~~" and  
17 inserting the following: "~~state conservation natural~~  
18 resource".

19 493. Page 350, line 33, by striking the word  
20 "commission" and inserting the following: "natural  
21 resource commission".

22 494. Page 351, by striking lines 27 and 28 and  
 23 inserting the following:  
 24 "7. "Commission" means the natural resource  
 25 commission."  
 26 495. Page 352, by striking lines 5 through 8 and  
 27 inserting the following:  
 28 "The conservation commission director shall employ,  
 29 upon recommendation by after consultation with the  
 30 board, at salaries fixed by the board, a trained  
 31 ecologist and such other personnel as may be necessary  
 32 to carry out the powers and duties of the board  
 33 department."  
 34 496. Page 352, line 15, by inserting after the  
 35 word "conservation" the following: "natural  
 36 resource".  
 37 497. Page 353, by striking line 20 and inserting  
 38 the following:  
 39 "3. "Commission" means the natural resource".  
 40 498. Page 354, lines 8 and 9, by striking the  
 41 word and figure "and 112.1" and inserting the  
 42 following: "112.1, 321G.1, and 321G.15".  
 43 499. Page 354, lines 24 and 25, by striking the  
 44 words "state parks and wildlife" and inserting the  
 45 following: "natural resource".  
 46 500. Page 355, by inserting after line 12 the  
 47 following:  
 48 "Sec. \_\_\_\_ . Section 321G.1, subsection 1, Code  
 49 1985, is amended to read as follows:  
 50 1. "Commission" means the ~~state~~ conservation

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1 natural resource commission."  
 2 501. Page 355, by striking line 22 and inserting  
 3 the following: "director of the".  
 4 502. Page 355, lines 23 and 24, by striking the  
 5 words "of the executive director" and inserting the  
 6 following: "of the executive director".  
 7 503. Page 355, by striking lines 33 and 34.  
 8 504. Page 356, by inserting after line 4 the  
 9 following:  
 10 "Sec. \_\_\_\_ . NEW SECTION. 455B.111 CITIZEN  
 11 ACTIONS.  
 12 1. Except as provided in subsection 2, a person  
 13 may commence a civil action in district court on the  
 14 person's own behalf against any of the following:  
 15 a. A person, including the state of Iowa, for  
 16 violating any provision of this chapter or a rule  
 17 adopted pursuant to this chapter.  
 18 b. The executive director, the commission, or any

19 official or employee of the department where there is  
20 an alleged failure to perform any act or duty under  
21 this chapter or a rule adopted pursuant to this  
22 chapter which is not a discretionary act or duty.

23 2. An action shall not be commenced pursuant to  
24 subsection 1, paragraph "a", unless the person  
25 commencing the action has provided the director and  
26 the alleged violator with a written notice at least  
27 sixty days prior to commencing the action. The  
28 written notice shall specify the nature of the  
29 violation and that legal action is contemplated under  
30 this section if the violation is not abated and, if  
31 necessary, remedial action is not taken. The state  
32 may intervene in such an action as a matter of right.  
33 In addition, an action shall not be commenced pursuant  
34 to subsection 1, paragraph "a", if the department or  
35 the state has commenced and is diligently prosecuting  
36 a civil action to require abatement of the violation  
37 and, if necessary, remediation of damages. However,  
38 any person may intervene as a matter of right in such  
39 an action.

40 3. In an action commenced pursuant to subsection  
41 1, the court may award costs of litigation, including  
42 reasonable attorney and expert witness fees, to any  
43 party.

44 4. This section does not restrict any right under  
45 statutory or common law of a person or class of person  
46 to seek enforcement of provisions of this chapter or a  
47 rule adopted pursuant to this chapter or seek other  
48 relief permitted under the law."

49 505. By striking page 357, line 4 through page  
50 358, line 15:

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1 506. Page 361, by inserting after line 11 the  
2 following:

3 "Sec. \_\_\_\_ . Sections 455B.131, 455B.135 through  
4 455B.137, 455B.143, 455B.145 through 455B.147,  
5 455B.174, 455B.181, 455B.183, 455B.305, 455B.340,  
6 455B.383, and 455B.391, Code 1985, are amended by  
7 striking the word "commission" where it appears in  
8 those sections and inserting in lieu thereof the word  
9 "department". Sections 455B.262, 455B.264, 455B.265,  
10 455B.266, 455B.271, and 455B.412, Code Supplement  
11 1985, are amended by striking the word "commission"  
12 where it appears in those sections and inserting in  
13 lieu thereof the word "department"."

14 507. Page 361, by striking line 15, and inserting  
15 the following: "department of ~~water~~."

16 508. Page 364, line 5, by striking the figures  
17 "83A.4, 83A.5."

18 509. Page 364, line 6, by inserting after the  
19 number "107.12," the following: "107.21,".

20 510. Page 364, line 7, by inserting after the  
21 number "455B.104," the following: "455B.106,  
22 455B.214, 455B.215,".

23 511. Page 364, by striking lines 8 and 9 and  
24 inserting the following: "are repealed. Section  
25 455D.16, Code Supplement 1985, is repealed."

26 512. Page 364, by inserting after line 34 the  
27 following new section:

28 "Sec. \_\_\_\_ . Section 307.3, Code 1985, is amended to  
29 read as follows:

30 307.3 TRANSPORTATION COMMISSION.

31 There is created a state transportation commission  
32 which shall consist of seven members, not more than  
33 four of whom shall be from the same political party.  
34 Effective January 1, 1989, each congressional district  
35 shall be represented by one appointee. The governor  
36 shall appoint the members of the state transportation  
37 commission for a term of four years beginning and  
38 ending as provided by section 69.19, subject to  
39 confirmation by the senate.

40 The commission shall meet in May of each year for  
41 the purpose of electing one of its members as  
42 chairperson."

43 513. Page 364, by inserting after line 34, the  
44 following:

45 "Sec. \_\_\_\_ . Section 307.6, Code 1985, is amended to  
46 read as follows:

47 307.6 COMPENSATION -- COMMISSION MEMBERS.

48 Each member of the commission shall ~~receive a~~  
49 salary as fixed by the general assembly be compensated  
50 as provided in section 7E.3."

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1 514. Page 367, by inserting after line 10, the  
2 following:

3 "14. When authorized by the governor pursuant to  
4 section 7.15, accept, administer and expend funds  
5 provided by any act of congress for highway safety,  
6 law enforcement or other related programs. For  
7 purposes of federal law, the state department of  
8 transportation is designated as the state highway  
9 safety agency and the director of transportation is  
10 designated as the governor's representative for  
11 highway safety."

12 515. Page 391, by inserting after line 7 the

13 following:

14 "EXECUTIVE COUNCIL

15 Sec. \_\_\_\_ . Section 1.6, Code 1985, is amended to  
16 read as follows:

17 1.6 CONDITIONS.

18 Any acquisition by the government of the United  
19 States of land and water, or of land or water, under  
20 section 1.5 shall be first approved by the state  
21 conservation commission; ~~by and~~ the state conservation  
22 director of this state; ~~and the executive council.~~

23 Sec. \_\_\_\_ . Section 8.31, unnumbered paragraph 7,  
24 Code 1985, is amended to read as follows:

25 ~~The finding by~~ If the governor determines that the  
26 estimated budget resources during the fiscal year are  
27 insufficient to pay all appropriations in full, ~~as~~  
28 ~~provided herein, shall be subject to the concurrence~~  
29 ~~in such finding by the executive council before~~  
30 ~~reductions in allotment shall be made, and in the~~  
31 ~~event any reductions in allotment be made, such the~~  
32 reductions shall be uniform and prorated between all  
33 departments, agencies and establishments upon the  
34 basis of their respective appropriations.

35 Sec. \_\_\_\_ . Section 8.32, unnumbered paragraph 6,  
36 Code 1985, is amended to read as follows:

37 The provisions of this chapter shall not be  
38 construed to prohibit the state fair board from  
39 creating an emergency or sinking fund out of the  
40 receipts of the state fair and state appropriation for  
41 the purpose of taking care of any emergency that might  
42 arise beyond the control of the board of not to exceed  
43 three hundred thousand dollars; ~~provided, however,~~  
44 ~~that any expenditure from said fund shall be subject~~  
45 ~~to the approval of the executive council.~~ Neither  
46 shall ~~the provisions~~ of this chapter be construed to  
47 prohibit the state fair board from retaining an  
48 additional sum of not to exceed three hundred fifty  
49 thousand dollars to be used in carrying out the  
50 provisions of chapter 173.

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1 Sec. \_\_\_\_ . Section 11.28, Code 1985, is amended to  
2 read as follows:

3 11.28 INDIVIDUAL AUDIT REPORTS.

4 The individual audit reports shall include exhibits  
5 and schedules to report data similar to that now  
6 required by section 11.4, and shall as nearly as  
7 possible correspond and be prepared similar in form to  
8 the audit reports rendered by certified public  
9 accountants, and such reports shall include

10 information as to the assets and liabilities of the  
 11 various departments and institutions audited as of the  
 12 beginning and close of the fiscal year audited, the  
 13 receipts and expenditures of cash, the disposition of  
 14 materials and other properties, and the net income and  
 15 net operating cost. These reports shall also set  
 16 forth the cost as to each inmate, member, or student  
 17 per year in the various classifications of expenses,  
 18 and shall make comparisons thereof, and shall give  
 19 such other information, suggestions, and  
 20 recommendations as may be deemed of advantage and to  
 21 the best interests of the taxpayers of the state;  
 22 provided, that the daily audit report of the state  
 23 treasury shall be submitted to the state comptroller;  
 24 provided, further, that copies of all individual audit  
 25 reports of all state departments and establishments  
 26 shall be transmitted to the ~~executive council and to~~  
 27 ~~the state comptroller's office after the completion of~~  
 28 each audit, and that copies of all local government  
 29 audits shall, until otherwise provided, be also  
 30 supplied to the comptroller's office; provided,  
 31 further, that copies of such audit reports shall also  
 32 be supplied to the officers of the counties, schools,  
 33 and cities, as now provided by law; and, provided  
 34 further, that summaries of the findings,  
 35 recommendations, and comparisons, together with any  
 36 other information deemed essential, shall be printed  
 37 and distributed to members of the legislature, and  
 38 ~~such officials, including state officers, as may be~~  
 39 ~~designated by the executive council~~ general assembly.

40 Sec. \_\_\_\_ . Section 18.6, unnumbered paragraph 2,  
 41 Code 1985, is amended by striking the unnumbered  
 42 paragraph.

43 Sec. \_\_\_\_ . Section 18.115, subsection 4, Code  
 44 Supplement 1985, is amended to read as follows:

45 4. The state vehicle dispatcher shall purchase all  
 46 new motor vehicles for all branches of the state  
 47 government, except the state department of  
 48 transportation, institutions under the control of the  
 49 state board of regents, the commission for the blind,  
 50 and any other agencies exempted by law. Before

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1 purchasing any motor vehicle the dispatcher shall make  
 2 requests for public bids by advertisement and shall  
 3 purchase the vehicles from the lowest responsible  
 4 bidder for the type and make of motor vehicle  
 5 designated at a purchase price approved by the  
 6 executive council.

7 Sec. \_\_\_\_ . Section 18.116, Code 1985, is amended to  
8 read as follows:

9 18.116 VIOLATIONS -- WITHDRAWING USE OF VEHICLE.

10 If any state officer or employee violates any of  
11 the provisions of this chapter, the state vehicle  
12 dispatcher shall have the authority to withdraw the  
13 assignment of any state-owned motor vehicle to any  
14 such state officer or employee. ~~An appeal from such~~  
15 ~~order by the state vehicle dispatcher may be taken to~~  
16 ~~the executive council whose decision shall be final.~~

17 Sec. \_\_\_\_ . Section 18.117, unnumbered paragraph 1,  
18 Code 1985, is amended to read as follows:

19 A state officer or employee shall not use a state-  
20 owned motor vehicle for personal private use, nor  
21 shall the officer or employee be compensated for  
22 driving a privately owned motor vehicle unless it is  
23 done on state business with the approval of the state  
24 vehicle dispatcher, and in that case the officer or  
25 employee shall receive twenty-two cents per mile  
26 effective July 1, 1981, and twenty-four cents per mile  
27 effective July 1, 1982. A statutory provision  
28 stipulating necessary mileage, travel, or actual  
29 expenses reimbursement to a state officer falls under  
30 the mileage reimbursement limitation provided in this  
31 section unless specifically provided otherwise. Any  
32 peace officer employed by the state as defined in  
33 section 801.4 who is required to use a private vehicle  
34 in the performance of official duties shall receive  
35 reimbursement for mileage expense at the rate  
36 specified in this section. However, the state vehicle  
37 dispatcher may delegate authority to officials of the  
38 state, and department heads, for the use of private  
39 vehicles on state business up to a yearly mileage  
40 figure established by the director of general services  
41 ~~and approved by the executive council.~~ If a state  
42 motor vehicle has been assigned to a state officer or  
43 employee, the officer or employee shall not collect  
44 mileage for the use of a privately owned vehicle  
45 unless the state vehicle assigned is not usable.

46 Sec. \_\_\_\_ . Section 26.1, Code 1985, is amended to  
47 read as follows:

48 26.1 FEDERAL AND STATE CO-OPERATION.

49 The ~~executive council~~ secretary of state is  
50 authorized, so far as practicable, to co-operate with

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1 the census bureau of the United States in the  
2 gathering, compilation, and publication of census  
3 statistics.

4 Sec. \_\_\_\_ . Section 29A.14, subsection 1, Code 1985,  
5 is amended to read as follows:

6 1. The adjutant general ~~with the approval of the~~  
7 ~~executive council~~ may operate or lease any of the  
8 national guard facilities at Camp Dodge. Any income  
9 or revenue derived from the operation or leasing shall  
10 be deposited with the treasurer of state and credited  
11 to the national guard facilities improvement fund.  
12 The balance in the national guard facilities  
13 improvement fund is limited to a maximum of two  
14 million dollars. Any amount exceeding the limit shall  
15 be credited to the general fund of the state.

16 Sec. \_\_\_\_ . Section 29C.20, Code Supplement 1985, is  
17 amended to read as follows:

18 29C.20 CONTINGENT FUND -- DISASTER AID.

19 1. A contingent fund is created in the state  
20 treasury for the use of the ~~executive council~~ governor  
21 which may be expended for the purpose of paying the  
22 expenses of suppressing an insurrection or riot,  
23 actual or threatened, when state aid has been rendered  
24 by order of the governor, and for repairing,  
25 rebuilding, or restoring state property injured,  
26 destroyed, or lost by fire, storm, theft, or  
27 unavoidable cause, and for aid to any governmental  
28 subdivision in an area declared by the governor to be  
29 a disaster area due to natural disasters or to  
30 expenditures necessitated by the governmental  
31 subdivision toward averting or lessening the impact of  
32 the potential disaster, where the effect of the  
33 disaster or action on the governmental subdivision is  
34 the immediate financial inability to meet the  
35 continuing requirements of local government. Upon  
36 application by a governmental subdivision in such an  
37 area, accompanied by a showing of obligations and  
38 expenditures necessitated by an actual or potential  
39 disaster in a form and with further information the  
40 executive council requires, the aid may be made in the  
41 discretion of the executive council and, if made,  
42 shall be in the nature of a loan up to a limit of  
43 seventy-five percent of the showing of obligations and  
44 expenditures. The loan, without interest, shall be  
45 repaid by the maximum annual emergency levy authorized  
46 by section 24.6, or by the appropriate levy authorized  
47 for a governmental subdivision not covered by section  
48 24.6. The aggregate total of loans shall not exceed  
49 one million dollars during a fiscal year. A loan  
50 shall not be for an obligation or expenditure

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1 occurring more than two years previous to the  
2 application.

3 2. The proceeds of such loan shall be applied  
4 toward the payment of costs and obligations  
5 necessitated by such actual or potential disaster and  
6 the reimbursement of local funds from which such  
7 expenditures have been made. Any such project for  
8 repair, rebuilding or restoration of state property  
9 for which no specific appropriation has been made,  
10 shall, before work is begun, be subject to approval or  
11 rejection by the ~~executive council~~ governor.

12 3. If the president of the United States, at the  
13 request of the governor, has declared a major disaster  
14 to exist in this state, the ~~executive council~~ governor  
15 may make financial grants to meet disaster-related  
16 necessary expenses or serious needs of local  
17 governments adversely affected by the major disaster  
18 if those expenses or needs cannot otherwise be met  
19 from other means of assistance. The amount of the  
20 grant shall not exceed ten percent of the total  
21 eligible expenses and is conditional upon the federal  
22 government providing at least seventy-five percent of  
23 the eligible expenses.

24 4. If the president, at the request of the  
25 governor, has declared a major disaster to exist in  
26 this state, the ~~executive council~~ governor may make  
27 financial grants to meet disaster-related necessary  
28 expenses or serious needs of individuals or families  
29 adversely affected by a major disaster which cannot  
30 otherwise adequately be met from other means of  
31 assistance. The amount of a financial grant shall not  
32 exceed five thousand dollars in the aggregate to an  
33 individual or family in any single major disaster  
34 declared by the president. All grants authorized to  
35 individuals and families will be subject to the  
36 federal government providing no less than seventy-five  
37 percent of each grant and the declaration of a major  
38 disaster in the state by the president of the United  
39 States.

40 5. If the president, at the request of the  
41 governor, has declared a major disaster to exist in  
42 this state, the ~~executive council~~ governor may lease  
43 or purchase sites and develop such sites to  
44 accommodate temporary housing units for disaster  
45 victims.

46 6. For the purposes of this section, "governmental  
47 subdivision" means any political subdivision of this  
48 state.

49 Sec. \_\_\_\_ . Section 79.20, unnumbered paragraph 1,  
50 Code 1985, is amended to read as follows:

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1 There is created a state employees disability  
2 insurance program which shall be administered by the  
3 ~~executive council~~ director of personnel and which  
4 shall provide disability benefits in an amount and for  
5 the employees as provided in this section. The  
6 monthly disability benefits shall provide twenty  
7 percent of monthly earnings if employed less than one  
8 year, forty percent of monthly earnings if employed  
9 one year or more but less than two years, and sixty  
10 percent of monthly earnings thereafter, reduced by  
11 primary and family social security determined at the  
12 time social security disability payments commence,  
13 workers' compensation if applicable, and any other  
14 state sponsored sickness or disability benefits  
15 payable. No subsequent social security increases shall  
16 be used to further reduce the insurance benefits  
17 payable. State employees shall receive credit for the  
18 time they were continuously employed prior to and on  
19 July 1, 1974. The following provisions shall apply to  
20 the employees disability insurance program:  
21 Sec. \_\_\_\_ . Section 80.15, Code 1985, is amended to  
22 read as follows:  
23 80.15 EXAMINATION -- OATH --PROBATION --DISMISSAL.  
24 No applicant for membership in the department of  
25 public safety, except clerical workers and special  
26 agents appointed under section 80.7, shall be  
27 appointed as a member until the applicant has passed a  
28 satisfactory physical and mental examination. In  
29 addition, such applicant must be a citizen of the  
30 United States, of good moral character, and be not  
31 less than twenty-two years of age. The mental  
32 examination shall be conducted under the direction or  
33 supervision of the commissioner of public safety and  
34 may be oral or written or both. Each applicant shall  
35 take an oath on becoming a member of the force, to  
36 uphold the laws and Constitution of the United States  
37 and of the state of Iowa. During the period of twelve  
38 months after appointment, any member of the department  
39 of public safety, except members of the present Iowa  
40 highway safety patrol who have served more than six  
41 months, shall be subject to dismissal at the will of  
42 the commissioner. After the twelve months' service,  
43 no member of the department, who shall have been  
44 appointed after having passed the before-mentioned  
45 examinations, shall be subject to dismissal unless

46 charges have been filed with the ~~secretary of the~~  
47 ~~executive council~~ director of personnel and a hearing  
48 held before the ~~executive council~~ director of  
49 personnel, if requested by said member of the  
50 department, at which the member shall have an

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1 opportunity to present a defense to such charges. The  
2 decision of the ~~executive council by majority vote~~  
3 director of personnel shall be final, subject to the  
4 right of judicial review in accordance with the terms  
5 of the Iowa administrative procedure Act. All rules,  
6 except employment provisions negotiated pursuant to  
7 chapter 20, regarding the enlistment, appointment, and  
8 employment affecting the personnel of the department  
9 shall be established by the commissioner with the  
10 approval of the governor.

11 Sec. \_\_\_\_ . Section 93.15, Code 1985, is amended to  
12 read as follows:

13 93.15 PETROLEUM OVERCHARGE FUND.

14 There is created as a separate account in the state  
15 treasury a petroleum overcharge fund. Notwithstanding  
16 section 453.7, interest and earnings on investments  
17 from the funds in the petroleum overcharge fund shall  
18 be credited to the petroleum overcharge fund. The  
19 state of Iowa acting on behalf of itself, its citizens  
20 and its political subdivisions accepts any funds  
21 awarded or allocated to it, its citizens and political  
22 subdivisions as a result of petroleum overcharge  
23 cases. The funds shall be deposited in the petroleum  
24 overcharge fund and shall be expended only upon  
25 appropriation of the general assembly for programs  
26 which will benefit citizens who may have suffered  
27 economic penalties resulting from the alleged  
28 petroleum overcharges. However, petroleum overcharge  
29 case funds received pursuant to claims filed on behalf  
30 of the state, its institutions, departments, agencies,  
31 or any political subdivision shall be deposited in the  
32 general fund of the state to be disbursed directly to  
33 the appropriate claimants in accordance with federal  
34 guidelines and subject to the approval of the attorney  
35 general ~~and the executive council~~. Attorneys' fees  
36 and expenses incurred by the state to obtain these  
37 funds to be deposited in the petroleum overcharge fund  
38 shall be paid by the state comptroller from the  
39 petroleum overcharge fund subject to the approval of  
40 the attorney general ~~and the executive council~~.

41 Sec. \_\_\_\_ . Section 96.25, Code 1985, is amended to  
42 read as follows:

43 96.25 OFFICE BUILDING.

44 The department of job service may; ~~subject to the~~  
 45 ~~approval of the executive council of the state,~~  
 46 acquire for and in the name of the state of Iowa by  
 47 purchase, or by rental purchase agreement, such lands  
 48 and buildings upon such terms and conditions as may  
 49 entitle this state to grants or credits of funds under  
 50 the Social Security Act or the Wagner-Peyser Act to be

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1 applied against the cost of such property, for the  
 2 purpose of providing office space for the department  
 3 of job service at such places as the commission finds  
 4 necessary and suitable.

5 Sec. \_\_\_\_ . Section 111.7, Code 1985, is amended to  
 6 read as follows:

7 111.7 EMINENT DOMAIN.

8 The ~~executive council may, upon the recommendation~~  
 9 ~~of the commission; may~~ purchase or condemn lands for  
 10 public parks. No contract for the purchase of such  
 11 public parks shall be made to an amount in excess of  
 12 funds appropriated therefor by the general assembly.

13 Sec. \_\_\_\_ . Section 111.8, Code 1985, is amended to  
 14 read as follows:

15 111.8 HIGHWAYS.

16 The ~~executive council may, upon the recommendation~~  
 17 ~~of the commission; may~~ purchase or condemn highways  
 18 connecting ~~such~~ parks with the public highways. When  
 19 ~~such the~~ highways have been purchased or condemned the  
 20 same shall be public highways of this state and shall  
 21 be maintained as other public highways of the county.

22 Sec. \_\_\_\_ . Section 111.11, unnumbered paragraph 1,  
 23 Code 1985, is amended to read as follows:

24 The commission ~~with the written consent of the~~  
 25 ~~executive council;~~ may accept gifts of land or other  
 26 property, or the use of lands or other property for a  
 27 term of years, and improve and use the ~~same land~~ as  
 28 public state parks.

29 Sec. \_\_\_\_ . Section 111.24, Code 1985, is amended to  
 30 read as follows:

31 111.24 BOUNDARIES -- ADJUSTMENT.

32 Whenever a controversy shall arise as to the true  
 33 boundary line between state-owned property and private  
 34 property, the commission may; ~~with the approval of the~~  
 35 ~~executive council;~~ adjust ~~said the~~ boundary line or  
 36 take such other action in the premises; ~~all with the~~  
 37 ~~approval of the executive council;~~ as in its judgment  
 38 may seem right. When ~~such the~~ disputed boundary line  
 39 is fixed it shall be surveyed and marked as ~~herein~~

40 provided.

41 Sec. \_\_\_\_ . Section 111.32, Code 1985, is amended to  
42 read as follows:

43 111.32 SALE OF PARK LANDS --CONVEYANCES TO CITIES  
44 OR COUNTIES.

45 The ~~executive council may, upon a majority~~  
46 ~~recommendation of the commission; may sell or exchange~~  
47 such parts of public lands under the jurisdiction of  
48 the commission as in its judgment may be undesirable  
49 for conservation purposes, excepting state-owned  
50 meandered lands already surveyed and platted at state

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1 expense as a conservation plan and project tentatively  
2 adopted and now in the process of rehabilitation and  
3 development authorized by a special legislative Act.  
4 ~~Such~~ The sale or exchange shall be made upon ~~such~~ the  
5 terms, conditions or considerations as the commission  
6 may ~~recommend and that may be approved by the~~  
7 ~~executive council~~ approve, whereupon the secretary of  
8 state shall issue a patent therefor in the manner  
9 provided by law in other cases. The proceeds of any  
10 such sale or exchange shall become a part of the funds  
11 to be expended under the provisions of this chapter.

12 Upon request by resolution of any city or county or  
13 any legal agency thereof, the executive council may,  
14 upon majority recommendation of the state conservation  
15 commission, convey without consideration to such city  
16 or county or legal agency thereof, such public lands  
17 under the jurisdiction of the commission as in its  
18 judgment may be desirable for city or county parks.  
19 Conveyance shall be in the name of the state, with the  
20 great seal of the state attached and shall contain a  
21 provision that when such lands cease to be used as  
22 public park by said city or county such lands revert  
23 to the state, and such park shall, within one year  
24 after such land has reverted to the state, be  
25 restored, as nearly as possible, to the condition it  
26 was in when acquired by such city, county or legal  
27 agency thereof at the expense of such city, county or  
28 legal agency.

29 The state may require that the city, county or  
30 legal agency thereof file a notice of intention every  
31 three years.

32 Sec. \_\_\_\_ . Section 173.14, subsection 9, Code 1985,  
33 is amended to read as follows:

34 9. ~~With the approval of the executive council,~~  
35 ~~purchase~~ Purchase real estate adjacent to the state  
36 fairgrounds for use in conjunction with the state

37 fairgrounds. A purchase of real estate may be made by  
 38 written contract providing for payment over a period  
 39 of years. The obligations of the contract shall  
 40 constitute a debt or charge against the state fair  
 41 board but not against the general fund of the state.  
 42 The title to real estate acquired under this  
 43 subsection and any improvements erected on the real  
 44 estate shall be taken and held in the name of the  
 45 state of Iowa and shall be under the custody and  
 46 control of the state fair board. The state  
 47 comptroller shall transfer moneys to the appropriate  
 48 agencies in order to carry out the intent of this  
 49 section.  
 50 Sec. \_\_\_\_ . Section 218.94, unnumbered paragraph 1,

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1 Code 1985, is amended to read as follows:  
 2 The commissioner of the department of human  
 3 services shall have full power; ~~subject to the~~  
 4 ~~approval of the executive council~~ to secure options to  
 5 purchase real estate, to acquire and sell real estate,  
 6 and to grant utility easements, for the proper uses of  
 7 said institutions. Real estate shall be acquired and  
 8 sold and utility easements granted, upon such terms  
 9 and conditions as the commissioner may ~~recommend~~  
 10 ~~subject to the approval of the executive council~~  
 11 determine. Upon sale of ~~such the~~ real estate, the  
 12 proceeds ~~thereof~~ shall be deposited with the treasurer  
 13 of state and credited to the general fund of the  
 14 state. There is hereby appropriated from the general  
 15 fund of the state a sum equal to the proceeds so  
 16 deposited and credited to the general fund of the  
 17 state to the department of human services, which ~~with~~  
 18 ~~the prior approval of the executive council~~ may be  
 19 used to purchase other real estate or for capital  
 20 improvements upon property under ~~such the~~  
 21 commissioner's control.  
 22 Sec. \_\_\_\_ . Section 246.317, unnumbered paragraph 1,  
 23 Code Supplement 1985, is amended to read as follows:  
 24 The director, subject to the approval of the board  
 25 ~~and executive council~~, may secure options to purchase  
 26 real estate and acquire and sell real estate for the  
 27 proper uses of the institutions. Real estate shall be  
 28 acquired and sold upon terms and conditions the  
 29 director recommends subject to the approval of the  
 30 board ~~and the executive council~~. Upon sale of the  
 31 real estate, the proceeds shall be deposited with the  
 32 treasurer of state and credited to the general fund of  
 33 the state. There is appropriated from the general

34 fund of the state to the department a sum equal to the  
35 proceeds so deposited and credited to the general fund  
36 of the state which; ~~with the prior approval of the~~  
37 ~~executive council~~; may be used to purchase other real  
38 estate or for capital improvements upon property under  
39 the director's supervision.

40 Sec. \_\_\_\_ . Section 297.26, Code 1985, is amended to  
41 read as follows:

42 297.26 SALE BY EXECUTIVE COUNCIL.

43 Any school building or any school site, the title  
44 of which is vested in the state of Iowa by reason of  
45 it having been provided by state mining camp funds for  
46 schools in mining camps, shall be sold by the ~~state~~  
47 ~~executive council~~ department when the ~~state board of~~  
48 ~~public instruction certifies the same to the executive~~  
49 ~~council in writing as being~~ department of education  
50 determines it is no longer needed for school purposes.

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1 Sec. \_\_\_\_ . Section 297.27, Code 1985, is amended to  
2 read as follows:

3 297.27 PREFERENCE TO OWNER OF TRACT.

4 When ~~such the~~ buildings or sites are sold by the  
5 ~~executive council~~, the ~~then~~ owners of the tract from  
6 which the same was originally taken shall have first  
7 option on the purchase of the same.

8 Sec. \_\_\_\_ . Section 297.28, Code 1985, is amended to  
9 read as follows:

10 297.28 APPRAISERS.

11 ~~In case the executive council~~ If the department and  
12 ~~said the~~ owner of the tract from which ~~such the~~ school  
13 site was taken; do not agree as to the value of such  
14 site or building, the chief judge of the judicial  
15 district of the county in which the greater part of  
16 such school site is situated shall, on the written  
17 application of either party, appoint three  
18 disinterested voters of the county from the list of  
19 compensation commissioners to appraise such site. The  
20 county sheriff shall give notice to both parties of  
21 the time and place of making such appraisal, which  
22 notice shall be served in the same manner and for the  
23 same time as for the commencement of an action in the  
24 district court.

25 Sec. \_\_\_\_ . Section 306.22, unnumbered paragraph 1,  
26 Code 1985, is amended to read as follows:

27 306.22 SALE OF UNUSED RIGHT OF WAY.

28 When title to any tract of land has been or may be  
29 acquired for the construction or improvement of any  
30 highway, and when in the judgment of the agency in

31 control of the highway, the tract will not be used in  
 32 connection with or for the improvement, maintenance,  
 33 or use of the highway, the agency in control of the  
 34 highway may sell the tract for cash. ~~If the tract of~~  
 35 ~~land is held or used in connection with any primary~~  
 36 ~~road, or state park or institutional road, the sale~~  
 37 ~~shall be subject to approval of the executive council~~  
 38 ~~of the state.~~

39 Sec. \_\_\_\_ . Section 455B.422, Code Supplement 1985,  
 40 is amended to read as follows:

41 455B.422 ACQUISITION AND LEASE OF SITES.

42 The commission shall adopt rules establishing  
 43 criteria for the identification of land areas or sites  
 44 which are suitable for the operation of a treatment or  
 45 disposal facility. Upon request, the department shall  
 46 assist ~~the executive council~~ in locating suitable  
 47 sites for the location of a treatment or disposal  
 48 facility. The commission may ~~recommend to the~~  
 49 ~~executive council the purchase or condemnation of~~  
 50 condemn land to be leased for the operation of a

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1 treatment or disposal facility. ~~The executive council~~  
 2 ~~may purchase or may condemn the land~~ subject to  
 3 chapter 471. Consideration for a contract for  
 4 purchase of land shall not be in excess of funds  
 5 appropriated by the general assembly for that purpose.  
 6 ~~The executive council upon recommendation of the~~  
 7 commission may lease land purchased under this section  
 8 to any person including the state or a state agency.  
 9 This section authorizes the state to own or operate a  
 10 hazardous waste treatment or disposal facility for the  
 11 treatment and disposal of hazardous wastes. The terms  
 12 of the lease shall establish responsibility for long-  
 13 term monitoring and maintenance of the site. The  
 14 lessee is subject to all applicable requirements of  
 15 this part including permit requirements. The  
 16 commission may require the lessee to post bond  
 17 conditioned upon performance of conditions of the  
 18 lease relating to long-term monitoring and  
 19 maintenance. The leasehold interest including  
 20 improvements made to the property shall be listed,  
 21 assessed and valued as any other real property as  
 22 provided by law.

23 Sec. \_\_\_\_ . Section 505.2, Code 1985, is amended to  
 24 read as follows:

25 505.2 APPOINTMENT AND TERM.

26 The governor shall appoint subject to confirmation  
 27 by the senate, a commissioner of insurance, who shall

28 be selected solely with regard to qualifications and  
 29 fitness to discharge the duties of this position,  
 30 devote the entire time to such duties, and serve for  
 31 four years beginning and ending as provided by section  
 32 69.19. The governor ~~with the approval of the~~  
 33 ~~executive council~~ may remove the commissioner for  
 34 malfeasance in office, or for any cause that renders  
 35 the commissioner ineligible, incapable, or unfit to  
 36 discharge the duties of the office.

37 Sec. \_\_\_\_ . Section 565.3, Code 1985, is amended to  
 38 read as follows:

39 565.3 GIFTS TO STATE.

40 A gift, devise, or bequest of property, real or  
 41 personal, may be made to the state, to be held in  
 42 trust for and applied to any specified purpose within  
 43 the scope of its authority, but the same shall not  
 44 become effectual to pass the title in such property  
 45 unless accepted by the ~~executive council in~~ governor  
 46 on behalf of the state.

47 Sec. \_\_\_\_ . Section 601A.5, subsection 11, Code  
 48 1985, is amended to read as follows:

49 11. To receive, administer, dispense and account  
 50 for any funds that may be voluntarily contributed to

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1 the commission and any grants that may be awarded the  
 2 commission for furthering the purposes of this chapter  
 3 ~~with the approval of the executive council.~~

4 Sec. \_\_\_\_ . Sections 19.16, 18.167, 29A.59, and  
 5 111.1, Code 1985, are repealed.”

6 516. Page 391, line 12, by striking the word  
 7 “ten” and inserting the following: “~~ten~~ forty-five”.

8 517. Page 391, line 23, by inserting after the  
 9 word “committee.” the following: “Before submitting  
 10 any proposal prepared under this section to the  
 11 presiding officers, the legislative service bureau  
 12 shall return it for review to, as appropriate, the  
 13 relevant department or agency or the governor’s office  
 14 and such department or agency or the governor’s office  
 15 shall review and return it within seven days of such  
 16 delivery.”

17 518. By striking page 391, line 24 through page  
 18 392, line 2.

19 519. Page 395, by inserting after line 13 the  
 20 following:

21 “4. A government agency which receives state funds  
 22 directly from the state or indirectly through a  
 23 political subdivision as directed by statute and which  
 24 is not a city, county, or school district is subject

25 to this subsection. A government agency which is  
 26 subject to this subsection shall submit a copy of its  
 27 budget to the legislative fiscal bureau, identifying  
 28 it as being submitted under this subsection, when the  
 29 budget of that government agency has received approval  
 30 from the governing head or body of that agency. The  
 31 copy of the budget submitted to the legislative fiscal  
 32 bureau shall be on the budget forms provided by the  
 33 department of management to state agencies under  
 34 chapter 8. The government agency shall also submit a  
 35 statement identifying any funds available to the  
 36 agency which are not included in the budget.”

37 520. Page 401, line 9, by inserting after the  
 38 word “director.” the following: “The estimates of  
 39 expenditure requirements shall be based upon seventy-  
 40 five percent of the funding provided for the current  
 41 fiscal year accounted for by program and the remainder  
 42 of the estimate of expenditure requirements  
 43 prioritized by program. The estimates shall be  
 44 accompanied with performance measures for evaluating  
 45 the effectiveness of the program.”

46 521. Page 405, by inserting after line 9 the  
 47 following:

48 “Sec. \_\_\_\_ . Section 17A.2, subsection 7, unnumbered  
 49 paragraph 1, Code 1985, is amended to read as follows:

50 “Rule” means each agency statement of general

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1 applicability that implements, interprets, or  
 2 prescribes law or policy, or that describes the  
 3 organization, procedure or practice requirements of  
 4 any agency. Notwithstanding any other provision of  
 5 law, the term includes an executive order or directive  
 6 of the governor which creates an agency or establishes  
 7 a program or which transfers a program between  
 8 agencies established by statute or rule. The term  
 9 includes the amendment or repeal of an existing rule,  
 10 but does not include:

11 Sec. \_\_\_\_ . Section 17A.3, subsection 1, paragraph  
 12 a, Code 1985, is amended to read as follows:

13 a. Adopt as a rule a description of the  
 14 organization of the agency which states the general  
 15 course and method of its operations, the  
 16 administrative subdivisions of the agency and the  
 17 programs implemented by each of them, a statement of  
 18 the mission of the agency and the methods by which and  
 19 location where the public may obtain information or  
 20 make submissions or requests.

21 Sec. \_\_\_\_ . Section 17A.4, subsection 4, paragraph a

22 and subsection 6, Code 1985, is amended to read as  
23 follows:

24 a. If the administrative rules review committee  
25 created by section 17A.8, the governor or the attorney  
26 general finds objection to all or some portion of a  
27 proposed or adopted rule because that rule is deemed  
28 to be unreasonable, arbitrary, capricious or otherwise  
29 beyond the authority delegated to the agency, the  
30 committee, governor or attorney general may, in  
31 writing, notify the agency of the objection ~~prior to~~  
32 ~~the effective date of such a rule~~. In the case of a  
33 rule issued under subsection 2, or a rule made  
34 effective under the terms of section 17A.5, subsection  
35 2, paragraph "b", the committee, governor or attorney  
36 general may notify the agency of such an objection  
37 ~~within seventy days of the date such a rule became~~  
38 ~~effective~~. The committee, governor or the attorney  
39 general shall also file a certified copy of such an  
40 objection in the office of the Code editor ~~within the~~  
41 ~~above time limits~~ and a notice to the effect that an  
42 objection has been filed shall be published in the  
43 next issue of the Iowa administrative bulletin and in  
44 the Iowa administrative code when that rule is printed  
45 in it. The burden of proof shall then be on the  
46 agency in any proceeding for judicial review or for  
47 enforcement of the rule heard subsequent to the filing  
48 to establish that the rule or portion of the rule  
49 timely objected to according to the above procedure is  
50 not unreasonable, arbitrary, capricious or otherwise

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1 beyond the authority delegated to it.  
2 6. The governor may rescind an adopted rule by  
3 executive order within ~~thirty-five~~ seventy days of the  
4 ~~publication of the rule becoming effective~~. The  
5 governor shall provide a copy of the executive order  
6 to the Code editor who shall include it in the next  
7 publication of the Iowa administrative bulletin.  
8 Sec. \_\_\_\_ . Section 17A.8, subsection 9, Code 1985,  
9 is amended to read as follows:  
10 9. Upon a vote of two-thirds of its members, the  
11 administrative rules review committee may delay the  
12 effective date of a rule until the ~~expiration of~~  
13 ~~forty-five calendar days, excluding legal holidays,\*~~  
14 ~~during which the general assembly is in regular~~  
15 ~~session adjournment of the next regular session of the~~  
16 ~~general assembly~~. ~~If a rule is delayed during the~~  
17 ~~last twenty-one calendar days preceding the adoption~~  
18 ~~of a resolution for sine die adjournment of a regular~~

19 ~~session, the forty-five day period shall begin to run~~  
 20 ~~upon the convening of the next regular session of the~~  
 21 ~~general assembly.~~ The committee shall refer a rule  
 22 whose effective date has been delayed to the speaker  
 23 of the house of representatives and the president of  
 24 the senate who shall refer the rule to the appropriate  
 25 standing committees of the general assembly. If ~~at~~  
 26 ~~the expiration of that period~~ the general assembly has  
 27 not disapproved of the rule by a joint resolution  
 28 ~~approved by the governor~~, the rule shall become  
 29 effective. If a rule is disapproved, it shall not  
 30 become effective and the agency shall withdraw the  
 31 rule. This section shall not apply to rules made  
 32 effective under section 17A.5, subsection 2, paragraph  
 33 "b."

34 522. Page 405, by inserting after line 24 the  
 35 following:

36 "Sec. \_\_\_\_ . The Code editor shall explore the  
 37 feasibility of and report to the legislative council  
 38 on computerizing the text of the Iowa administrative  
 39 code and republishing the Iowa administrative code  
 40 after the transfer of rules required by this Act.

41 Sec. \_\_\_\_ . NEW SECTION. REVENUE ESTIMATING  
 42 CONFERENCE.

43 The state revenue estimating conference is created  
 44 consisting of the governor or the governor's designee,  
 45 the director of the legislative fiscal bureau, and a  
 46 third member selected by the governor and the director  
 47 of the legislative fiscal bureau.

48 The conference shall meet as often as necessary,  
 49 but at least quarterly, and may use other sources of  
 50 information as the conference deems appropriate.

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1 Not later than January 5, 1987, and the first  
 2 Monday in January of each succeeding year, the  
 3 conference shall agree to a revenue estimate for the  
 4 fiscal year beginning the following July 1.

5 That estimate shall be used by the governor in the  
 6 preparation of the budget message under section 8.22  
 7 and by the general assembly in the budget process.

8 The governor's proposed fiscal year budget and the  
 9 general assembly appropriations for the ensuing fiscal  
 10 year plus the estimate of the amount of the standing  
 11 appropriations shall not exceed ninety-eight and one-  
 12 half percent of the revenue estimate, adjusted for  
 13 changes in rate or basis, established by the revenue  
 14 estimating conference, except that the estimate may be  
 15 revised by a concurrent resolution adopted by a

16 majority of membership of both houses and signed by  
17 the governor.

18 The accruals shall not exceed the amount shown by  
19 the state comptroller in the fiscal year ending June  
20 30, 1986. Any unobligated balance remaining in the  
21 general fund at the end of that year and each  
22 succeeding fiscal year, before any remaining balance  
23 is transferred to the economic emergency fund, shall  
24 be used to reduce the accruals until they are  
25 eliminated.

26 523. Page 405, by inserting before line 25 the  
27 following:

28 "Sec. \_\_\_\_ . The department of management shall  
29 conduct a study of the feasibility of creating a  
30 department of higher education including, but not  
31 limited to, the college aid commission, merged area  
32 schools, the state board of regents, and institutions  
33 of higher education under the state board of regents.  
34 The department of management shall conduct the study  
35 and report its findings and recommendations to the  
36 legislative council not later than December 1, 1987.

37 Sec. \_\_\_\_ . The department of management shall  
38 conduct a study of the feasibility of creating a  
39 department of professional and occupational licensing  
40 to include the powers, duties, and functions of all  
41 professional and occupational licensing boards in the  
42 state. The department of management shall conduct the  
43 study and report its findings and recommendations to  
44 the legislative council not later than December 1,  
45 1987."

46 524. Page 405, line 35, by striking the word and  
47 figure "and 187.16," and inserting the following:  
48 "187.16, 241.4, and 241.5,"

49 525. Page 406, line 8, by inserting after the  
50 word "the" the following: "executive branch of".

## Page 162

1 526. Page 407, by inserting after line 32 the  
2 following:

3 "Sec. 2026. NEW SECTION. 55.3 SERVICE ON BOARDS,  
4 COMMISSIONS, TASK FORCES, AND COMMITTEES.

5 For the purpose of this section, "state board"  
6 includes any board, commission, committee, council, or  
7 task force of the state government created by the  
8 constitution, or by statute, resolution of the general  
9 assembly, motion of the legislative council, executive  
10 order of the governor, or supreme court order, but  
11 does not include any such state board, commission,  
12 committee, council, or task force for which an annual

13 salary is provided for its members. A person who is  
 14 appointed to serve on a state board, upon written  
 15 application to the person's employer, shall be granted  
 16 leaves of absence from regular employment to attend  
 17 the meetings of the state board, except if leaves of  
 18 absence are prohibited by federal law. The leaves of  
 19 absence may be granted without pay and shall be  
 20 granted without loss of net credited service and  
 21 benefits earned."

22 527. Page 408, by inserting after line 8 the  
 23 following:

24 "Any license or permit issued by any state agency  
 25 mentioned in this Act, including any agency abolished,  
 26 merged or altered, in this Act, and in effect on the  
 27 effective date of this Act shall continue in full  
 28 force and effect until expiration or renewal."

29 528. Page 408, by inserting after line 34 the  
 30 following:

31 "Sec. 2030. The department of cultural affairs  
 32 shall submit to the governor and the legislature by  
 33 January 1, 1988 a plan for the improvement of library  
 34 services for state government. The plan shall  
 35 consider, but not be limited to, coordinated  
 36 collection development, acquisitions, library  
 37 technical services, circulation, and reference and  
 38 information service.

39 Sec. \_\_\_\_ . The department of general services shall  
 40 submit a report to the legislature by January 1, 1987  
 41 on the implementation of the life cycle cost and  
 42 energy efficiency standards by department of general  
 43 services, state board of regents, department of  
 44 transportation and other state agencies. The  
 45 department of general services shall include in its  
 46 report recommendations from the other state agencies  
 47 and from within the department as to any legislative  
 48 changes that are necessary in order to improve the  
 49 energy efficiency and reduce the life cycle cost of  
 50 energy consuming products. For the purposes of this

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1 section, energy consuming products shall include  
 2 buildings.

3 Sec. \_\_\_\_ . Any personnel action undertaken to  
 4 implement state government reorganization or  
 5 downsizing shall be done in such a manner so as to  
 6 prevent a disproportionate adverse effect on  
 7 minorities and women. For the purposes of this  
 8 section, personnel action includes, but is not limited  
 9 to, termination, or transfer. In order to prevent a

10 disproportionate adverse effect, this section shall  
11 exempt five percent of the employees within an  
12 employing unit within the same classification and  
13 subtitle from the procedure by management for purposes  
14 of affirmative action. Such five percent shall not be  
15 less than one person. The legislative reorganization  
16 oversight committee created by section 2017 of this  
17 Act shall monitor state government reorganization and  
18 downsizing to ensure that this section is fully and  
19 properly implemented. Executive branch personnel and  
20 agencies shall cooperate fully in providing any data  
21 requested by the oversight committee and shall make  
22 relevant personnel records available to the  
23 legislative fiscal bureau.

24 Sec. 2031. The Code editor, in consultation with  
25 the legislative oversight committee, shall develop and  
26 implement the uniform system of terminology, through  
27 the Code editor's bills and related means, for the  
28 designation of the agencies, units, and positions of  
29 state government established in sections 7E.2 and  
30 7E.2B of the Code. In cases of inconsistent usage of  
31 terminology, superseded terms shall be read to be  
32 consistent within the intent of this Act, until  
33 necessary changes in language are made under this  
34 section. The Code editor shall also develop a style  
35 manual to provide, to the extent practicable, for  
36 uniform statutory provisions in regard to the  
37 specifications of agencies, boards, committees,  
38 commissions, councils, and positions on the subjects  
39 of, as appropriate, offices, positions, meetings,  
40 quorums, reports, oaths, compensation, powers, and  
41 related matters for those agencies, bodies, and  
42 positions."

43 529. By renumbering, relettering, or  
44 redesignating and correcting internal references as  
45 necessary.

S-5400

1 Amend Senate File 2248 as follows:

2 1. Page 1, by striking lines 19 through 33 and  
3 inserting the following: "the patient or the  
4 patient's representative ~~the full~~ no less than fifty  
5 percent of the difference in actual acquisition costs  
6 between the drug prescribed and the drug substituted.  
7 Sec. \_\_\_\_ . The drug utilization review program  
8 under the department of human services shall monitor  
9 the effects of this Act regarding any cost savings to  
10 patients or increased usage of generic drugs and the

11 general assembly shall monitor the effects of such  
 12 cost savings or increased usage. The drug utilization  
 13 review program shall begin the monitoring procedure  
 14 July 1, 1986 and continue the procedure until June 30,  
 15 1989. The drug utilization review program shall  
 16 report to the general assembly by January 10 of each  
 17 year of the monitoring procedure, indicating any cost  
 18 savings or increased usage of generic drugs."

CHARLES BRUNER

S-5401

1 Amend Senate File 2282 as follows:  
 2 1. Page 1, line 16, by inserting after the word  
 3 "weekly." the following: "A distributor shall pay an  
 4 approved redemption center the reimbursement provided  
 5 for in section 455C.2 on the same terms as the  
 6 distributor is required to pay the dealer who is  
 7 served by the approved redemption center."

DAVID M. READINGER

S-5402

1 Amend Senate File 2270 as follows:

DIVISION S-5402A

2 1. Page 1, by striking lines 1 through 10.  
 3 2. Page 1, line 15, by striking the word  
 4 "January" and inserting the word "December".  
 5 3. Page 1, line 17, by striking the word  
 6 "January" and inserting the word "December".  
 7 4. Page 1, line 18, by striking the word "April"  
 8 and inserting the words "April June".  
 9 5. Page 1, line 19, by striking the word "April"  
 10 and inserting the words "April June".  
 11 6. Page 1, line 24, by striking the word  
 12 "January" and inserting the word "December".  
 13 7. Page 2, line 1, by striking the word "April"  
 14 and inserting the words "April June".  
 15 8. Page 2, line 3, by striking the word "April"  
 16 and inserting the words "April June".  
 17 9. Page 2, line 5, by striking the word "January"  
 18 and inserting the word "December".

## DIVISION S-5402B

19 10. By striking page 4, line 34 through page 5,  
20 line 9 and inserting the following: "written  
21 instrument."

22 11. Page 5, by striking lines 14 through 31 and  
23 inserting the following:

24 "Sec. 7. NEW SECTION. 654.16 SEPARATE REDEMPTION  
25 OF HOMESTEAD.

26 If a foreclosure sale is ordered on agricultural  
27 land used for farming, as defined in section 175.2,  
28 the mortgagor may, by a date set by the court but not  
29 later than ten days before the sale, designate to the  
30 court the portion of the land which the mortgagor  
31 claims as a homestead. The homestead may be any  
32 contiguous portion of forty acres or less of the real  
33 estate subject to the foreclosure. The homestead  
34 shall contain the residence of the mortgagor and shall  
35 be as compact as practicable.

36 If the homestead is not sold separately, but rather  
37 is sold in conjunction with the nonhomestead property  
38 in order to satisfy the judgment, the court shall  
39 determine the fair market value of the homestead. The  
40 court may consult with the county appraisers appointed  
41 pursuant to section 450.24 to determine the fair  
42 market value of the homestead. The mortgagor may  
43 redeem the homestead separately by tendering the fair  
44 market value of the homestead pursuant to chapter  
45 628."

46 12. Title page, lines 5 and 6, by striking the  
47 words "and a phase-in of required interest".

COMMITTEE ON COMMERCE  
GEORGE R. KINLEY, Chairperson

## S-5403

1 Amend Senate File 2270 as follows:

2 1. Page 1, by inserting after line 27 the  
3 following:

4 "However, if the person subject to taxation has  
5 prepaid the taxes to a person who holds the prepaid  
6 taxes in escrow, the amount of the taxes due becomes  
7 delinquent on September 1 succeeding the levy for the  
8 first installment and on March 1 succeeding the levy  
9 for the last installment. Notwithstanding section  
10 445.39, if an installment of taxes held in escrow is  
11 not paid by the required date, the installment becomes  
12 due and draws interest, as a penalty, of one percent

13 per month until paid from the delinquent date  
14 following the levy, to be charged against the person  
15 who holds the prepaid taxes in escrow."

COMMITTEE ON COMMERCE  
GEORGE KINLEY, Chairperson

S-5404

1 Amend Senate File 2270 as follows:  
2 1. Page 2, by inserting after line 7, the  
3 following:  
4 "Sec. \_\_\_\_ . NEW SECTION. 561.22 WAIVER.  
5 A person may expressly waive the homestead  
6 exemption. However, if the waiver is contained in a  
7 written contract, the contract must contain a  
8 statement in substantially the following form, in  
9 boldface type of a minimum size of ten points, and be  
10 signed and dated by the person waiving the exemption  
11 at the time of the execution of the contract: "I  
12 understand that homestead property is in many cases  
13 protected from the claims of creditors and exempt from  
14 judicial sale; and that by signing this contract, I  
15 voluntarily give up my right to this protection for  
16 this property with respect to claims based upon this  
17 contract."  
18 Sec. \_\_\_\_ . NEW SECTION. 627.20 WAIVER.  
19 A person may expressly waive the exemptions  
20 contained in this chapter. However, if the waiver is  
21 contained in a written contract, the contract must  
22 contain a statement in substantially the following  
23 form, in boldface type of a minimum size of ten  
24 points, and be signed and dated by the person waiving  
25 the exemption at the time of the execution of the  
26 contract: "I understand that some or all of the above  
27 property is in many cases protected from the claims of  
28 creditors and exempt from judicial sale; and that by  
29 signing this contract, I voluntarily give up my right  
30 to this protection for the property listed with  
31 respect to claims based upon this contract."  
32 The signature of the person waiving the exemption  
33 located at the bottom of the contract is deemed to  
34 have satisfied the signature and dating requirements  
35 of this section."

DONALD V. DOYLE

S-5405

- 1 Amend the amendment S-5397 to Senate File 2265 as  
2 follows:
- 3 1. Page 2, line 9, by inserting after the word  
4 "district" the words "or merged area school  
5 corporation".
- 6 2. Page 2, line 12, by inserting after the word  
7 "district" the words "or corporation".
- 8 3. Page 2, line 15, by inserting after the word  
9 "district" the words "or corporation".
- 10 4. Page 2, line 17, by inserting after the word  
11 "district" the words "or corporation".

WALLY HORN

S-5406

- 1 Amend amendment S-5397 to Senate File 2265 as  
2 follows:
- 3 1. Page 9, line 6, by striking the words "OF  
4 NONMANUFACTURERS".
- 5 2. Page 9, by inserting after line 26 the following:  
6 "3. A civil action against a manufacturer, a distributor,  
7 or a seller of a product for the recovery of damages for  
8 personal injury, death, or property damages, sustained  
9 by reason of an alleged defect in the design, testing,  
10 manufacturing, formulation, marketing, packaging,  
11 warning or labeling of the product based on the theories  
12 of strict liability in tort or breach of an implied  
13 warranty shall not be commenced more than ten years after  
14 the product was first purchased, leased, bailed, or  
15 installed for use or consumption. This subsection does  
16 not affect the time during which a person found liable  
17 may seek and obtain contribution or indemnity from another  
18 person whose actual fault caused a product to be  
19 defective."

EDGAR H. HOLDEN  
BERL E. PRIEBE

S-5407

- 1 Amend amendment S-5397 to Senate File 2265 as  
2 follows:
- 3 1. By striking page 10, line 44 through page 11,

- 4 line 1.  
5 2. By renumbering as necessary.

ARNE WALDSTEIN

S-5408

- 1 Amend amendment S-5397 to Senate File 2265 as  
2 follows:  
3 1. Page 4, by striking lines 49 and 50 and  
4 inserting the following: "There is created a division  
5 of risk management, which shall be attached to the  
6 department of insurance for the receipt of routine  
7 administrative and support services. The division is  
8 the agency".  
9 2. Page 5, lines 3 and 4, by striking the words  
10 "insurance commissioner" and inserting the word  
11 "governor".

ARNE WALDSTEIN

S-5409

- 1 Amend amendment S-5397 to Senate File 2265 as  
2 follows:

DIVISION S-5409A

- 3 1. Page 2, line 6, by inserting after the word  
4 "complains" the following: ", or the person has  
5 obtained at least a postgraduate doctoral degree and  
6 has a minimum of five years research experience in a  
7 field related to such medical care or treatment".

DIVISION S-5409B

- 8 2. Page 5, by striking line 26 and inserting the  
9 following: "necessary insurance coverage at a  
10 competitive cost from insurers who have been proven  
11 financially sound,".

DIVISION S-5409C

- 12 3. Page 9, by striking line 19 and inserting the  
13 following: "state."

DIVISION S-5409D

- 14 4. Page 10, line 32, by inserting after the word

15 "mistrial" the following: "unless the court  
16 determines that such information is not prejudicial".

ARNE WALDSTEIN  
EDGAR H. HOLDEN  
DALE TIEDEN

S-5410

1 Amend Senate File 2163 as follows:  
2 1. Page 1, by striking lines 4 through 12 and  
3 inserting the following: "the state as per chapter  
4 556. Beginning with the calendar year 1985, the  
5 proceeds shall be paid over to the treasurer of state  
6 and put in a special fund. The general assembly shall  
7 appropriate from the special fund to the department of  
8 agriculture for the purpose of administering and  
9 implementing section 99D.22. Any unclaimed winnings  
10 received but not appropriated to the department of  
11 agriculture, or appropriated but not used by the  
12 department, to implement 99D.22 shall revert to the  
13 general fund."

RICHARD VANDE HOEF

S-5411

1 Amend the amendment S-5397 to Senate File 2265 as  
2 follows:  
3 1. By striking page 11, line 35 through page 12,  
4 line 21.  
5 2. Page 12, by inserting before line 22, the  
6 following:  
7 "Sec. —. NEW SECTION. 624.39 PUNITIVE OR  
8 EXEMPLARY AWARDS.  
9 1. In a civil action where a claim for punitive  
10 or exemplary damages is made, the trial shall be  
11 conducted in two phases.  
12 a. In the trial's first phase, the trier of fact  
13 shall determine, concurrent with all other issues  
14 presented, whether punitive or exemplary damages may  
15 be assessed. However, punitive or exemplary damages  
16 shall not be assessed unless the claimant pleads and  
17 proves that the defendant's actions constituted actual  
18 malice.  
19 b. If liability for punitive or exemplary damages  
20 is found in the trial's first phase, the judge shall

21 then assess the amount or punitive or exemplary  
22 damages in the trial's second phase.  
23 2. No award of punitive or exemplary damages shall  
24 be made except upon the evidence which is clear and  
25 convincing.  
26 3. In any action for punitive or exemplary  
27 damages, the amount of the punitive or exemplary  
28 damages claimed shall not be stated in the petition,  
29 original notice, or any counterclaim or cross-  
30 petition.  
31 4. Notwithstanding section 535.3, prejudgment  
32 interest shall not accrue with regard to punitive or  
33 exemplary damages."

RICHARD DRAKE

S-5412

1 Amend amendment S-5397 to Senate File 2265 as follows:  
2 1. Page 13, line 38, by striking the word "twelve"  
3 and inserting the word "fifteen".  
4 2. Page 14, line 1, by inserting after the word  
5 "groups," the following: "and three members as  
6 representatives of municipal entities within the state".  
7 3. Page 14, line 35, by inserting after the word  
8 "state" the following: "and municipalities".

JULIA B. GENTLEMAN

S-5413

1 Amend amendment S-5397 to Senate File 2265 as  
2 follows:  
3 1. Page 12, by inserting after line 21 the  
4 following:  
5 "Sec. \_\_\_\_ . NEW SECTION. 624.42 LIMITATION ON  
6 NONECONOMIC DAMAGES.  
7 In a civil action for the recovery of damages for  
8 death of or injury to person or property, the court  
9 shall not award an amount exceeding two hundred  
10 thousand dollars for noneconomic damages to or on  
11 behalf of any one person."  
12 2. Page 13, by inserting after line 34 the  
13 following:  
14 "Sec. \_\_\_\_ . NEW SECTION. 668.13 REDUCTIONS FOR  
15 COLLATERAL SOURCE PAYMENTS.  
16 In an action brought pursuant to this chapter, the  
17 recovery awarded pursuant to section 668.3 shall be

18 reduced by the amount, and in proportion to the  
19 percentages of assigned fault, of any losses replaced  
20 by insurance or benefit programs or any other source  
21 except the claimant's assets and family."  
22 3. Page 14, by striking lines 13 through 15.  
23 4. By numbering, renumbering, and relettering as  
24 necessary.

JULIA B. GENTLEMAN

S-5414

1 Amend the amendment S-5397 to Senate File 2265 as  
2 follows:  
3 1. By striking page 11, line 35, through page 12,  
4 line 21, and inserting the following:  
5 "Sec. \_\_\_\_ . NEW SECTION. 624.39 PUNITIVE OR  
6 EXEMPLARY DAMAGES.  
7 1. In the trial of a claim involving a request for  
8 punitive or exemplary damages, the court shall  
9 instruct the jury to answer special interrogatories  
10 or, if there is no jury, shall make findings,  
11 indicating all of the following:  
12 a. Whether the conduct of the defendant from which  
13 the claim arose constituted willful and wanton  
14 disregard for the rights or safety of another.  
15 b. If so, whether the defendant has previously  
16 been assessed punitive or exemplary damages for the  
17 same conduct serving as the basis for this claim.  
18 c. Whether the defendant has previously been  
19 criminally or civilly punished by fine or  
20 imprisonment, or proceedings for criminal or civil  
21 punishment have been instituted or are pending, which  
22 arose from the same conduct for which punitive or  
23 exemplary damages are sought.  
24 2. An award for punitive or exemplary damages  
25 shall not be made unless the answer or finding  
26 pursuant to subsection 1, paragraph "a" is  
27 affirmative, and the answers or findings pursuant to  
28 subsection 1, paragraphs "b" and "c" are negative.  
29 All answers and findings shall be by clear and  
30 convincing evidence.  
31 3. If punitive or exemplary damages are to be  
32 awarded, the jury, or court if there is no jury, shall  
33 receive evidence relevant to the amount of such  
34 punitive or exemplary damages. Evidence relevant only  
35 to the amount of punitive or exemplary damages to be  
36 awarded shall not be introduced at trial until after a  
37 finding or answer is made that punitive or exemplary

38 damages are to be awarded.

39 Evidence which may be introduced by the defendant  
40 includes, but is not limited to, evidence of remedial  
41 measures undertaken by the defendant relating to the  
42 conduct from which the present claims arise, and  
43 evidence of subsequent effects which the award of  
44 punitive or exemplary damages would have on the  
45 defendant's ability to pay subsequent or anticipated  
46 awards arising from the same conduct from which the  
47 present claims arise.

48 4. If punitive or exemplary damages are awarded,  
49 they shall be distributed as follows:

50 a. First, an amount to the plaintiff not to exceed

**Page 2**

1 ten percent of all compensatory damages awarded.

2 b. Second, an amount to the crime victim  
3 reparation program, established pursuant to chapter  
4 912, not to exceed fifteen percent of the punitive or  
5 exemplary damages.

6 c. The remainder, if any, to be paid into the  
7 general fund of the state."

DOUGLAS RITSEMA

S-5415

1 Amend House File 724 as passed by the House as  
2 follows:

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

5 "Section 1. Section 427.2, Code 1985, is amended  
6 to read as follows:

7 427.2 ROADS AND DRAINAGE RIGHTS OF WAY TAXABLE  
8 PROPERTY ACQUIRED THROUGH EMINENT DOMAIN.

9 Real estate occupied as a public road, and rights  
10 of way for established public levees and rights of way  
11 for established, open, public drainage improvements  
12 shall not be taxed.

13 When land or rights in land are acquired in  
14 connection with ~~the establishment or maintenance or~~  
15 ~~improvement of a public road or for public use or~~  
16 public purposes, the acquiring authority shall assist  
17 in the collection of property taxes and special  
18 assessments. However, assistance in the collection of  
19 the property taxes and special assessments does not  
20 require the payment of property taxes and special  
21 assessments on the property acquired which exceed the

22 amount of just compensation offered as required by  
23 section 472.45 for the acquisition of the property.  
24 The property owner shall pay all property taxes and  
25 special assessments which are due and payable when the  
26 property owner surrenders possession of the property  
27 acquired and also those which become due and payable  
28 for the fiscal year the property is acquired in an  
29 amount equal to one-twelfth of the taxes and  
30 assessments due and payable on the property acquired  
31 for the preceding fiscal year multiplied by the number  
32 of months in the fiscal year in which the property was  
33 acquired which elapsed prior to the month in which the  
34 property owner surrenders possession, and including  
35 that month if the surrender of possession occurs after  
36 the fifteenth day of a month. For purposes of  
37 computing the payments, the property owner has  
38 surrendered possession of property acquired by eminent  
39 domain proceedings when the acquiring authority has  
40 the right to obtain possession of the acquired  
41 property by ~~authority of section 472.26~~ as authorized  
42 by law. When part but not all of the property is  
43 acquired for public use or public road purposes,  
44 taxing authorities may collect property taxes and  
45 special assessments which the property owner is  
46 obligated to pay, in accordance with chapter 446, from  
47 that part of the property which is not acquired. The  
48 county treasurer shall collect and accept the payment  
49 received on property acquired for ~~road~~ public use or  
50 public purposes as full and final payment of all

Page 2

1 property tax and special assessments on the property  
2 and apportion the payment on the basis of the levy in  
3 effect in the fiscal year in which the property is  
4 acquired.  
5 For that portion of the prorated year for which the  
6 acquiring authority has possession of the property or  
7 part of the property acquired in connection with ~~the~~  
8 ~~establishment or improvement or maintenance of a~~  
9 ~~public road or for public use or public purposes~~, all  
10 taxes and special assessments shall be canceled.  
11 Upon sale of the acquired property by the acquiring  
12 authority to a new owner, the new owner shall pay all  
13 special assessments and property taxes which become  
14 due and payable or would have become due and payable  
15 but for the acquisition by the acquiring authority for  
16 the fiscal year the property is acquired by the new  
17 owner in an amount equal to one-twelfth of such taxes  
18 and assessments multiplied by the number of months in

19 the fiscal year in which the new owner acquired the  
 20 property which occurred after the month in which the  
 21 new owner acquired the property. Thereafter, special  
 22 assessments or installments of them which would have  
 23 become due and payable after the date of the  
 24 acquisition of the property by the new owner but for  
 25 the acquisition of the property by the acquiring  
 26 authority and this section, shall be reinstated by  
 27 the county treasurer and shall be collectible as  
 28 provided by law.”

29 2. Title page, by striking lines 1 through 4 and  
 30 inserting the following: “An Act relating to the  
 31 payment of property taxes and special assessments on  
 32 property acquired by condemnation for public use or  
 33 public purposes.”

COMMITTEE ON LOCAL GOVERNMENT  
 ALVIN MILLER, Chairperson

S-5416

1 Amend House File 2035, as passed by the House as  
 2 follows:  
 3 1. Page 1, line 8, by striking the word “shall”  
 4 and inserting the following: “may”.

COMMITTEE ON LOCAL GOVERNMENT  
 ALVIN MILLER, Chairperson

S-5417

1 Amend House File 2393, as passed by the House, as  
 2 follows:

DIVISION S-5417A

3 1. Page 1, line 16, by striking the word  
 4 “infraction.” and inserting the following:  
 5 “infraction; however, a city shall not enact an  
 6 ordinance regulating the ownership, possession, legal  
 7 transfer, lawful transportation, registration, or  
 8 licensing of firearms when the ownership, possession,  
 9 transfer, or transportation is otherwise lawful under  
 10 the laws of this state.”

## DIVISION S-5417B

- 11 2. Page 2, by striking lines 6 through 8 and  
12 inserting the following: "convincing evidence."
- 13 3. Page 2, line 12, by striking the word "city,"  
14 and inserting the words "city and".
- 15 4. Page 2, by striking line 13 and inserting the  
16 following: "behalf."
- 17 5. Page 2, line 32, by inserting after the word  
18 "court" the words "in the same action".
- 19 6. By striking page 2 line 34 through page 3,  
20 line 2 and inserting the following: "infraction, the  
21 court may impose a civil penalty or may grant  
22 appropriate relief to abate or halt the violation, or  
23 both, and the court may direct that payment of the  
24 civil penalty be suspended or deferred under  
25 conditions established by the court. If a violator  
26 willfully fails to pay the civil penalty or violates  
27 the terms of any other order imposed by the court,".
- 28 7. Page 3, line 6, by striking the word  
29 "criminal" and inserting the word "civil".
- 30 8. Page 4, by striking lines 22 through 24 and  
31 inserting the following: "convincing evidence."
- 32 9. Page 4, line 28, by striking the word  
33 "county," and inserting the words "county and".
- 34 10. Page 4, by striking lines 29 and 30 and  
35 inserting the following: "violator's behalf."
- 36 11. Page 5, line 15, by inserting after the word  
37 "court" the words "in the same action".
- 38 12. Page 5, by striking lines 17 through 20 and  
39 inserting the following: "infraction, the court may  
40 impose a civil penalty or may grant appropriate relief  
41 to abate or halt the violation, or both, and the court  
42 may direct that payment of the civil penalty be  
43 suspended or deferred under conditions established by  
44 the court. If a violator willfully fails to pay the  
45 civil penalty or violates the terms of any other order  
46 imposed by the court,".
- 47 13. Page 5, line 24, by striking the word  
48 "criminal" and inserting the word "civil".

COMMITTEE ON LOCAL GOVERNMENT  
ALVIN V. MILLER, Chairperson

S-5418

- 1 Amend amendment S-5397 to Senate File 2265 as  
2 follows:  
3 1. Page 1, by inserting after line 3 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 25A.14, Code 1985, is amended  
6 by adding the following new subsections:  
7 NEW SUBSECTION. 11. Any claim for financial or  
8 economic loss not incurred as a result of physical  
9 injuries based upon an act or omission relating to the  
10 examinations, inspections, audits, or other regulatory  
11 functions.  
12 NEW SUBSECTION. 12. Any claim based upon an act  
13 or omission relating to insurance regulation.  
14 Sec. \_\_\_\_ . Section 25A.14, Code 1985, is amended by  
15 adding the following new unnumbered paragraph:  
16 NEW UNNUMBERED PARAGRAPH. Subsections 11 and 12 of  
17 this section apply to all cases filed on or after July  
18 1, 1986."  
19 2. By renumbering as necessary.

RICHARD DRAKE

S-5419

- 1 Amend amendment S-5397 to Senate File 2265 as  
2 follows:  
3 1. Page 9, by inserting after line 4 the  
4 following:  
5 "Sec. 24. NEW SECTION. 507B.14 LIABILITY  
6 INSURANCE POLICY STANDARDS.  
7 1. As used in this section unless the context  
8 otherwise requires:  
9 a. "Claims-made policy" means an insurance policy  
10 under which an insurer assumes liability for injury or  
11 damage that the insured is legally obligated to pay,  
12 including injury or damage occurring prior to the  
13 effective date of the policy but subsequent to any  
14 retroactive date, arising out of incidents, acts, or  
15 omissions of the insured if the claim is first made  
16 during the policy period.  
17 b. A claim is "first made" when an insurer first  
18 receives notice of a claim against an insurance policy  
19 from the insured or a third party, subject to any  
20 requirement of written notice which may be included in  
21 the policy.  
22 c. "Extended reporting period" means the period of  
23 time specified in the policy during which claims first  
24 made after the termination date of the policy for  
25 injury or damage that occurred during the policy term,

26 including injury or damage that occurred after any  
27 retroactive date included in the policy, will be  
28 considered to have been made during the policy period.

29 d. "Policy period" means the period of time for  
30 which an insurer agrees to assume liability for the  
31 incidents, acts, or omissions of the insured under an  
32 insurance policy.

33 e. "Retroactive date" means a date prior to the  
34 effective date of the insurance policy for which an  
35 insurer agrees to extend coverage for incidents, acts,  
36 and omissions of the insured under the insurance  
37 policy.

38 f. "Termination" or "termination date" means the  
39 date an insurance policy lapses or the date that  
40 cancellation of the policy is effective, but does not  
41 include any extended reporting period.

42 2. A claims-made policy shall not be issued unless  
43 the policy and the issuing insurer conform to the  
44 following:

45 a. The policy application and the declaration page  
46 of each policy must have a notice conspicuously  
47 printed that the policy is a claims-made policy.

48 b. If the policy includes a retroactive date, the  
49 retroactive date may not be changed by the insurer  
50 without the consent of the insured.

**Page 2**

1 c. The insurer shall not cancel a policy for any  
2 reason other than failure of the insured to pay the  
3 policy premium unless the insured is given written  
4 notice forty-five days in advance of the cancellation  
5 date.

6 d. Sixty days of extended reporting period  
7 coverage shall be provided upon termination of a  
8 policy by either the insured or insurer for any  
9 reason.

10 e. The insurer shall offer a minimum of three  
11 years of extended reporting period coverage on all  
12 policies and shall allow the insured thirty days after  
13 termination of the policy in which to submit written  
14 acceptance of the extended reporting period coverage.

15 3. An insurer shall not issue a claims-made policy  
16 for any motor vehicle.

17 4. As a condition to including a retroactive date  
18 in a claims-made policy, an insurer may require the  
19 insured to submit an affidavit affirming that no  
20 incident, act, or omission on the part of the insured  
21 which could reasonably be expected to serve as the  
22 basis of a claim occurred on or after the retroactive

23 date.

24 5. Within ten calendar days of termination, the  
25 insurer shall advise the insured in writing of the  
26 availability, the premium for, and the importance of  
27 purchasing extended reporting period coverage in the  
28 event of cancellation or nonrenewal of a claims-made  
29 policy.

30 6. A violation of this section shall subject the  
31 insurer to the penalties for deceptive acts under this  
32 chapter.

JULIA B. GENTLEMAN

S-5420

1 Amend House File 2405 as passed by the House as  
2 follows:

3 1. Page 1, by inserting after line 12 the  
4 following:

5 "Sec. \_\_\_\_ . Section 411.5, subsection 8, Code 1985,  
6 is amended to read as follows:

7 8. LEGAL ADVISER. The city attorney or solicitor  
8 of a city shall serve as the legal adviser of the  
9 board of trustees at the request of the board or the  
10 board of trustees may employ or retain an attorney.  
11 The costs of an attorney employed or retained by the  
12 board of trustees shall be paid from the expense fund  
13 created in section 411.8."

DON GETTINGS

S-5421

1 Amend the amendment S-5397 to Senate File 2265 as  
2 follows:

3 1. Page 1, line 21, by striking the words "  
4 severally or jointly," and inserting the following:  
5 "severally or jointly,".

DOUGLAS RITSEMA

S-5422

1 Amend amendment S-5397 to Senate File 2265 as  
2 follows:

3 1. Page 1, by inserting after line 38 the  
4 following: "However, noneconomic damages awarded

5 under this section shall not exceed two hundred  
6 thousand dollars to or on behalf of any one person.”

7 2. Page 12, by inserting after line 21 the  
8 following:

9 “3. Punitive or exemplary damages awarded pursuant  
10 to this section shall not exceed two hundred thousand  
11 dollars to or on behalf of any one person.”

JULIA GENTLEMAN

S-5423

1 Amend the amendment S-5397 to Senate File 2265 as  
2 follows:

3 1. Page 10, line 6, by inserting after the word  
4 “statute.” the following: “It is the intent of the  
5 general assembly that the governing body of a  
6 municipality carefully assess the needs of the  
7 municipality for moneys required under this section  
8 prior to levying a property tax under this section.  
9 It is also the intent of the general assembly that the  
10 governing body of a municipality against which a judg-  
11 ment has been rendered, and where the amount of the  
12 judgment exceeds the amount of the funds available to  
13 pay the judgment, shall consider petitioning the court  
14 under section 668.3, subsection 7, for structured,  
15 periodic, or other nonlump-sum payments.”

EDGAR H. HOLDEN  
BERL E. PRIEBE

S-5424

1 Amend amendment S-5397 to Senate File 2265 as  
2 follows:

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

5 “Sec. \_\_\_\_ . NEW SECTION. 18.190 DEFINITIONS.

6 As used in sections 18.190 through 18.200 unless  
7 the context otherwise requires:

8 1. “Division” means the division of risk  
9 management created by section 18.192.

10 2. “Insurance coverage” means any contract whereby  
11 loss exposure or risk exposure is transferred to or  
12 shared by an insurer.

13 3. “Governmental subdivision” means a city,  
14 county, township, school district, area education  
15 agency, area vocational school, area community

16 college, an entity created by agreement under chapter  
17 28E, or another political subdivision. The term does  
18 not include any unit or agency of state government.  
19 Sec. \_\_\_\_ . NEW SECTION. 18.191 SCOPE OF ACT.  
20 Sections 18.190 through 18.200 apply to all  
21 property and casualty loss exposures, but do not apply  
22 to any exposure covered by life, accident and health,  
23 or workers compensation insurance, and do not apply to  
24 any retirement plan or system.

25 The duties of the department of general services  
26 and the division under sections 18.190 through 18.200  
27 extend to and encompass the personnel and property of  
28 the state board of regents and the state department of  
29 transportation in the same manner and to the same  
30 extent as other agencies of state government.  
31 Sections 18.190 through 18.200 do not apply to losses  
32 and loss exposures for revenue producing facilities  
33 under the state board of regents which are required to  
34 carry insurance under a bond covenant.

35 Sec. \_\_\_\_ . NEW SECTION. 18.192 RISK MANAGEMENT  
36 DIVISION.

37 A division of risk management is created within the  
38 department of general services. The division is the  
39 agency which administers sections 18.190 through  
40 18.200. The division is supervised by a risk manager  
41 who shall be appointed and subject to removal by the  
42 director of general services.

43 Sec. \_\_\_\_ . NEW SECTION. 18.193 PERSONNEL.

44 The risk manager shall employ other permanent full-  
45 time personnel as necessary to administer this  
46 chapter. All permanent full-time personnel other than  
47 the risk manager are subject to chapter 19A. The risk  
48 manager is authorized to hire as independent  
49 contractors other persons as necessary to assist the  
50 risk manager in establishing standards and procedures

## Page 2

1 under sections 18.190 through 18.200.

2 Sec. \_\_\_\_ . NEW SECTION. 18.194 DUTIES OF  
3 DIVISION.

- 4 1. The risk management division, with respect to
- 5 losses and loss exposures of state government, shall:
  - 6 a. Develop and maintain loss and exposure data on
  - 7 all state property and liability risks.
  - 8 b. Develop risk reduction or elimination programs.
  - 9 c. Determine which risk exposures shall be insured
  - 10 and which risk exposures shall be self-insured or
  - 11 assumed by the state.
  - 12 d. Review the insurance purchasing practices of

13 the state.

14 e. Establish standards for the purchase of  
15 necessary insurance coverage at the lowest costs,  
16 consistent with good underwriting practices and sound  
17 risk management techniques.

18 f. Recommend to the general assembly legislation  
19 as necessary from time to time to carry out the  
20 purposes of sections 18.190 through 18.200.

21 2. The division shall develop programs for the  
22 management of losses and loss exposures of  
23 governmental subdivisions which may include, but are  
24 not limited to, the following:

25 a. To assist subdivisions in the development and  
26 maintenance of loss and loss exposure data on property  
27 and liability risks of governmental subdivisions.

28 b. To recommend risk reduction or risk elimination  
29 programs to governmental subdivisions.

30 c. To recommend to governmental subdivisions those  
31 practices which will permit protection against losses  
32 at the lowest costs, consistent with good underwriting  
33 practices and sound risk management techniques.

34 d. To negotiate or acquire insurance coverage for  
35 governmental subdivisions, subject to the limitations  
36 contained in sections 18.190 through 18.200.

37 e. To recommend to the general assembly and  
38 governmental subdivisions, changes in statutes,  
39 ordinances, and policies as necessary to enable  
40 governmental subdivisions to develop and implement  
41 risk management programs and to acquire insurance  
42 coverage.

43 3. The division shall develop and implement a  
44 market assistance program to facilitate, arrange, or  
45 provide for the acquisition of insurance coverage for  
46 all public or private entities deemed to be essential  
47 to the public welfare and for which it is determined  
48 that present coverage is unavailable, unreasonable, or  
49 unacceptable.

50 4. The division shall provide technical advice and

### Page 3

1 assistance to governmental subdivisions and public and  
2 private entities identified under subsection 3 seeking  
3 to utilize alternative financing methods to develop a  
4 stable pool of funds with which to insure and reinsure  
5 risk exposures, including administrative and personnel  
6 support for entities seeking to utilize state  
7 financing, or combination financing under chapter 28E.

8 Sec. \_\_\_\_ . NEW SECTION. 18.195 GUIDELINES.

9 1. The risk management division shall carry out

10 its duties relating to state government loss and risk  
11 exposures pursuant to the following guidelines:

12 a. To the extent possible, all insurance coverage  
13 which is purchased for vehicles owned by the state  
14 shall be under fleet policies.

15 b. Bonding of state employees shall be  
16 reevaluated, and uniform standards shall be adopted  
17 for the purchase of all fidelity bonds recommended for  
18 state employees. To the extent possible, all bonded  
19 state employees shall be covered under one or more  
20 blanket bonds or position schedule bonds. In carrying  
21 out section 64.6, the state may purchase an individual  
22 or a blanket surety bond insuring the fidelity of  
23 state officers subject to the minimum surety bond  
24 requirements of section 64.6. A state officer listed  
25 in section 64.6 is deemed to have furnished surety if  
26 the officer is covered by a blanket bond purchased as  
27 provided in this paragraph.

28 c. The management of state property loss exposures  
29 and state liability risk exposures shall be  
30 accomplished for state government as a whole, and  
31 without regard to the branch of government or the  
32 agency within which the loss exposure or risk exposure  
33 arises, except that the state board of regents shall  
34 share in the management of property loss exposures and  
35 liability risk exposures involving institutions under  
36 the jurisdiction of the board.

37 d. Insurance coverage may include any type of  
38 insurance protection sold by insurers, including but  
39 not limited to, full coverage, partial coverage,  
40 coinsurance, reinsurance, and deductible insurance.

41 2. The division shall develop programs relating to  
42 governmental subdivisions which are subject to the  
43 following guidelines:

44 a. Participation by a governmental subdivision in  
45 any risk management program offered by the division  
46 shall be by contract or on a voluntary basis.

47 b. The division is not required to negotiate or  
48 purchase insurance coverage for any governmental  
49 subdivision, as permitted by sections 18.190 through  
50 18.200, which fails to comply with standards adopted

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1 by the division, and may cancel coverage already  
2 negotiated or purchased upon determination of such  
3 failure.

4 c. Risk management programs may treat loss and  
5 risk exposures of governmental subdivisions  
6 individually, or on a group basis, or both.

7 Sec. \_\_\_\_ . NEW SECTION. 18.196 PURCHASE OF  
8 INSURANCE.

9 1. The division, in consultation with the director  
10 of the department of general services, is the  
11 exclusive contracting agency for the purchase of  
12 insurance coverage for state loss and risk exposure  
13 except for revenue producing facilities under the  
14 state board of regents which have to comply with bond  
15 covenants.

16 2. The division shall negotiate with insurers on  
17 behalf of governmental subdivisions unable to obtain  
18 reasonable or acceptable insurance coverage, for the  
19 purchase of insurance coverage.

20 3. The division may purchase contracts of  
21 insurance, and may contract with insurers, within the  
22 standards prescribed by the risk management division.  
23 Funding for the purchase of insurance for state loss  
24 and risk exposure shall be provided by a specific and  
25 separate appropriation provided solely for this  
26 purpose.

27 4. The division may facilitate, arrange, or  
28 provide for the acquisition of insurance coverage on  
29 behalf of one or more governmental subdivisions. Any  
30 insurance contract negotiated by the division may  
31 include coverage or coverages for state loss or risk  
32 exposures and for the loss or risk exposures of one or  
33 more governmental subdivisions, or for any combination  
34 of these exposures.

35 5. The risk manager may act as attorney in fact  
36 under section 520.2 for governmental subdivisions  
37 executing reciprocal or interinsurance contracts under  
38 chapter 520.

39 6. The division shall not charge governmental  
40 subdivisions for risk management services, but may  
41 charge for the reimbursement of expenses incurred in  
42 facilitating, arranging, or acquiring insurance  
43 coverage.

44 Sec. \_\_\_\_ . NEW SECTION. 18.197 EXECUTIVE COUNCIL  
45 SUPERVISION.

46 All standards adopted by the division under  
47 sections 18.190 through 18.200 are subject to review  
48 and approval or disapproval by the executive council.  
49 However, each standard proposed by the division shall  
50 be effective on the date specified in the standard

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1 unless specifically disapproved by the executive  
2 council within thirty days after a copy of the  
3 proposed standard is delivered to the secretary of the

4 executive council.

5 Sec. \_\_\_\_ . NEW SECTION. 18.198 ACCESS TO STATE  
6 RECORDS.

7 The division shall be given full assistance and  
8 cooperation by every state agency and its officers and  
9 employees. Each agency shall provide to the division  
10 all requested loss and loss exposure information, and  
11 shall comply with all standards and directives of the  
12 division and of the department of insurance relating  
13 to the administration of sections 18.190 through  
14 18.200 except as otherwise provided in those sections.

15 Sec. \_\_\_\_ . NEW SECTION. 18.199 ACCESS TO RECORDS  
16 OF GOVERNMENTAL SUBDIVISIONS AND OTHER ENTITIES.

17 A governmental subdivision or other public or  
18 private entity requesting the assistance of the  
19 division shall, as a prerequisite to the assistance,  
20 provide the division with full cooperation and all  
21 requested loss and loss exposure information, and  
22 shall comply with all standards and directives of the  
23 division relating to the administration of sections  
24 18.190 through 18.200.

25 Sec. \_\_\_\_ . NEW SECTION. 18.200 ANNUAL REPORT --  
26 LONG RANGE PLANNING.

27 The division shall:

28 1. Annually submit to the general assembly a  
29 report containing the findings and recommendations of  
30 the division, setting out the standards adopted, and  
31 making recommendations for those statutory changes  
32 which are necessary to implement or permit the  
33 implementation of standards proposed by the division.  
34 The report shall include a summary of the division's  
35 annual costs of operation, the risks covered, and the  
36 premiums paid.

37 2. Initiate continuing discussion and programming  
38 with public and private financing agencies and other  
39 interested entities regarding the feasibility and  
40 establishment of a continuing source of funds to serve  
41 as a reinsurance pool for public and private entities  
42 essential to the public welfare."

43 2. Page 1, line 7, by striking the figure  
44 "505.26" and inserting the figure "18,195".

45 3. By striking page 4, line 16, through page 9,  
46 line 4.

47 4. By numbering, renumbering, and changing  
48 internal references as necessary.

ARNE WALDSTEIN  
WILLIAM D. PALMER  
RICHARD F. DRAKE

S-5425

- 1 Amend amendment S-5397 to Senate File 2265 as  
2 follows:  
3 1. Page 13, by inserting after line 34 the  
4 following:  
5 "Sec. \_\_\_\_ . NEW SECTION. 668.13 ATTORNEY FEES.  
6 1. In an action under this chapter, an attorney  
7 representing a party pursuant to a contingent fee  
8 arrangement is entitled to a reasonable fee as  
9 determined by the court. However, the fee shall not  
10 exceed the following:  
11 a. For the amount of the judgment not exceeding  
12 one hundred thousand dollars, thirty-five percent of  
13 the amount.  
14 b. For the amount of a judgment exceeding one  
15 hundred thousand dollars but not exceeding five  
16 hundred thousand dollars, twenty percent of the  
17 amount.  
18 c. For the amount of the judgment exceeding five  
19 hundred thousand dollars but not exceeding one million  
20 dollars, ten percent of the amount.  
21 d. For the amount of the judgment exceeding one  
22 million dollars, five percent of the amount.  
23 2. Notwithstanding subsection 1, an attorney fee  
24 may exceed an applicable maximum if either of the  
25 following is true:  
26 a. The court determines that extraordinary  
27 expenses or services were provided by the attorney.  
28 b. Appeal is taken and heard. However, any  
29 additional fees allowed under this paragraph shall not  
30 exceed the applicable maximum by more than twenty  
31 percent.  
32 Any fee allowed pursuant to this subsection shall  
33 be a reasonable fee as determined by the court."  
34 2. Renumber as necessary.

ARNE WALDSTEIN  
EDGAR H. HOLDEN  
DALE TIEDEN  
BERL E. PRIEBE

S-5426

- 1 Amend amendment S-5397 to Senate File 2265 as  
2 follows:  
3 1. Page 1, by striking lines 2 through 10 and in-  
4 serting the following:

- 5 "1. Page 1, by inserting after line 6 the following:"
- 6 2. Page 4, by inserting after line 15 the following:
- 7 "2. Page 2, by inserting after line 14 the following:"
- 8 3. Page 9, by inserting after line 4 the following:
- 9 "3. By striking page 2, line 15 through page 6, line
- 10 25, and inserting in lieu thereof the following:"

CALVIN HULTMAN

S-5427

1 Amend the amendment S-5397 to Senate File 2265 as  
 2 follows:

3 1. Page 2, line 24, by inserting after the word  
 4 "statute" the following: "pursuant to section  
 5 613A.7".

6 2. Page 3, line 15, by inserting after the word  
 7 "pool" the following: "pursuant to section 613A.7".

8 3. Page 3, line 45, by inserting after the word  
 9 "pool" the following: "pursuant to section 613A.7".

10 4. Page 10, line 6, by inserting after the word  
 11 "statute." the following: "However, if a muni-  
 12 cipality, except a school district, used moneys from  
 13 taxes levied for the general operating fund of the  
 14 municipality to pay tort liability costs during any  
 15 fiscal year between July 1, 1981 and June 30, 1986, or  
 16 any fiscal year after the effective date of this Act,  
 17 and reduces the amount of tort liability costs paid  
 18 from the general operating funds for any fiscal year  
 19 beginning after the effective date of this Act below  
 20 that amount, the amount of the property tax levied for  
 21 the general operating fund of the municipality in  
 22 fiscal years beginning after the effective date of  
 23 this Act, or after the reduction occurs, shall be  
 24 reduced by an amount that will reduce the  
 25 municipality's general operating fund budget by the  
 26 amount by which there is a reduction in tort liability  
 27 costs paid from the general operating fund. For  
 28 school districts, the state comptroller shall reduce  
 29 the unspent balance from the preceding year under  
 30 chapter 442 by the amount by which there is a  
 31 reduction in tort liability costs paid from funds  
 32 available under chapter 442."

BERL E. PRIEBE

S-5428

- 1 Amend the amendment S-5347 to Senate File 2163 as
- 2 follows:
- 3 1. Page 1, line 37, by inserting after the word
- 4 "used" the word "annually".

JACK RIFE

S-5429

- 1 Amend House File 2380, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 7, by striking the words "to be
- 4 used" and inserting the following: "shall be used".
- 5 2. Page 2, line 9, by inserting after the figure
- 6 "2" the following: ", and which shall be used,
- 7 effective April 1, 1986, to establish and fund the
- 8 maximum medical assistance rate for intermediate care
- 9 facilities at the fifty-fifth percentile of all
- 10 facility per diems as calculated from the December 31,
- 11 1985 unaudited compilation of financial and
- 12 statistical reports".

BERL E. PRIEBE  
DALE L. TIEDEN  
JOE WELSH

S-5430

- 1 Amend House File 2380, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 19, by striking the figure "15"
- 4 and inserting the figure "20".
- 5 2. By striking page 4, line 25 through page 5,
- 6 line 18.
- 7 3. Renumber sections and correct internal
- 8 references as necessary in accordance with this
- 9 amendment.

JOE J. WELSH

S-5431

1 Amend amendment S-5397 to Senate File 2265 as  
2 follows:  
3 1. Page 9, by inserting after line 26, the  
4 following:  
5 "Sec. \_\_\_\_ . Section 613A.5, Code 1985, is amended  
6 to read as follows:  
7 613A.5 LIMITATION OF ACTIONS.  
8 Every person who claims damages from any  
9 municipality or any officer, employee or agent of a  
10 municipality for or on account of any wrongful death,  
11 loss or injury within the scope of section 613A.2 or  
12 section 613A.8 or under common law shall commence an  
13 action therefor within six months, unless said person  
14 shall cause to be presented to the governing body of  
15 the municipality within sixty days after the alleged  
16 wrongful death, loss or injury a written notice  
17 stating the time, place, and circumstances thereof ~~and~~  
18 ~~the amount of compensation or other relief demanded.~~  
19 ~~Failure to state time or place or circumstances or the~~  
20 ~~amount of compensation or other relief demanded~~ shall  
21 not invalidate the notice; providing, the claimant  
22 shall furnish full information within fifteen days  
23 after demand by the municipality. No action therefor  
24 shall be maintained unless such notice has been given  
25 and unless the action is commenced within two years  
26 after such notice. The time for giving such notice  
27 shall include a reasonable length of time, not to  
28 exceed ninety days, during which the person injured is  
29 incapacitated by the injury from giving such notice."  
30 2. By renumbering as necessary.

TOM MANN, Jr.

S-5432

1 Amend amendment S-5356 to Senate File 2259 as  
2 follows:  
3 1. Page 1, line 6, by inserting after the word  
4 "examination" the following: "at least seven days".

JIM LIND

S-5433

1 Amend amendment S-5378 to House File 2197 as  
2 amended, passed and reprinted by the House as follows:

- 3 1. Page 2, by inserting after line 14 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 99E.10, subsection 1, paragraph  
 6 a, Code Supplement 1985, is amended to read as  
 7 follows:  
 8 a. An amount equal to one half of one percent of  
 9 the gross lottery revenue shall be deposited in a  
 10 gamblers assistance fund in the office of the  
 11 treasurer of state. The money shall be deposited on a  
 12 monthly basis. Moneys in the fund shall be  
 13 administered by the commissioner of human services and  
 14 used to provide assistance and counseling to  
 15 individuals and families experiencing difficulty as a  
 16 result of gambling losses and to promote awareness of  
 17 gamblers anonymous and similar assistance programs."  
 18 2. Page 2, line 24, by striking the word  
 19 "quarterly" and inserting the following: "quarterly  
 20 monthly".  
 21 3. Page 2, line 26, by inserting after the word  
 22 "deposited" the following: "on a monthly basis".  
 23 4. Renumber as necessary.

JOE WELSH

S-5434

- 1 Amend House File 2344 as amended, passed and  
 2 reprinted by the House, as follows:

DIVISION S-5434A

- 3 1. Page 1, line 8, by striking the word "family".

DIVISION S-5434B

- 4 2. Page 1, by striking lines 31 through 34.  
 5 3. Title page, lines 1 and 2, by striking the  
 6 words "and providing an effective date".

EDGAR H. HOLDEN

S-5435

- 1 Amend Senate File 132 as follows:  
 2 1. Page 1, by striking lines 8 and 9 and  
 3 inserting the following:  
 4 "Sec. \_\_\_\_ . Notwithstanding section 260A.2 the  
 5 total cost of an educational improvement project for

6 the school year beginning July 1, 1987 shall not  
 7 exceed two percent of the district cost per pupil of  
 8 the school district for the budget year multiplied by  
 9 the budget enrollment of the school district for the  
 10 budget year, for the school year beginning July 1,  
 11 1988 the total cost limitation shall not exceed three  
 12 percent, and for the school year beginning July 1,  
 13 1989 and every school year thereafter the total cost  
 14 limitation shall not exceed four percent."

JIM RIORDAN

S-5436

1 Amend House File 2349 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 5, by inserting after line 10 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 99B.13, Code 1985, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. 5. Providing that a person  
 8 conducting a game of skill, game of chance, or a  
 9 raffle under this chapter and who gives merchandise  
 10 prizes shall not be required to pay sales tax pursuant  
 11 to chapter 422 when purchasing the merchandise for the  
 12 prize."  
 13 2. Renumber as necessary.

MICHAEL E. GRONSTAL

S-5437

1 Amend S-5429 to House File 2380 as amended,  
 2 passed and reprinted by the House as follows:  
 3 1. Page 1, line 12, by inserting after the  
 4 word "reports" the words "and to make equivalent  
 5 adjustments for other purchase of service  
 6 providers reimbursed by the department who  
 7 received reductions in their reimbursement rates  
 8 as a result of the across-the-board 3.85% cutback  
 9 this fiscal year".

CHARLES BRUNER

S-5438

- 1 Amend Senate File 2270 as follows:
- 2 1. By striking page 1, line 1, through page 2,
- 3 line 7.

ALVIN V. MILLER

S-5439

- 1 Amend Senate File 2270 as follows:
- 2 1. Page 2, by inserting after line 7 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 628.3, Code 1985, is amended by
- 5 adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. If a deficiency judgment
- 7 is prohibited under the terms of section 654.6, the
- 8 time periods provided in this chapter are reduced by
- 9 one-half.
- 10 Sec. \_\_\_\_ . Section 654.6, Code 1985, is amended by
- 11 adding the following new unnumbered paragraph:
- 12 NEW UNNUMBERED PARAGRAPH. However, if the property
- 13 is agricultural land, no deficiency judgment or
- 14 general execution shall be issued against the land
- 15 except for the portion of the deficiency which the
- 16 mortgagee shows is due to waste committed by the
- 17 mortgagor."

EDGAR H. HOLDEN  
EMIL J. HUSAK

S-5440

- 1 Amend amendment S-5347 to Senate File 2163 as
- 2 follows:
- 3 1. Page 1, line 37, by inserting after the word
- 4 "used" the word "annually".
- 5 2. Page 1, line 39, by inserting after the word
- 6 "on" the words "racine chemistry and".

JACK RIFE  
MICHAEL GRONSTAL

S-5441

1 Amend Senate File 2249 as follows:

2 1. Page 1, by striking lines 1 through 32 and  
3 inserting the following:

4 "Section 1. NEW SECTION. 600A.10 GRANDPARENT  
5 VISITATION RIGHTS.

6 A grandparent of a child may petition the district  
7 court for grandchild visitation rights when any of the  
8 following circumstances occur:

9 1. The parent of the child, who is the child of  
10 the grandparent, has died.

11 2. The child has been placed in a foster home.

12 3. The parental rights of the parent of the child,  
13 who is the child of the grandparent, are terminated  
14 pursuant to section 232.117 or 600A.9 or a petition to  
15 terminate parental rights has been filed pursuant to  
16 section 232.111 or 600A.5.

17 A petition for grandchild visitation rights shall  
18 be granted only upon a finding that the visitation  
19 rights are in the best interest of the child and would  
20 not unduly disrupt the child's relationship with the  
21 person who has custody of the child, including an  
22 adoptive parent."

23 2. Title page, line 1, by inserting after the  
24 word "the" the following: "visitation".

BEVERLY HANNON

S-5442

1 Amend House File 2344 as amended, passed and re-  
2 printed by the House as follows:

3 1. Page 1, line 4, by striking the words "in at  
4 least" and inserting in lieu thereof the words "in at  
5 least".

6 2. Page 1, line 5, by striking the words "one county  
7 designated by the department" and inserting in lieu  
8 thereof the words "designated by the department".

BERL PRIEBE

S-5443

1 Amend the House amendment S-5399 to Senate File  
2 2175 as amended, passed and reprinted by the Senate as  
3 follows:

4 1. Page 105, by striking lines 23 through 29 and  
5 inserting the following:

6 "d. Implement tourism-related art and history

7 projects as directed by the general assembly.”

8 2. Page 105, by inserting after line 39 the  
9 following:

10 “i. Establish a program of grants to cities and  
11 community groups for the development of community  
12 programs that provide local jobs for Iowa residents  
13 and at the same time promote a city’s historical,  
14 ethnic, and cultural heritages through the development  
15 of festivals, music, drama, or cultural programs, or  
16 tourist attractions.

17 At least twenty-five percent of the funds  
18 appropriated shall be used for the purpose of  
19 developing community programs eligible for grants  
20 under this subsection which were not in existence  
21 prior to the due date of grant applications each year.

22 A city or community group may submit applications  
23 to the administrator. Applications shall be reviewed  
24 by the arts council, the state historical society  
25 board, and the department of economic development,  
26 acting as an advisory committee to the department.  
27 The advisory committee shall submit recommendations to  
28 the director or designee regarding possible recipients  
29 and grant amounts.

30 The amount of a grant shall not exceed fifty  
31 percent of the cost of the community program and the  
32 application must demonstrate that the city or  
33 community group will provide the required matching  
34 money. In lieu of providing the entire match in  
35 money, a city or community group may substitute in-  
36 kind services for up to fifty percent of the matching  
37 requirement.”

38 3. Page 105, by striking lines 41 through 49 and  
39 inserting the following:

- 40 “a. Historical division.
- 41 b. Library division.
- 42 c. Arts division.
- 43 d. Public broadcasting division.
- 44 e. Other divisions created by rule.
- 45 f. Administrative section.”

46 4. Page 106, by striking lines 9 and 10 and inserting  
47 the following: “administrators who shall be appointed by  
48 the director and serve at the director’s pleasure. However,  
49 the”.

50 5. Page 106, by striking lines 13 through 15 and inserting

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1 the following: "public broadcasting board. The administrators  
2 shall:".

3 6. Page 106, line 27, by inserting after the word "department"  
4 the words "and decide contested cases which shall be final agency  
5 action".

6 7. Page 106, by striking lines 42 through 44.

7 8. Page 107, by striking lines 2 through page 110, line  
8 28 and inserting the following:

9 "Sec. 1303. NEW SECTION. 303.1C DIVISION  
10 RESPONSIBILITIES.

11 1. The administrative services section shall  
12 provide administrative, accounting, public  
13 relations, development and clerical  
14 services for the department, report to the  
15 director and perform other duties  
16 assigned to it by the director.

17 2. The historical division shall:

18 a. Administer and care for historical sites under  
19 the authority of the division, and maintain  
20 collections within these buildings.

21 A state agency which owns, manages, or administers  
22 a historical site must enter into an agreement with  
23 the department of cultural affairs under chapter 28E  
24 to insure the proper management, maintenance, and  
25 development of the site. For the purposes of this  
26 section, "historical site" is defined as any district,  
27 site, building, or structure listed on the national  
28 register of historic sites or identified as eligible  
29 for such status by the state historic preservation  
30 officer or that is identified according to established  
31 criteria by the state historic preservation officer as  
32 significant in national, state, and local history,  
33 architecture, engineering, archaeology, or culture.

34 b. Encourage and assist local county and state  
35 organizations and museums devoted to historical  
36 purposes.

37 c. Develop standards and criteria for the  
38 acquisition of historic properties and for the  
39 preservation, restoration, maintenance, operation, and  
40 interpretation of properties under the jurisdiction of  
41 the division.

42 d. Administer the archives of the state as defined  
43 in section 303.12.

44 e. Identify and document historic properties.

45 f. Prepare and maintain a state register of  
46 historic places, including those listed on the  
47 national register of historic places.

48 g. Conduct historic preservation activities  
49 pursuant to federal and state requirements.

50 h. Appoint or serve as the state historic preservation

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1 officer, certified by the governor, pursuant to federal  
2 requirements.

3 i. Publish matters of historical value to the  
4 public, and pursue historical, architectural, and  
5 archaeological research and development which may  
6 include but are not limited to continuing surveys,  
7 excavation, scientific recording, interpretation, and  
8 publication of the historical, architectural,  
9 archaeological, and cultural sites, buildings, and  
10 structures in the state.

11 3. The library division:

12 a. May enter into interstate library compacts on  
13 behalf of the state of Iowa with any state which  
14 legally joins in the compacts as provided in section  
15 303A.8.

16 b. Shall determine policy for providing  
17 information service to the three branches of state  
18 government and to the legal and medical communities in  
19 this state.

20 c. Shall coordinate a statewide interregional  
21 interlibrary loan and information network among  
22 libraries in this state and support activities which  
23 increase cooperation among all types of libraries.

24 d. Shall establish and administer a program for  
25 the collection and distribution of state publications  
26 to depository libraries.

27 e. Shall develop and adopt, in conjunction with  
28 the Iowa regional library system, long-range plans for  
29 the continued improvement of library services in the  
30 state. To insure that the concerns of all types of  
31 libraries are addressed, the division shall establish  
32 a long-range planning committee to review and evaluate  
33 progress and report findings and recommendations to  
34 the division and to the trustees of the Iowa regional  
35 library system at an annual meeting.

36 f. Shall develop in cooperation with the Iowa  
37 regional library system an annual plan of service for  
38 the Iowa regional library system and its individual  
39 members to insure consistency with the state long-  
40 range plan.

41 g. Shall establish and administer a statewide  
42 continuing education program for librarians and  
43 trustees.

44 h. Shall give to libraries advice and counsel in  
45 specialized areas which may include, but are not  
46 limited to, building construction and space  
47 utilization, children's services, and technological  
48 developments.

49 i. Shall obtain from libraries reports showing the  
50 condition, growth, and development of services

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1 provided and disseminate this information in a timely  
2 manner to the citizens of Iowa.

3 j. Shall establish and administer certification  
4 guidelines for librarians not covered by other  
5 accrediting agencies.

6 4. The arts division shall:

7 a. Make surveys as deemed advisable of existing  
8 artistic and cultural programs and activities within  
9 the state, including but not limited to music,  
10 theatre, dance, painting, sculpture, architecture, and  
11 allied arts and crafts.

12 b. Administer the program of agreements for  
13 indemnification by the state in the event of loss of  
14 or damage to special exhibit items established by  
15 sections 304A.21 through 304A.30.

16 c. Submit a report to the governor and to the  
17 general assembly not later than ten calendar days  
18 following the commencement of each first session of  
19 the general assembly concerning the studies undertaken  
20 during the biennium and recommending legislation and  
21 other action as necessary for the implementation and  
22 enforcement of this article.

23 Sec. 1304. NEW SECTION. 303.1C INTRADEPARTMENTAL  
24 ADVISORY COUNCIL.

25 1. The cultural affairs department  
26 intradepartmental advisory council is created. The  
27 council shall consist of the following:

28 a. The chairpersons of the historical society  
29 board of trustees, the library commission, arts  
30 council and public broadcasting board.

31 b. Two members of the public and a professional  
32 historian, professional librarian, and professional  
33 artist appointed by the governor.

34 2. The appointments made under paragraph "b" of  
35 subsection 1 shall be for terms of four years, except  
36 that two of the initial terms shall be for two years.  
37 Not more than three of the members appointed under  
38 paragraph "b" of subsection 1 shall be of the same  
39 political party.

40 3. The council shall advise the director of the  
41 department on its operations."

42 9. Page 111, by inserting after line 45, the  
43 following:

44 "Sec. 1307. Section 303.5, subsection 2, Code  
45 1985, is amended by adding the following new lettered

46 paragraph:

47 NEW LETTERED PARAGRAPH. c. Buy or receive by  
48 other means historical materials including, but not  
49 limited to, artifacts, art, books, manuscripts and  
50 images. Such materials are not personal property

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1 under section 18.12 and shall be received and cared  
2 for under the rules of the department. The historical  
3 division may sell or otherwise dispose of those  
4 materials according to the rules of the department and  
5 be credited for any revenues credited by the disposal  
6 less the costs incurred.”

7 10. Page 112, by striking line 45 through page

8 113, line 1, and inserting the following:

9 “2. The department may sell mementos and other  
10 items relating to Iowa history and historic sites on  
11 the premises of property under control of the  
12 department and at the state capitol. Notwithstanding  
13 sections 18.12 and 18.16, the department may directly  
14 and independently enter into rental and lease  
15 agreements with private vendors for the purpose of  
16 selling mementos. All fees and income produced by the  
17 sales and rental or lease agreements shall be credited  
18 to the account of the department. The mementos and  
19 other items sold by the department or vendors under  
20 this subsection are exempt from section 18.6. The  
21 department is not a retailer under chapter 422 and the  
22 sale of such mementos and other items by the  
23 department is not a retail sale under chapter 422 and  
24 is exempt from the sales tax.”

25 11. Page 115, line 16, by inserting after the  
26 word “the” the words “historical division of the”.

27 12. Page 115, by inserting after line 27 the  
28 following:

29 “3. The Terrace Hill commission may enter into  
30 contracts, subject to chapter 18, to execute its  
31 purposes.

32 4. Notwithstanding section 303.1B, the commission  
33 may adopt rules to administer and implement the  
34 programs of the commission. The decision of the  
35 commission is final agency action under chapter 17A.”

36 13. Page 119, by striking line 19 and inserting  
37 the words “The arts division”.

38 14. Page 119, line 31, by striking the words  
39 “foundation for” and inserting the words “endowment  
40 for”.

41 15. Page 119, line 32, by striking the words “or  
42 bequests” and inserting the words “bequests, or other

43 funds available”.

44 16. Page 121, by inserting after line 26 the

45 following:

46 “Sec. 1332. Section 303B.6, subsections 2, 9, 10,  
47 and 11, Code Supplement 1985, are amended to read as  
48 follows:

49 2. Subject to the approval of the annual plan of  
50 service by the ~~state library commission~~ director of

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1 the department of cultural affairs, may receive and  
2 expend state appropriated funds.

3 9. Shall develop and adopt, in cooperation with  
4 other members of the regional library system and the  
5 ~~state library of Iowa~~ director of the department of  
6 cultural affairs, a long-range plan for the region.

7 10. Shall prepare, in cooperation with all members  
8 of the regional library system and the ~~state library~~  
9 commission director of the department of cultural  
10 affairs, an annual plan of service.

11 11. Shall provide data and prepare reports as  
12 directed by the ~~state library commission~~ director of  
13 the department of cultural affairs.”

JULIA GENTLEMAN

S-5444

1 Amend the amendment S-5313 to House File 732 as  
2 passed by the House as follows:

3 1. Page 1, by striking line 3, and inserting the  
4 following:

5 “\_\_\_ . Page 1, by striking lines 1 through 7, and  
6 inserting the following:

7 “Sec. \_\_\_ . Section 92.2, unnumbered paragraph 1,  
8 Code 1985, is amended to read as follows:

9 ~~No~~ A person between ten and sixteen years of age  
10 shall ~~not~~ be employed or permitted to work with or  
11 without compensation in connection with any of the  
12 occupations mentioned in section 92.1 unless the  
13 worker complies with all the requirements for the  
14 issuance of work permits. Upon compliance with the  
15 requirements of this chapter, ~~such a~~ person shall be  
16 is entitled to receive from the officer authorized to  
17 issue work permits, a work permit which shall  
18 authorize ~~such the~~ person to engage in the occupations  
19 set forth in section 92.1, work as a migratory laborer  
20 at such a time or times specified in the work permit,

21 between ~~five~~ seven o'clock a.m. and seven-thirty  
22 o'clock p.m., except nine o'clock p.m. June 1 through  
23 Labor Day; ~~provided that,~~  
24 PARAGRAPH DIVIDED. ~~Nothing in~~ However, this  
25 chapter ~~shall be construed to~~ does not prohibit or  
26 restrict ~~such~~ persons from being employed or permitted  
27 to work without ~~such~~ a work permit in or in connection  
28 with the street occupations in cities of less than ten  
29 thousand population and in areas outside the corporate  
30 limits of any city; ~~in any.~~ In a city of ten thousand  
31 or more ~~inhabitants~~ ~~such persons,~~ a person shall  
32 comply with the requirements for the issuance of work  
33 permits as described in this chapter except the filing  
34 of an employer's agreement, but the school record so  
35 required shall certify only that the person is  
36 regularly attending school and that the work in which  
37 the person wishes to engage will not interfere with  
38 the person's progress at school. Upon compliance with  
39 these requirements ~~such a person shall be~~ is entitled  
40 to receive from the officer authorized to issue work  
41 permits a street-occupation permit or badge which  
42 shall authorize ~~such the~~ person to engage in the  
43 street occupations at ~~such a~~ time or times specified  
44 in the work permit between ~~four~~ seven o'clock a.m. and  
45 seven-thirty o'clock p.m. each day during the hours  
46 that the public schools of the city or district where  
47 ~~such the~~ person resides are not in session, except  
48 that during the summer school vacation, ~~such the~~  
49 person may engage in ~~such the~~ occupation until the  
50 hour of ~~eight-thirty~~ nine o'clock p.m.

Page 2

1 Sec. \_\_\_\_ . Section 92.7, Code 1985, is amended to  
2 read as follows:  
3 92.7 UNDER SIXTEEN -- HOURS PERMITTED.  
4 ~~No~~ A person under sixteen years of age shall ~~not~~ be  
5 employed with or without compensation ~~except as~~  
6 ~~provided in section 92.3~~ before the hour of seven  
7 o'clock a.m. or after ~~seven~~ seven-thirty o'clock p.m.,  
8 except during the period from June 1 through Labor Day  
9 when the hours may be extended to nine o'clock p.m.  
10 If ~~such a~~ person is employed for a period of five  
11 hours or more each day, an intermission of not less  
12 than thirty minutes shall be given. ~~No such~~ A person  
13 under sixteen years of age shall ~~not~~ be employed for  
14 more than eight hours in one day, exclusive of  
15 intermission, nor ~~shall such person be employed~~ for  
16 more than forty hours in one week. ~~The~~ However, the  
17 hours of work of persons under sixteen years of age

18 employed outside school hours shall not exceed four in  
19 one day or twenty-eight in one week while school is in  
20 session.””

21 2. Page 1, line 7, by striking the word  
22 “subsection” and inserting the word “subsections”.

23 3. Page 1, by striking line 12 and inserting the  
24 following: “prohibited sexual act commits a simple  
25 misdemeanor.

26 NEW SUBSECTION. 4. A person who employs a child,  
27 knowing or having reason to know that such employment  
28 places the child in risk of being sexually exploited  
29 or increases the potential for sexual exploitation of  
30 the child, commits a simple misdemeanor.””

EDGAR H. HOLDEN

S-5445

1 Amend House File 2386, 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 147.1, subsection 6, Code  
6 Supplement 1985, is amended by adding the following  
7 new lettered paragraph:

8 NEW LETTERED PARAGRAPH. e. The board of trustees  
9 of a licensed hospital when performing a function  
10 relating to the reporting required by section 147.135,  
11 subsection 3.”

12 2. Page 1, by striking lines 4 through 8 and  
13 inserting the following:

14 “NEW SUBSECTION. 2. As used in this subsection,  
15 “peer review records” means all complaint files,  
16 investigation files, reports, and other investigative  
17 information relating to licensee discipline or  
18 professional competence in the possession of a peer  
19 review committee or an employee of a peer review  
20 committee. Peer review records are privileged and  
21 con-”.

22 3. Page 1, by striking lines 11 and 12 and  
23 inserting the following: “an affected licensee or a  
24 peer review committee and are”.

25 4. Page 1, line 15, by inserting after the word  
26 “discipline” the following: “or a proceeding brought  
27 by a licensee who is the subject of a peer review  
28 record and whose competence is at issue”.

29 5. Page 1, line 20, by inserting after the word  
30 “testify” the following: “as to the findings,  
31 recommendations, evaluations, or opinions of the peer

32 review committee”.

33 6. Page 1, by striking lines 22 and 23 and  
34 inserting the following: “discipline or a proceeding  
35 brought by a licensee who is the subject of a peer  
36 review committee meeting and whose competence is at  
37 issue. Information or”.

38 7. Page 1, line 26, by inserting after the word  
39 “to” the following: “or are in the possession of”.

40 8. Page 1, line 32, by inserting after the word  
41 “agency.” the following: “This subsection shall not  
42 preclude the discovery of the identification of  
43 witnesses or documents known to a peer review  
44 committee.”

45 9. Page 2, line 1, by striking the words “court  
46 except that” and inserting the following: “court. In  
47 all cases where privileged and confidential  
48 information under this subsection becomes  
49 discoverable, admissible, or part of a court record”.

50 10. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES  
BEVERLY HANNON, Chairperson

S-5446

1 Amend House File 2293 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 1, by inserting after line 8 the  
4 following new section:  
5 “Sec. \_\_\_\_ . Section 321.456, Code 1985, is amended  
6 to read as follows:  
7 321.456 HEIGHT OF VEHICLES.  
8 ~~No~~ A vehicle unladen or with load shall not exceed  
9 a height of thirteen feet, six inches, except by  
10 permit as provided in this section. Nothing herein  
11 contained This section shall not be construed to  
12 require any railroad or public authorities to provide  
13 sufficient vertical clearance to permit the operation  
14 of such vehicle upon the highways of this state. Any  
15 damage to highways, highway or railroad structures or  
16 underpasses caused by the height of any vehicle  
17 provided for by this section shall be borne by the  
18 operator or owner of ~~such~~ the vehicle. Vehicles  
19 unladen or with load exceeding a height of thirteen  
20 feet, six inches but not exceeding fourteen feet may  
21 be operated with a permit issued by the department or  
22 jurisdictional local authorities. The permits shall  
23 be issued annually for a fee of twenty-five dollars  
24 and subject to rules adopted by the department. The

25 state or a political subdivision shall not be liable  
 26 for damage to any vehicle or its cargo if changes in  
 27 vertical clearance of a structure are made subsequent  
 28 to the issuance of a permit during the term of the  
 29 permit.”

COMMITTEE ON TRANSPORTATION  
 C. JOSEPH COLEMAN, Chairperson

S-5447

1 Amend House File 2280 as passed by the House as  
 2 follows:  
 3 1. Page 1, by striking line 11 and inserting the  
 4 following: “conceals that child, and causes that  
 5 child to be unavailable or causes that child’s  
 6 whereabouts to be unknown to a parent with visitation  
 7 rights or parental time in”.

COMMITTEE ON JUDICIARY  
 DONALD V. DOYLE, Chairperson

S-5448

1 Amend House File 2280, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 “Section 1. Section 598.1, Code 1985, is amended  
 6 by adding the following new subsection:  
 7 **NEW SUBSECTION.** 7. “Joint physical care” means  
 8 either coparenting of the minor child by both parents  
 9 through the joint provision of one home and routine  
 10 care for the child on a daily basis, or alternating  
 11 parenting of the minor child with each parent  
 12 providing a home for the minor child and routine care  
 13 of the child on a daily basis while in that home.”  
 14 2. Page 1, line 6, by inserting after the word  
 15 “care” the following: “, including joint physical  
 16 care as defined in section 598.1.”.  
 17 3. By renumbering as necessary.

RAY TAYLOR

S-5449

- 1 Amend House File 102 as amended, passed, and
- 2 reprinted by the House as follows:

DIVISION S-5449A

- 3 1. Page 1, by striking lines 13 through 15 and
- 4 inserting the following: "thirty-two or more persons,
- 5 retail stores and offices containing one thousand or
- 6 more square feet of floor space, waiting rooms of two
- 7 hundred or more square feet of".

DIVISION S-5449B

- 8 2. Page 4, by inserting after line 14, the
- 9 following:
- 10 "Sec. \_\_\_\_ . NEW SECTION. 98A.7
- 11 The state fire marshal shall annually inspect each
- 12 public place as defined in section 98A.1. The state
- 13 fire marshal may contract with the governing board of
- 14 a local government entity for performance of the
- 15 inspection. The cost of the inspection shall be paid
- 16 by the office of the state fire marshal. The state
- 17 fire marshal shall determine compliance and post a
- 18 notice of compliance in a conspicuous place within the
- 19 public place."

COMMITTEE ON STATE GOVERNMENT  
ROBERT M. CARR, Chairperson

S-5450

- 1 Amend House File 2417 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 1, by striking lines 14 through 20.

RAY TAYLOR

S-5451

- 1 Amend House File 2417 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 1, line 18, by striking the words "of a"
- 4 and inserting in lieu thereof a period.
- 5 2. Page 1, by striking lines 19 and 20.

RAY TAYLOR

S-5452

- 1 Amend amendment S-5400 to Senate File 2248 as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "substituted" the following: "when at least a portion
- 5 of the cost of the drug is reimbursed or paid for by a
- 6 governmental assistance program".

ARNE WALDSTEIN  
CALVIN HULTMAN

S-5453

- 1 Amend House File 2286 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word "of" and
- 4 inserting the following: "for".

COMMITTEE ON EDUCATION  
LARRY MURPHY, Chairperson

S-5454

- 1 Amend House File 2154 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, lines 12 and 13, by striking the words
- 4 "Minnesota, Wisconsin, Illinois, or Missouri" and
- 5 inserting the words "Wisconsin or Illinois".
- 6 2. Page 1, line 18, by striking the words
- 7 "between Missouri and this state,".
- 8 3. Page 1, by inserting after line 23 the
- 9 following:
- 10 "Sec. 3. This Act, being deemed of immediate
- 11 importance, shall take effect from and after its
- 12 publication in the Muscatine Journal, a newspaper
- 13 published in Muscatine, Iowa and in the North Iowa
- 14 Times, a newspaper published in McGregor, Iowa."

COMMITTEE ON NATURAL RESOURCES  
HURLEY HALL, Chairperson

S-5455

- 1 Amend Senate File 2243 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:

4 "Section 1. NEW SECTION. 455B.396 PRIORITY CLAIM  
5 OF STATE.

6 Liability to the state under this part or part 5 of  
7 this division is a debt to the state. The debt,  
8 together with interest on the debt at the maximum  
9 lawful rate of interest permitted pursuant to section  
10 535.2, subsection 3, paragraph "a" from the date costs  
11 and expenses are incurred by the department is a lien  
12 on real property, except single and multi-family  
13 residential property, on which the department incurs  
14 costs and expenses creating a liability and owned by  
15 the persons liable under this part or part 5. To  
16 perfect the lien a statement of claim describing the  
17 property subject to the lien, signed by the executive  
18 director and approved by the commission must be filed  
19 within one hundred twenty days after the incurrence of  
20 costs and expenses by the department. The statement  
21 shall be filed with, accepted by, and recorded by the  
22 county recorder in the county in which the property  
23 subject to the lien is located. The statement of  
24 claim may be amended to include subsequent  
25 liabilities. To be effective the statement of claim  
26 shall be amended and filed within one hundred twenty  
27 days after the occurrence of the event resulting in  
28 the amendment.

29 The lien may be dissolved by filing with the  
30 appropriate recording officials a certificate, signed  
31 by the executive director, that the debt for which the  
32 lien is attached, together with interest and costs on  
33 the debt, has been paid or legally abated.

34 Sec. 2. NEW SECTION. 455B.397 FINANCIAL  
35 DISCLOSURE.

36 Immediately upon the incurrence of any liability to  
37 the state under this part, the debtor shall submit to  
38 the executive director a report consisting of  
39 documentation of the debtor's liabilities and assets,  
40 including if filed, a copy of the annual report  
41 submitted to the secretary of state pursuant to  
42 chapter 496. A subsequent report pursuant to this  
43 section shall be submitted annually on April 15 for  
44 the life of the debt.

45 Sec. 3. Section 455B.430, Code 1985, is amended by  
46 adding the following new subsection:

47 NEW SUBSECTION. 5. Immediately upon the listing  
48 of real property in the registry of abandoned or  
49 uncontrolled disposal sites, a person liable for  
50 cleanup costs shall submit to the executive director a

## Page 2

1 report consisting of documentation of the responsible  
2 person's liabilities and assets, including if filed, a  
3 copy of the annual report submitted to the secretary  
4 of state pursuant to chapter 496. A subsequent report  
5 pursuant to this section shall be submitted annually  
6 on April 15 for the period the site remains on the  
7 registry."

MILO COLTON

S-5456

1 Amend Senate File 2274 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 99E.10, subsection 2, Code  
5 Supplement 1985, is amended to read as follows:  
6 2. Funds transferred to the Iowa plan fund shall  
7 be used for economic development initiatives. As used  
8 in this subsection "economic development initiatives"  
9 means initiatives which encourage development of  
10 capital, research and development of new products, and  
11 development of jobs in this state by expanding  
12 existing business and industry; upgrade academic  
13 institutions in order to maintain and attract business  
14 and industry, creating new businesses and industries;  
15 encourage the conservation of energy in order to  
16 create new jobs and attract new business and industry;  
17 develop alternate methods for the disposal of solid or  
18 hazardous waste; develop markets for products grown or  
19 produced or manufactured in the state including the  
20 promotion of Iowa and Iowa products; and make grants  
21 and loans available to local communities for local  
22 economic development initiatives. "Economic  
23 development initiatives" includes "economic  
24 development projects" which, as used in this  
25 subsection, means a project which creates a new  
26 business or expands an existing business within the  
27 state of Iowa. "Economic development initiatives"  
28 does not include providing loans, grants, bonds, or  
29 any other incentive or assistance for the construction  
30 of a racetrack or other facility where gambling will  
31 be permitted.  
32 Sec. 2. 1985 Iowa Acts, chapter 33, section 301,  
33 subsection 1, unnumbered paragraph 1, is amended to  
34 read as follows:  
35 This division shall be construed broadly in order

36 to facilitate achievement of its purposes. The  
37 general assembly finds and declares that a continuing  
38 need for programs to alleviate and prevent adverse  
39 economic conditions exists in this state, and that it  
40 is accordingly necessary to create and expand  
41 businesses, including agricultural businesses, to  
42 strengthen and revitalize the state's economy. In  
43 order to provide the means and incentives for  
44 encouragement, development, and assistance of  
45 industrial, commercial, and agricultural enterprises,  
46 specific accounts are created within the Iowa fund.  
47 The treasurer of state shall, for the fiscal year  
48 beginning July 1, 1985 and ending June 30, 1986, make  
49 allotments of the moneys within the Iowa plan fund for  
50 economic development created in section 99E.10 to

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1 separate accounts within that fund as follows:  
2 Sec. 3. 1985 Iowa Acts, chapter 33, section 302,  
3 subsection 2, paragraph c, is amended to read as  
4 follows:  
5 c. ~~Grants and loans~~ Loans to aid in economic  
6 development.  
7 Sec. 4. 1985 Iowa Acts, chapter 33, section 302,  
8 subsection 2, is amended by adding the following new  
9 lettered paragraph:  
10 **NEW LETTERED PARAGRAPH.** f. Grants to economic  
11 development projects, as defined in section 99E.10,  
12 subsection 2, if at least fifty percent of the total  
13 cost of the project is paid from sources other than  
14 the Iowa plan fund. If a project involves purchase or  
15 improvement of real property, a grant may be made only  
16 if the property is located in the state of Iowa.”  
17 2. Title page, by striking lines 1 and 2 and  
18 inserting the following: “An Act relating to the  
19 provision of grants intended to facilitate the  
20 establishment of businesses within this state.”

ARTHUR A. SMALL, Jr.

S-5457

1 Amend House File 2414 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 109.38, Code 1985, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 4. If the commission determines  
 8 that there is a surplus of deer or wild turkey, the  
 9 commission shall decide to provide the opportunity for  
 10 residents to purchase a second deer or wild turkey  
 11 license at a fee not to exceed fifty dollars  
 12 authorizing the taking of a second deer or wild turkey  
 13 before offering nonresident licenses for deer or wild  
 14 turkey for sale. If the commission determines that a  
 15 surplus of deer exist in a hunting zone, the  
 16 commission shall allow a person issued a deer hunting  
 17 license under section 110.24 in that zone to purchase  
 18 an additional deer hunting license issued under this  
 19 section for that zone which will allow the taking of a  
 20 second deer.

21 Sec. 2. Section 109.38, subsections 2 and 3, Code  
 22 1985, are amended to read as follows:

23 2. If following an investigation the commission  
 24 finds that the number of hunters licensed to take deer  
 25 or wild turkey should be limited, further regulated,  
 26 or expanded, the commission shall conduct a drawing to  
 27 determine which applicants receive a license. If  
 28 further deer depopulation is warranted in localized  
 29 areas, the commission shall consider additional  
 30 hunting days and additional any-sex deer licenses  
 31 shall be issued for those areas. Applications for  
 32 licenses shall be received and accepted during a  
 33 forty-five day period established by the commission.  
 34 At the end of the period the drawing shall be  
 35 conducted. If the quota has not been filled, licenses  
 36 shall be issued in the order in which applications are  
 37 received and shall continue to be issued until the  
 38 quota has been met or until a date fifteen days prior  
 39 to the opening day of the season, whichever first  
 40 occurs. If an applicant receives a deer license which  
 41 is more restrictive than licenses issued to others for  
 42 the same period and place, the applicant shall receive  
 43 a certificate with the license entitling the applicant  
 44 to priority in the drawing for the less restrictive  
 45 deer licenses the following year. The certificate  
 46 must accompany that person's application the following  
 47 year, or the applicant will not receive this priority.  
 48 Persons Except as provided in subsection 4, persons  
 49 purchasing a deer license for the gun season under  
 50 this section and under section 110.1 are not eligible

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1 for a gun deer-hunting license under section 110.24.  
 2 This subsection does not apply to the hunting of wild  
 3 turkey on game breeding and shooting preserves

4 licensed under chapter 110A.

5 3. The commission shall issue a special turkey  
6 hunting license to either the owner or the tenant of a  
7 farm unit or a member of the owner's or tenant's  
8 immediate family if the person makes a written  
9 application to the commission and pays the fee  
10 provided for the regular turkey hunting license. The  
11 special license is valid only for hunting on the farm  
12 unit of the owner or tenant. Only one special license  
13 may be issued for a farm unit. The application must  
14 contain the consent of the owner if the tenant or  
15 tenant's family member applies for the license. ~~A~~  
16 Except as provided in subsection 4, a person  
17 purchasing a regular turkey hunting license is not  
18 eligible to purchase a special license under this  
19 subsection. Applications for the special turkey  
20 licenses must be received by the commission at least  
21 thirty days prior to the opening of the turkey hunting  
22 season. The special turkey hunting licensees are  
23 subject to all other laws regarding the hunting of  
24 turkeys."

25 2. Page 2, line 29, by inserting after the word  
26 "contiguous" the words "but located in the county of  
27 residence or an adjoining county".

28 3. Page 3, by striking line 12 and inserting the  
29 following: "commission, one of the following persons  
30 in each of the following categories who resides upon  
31 the".

32 4. Page 3, by striking lines 15 through 19 and  
33 inserting the following:

34 "1. The owner of a farm unit; or member of the  
35 owner's family.

36 ~~2. One member of the family of the farm owner; or~~

37 ~~3. 2. The tenant residing on the farm unit; or~~  
38 member of the tenant's family.

39 ~~4. One member of the family of the tenant, who~~  
40 ~~resides on the farm unit."~~

41 5. Page 4, by striking lines 8 through 21.

42 6. By striking page 4, line 35 through page 5,  
43 line 6.

COMMITTEE ON NATURAL RESOURCES  
HURLEY HALL, Chairperson

S-5458

1 Amend House File 2454, as amended, passed, and  
2 reprinted by the House, as follows:

## DIVISION S-5458A

- 3 1. Page 1, by striking lines 13 through 26 and  
4 inserting the following:  
5 "20. "Guardian ad litem" means a person appointed,  
6 lay or professional, who accepts an appointment by the  
7 court to represent advocate for and protect the best  
8 interests of the a child in any judicial proceeding to  
9 which the child is a party."
- 10 2. By striking page 1, line 31 through page 2,  
11 line 7 and inserting the following: "simple  
12 misdemeanors if committed by an adult, violations of  
13 county or municipal curfew or traffic ordinances, and  
14 violations by a child of the provisions of section  
15 123.47, are excluded from the jurisdiction of the  
16 juvenile court and shall be prosecuted as simple  
17 misdemeanors as provided by law. Convicted child  
18 offenders shall be sentenced pursuant to section  
19 903.1. The court may advise appropriate juvenile  
20 authorities and may refer violations of section 123.47  
21 to the juvenile court when there is reason to believe  
22 that the child regularly abuses alcohol and may be in  
23 need of treatment. The court shall notify the parents  
24 or legal guardians of a child that appears before it  
25 for a violation of section 123.47."
- 26 3. Page 2, by striking lines 8 through 16.
- 27 4. Page 3, by striking line 2, and inserting the  
28 following: "safety of others in the a facility; and  
29 or place enumerated in paragraph "a" or "b" of this  
30 subsection which is available."

## DIVISION S-5458B

- 31 5. Page 5, line 7, by striking the word "allege"  
32 and inserting the following: "contain a clear and  
33 concise summary of the facts alleging".
- 34 6. Page 5, line 26, by striking the word "finds"  
35 and inserting the following: "concludes that  
36 sufficient facts have been established by clear and  
37 convincing evidence to find".
- 38 7. Page 6, line 29, by inserting after the word  
39 "placement" the following: "in shelter care".
- 40 8. Page 7, line 7, by striking the word "finds"  
41 and inserting the following: "concludes that  
42 sufficient facts have been established by clear and  
43 convincing evidence to find".
- 44 9. Page 7, by striking lines 15 through 17 and  
45 inserting the following: "in staff secure shelter  
46 care, in which reasonable restrictions necessary to  
47 ensure the child's continued custody through staff

48 security measures are applied, for more than a total  
49 of thirty days.”

DIVISION S-5458A (cont'd.)

50 10. By striking page 7, line 26 through page 8,

**Page 2**

DIVISION S-5458A (cont'd.)

- 1 line 4.  
2 11. Page 9, line 18, by striking the word “or”.  
3 12. Page 9, line 19, by inserting after the word  
4 “ordinance,” the following: “or a violation of  
5 section 123.47.”  
6 13. By striking page 9, line 26 through page 10,  
7 line 14.  
8 14. Page 10, by inserting after line 14 the  
9 following:  
10 “Sec. \_\_\_\_ . GUARDIAN AD LITEM SERVICES. The  
11 judicial department shall establish qualifications and  
12 programs, either locally or statewide, for the  
13 provision of guardian ad litem services to children.  
14 The judicial department shall clarify the differences  
15 between an attorney functioning as a child’s legal  
16 counsel, a guardian ad litem, and a court-appointed  
17 volunteer.”  
18 15. By renumbering as necessary.

COMMITTEE ON JUDICIARY  
DONALD V. DOYLE, Chairperson

S-5459

- 1 Amend House File 2455 as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 3, line 15, by striking the word “five”  
4 and inserting the word “ten”.  
5 2. Page 3, line 32, by striking the word “five”  
6 and inserting the word “ten”.

COMMITTEE ON JUDICIARY  
DONALD V. DOYLE, Chairperson

S-5460

1 Amend House File 2349 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 1, lines 7 and 8, by striking the words  
4 "~~twenty-five thirty~~" and inserting the following:  
5 "twenty-five".

6 2. Page 1, line 30, by inserting after the word  
7 "elapsed." the following: "A license shall not be  
8 issued to an individual whose previous license issued  
9 under this chapter or chapter 123 has been revoked  
10 until the period of revocation or revocations has  
11 elapsed. This prohibition applies even though the  
12 individual has created a different legal entity than  
13 the one to which the previous license that had been  
14 revoked was issued."

15 3. By striking page 4, line 5, through page 5,  
16 line 10.

17 4. Renumber as necessary.

WILLIAM W. DIELEMAN

S-5461

1 Amend Senate File 2266 as follows:

2 1. Page 1, by inserting after line 20 the  
3 following:

4 "NEW SUBSECTION. 10. "On-line real time basis"  
5 means the immediate and instantaneous delivery of  
6 return of an individual message through transmission  
7 of electronic impulses.

8 NEW SUBSECTION. 11. "Batch basis" means the  
9 periodic delivery of an accumulation of messages  
10 representing electronic funds transfer transactions  
11 authorized or rejected at a prior time."

12 2. Page 2, by striking lines 20 through 35 and  
13 inserting the following:

14 "NEW SUBSECTION. 9. Satellite terminals located  
15 in this state shall be directly connected to either of  
16 the following:

17 a. A central routing unit licensed pursuant to  
18 this chapter.

19 b. A data processing center which is directly  
20 connected to a central routing unit licensed pursuant  
21 to this chapter.

22 If a data processing center which is directly  
23 connected to a satellite terminal located in this  
24 state does not authorize a transaction originated at

25 that terminal, the transaction shall be immediately  
26 transmitted by the data processing center to a central  
27 routing unit licensed pursuant to this chapter, unless  
28 either the transaction is not authorized because of a  
29 mechanical failure of the data processing center or  
30 satellite terminal, or the transaction does not relate  
31 to a deposit account held by a financial institution  
32 with its principal office in this state.

33 This subsection does not limit the authority of a  
34 data processing center to authorize or reject  
35 transactions requested by customers of a financial  
36 institution pursuant to an agreement in which the data  
37 processing center authorizes transactions on behalf of  
38 the financial institution and provides to the  
39 financial institution, on a batch basis and not on an  
40 on-line real time basis, information concerning  
41 authorized or rejected transactions of customers of  
42 the financial institution."

43 3. Renumber as necessary.

PATRICK J. DELUHERY

S-5462

1 Amend House File 2219 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 6, by inserting after line 18 the  
4 following:

5 "Sec. \_\_\_\_ Chapter 514B, Code 1985, is amended by  
6 adding the following new sections:

7 **NEW SECTION. 514B.33 PEER REVIEW COMMITTEES.**

8 The boards of examiners under chapters 148, 150,  
9 150A, 151, and 153 shall establish or designate peer  
10 review committees of licensees under the respective  
11 chapters, selected from licensees who have practiced  
12 in Iowa for at least the previous five years, for the  
13 purposes of utilization review of the appropriateness  
14 of levels of treatment and of giving opinions as to  
15 the reasonableness of charges for diagnostic or  
16 treatment services of licensees. Persons governed by  
17 the various chapters of Title XX of the Code and self  
18 insurers for health care benefits to employees are  
19 authorized to utilize the services of the peer review  
20 committees upon the payment of a reasonable fee for  
21 the services, to be determined by the respective  
22 boards of examiners. The respective boards of  
23 examiners under chapters 148, 150, 151, and 153 shall  
24 adopt rules necessary and proper for the  
25 implementation of this section pursuant to chapter

26 17A. It is the intent of this general assembly that  
 27 conduct of the peer review committees authorized under  
 28 this section shall be exempt from challenge under  
 29 federal or state antitrust laws or other similar laws  
 30 in regulation of trade or commerce.  
 31 NEW SECTION. 514B.34 UTILIZATION AND COST  
 32 CONTROL.  
 33 Nothing contained in the chapters of Title XX of  
 34 the Code shall be construed to prohibit or discourage  
 35 insurers, nonprofit service corporations, health  
 36 maintenance organizations, or self insurers for health  
 37 care benefits to employees from providing payments of  
 38 benefits or providing care and treatment under  
 39 capitated payment systems, prospective reimbursement  
 40 rate systems, utilization control systems, incentive  
 41 systems for the use of least restrictive and least  
 42 costly levels of care, preferred provider contracts  
 43 limiting choice of specific provider, or other systems  
 44 designed to contain costs without sacrificing care or  
 45 treatment outcome, provided these systems do not limit  
 46 or make optional payment or reimbursement for health  
 47 care services on a basis solely related to the license  
 48 under or the practices authorized by chapter 151 or on  
 49 a basis that is dependent upon a method of  
 50 classification, categorization, or description based

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1 upon differences in terminology used by different  
 2 licensees under the chapters of Title VIII of the Code  
 3 in describing human ailments or their diagnosis or  
 4 treatment.”

COMMITTEE ON COMMERCE  
 GEORGE R. KINLEY, Chairperson

S-5463

1 Amend House File 2457 as amended, passed and  
 2 reprinted by the House as follows:

## DIVISION S-5463A

3 1. By striking page 5, line 30 through page 6,  
 4 line 16.

## DIVISION S-5463D

5 2. Page 6, by striking lines 17 through 19.

## DIVISION S-5463B

6 3. Page 16, by striking lines 19 through 32.

## DIVISION S-5463C

7 4. Page 19, by striking line 19.

## DIVISION S-5463B (cont'd.)

8 5. Page 19, by striking lines 20 through 25 and  
9 inserting the following:  
10 "Sec. \_\_\_\_ . Section 33 takes effect January 1, 1988  
11 and the remaining sections take effect".

COMMITTEE ON STATE GOVERNMENT  
ROBERT CARR, Chairperson

## S-5464

1 Amend Senate File 2144 as follows:  
2 1. Page 1, lines 12 through 19, by striking the  
3 words "If a refund is payable to the taxpayer under  
4 this chapter and the refund is not paid to the  
5 taxpayer within sixty days after the date upon which  
6 the refund is payable, the department shall pay  
7 interest on the amount of the refund due at the rate  
8 in effect under section 421.7 counting each fraction  
9 of a month as an entire month, computed from the date  
10 the refund is payable." and inserting the words "If  
11 the amount of the tax as determined by the appropriate  
12 state agency is less than the amount paid, the excess  
13 shall be refunded with interest, the interest to begin  
14 to accrue on the first day of the third calendar month  
15 following the date of payment or the date the return  
16 was due to be filed or was filed, whichever is the  
17 latest, at the rate in effect under section 421.7  
18 counting each fraction of a month as an entire month  
19 under the rules prescribed by the appropriate state  
20 agency."

COMMITTEE ON WAYS AND MEANS  
WILLIAM D. PALMER, Chairperson

## S-5465

1 Amend House File 2348 as amended, passed, and  
2 reprinted by the House as follows:

3 1. By striking page 1, line 31 through page 2,  
 4 line 11 and inserting the following: "water sold in  
 5 this state shall have the words "Meets all F.D.A.  
 6 standards" printed clearly and conspicuously on its  
 7 label."

MICHAEL E. GRONSTAL

S-5466

1 Amend amendment S-5461 to Senate File 2266 as  
 2 follows:  
 3 1. Page 1, line 5, by striking the word "of" and  
 4 inserting in lieu thereof the word "or".

PATRICK J. DELUHERY

S-5467

1 Amend House File 2409, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 17, by inserting after the word  
 4 "parent." the following: "However, if the  
 5 circumstances described in subsection 2 or 3, or both,  
 6 but not in subsection 1, are applicable, the petition  
 7 shall not be granted unless the petitioning  
 8 grandparent had established a substantial relationship  
 9 with the child prior to the filing of the petition."

BEVERLY A. HANNON

S-5468

1 Amend House File 2466 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 10, line 20, by striking the word  
 4 "another" and inserting the word "a".  
 5 2. Page 10, by inserting after line 30 the  
 6 following:  
 7 "NEW SUBSECTION. 10. "On-line real time basis"  
 8 means the immediate and instantaneous delivery or  
 9 return of an individual message through transmission  
 10 of electronic impulses.  
 11 NEW SUBSECTION. 11. "Batch basis" means the  
 12 periodic delivery of an accumulation of messages  
 13 representing electronic funds transfer transactions  
 14 authorized or rejected at a prior time."

15 3. By striking page 10, line 32 through page 11,  
16 line 27 and inserting the following: "1985, is  
17 amended by striking the paragraph and inserting in  
18 lieu thereof the following:

19 a. A financial institution may establish any  
20 number of satellite terminals in any of the following  
21 locations:

22 (1) Within the boundaries of a municipal  
23 corporation if the principal place of business or an  
24 office of the financial institution is also located  
25 within the boundaries of the municipal corporation.

26 (2) Within an urban complex composed of two or  
27 more Iowa municipal corporations each of which is  
28 contiguous to or corners upon at least one of the  
29 other municipal corporations within the complex if the  
30 principal place of business or an office of the  
31 financial institution is also located in the urban  
32 complex.

33 (3) Within the unincorporated area of a county in  
34 which the financial institution has its principal  
35 place of business or an office if another financial  
36 institution does not have its principal place of  
37 business or an office located within a one-mile radius  
38 of the proposed location of the satellite terminal.

39 (4) Within a municipal corporation located in the  
40 same county as the principal place of business or an  
41 office of the financial institution if another  
42 financial institution has not located its principal  
43 place of business or an office within the municipal  
44 corporation.

45 A financial institution shall not establish a  
46 satellite terminal at any other location except  
47 pursuant to an agreement with a financial institution  
48 which is authorized by this paragraph "a" to establish  
49 a satellite terminal at that location and which will  
50 utilize the satellite terminal at that location. If

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1 any court or banking regulatory agency of this state  
2 or of the United States finds that this paragraph or  
3 any part of this paragraph directly or indirectly  
4 amends, supersedes, or modifies in any manner a  
5 provision of this chapter which restricts the number  
6 of or the locations at which bank offices may be  
7 established by a state or national bank, then this  
8 paragraph or any severable part of this paragraph upon  
9 which the finding is based shall be void and of no  
10 further force or effect."

11 4. Page 11, by striking lines 29 and 30 and

12 inserting the following: "the following new  
13 subsection:".

14 5. By striking page 11, line 31 through page 12,  
15 line 11 and inserting the following:

16 "NEW SUBSECTION. 9. Satellite terminals located  
17 in this state shall be directly connected to either of  
18 the following:

19 a. A central routing unit licensed pursuant to  
20 this chapter.

21 b. A data processing center which is directly  
22 connected to a central routing unit licensed pursuant  
23 to this chapter.

24 If a data processing center which is directly  
25 connected to a satellite terminal located in this  
26 state does not authorize a transaction originated at  
27 that terminal, the transaction shall be immediately  
28 transmitted by the data processing center to a central  
29 routing unit licensed pursuant to this chapter, unless  
30 either the transaction is not authorized because of a  
31 mechanical failure of the data processing center or  
32 satellite terminal, or the transaction does not relate  
33 to a deposit account held by a financial institution  
34 with its principal office in this state.

35 This subsection does not limit the authority of a  
36 data processing center to authorize or reject  
37 transactions requested by customers of a financial  
38 institution pursuant to an agreement in which the data  
39 processing center authorizes transactions on behalf of  
40 the financial institution and provides to the  
41 financial institution, on a batch basis and not on an  
42 on-line real time basis, information concerning  
43 authorized or rejected transactions of customers of  
44 the financial institution."

45 6. Page 12, line 17, by striking the word "any"  
46 and inserting the following: "any a".

47 7. Page 13, by inserting after line 1 the  
48 following:

49 "Sec. \_\_\_\_ . Section 527.9, Code 1985, is amended by  
50 adding the following new subsection:

**Page 3**

1 **NEW SUBSECTION. 5. a. Effective July 1, 1986, a**  
2 **person owning or operating a central routing unit**  
3 **authorized under this section shall include public**  
4 **representation on any board setting policy for the**  
5 **central routing unit. Four public members shall be**  
6 **appointed to the board in the following manner:**  
7 **(1) Two members shall be appointed by the**  
8 **superintendent of banking.**

9 (2) One member shall be appointed by the  
10 administrator of the credit union department.

11 (3) One member shall be appointed by the  
12 supervisor of savings and loan associations.

13 b. The superintendent of banking, administrator of  
14 the credit union department, and the supervisor of  
15 savings and loan associations shall form a committee  
16 to set, in conjunction with the entity owning or  
17 operating the central routing unit, the term of  
18 office, the rate of compensation, and the rate of  
19 reimbursement for each public member. However, the  
20 public members shall be entitled to reasonable  
21 compensation and reimbursement from the board.

22 c. Each public member is entitled to all the  
23 rights of participation and voting as any other member  
24 of the board. The public members are to represent the  
25 interest of consumers and the business and  
26 agricultural communities in establishing policies for  
27 the central routing unit.

28 d. It is the intention of the general assembly  
29 that the ratio of public members to the overall  
30 membership of the board shall not be less than one  
31 public member for each seven members of the board. If  
32 the number of members on the board is increased, then  
33 the number of members appointed pursuant to paragraph  
34 "b" shall be increased to maintain the minimum ratio.  
35 In this event, a committee composed of the  
36 superintendent of banking, the administrator of credit  
37 unions, and the supervisor of savings and loan  
38 associations shall appoint additional public members  
39 in order to maintain the minimum ratio.

40 e. An individual shall not be appointed as a  
41 public member pursuant to this subsection if the  
42 individual is directly employed by a financial  
43 institution doing business in this state."

44 8. Renumber as necessary.

PATRICK J. DELUHERY

S-5469

1 Amend House File 2349 as amended, passed, and  
2 reprinted by the House as follows:

3 1. By striking page 1, line 11 through page 2,  
4 line 2 and inserting the following:

5 "1. The department is the agency responsible for  
6 issuing a license required by this chapter. A license  
7 shall not be issued, except upon submission to the  
8 department of an application on forms furnished by the

9 department, and the required license fee. A license  
 10 may be issued to an eligible applicant. However, a  
 11 license shall not be issued to an applicant who has  
 12 been convicted of or pled guilty to a violation of  
 13 this chapter, or who has been convicted of or pled  
 14 guilty to a violation of chapter 123 that resulted, at  
 15 any time, in revocation of a license issued to the  
 16 applicant under chapter 123 or that resulted, within  
 17 the twelve months preceding the date of application  
 18 for a license required by this chapter, in suspension  
 19 of a license issued under chapter 123. To be eligible  
 20 for a two year license under section 99B.7, an  
 21 organization shall have been in existence at least  
 22 five years prior to the date of issuance of the  
 23 license. However, an organization which has been in  
 24 existence for less than five years prior to the date  
 25 of issuance of the license may obtain a two-year  
 26 license if either of the following conditions apply:  
 27     a. That prior to July 1, 1984, the organization  
 28 was licensed under this subsection.  
 29     b. If the organization is a local chapter of a  
 30 national organization, then the local organization is  
 31 eligible for a two-year license if the national  
 32 organization has been in existence at least two years.  
 33 A license also shall not be issued for a location for  
 34 which a previous license issued under this chapter or  
 35 chapter 123 has been revoked within the preceding two  
 36 years until the period of the revocation or  
 37 revocations has elapsed. Except as otherwise provided  
 38 in this chapter, a license is valid for a period of  
 39 two years from the date of issue. The license fee is  
 40 not refundable, but shall be returned to the applicant  
 41 if an application is not approved. When a bingo  
 42 license has been issued by the department the licensee  
 43 shall be notified by the department of the renewal  
 44 date for the license ten days prior to that date.”  
 45 2. Page 2, line 19, by striking the word and  
 46 letters “d and g” and inserting the following: “b, d,  
 47 e, and g”.  
 48 3. Page 2, by inserting after line 20 the  
 49 following:  
 50 “b. The sponsor of the fair or the qualified

## Page 2

1 organization has submitted a license application and a  
 2 fee of ~~fifteen~~ thirty dollars for each raffle, has  
 3 been issued a license, and prominently displays the  
 4 license at the drawing area of the raffle.”  
 5 4. Page 2, by inserting after line 23 the

6 following:

7 "e. Cash Except with respect to an annual raffle  
8 as provided in paragraph "g", cash prizes are not  
9 awarded and merchandise prizes are not repurchased."

10 5. Page 2, line 29, by inserting after the word  
11 "per" the following: "calendar".

12 6. Page 2, line 29, by striking the word  
13 "merchandise" and inserting the following:  
14 "merchandise".

15 7. Page 2, by striking lines 30 through 32 and  
16 inserting the following: "value not greater than ten  
17 twenty thousand dollars as may be awarded. If the  
18 prize is merchandise, its value shall be determined by  
19 the purchase price paid by the fair may be awarded  
20 sponsor or qualified organization."

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

23 "Sec. \_\_\_\_ . Section 99B.6, subsection 1, unnumbered  
24 paragraph 1, Code 1985, as amended by 1986 Iowa Acts,  
25 House File 2017, section 1, is amended to read as  
26 follows:

27 Except as provided in ~~subsection~~ subsections 5 and  
28 6, gambling is unlawful on premises for which a class  
29 "A", class "B", class "C", or class "D" liquor control  
30 license, or class "B" beer permit has been issued  
31 pursuant to chapter 123 unless all of the following  
32 are complied with:"

33 9. Page 3, by inserting after line 10 the  
34 following:

35 "Sec. \_\_\_\_ . Section 99B.6, Code 1985, as amended by  
36 1986 Iowa Acts, House File 2017, sections 1 and 2, is  
37 amended by adding the following new subsection:  
38 NEW SUBSECTION. 6. A qualified organization may  
39 conduct games of skill, games of chance, or raffles  
40 pursuant to section 99B.7 in an establishment that  
41 serves or sells alcoholic beverages, wine, or beer as  
42 defined in section 123.3 if the alcoholic beverage,  
43 wine, or beer is not served at any time while the  
44 games are being conducted on the premises."

45 10. Page 3, line 11, by striking the word and  
46 letter "paragraph m" and inserting the following:  
47 "paragraphs c, d, and m".

48 11. Page 3, line 12, by striking the word "is"  
49 and inserting the following: "are".

50 12. Page 3, by inserting after line 12 the

## Page 3

1 following:

2 "c. Cash or merchandise prizes may be awarded in  
3 the game of bingo and shall not exceed one hundred  
4 dollars. Merchandise prizes may be awarded in the  
5 game of bingo; however, the actual retail value of the  
6 prize, or if the prize consists of more than one item,  
7 unit or part, the aggregate retail value of all items,  
8 units or parts, shall not exceed one hundred dollars.  
9 A jackpot bingo game may be conducted once during any  
10 twenty-four hour period in which the prize may be  
11 increased by not more than one hundred dollars after  
12 each day's game. However, the cost of play in a  
13 jackpot bingo game shall not be increased and the  
14 jackpot shall not amount to more than five hundred  
15 dollars in cash or actual retail value of merchandise  
16 prizes. A jackpot bingo game is not prohibited by  
17 paragraph "h". The aggregate retail value of any  
18 merchandise or cash awarded at a bingo occasion shall  
19 not exceed two thousand two hundred fifty dollars with  
20 a maximum of five hundred dollars in value for any one  
21 game. A bingo occasion shall not last for longer than  
22 four consecutive hours. A qualified organization  
23 shall not hold more than fourteen bingo occasions per  
24 month. Bingo occasions held under a limited license  
25 shall not be counted in determining whether a  
26 qualified organization has conducted more than  
27 fourteen bingo occasions per month, nor shall bingo  
28 occasions held under a limited license be limited to  
29 four consecutive hours. With the exception of a  
30 limited license bingo, or as permitted pursuant to  
31 section 99B.9A, no more than three bingo occasions per  
32 week shall be held within a structure or building and  
33 only one person licensed to conduct games under this  
34 section may hold bingo occasions within a structure or  
35 building.

36 **PARAGRAPH DIVIDED.** However, a qualified  
37 organization, which is a senior citizens' center or a  
38 residents' council at a senior citizen housing project  
39 or a group home, may hold more than fourteen bingo  
40 occasions per month and more than three bingo  
41 occasions per week within the same structure or  
42 building, and bingo occasions conducted by such a  
43 qualified organization may last for longer than four  
44 consecutive hours, if the majority of the patrons of  
45 the qualified organization's bingo occasions also  
46 participate in other activities of the senior  
47 citizens' center or are residents of the housing  
48 project. At the conclusion of each bingo occasion,

49 the person conducting the game shall announce both the  
50 gross receipts received from the bingo occasion and

**Page 4**

1 the use permitted under subsection 3, paragraph "b",  
2 to which the net receipts of the bingo occasion will  
3 be dedicated and distributed.

4 d. Cash prizes shall not be awarded in games other  
5 than bingo. The actual retail value of any  
6 merchandise prizes shall not exceed fifty dollars and  
7 merchandise prizes shall not be repurchased. However,  
8 one raffle may be conducted ~~in a twelve-month period~~  
9 per calendar year at which a ~~merchandise~~ prize having  
10 a value not greater than ~~ten~~ twenty thousand dollars  
11 ~~as determined by purchase price paid by the~~  
12 ~~organization or donor~~ may be awarded. If the prize is  
13 merchandise, its value shall be determined by purchase  
14 price paid by the organization or donor."

15 13. Page 5, by inserting after line 10 the  
16 following:

17 "Sec. \_\_\_\_ . Section 99B.9A, Code 1985, is amended  
18 to read as follows:

19 99B.9A EXCEPTIONS FOR CERTAIN AREAS.

20 The department may, at its discretion, allow a  
21 qualified organization under section 99B.7 to hold a  
22 game of bingo in a building where another qualified  
23 organization also holds a game of bingo or where the  
24 building is adjacent, but not intraconnected, with an  
25 establishment holding a liquor license ~~and the~~  
26 ~~building is located in a municipality of a recorded~~  
27 ~~census of less than two thousand people and the~~  
28 ~~municipality is not located adjacent to another~~  
29 ~~municipality."~~

30 14. Renumber as necessary.

JOE WELSH  
JACK RIFE  
WALLY E. HORN

S-5470

1 Amend amendment S-5469 to House File 2349 as  
2 amended, passed and reprinted by the House as  
3 follows:

4 1. Page 1, line 37, by inserting after the word  
5 "elapsed." the following: "A license shall not be  
6 issued to an individual whose previous license issued  
7 under this chapter or chapter 123 has been revoked

8 until the period of revocation or revocations has  
9 elapsed. This prohibition applies even though the  
10 individual has created a different legal entity than  
11 the one to which the previous license that had been  
12 revoked was issued."

WILLIAM W. DIELEMAN

S-5471

1 Amend House File 2417 as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 1, line 19, by inserting before the word  
4 "travel" the word "vertical".

EDGAR H. HOLDEN

S-5472<sup>4</sup>

1 Amend House File 2349 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 5, by inserting after line 24 the  
4 following new section:  
5 "Sec. \_\_\_\_ . This Act, being deemed of immediate  
6 importance, takes effect from and after its  
7 publication in The Cascade Pioneer-Advertiser, a  
8 newspaper published in Cascade, Iowa, and in the  
9 Advocate News, a newspaper published in Wilton, Iowa."  
10 2. Renumber sections and correct internal  
11 references as necessary in accordance with this  
12 amendment.

JOE J. WELSH

S-5473

1 Amend House File 2457 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 2, by striking line 33 and inserting in  
4 lieu thereof the following: "necessary to conduct the  
5 caucus at a charge not greater than that made for its  
6 use by other groups. When using".

CHARLES BRUNER

S-5474

- 1 Amend House File 2164 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, line 2, by inserting after the word
- 4 "gender" the following: "or of the same political
- 5 party".

COMMITTEE ON STATE GOVERNMENT  
ROBERT CARR, Chairperson

S-5475

- 1 Amend House File 2401 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 7, by striking the word
- 4 "necessary".

COMMITTEE ON STATE GOVERNMENT  
ROBERT CARR, Chairperson

S-5476

- 1 Amend House File 2441 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following new sections:
- 5 "Sec. \_\_\_\_ . Section 77.1, Code 1985, is amended by
- 6 striking the section and inserting in lieu thereof the
- 7 following:
- 8 77.1 APPOINTMENT.
- 9 1. The secretary of state may at any time appoint
- 10 one or more notaries public and may at any time revoke
- 11 the appointment.
- 12 2. The secretary of state shall appoint members of
- 13 the general assembly as notaries public and may at any
- 14 time revoke the appointment.
- 15 Sec. \_\_\_\_ . Section 77.2, Code 1985, is amended to
- 16 read as follows:
- 17 77.2 TERMS.
- 18 The term of a notary who is an Iowa resident is
- 19 three years. The term of a notary who is a resident
- 20 of a state bordering Iowa and whose place of work or
- 21 business is in Iowa, is one year. The term of a
- 22 notary who is a member of the general assembly is the
- 23 member's term of office."
- 24 2. Page 1, by inserting after line 2 the

25 following new section:

26 "Sec. \_\_\_\_ . Section 77.4, subsection 5, unnumbered  
27 paragraph 1, Code 1985, is amended to read as follows:

28 Remit the sum of fifteen dollars to the secretary  
29 of state. Persons appointed as notaries under section  
30 77.1, subsection 2, are not subject to the fee imposed  
31 by this subsection."

32 3. Amend the title, lines 1 and 2, by striking  
33 the words "by eliminating the bond requirement".

34 4. Renumber sections and correct internal  
35 references as necessary in accordance with this  
36 amendment.

COMMITTEE ON STATE GOVERNMENT  
ROBERT CARR, Chairperson

S-5477

1 Amend House File 2286 as passed by the House as  
2 follows:

3 1. Page 1, line 4, by inserting after the word  
4 "programs" the following: ", used for the meeting of  
5 minimum educational standards".

JIM RIORDAN

S-5478

1 Amend the Committee on Natural Resources amendment,  
2 S-5457, to House File 2414 as amended, passed and  
3 reprinted by the House as follows:

4 1. Page 1, by striking lines 7 through 20 and  
5 inserting the following:

6 "NEW SUBSECTION. 4. If the commission determines  
7 that there is a surplus of deer or wild turkey, the  
8 commission shall allow residents to purchase a second  
9 deer or wild turkey license issued under this section  
10 at the regular fee in addition to the first license  
11 issued under this section or section 110.24. The  
12 second license authorizes the taking of a second deer  
13 or wild turkey. If the first license is issued under  
14 section 110.24 or subsection 3 of this section, the  
15 second license shall be issued for the hunting zone  
16 containing the farm unit if the applicant so  
17 requests."

18 2. Page 2, by inserting after line 24 the  
19 following:

20 "\_\_\_\_. Page 1, by striking lines 6 through 12.

- 21 \_\_\_\_ . Page 1, by striking line 35 through page 2,  
22 line 4.  
23 \_\_\_\_ . Page 2, by striking lines 18 through 21.”

JACK HESTER  
EMIL HUSAK

S-5479

- 1 Amend House File 2376 as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking lines 14 through line 16  
4 and inserting the following:  
5 “NEW LETTERED PARAGRAPH. d. The excessive and  
6 extraordinary cost, excluding salaries, incurred by  
7 the department in responding at and to the scene of a  
8 hazardous condition caused by that person.”

COMMITTEE ON  
ENERGY AND ENVIRONMENT  
CHARLES BRUNER, Chairperson

S-5480

- 1 Amend House File 2434 as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 1, line 4, by striking the word “device”  
4 and inserting the following: “system”.  
5 2. Page 1, line 5, by striking the words “a  
6 system” and inserting the following: “any device or  
7 devices”.  
8 3. Page 1, line 11, by striking the letter ““i””  
9 and inserting the following: ““h””.  
10 4. Page 1, by striking lines 18 through 26.  
11 5. Page 1, line 27, by striking the letter “i”  
12 and inserting the following: “h”.  
13 6. Page 1, line 29, by striking the word “device”  
14 and inserting the following: “system”.  
15 7. By striking page 1, line 34 through page 2,  
16 line 32 and inserting the following:  
17 “When this product is used according to the  
18 manufacturer’s specifications, the water treatment  
19 system shall comply with the requirements of the  
20 applicable National Sanitation Foundation (NSF)  
21 standard and shall have been evaluated and listed by  
22 NSF or an equivalent certifying agency. An agency  
23 equivalency will be awarded by the attorney general  
24 upon recommendation by the state hygienic laboratory.

25 The water treatment system shall bear the mark of the  
 26 certifying agency. A person shall not make sales or  
 27 advertising claims that a water treatment system  
 28 removes any health-threatening contaminants except  
 29 those that have been certified by the NSF or an  
 30 equivalent certifying agency. The following is a  
 31 partial list of contaminants of health concern for  
 32 which testing protocols have been established.  
 33 Health-related Contaminants:  
 34 Coliform bacteria  
 35 Nitrate  
 36 Trihalomethanes (THM)  
 37 Trace metals (as specified in National Primary Drinking Water  
 38 Regulations)  
 39 Tetrachloroethene  
 40 Trichloroethene (TCE)  
 41 Trichloroethanes  
 42 Dichloroethanes  
 43 The following are some other health-related contaminants for  
 44 which there are no currently established testing protocols:  
 45 Radionuclides (as specified in National Primary Drinking Water  
 46 Regulations)  
 47 Chlorinated hydrocarbon pesticides  
 48 Organo-phosphate pesticides  
 49 Acid herbicides  
 50 Triazine herbicides

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1 Alpha-chloroacetanilide herbicides”  
 2 8. Page 2, line 33, by striking the letter “j”  
 3 and inserting the following: “i”.  
 4 9. Page 3, line 2, by inserting after the word  
 5 “removing” the following: “health-related”.  
 6 10. Page 3, by striking lines 3 through 6 and  
 7 inserting the following:  
 8 “Sec. 3. This bill is effective July 1, 1986  
 9 except that the labeling requirements contained in  
 10 section 714.16, subsection 2, paragraph “h” in section  
 11 2 of this Act are not effective until July 1, 1987.  
 12 Compliance by water treatment systems having  
 13 testing protocols shall begin after July 1, 1987. For  
 14 currently available water treating systems without  
 15 testing protocols, compliance shall be one year after  
 16 the establishment of the appropriate testing protocols

17 but no later than July 1, 1989.”

18 11. Renumber as necessary.

COMMITTEE ON  
ENERGY AND ENVIRONMENT  
CHARLES BRUNER, Chairperson

S-5481

1 Amend House File 2400 as passed by the House as  
2 follows:  
3 1. Page 1, line 29, by inserting after the word  
4 “corporations” the following: “or as provided in  
5 subsection six”.  
6 2. Page 2, by inserting after line 2 the  
7 following:  
8 “6. If the Iowa development commission or  
9 successor department determines that sufficient funds  
10 exist in the special account provided in subsection 5  
11 for the purposes provided in subsection 5, up to  
12 twenty-five percent of the loan repayments for the  
13 fiscal year received by the Iowa development  
14 commission or successor department may be deposited in  
15 the revolving loan fund to operate the self-employment  
16 loan program as both were established in section  
17 15.241 as enacted by Senate File 2175 of the Seventy-  
18 first General Assembly under the department of  
19 economic development. Funds in this revolving loan  
20 fund shall not revert to the state general fund at the  
21 end of any fiscal year. Loan repayments from the  
22 self-employment loan program shall be deposited in the  
23 revolving loan fund. Deposits of funds under this  
24 subsection may occur for the fiscal years beginning  
25 July 1, 1986, July 1, 1987, July 1, 1988, and July 1,  
26 1989.”

COMMITTEE ON SMALL BUSINESS  
AND ECONOMIC DEVELOPMENT  
ARTHUR SMALL, Jr. Chairperson

S-5482

1 Amend House File 2303 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 1, line 9, by striking the words “rules

4 governing” and inserting the words “rules under  
5 chapter 17A governing”.

COMMITTEE ON NATURAL RESOURCES  
HURLEY HALL, Chairperson

S-5483

1 Amend House File 2443 as passed by the House as  
2 follows:  
3 1. Page 4, line 22, by striking the words  
4 “subsequently adopt rules” and inserting the words  
5 “adopt rules under chapter 17A”.

COMMITTEE ON NATURAL RESOURCES  
HURLEY HALL, Chairperson

HOUSE AMENDMENT TO SENATE  
AMENDMENT TO HOUSE FILE 2197

S-5484

1 Amend Senate amendment, H-5539, to House File 2197,  
2 as amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, by striking line 5.  
5 2. Page 1, by striking lines 7, 8 and 9 and  
6 inserting the following:  
7 “\_\_\_ Page 5, line 26 and 27, by striking the  
8 words “during the first six months following the  
9 effective date of this Act” and inserting the words  
10 “for the period beginning April 1, 1986 and ending  
11 October 1, 1986”.”

S-5485

1 Amend House File 2350, as amended, passed and  
2 reprinted by the House, as follows:  
3 1. By striking page 1, line 31 through page 2,  
4 line 2.  
5 2. By renumbering sections as necessary.

JIM LIND  
EUGENE FRAISE

S-5486

- 1 Amend House File 2303 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "procedures" the following: "and months".

DONALD V. DOYLE  
BERL E. PRIEBE  
JIM RIORDAN

S-5487

- 1 Amend Senate File 2266 as follows:
- 2 1. Page 2, line 17, by inserting after the word
- 3 "location." the following: "Nothing in this paragraph
- 4 "a" authorizes the establishment by a financial
- 5 institution of offices or any other facilities other
- 6 than satellite terminals at the locations described in
- 7 this paragraph "a".

PATRICK J. DELUHERY

S-5488

- 1 Amend House File 2466 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 10, line 20, by striking the word
- 4 "another" and inserting the word "a".
- 5 2. Page 10, by inserting after line 30 the
- 6 following:
- 7 "NEW SUBSECTION. 10. "On-line real time basis"
- 8 means the immediate and instantaneous delivery or
- 9 return of an individual message through transmission
- 10 of electronic impulses.
- 11 "NEW SUBSECTION. 11. "Batch basis" means the
- 12 periodic delivery of an accumulation of messages
- 13 representing electronic funds transfer transactions
- 14 authorized or rejected at a prior time."
- 15 3. By striking page 10, line 32 through page 11,
- 16 line 27 and inserting the following: "1985, is
- 17 amended by striking the paragraph and inserting in
- 18 lieu thereof the following:
- 19 a. A financial institution may establish any
- 20 number of satellite terminals in any of the following
- 21 locations:
- 22 (1) Within the boundaries of a municipal
- 23 corporation if the principal place of business or an

24 office of the financial institution is also located  
 25 within the boundaries of the municipal corporation.  
 26 (2) Within an urban complex composed of two or  
 27 more Iowa municipal corporations each of which is  
 28 contiguous to or corners upon at least one of the  
 29 other municipal corporations within the complex if the  
 30 principal place of business or an office of the  
 31 financial institution is also located in the urban  
 32 complex.  
 33 (3) Within the unincorporated area of a county in  
 34 which the financial institution has its principal  
 35 place of business or an office if another financial  
 36 institution does not have its principal place of  
 37 business or an office located within a one-mile radius  
 38 of the proposed location of the satellite terminal.  
 39 (4) Within a municipal corporation located in the  
 40 same county as the principal place of business or an  
 41 office of the financial institution if another  
 42 financial institution has not located its principal  
 43 place of business or an office within the municipal  
 44 corporation.  
 45 A financial institution shall not establish a  
 46 satellite terminal at any other location except  
 47 pursuant to an agreement with a financial institution  
 48 which is authorized by this paragraph "a" to establish  
 49 a satellite terminal at that location and which will  
 50 utilize the satellite terminal at that location.

**Page 2**

1 Nothing in this paragraph "a" authorizes the  
 2 establishment by a financial institution of offices or  
 3 any other facilities other than satellite terminals at  
 4 the locations described in this paragraph "a". If any  
 5 court or banking regulatory agency of this state or of  
 6 the United States finds that this paragraph or any  
 7 part of this paragraph directly or indirectly amends,  
 8 supersedes, or modifies in any manner a provision of  
 9 this chapter which restricts the number of or the  
 10 locations at which bank offices may be established by  
 11 a state or national bank, then this paragraph or any  
 12 severable part of this paragraph upon which the  
 13 finding is based shall be void and of no further force  
 14 or effect."  
 15 4. Page 11, by striking lines 29 and 30 and  
 16 inserting the following: "the following new  
 17 subsection:".  
 18 5. By striking page 11, line 31 through page 12,  
 19 line 11 and inserting the following:  
 20 "NEW SUBSECTION. 9. Satellite terminals located

21 in this state shall be directly connected to either of  
22 the following:

23 a. A central routing unit licensed pursuant to  
24 this chapter.

25 b. A data processing center which is directly  
26 connected to a central routing unit licensed pursuant  
27 to this chapter.

28 If a data processing center which is directly  
29 connected to a satellite terminal located in this  
30 state does not authorize a transaction originated at  
31 that terminal, the transaction shall be immediately  
32 transmitted by the data processing center to a central  
33 routing unit licensed pursuant to this chapter, unless  
34 either the transaction is not authorized because of a  
35 mechanical failure of the data processing center or  
36 satellite terminal, or the transaction does not relate  
37 to a deposit account held by a financial institution  
38 with its principal office in this state.

39 This subsection does not limit the authority of a  
40 data processing center to authorize or reject  
41 transactions requested by customers of a financial  
42 institution pursuant to an agreement in which the data  
43 processing center authorizes transactions on behalf of  
44 the financial institution and provides to the  
45 financial institution, on a batch basis and not on an  
46 on-line real time basis, information concerning  
47 authorized or rejected transactions of customers of  
48 the financial institution."

49 6. Page 12, line 17, by striking the word "any"  
50 and inserting the following: "~~any~~ a".

### Page 3

1 7. Page 13, by inserting after line 1 the  
2 following:

3 "Sec. \_\_\_\_ . Section 527.9, Code 1985, is amended by  
4 adding the following new subsection:

5 **NEW SUBSECTION.** 5. a. Effective July 1, 1986, a  
6 person owning or operating a central routing unit  
7 authorized under this section shall include public  
8 representation on any board setting policy for the  
9 central routing unit. Four public members shall be  
10 appointed to the board in the following manner:

11 (1) Two members shall be appointed by the  
12 superintendent of banking.

13 (2) One member shall be appointed by the  
14 administrator of the credit union department.

15 (3) One member shall be appointed by the  
16 supervisor of savings and loan associations.

17 b. The superintendent of banking, administrator of

18 the credit union department, and the supervisor of  
 19 savings and loan associations shall form a committee  
 20 to set, in conjunction with the entity owning or  
 21 operating the central routing unit, the term of  
 22 office, the rate of compensation, and the rate of  
 23 reimbursement for each public member. However, the  
 24 public members shall be entitled to reasonable  
 25 compensation and reimbursement from the board.

26 c. Each public member is entitled to all the  
 27 rights of participation and voting as any other member  
 28 of the board. The public members are to represent the  
 29 interest of consumers and the business and  
 30 agricultural communities in establishing policies for  
 31 the central routing unit.

32 d. It is the intention of the general assembly  
 33 that the ratio of public members to the overall  
 34 membership of the board shall not be less than one  
 35 public member for each seven members of the board. If  
 36 the number of members on the board is increased, then  
 37 the number of members appointed pursuant to paragraph  
 38 "b" shall be increased to maintain the minimum ratio.  
 39 In this event, a committee composed of the  
 40 superintendent of banking, the administrator of credit  
 41 unions, and the supervisor of savings and loan  
 42 associations shall appoint additional public members  
 43 in order to maintain the minimum ratio.

44 e. An individual shall not be appointed as a  
 45 public member pursuant to this subsection if the  
 46 individual is directly employed by a financial  
 47 institution doing business in this state."

48 8. Renumber as necessary.

PATRICK J. DELUHERY

S-5489

1 Amend House File 2374, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by striking lines 22 through 25 and  
 4 inserting the following: "for collection of debts  
 5 applies to these judgments. However, the household  
 6 goods of the defendant and a vehicle to transport the  
 7 defendant to and from a place of employment or during  
 8 the course of employment are exempt from the judgment  
 9 process under this section to the extent they are  
 10 exempt under section 627.6, subsection 6, and  
 11 subsection 10, paragraph "b", respectively."

COMMITTEE ON LOCAL GOVERNMENT  
 ALVIN V. MILLER, Chairperson

S-5490

1 Amend House File 2350 as amended, passed and  
2 reprinted by the House as follows:

3 1. By striking page 2, line 3 through page 3,  
4 line 3.

5 2. Title page, lines 3 and 4, by striking the  
6 words "and by providing for enforcement of official  
7 publication requirements,".

8 3. By renumbering as necessary.

COMMITTEE ON LOCAL GOVERNMENT  
ALVIN V. MILLER, Chairperson

S-5491

1 Amend House File 2442 as passed by the House as  
2 follows:

3 1. Page 1, line 15, by inserting after the word  
4 "property." the following: "This limitation shall not  
5 apply to an action for any damages sustained as a  
6 result of defective design, materials or workmanship,  
7 if the replacement costs would be borne in whole or in  
8 part by a governmental entity."

BERL E. PRIEBE

S-5492

1 Amend House File 2393 as passed by the House as  
2 follows:

3 1. Page 1, by striking lines 5 through 7 and  
4 inserting the following: "an ordinance which is  
5 classified as a municipal infraction. A".

6 2. Page 1, by striking lines 12 through 14 and  
7 inserting the following: "violation."

8 3. Page 3, by striking lines 21 through 23 and  
9 inserting the following: "an ordinance which is  
10 classified as a county infraction. A county".

11 4. Page 3, by striking lines 28 through 30 and  
12 inserting the following: "violation."

EDGAR H. HOLDEN

S-5493

- 1 Amend House File 2433 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 33, by striking the word
- 4 "reasonable" and inserting the words "~~reasonable~~
- 5 probable".

COMMITTEE ON JUDICIARY  
DONALD V. DOYLE, Chairperson

S-5494

- 1 Amend Senate File 2078 as follows:
- 2 1. Page 7, line 18, by inserting after the word
- 3 "years" the following: "after the merger or
- 4 consolidation".

LEONARD BOSWELL

S-5495

- 1 Amend House File 2339, as amended, passed, and
- 2 reprinted by the House, as follows:

DIVISION S-5495A

- 3 1. Page 1, by inserting after line 17 the
- 4 following:
- 5 "6. "Motor vehicle license" means any license or
- 6 permit issued to a person to operate a motor vehicle
- 7 in this state, including but not limited to an
- 8 operator, chauffeur, or motorized bicycle license and
- 9 an instruction or temporary permit."
- 10 2. Page 6, lines 4 and 5, by striking the words
- 11 "LICENSE OR PERMIT" and inserting the words "MOTOR
- 12 VEHICLE LICENSE".
- 13 3. Page 6, line 7, by striking the words "license
- 14 or permit to drive" and inserting the words "motor
- 15 vehicle license".
- 16 4. Page 6, line 11, by striking the words
- 17 "license or permit to drive" and inserting the words
- 18 "motor vehicle license".
- 19 5. Page 6, line 11, by striking the word
- 20 "operation" and inserting the word "operating".
- 21 6. Page 6, lines 20 and 21, by striking the words
- 22 "license or permit to drive" and inserting the words
- 23 "motor vehicle license".
- 24 7. Page 6, line 23, by striking the words
- 25 "license or permit to drive" and inserting the words

26 "motor vehicle license".

27 8. Page 6, lines 32 and 33, by striking the words  
28 "license or permit to drive" and inserting the words  
29 "motor vehicle license".

30 9. Page 7, lines 5 and 6, by striking the words  
31 "license or permit to operate motor vehicles" and  
32 inserting the words "motor vehicle license".

33 10. Page 7, line 26, by striking the words  
34 "license or permit" and inserting the words "motor  
35 vehicle license".

36 11. Page 8, lines 4 and 5, by striking the words  
37 "license or permit to drive" and inserting the words  
38 "motor vehicle license".

39 12. Page 8, line 17, by striking the words  
40 "license or permit to drive" and inserting the words  
41 "motor vehicle license".

#### DIVISION S-5495B

42 13. Page 8, line 22, by striking the words  
43 "license or permit to operate a motor vehicle" and  
44 inserting the words "motor vehicle license".

#### DIVISION S-5495A (cont'd.)

45 14. Page 9, lines 30 and 31, by striking the  
46 words "ten one hundredths" and inserting the figure  
47 ".10".

48 15. Page 11, lines 14 and 15, by striking the  
49 words "license or permit to drive and any" and  
50 inserting the words "motor vehicle license or".

#### Page 2

#### DIVISION S-5495A (cont'd.)

1 16. Page 11, line 35, by striking the words "an  
2 affidavit" and inserting the words "the officer's  
3 certificate".

4 17. Page 15, line 27, by striking the words  
5 "license or permit to drive" and inserting the words  
6 "motor vehicle license".

7 18. Page 16, lines 13 and 14, by striking the  
8 words "privilege to drive" and inserting the words  
9 "motor vehicle license or operating privilege".

10 19. Page 16, line 18, by striking the words  
11 "within ten days of" and inserting the words "not  
12 later than ten days after".

13 20. Page 16, lines 19 and 20, by striking the  
14 words "driving privileges or the issuance of a

15 temporary license" and inserting the words "the motor  
16 vehicle license or operating privilege".

17 21. Page 16, line 23, by inserting after the word  
18 "county" the words ", or the hearing may be held by  
19 telephone conference at the discretion of the agency  
20 conducting the hearing".

21 22. Page 17, line 28, by striking the words  
22 "license or permit or" and inserting the words "motor  
23 vehicle license or nonresident".

24 23. Page 18, lines 2 and 3, by striking the words  
25 "license or permit or privilege to drive" and  
26 inserting the words "motor vehicle license or  
27 nonresident operating privilege".

28 24. Page 19, line 35, by striking the words  
29 "license or driving" and inserting the words "motor  
30 vehicle license or nonresident operating".

31 25. Page 20, by striking line 15 and inserting  
32 the following: "or section ~~321.281, 321.283,~~  
33 ~~subsection 3, 321J.3~~ or".

COMMITTEE ON JUDICIARY  
DONALD V. DOYLE, Chairperson

S-5496

1 Amend House File 2339 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 1, by striking lines 30 through 34 and  
4 inserting the following:

5 "7. "Serious injury" means a bodily injury which  
6 creates a substantial risk of death, or which causes  
7 serious permanent disfigurement, or which causes  
8 protracted loss or impairment of the function of any  
9 bodily organ or major bodily member, or which causes  
10 the loss of any bodily member."

11 2. Page 2, lines 11 and 12, by striking the words  
12 "upon conviction,".

13 3. Page 3, by striking lines 10 and 11, and  
14 inserting the following: "section shall be counted as  
15 previous offenses. The courts shall".

16 4. Page 4, by inserting after line 20 the  
17 following:

18 "9. In any prosecution under this section, the  
19 results of a chemical test may not be used to prove a  
20 violation of paragraph "b" of subsection 1 if the  
21 alcohol concentration indicated by the chemical test  
22 minus the established margin of error inherent in the  
23 device or method used to conduct the chemical test  
24 does not equal an alcohol concentration of .10 or

25 more.”

26 5. By striking page 4, line 23 through page 5,  
27 line 19 and inserting the following:  
28 “1. On a conviction for a violation of section  
29 321J.2, the court may order the defendant to attend a  
30 course for drinking drivers under section 321J.22. If  
31 the defendant submitted to a chemical test on arrest  
32 for the violation of section 321J.2 and the test  
33 indicated an alcohol concentration of .20 or higher,  
34 the court shall order the defendant, on conviction, to  
35 undergo a substance abuse evaluation and the court may  
36 order the defendant to follow the recommendations  
37 proposed in the substance abuse evaluation for  
38 appropriate substance abuse treatment for the  
39 defendant. Court ordered substance abuse treatment is  
40 subject to the periodic reporting requirements of  
41 section 125.86. If a defendant is committed by the  
42 court to a substance abuse treatment facility, the  
43 administrator of the facility shall report to the  
44 court when it is determined that the defendant has  
45 received the maximum benefit of treatment at the  
46 facility and the defendant shall be released from the  
47 facility. The time for which the defendant is  
48 committed for treatment shall be credited against the  
49 defendant’s sentence. The court may prescribe the  
50 length of time for the evaluation and treatment or it

**Page 2**

1 may request that the area school conducting the course  
2 for drinking drivers which the person is ordered to  
3 attend or the treatment program to which the person is  
4 committed immediately report to the court when the  
5 person has received maximum benefit from the course  
6 for drinking drivers or treatment program or has  
7 recovered from the person’s addiction, dependency, or  
8 tendency to chronically abuse alcohol or drugs. A  
9 person committed under this section who does not  
10 possess sufficient income or estate to make payment of  
11 the costs of the treatment in whole or in part shall  
12 be considered a state patient and the costs of  
13 treatment shall be paid as provided in section 125.44.  
14 A defendant who fails to carry out the order of the  
15 court or who fails to successfully complete or attend  
16 a course for drinking drivers or an ordered substance  
17 abuse treatment program shall be confined in the  
18 county jail for twenty days in addition to any other  
19 imprisonment ordered by the court or may be ordered to  
20 perform unpaid community service work, and shall be  
21 placed on probation for one year with a violation of

22 this probation punishable as contempt of court.”

23 6. Page 11, line 9, by inserting after the word  
24 “certification” the following: “, subject to penalty  
25 for perjury,”.

26 7. Page 15, line 19, by inserting after the word  
27 “officer” the following: “, subject to penalty for  
28 perjury,”.

29 8. Page 16, by inserting after line 11 the  
30 following:

31 “The results of a chemical test may not be used as  
32 the basis for a revocation of a person’s motor vehicle  
33 license or nonresident operating privilege if the  
34 alcohol concentration indicated by the chemical test  
35 minus the established margin of error inherent in the  
36 device or method used to conduct the chemical test  
37 does not equal an alcohol concentration of .10 or  
38 more.”

39 9. Page 18, by striking lines 22 and 23 and  
40 inserting the following:

41 “1. The department may, on”.

42 10. By striking page 18, line 25 through page 19,  
43 line 13 and inserting the following: “whose motor  
44 vehicle license is revoked under this chapter allowing  
45 the person to drive to and from the person’s home and  
46 specified places at specified times which can be  
47 verified by the department and which are required by  
48 the person’s full-time or part-time employment,  
49 health, education, treatment, and court-ordered  
50 community service responsibilities if the person’s

### Page 3

1 motor vehicle license has not been revoked under  
2 321J.4, 321J.9, or 321J.12 within the previous six  
3 years and if any of the following apply:

4 a. The person’s motor vehicle license is revoked  
5 under section 321J.4, subsection 1, 2, 4, or 6.

6 b. The person’s motor vehicle license is revoked  
7 under section 321J.9 and the person has entered a plea  
8 of guilty on a charge of a violation of section 321J.2  
9 which arose from the same set of circumstances which  
10 resulted in the person’s motor vehicle license

11 revocation under section 321J.9 and the guilty plea is  
12 not withdrawn at the time of or after application for  
13 the temporary restricted license.

14 c. The person’s motor vehicle license is revoked  
15 under section 321J.12.

16 However, a temporary restricted license may be  
17 issued if the person’s motor vehicle license is  
18 revoked under section 321J.9, and the revocation is a

19 second revocation under this chapter, and the first  
20 three hundred and sixty days of the revocation have  
21 expired.”

22 11. Page 19, by striking lines 21 through 32.

23 12. Page 20, by inserting after line 9 the  
24 following:

25 “Sec. 22. NEW SECTION. 321J.22 COURT-ORDERED  
26 DRINKING DRIVERS COURSE.

27 1. As used in this section, unless the context  
28 otherwise requires:

29 a. “Course for drinking drivers” means an approved  
30 course designed to inform the offender about drinking  
31 and driving and encourage the offender to assess the  
32 offender’s own drinking and driving behavior in order  
33 to select practical alternatives.

34 b. “Satisfactory completion of a course” means  
35 receiving at the completion of a course a grade from  
36 the course instructor of “C” or “2.0,” or better.

37 2. After a conviction for, or a plea of guilty of,  
38 a violation of section 321J.2, the court in addition  
39 to its power to commit the defendant for treatment of  
40 alcoholism under section 321J.3, may order the  
41 defendant, at the defendant’s own expense, to enroll  
42 in, attend, and successfully complete a course for  
43 drinking drivers. The court may alternatively or  
44 additionally require the defendant to seek evaluation,  
45 treatment or rehabilitation services under section  
46 125.33 at the defendant’s expense and to furnish  
47 evidence of successful completion. A copy of the  
48 order shall be forwarded to the department.

49 3. The course provided in this section shall be  
50 offered on a regular basis at each area school as

**Page 4**

1 defined in section 280A.2. Enrollment in the courses  
2 is not limited to persons ordered to enroll, attend  
3 and successfully complete the course under subsection  
4 2, and any person convicted of a violation of section  
5 321J.2 who was not ordered to enroll in a course may  
6 enroll in and attend a course for drinking drivers.  
7 The course required by this section shall be taught by  
8 the area schools under the department of public  
9 instruction and approved by the department. The  
10 department of public instruction shall establish  
11 reasonable fees to defray the expense of obtaining  
12 classroom space, instructor salaries, and class  
13 materials. A person shall not be denied enrollment in  
14 a course by reason of the person’s indigency.  
15 4. An employer shall not discharge a person from

16 employment solely for the reason of work absence to  
17 attend a course required by this section. Any  
18 employer who violates this section is liable for  
19 triple damages occasioned by the unlawful discharge  
20 from employment.

21 5. The department of public instruction shall  
22 prepare a list of the locations of the courses taught  
23 under this section, the dates and times taught, the  
24 procedure for enrollment, and the schedule of course  
25 fees. The list shall be kept current and a copy of  
26 the list shall be sent to each court having  
27 jurisdiction over offenses provided in this chapter.

28 6. The department of public instruction shall  
29 maintain enrollment, attendance, successful and  
30 nonsuccessful completion data on the persons ordered  
31 to enroll, attend and successfully complete a course  
32 for drinking drivers. This data shall be forwarded to  
33 the court.

34 Sec. 23. NEW SECTION. ROADBLOCKS CONDUCTED BY LAW  
35 ENFORCEMENT AGENCIES.

36 The law enforcement agencies of this state may  
37 conduct routine vehicle roadblocks, except roadblocks  
38 which are conducted in response to an immediate threat  
39 to the health, safety, or welfare of the public, only  
40 to determine compliance with the law regarding the  
41 licensing of operators of motor vehicles, the  
42 registration of motor vehicles, and the safety  
43 equipment of motor vehicles. Any roadblock operated  
44 under this section shall meet the following  
45 requirements:

46 1. The location of the roadblock, the time during  
47 which the roadblock will be conducted, and the  
48 procedure to be used while conducting the roadblock,  
49 shall be determined by policymaking administrative  
50 officers of the law enforcement agency.

**Page 5**

1 2. The roadblock location shall be selected for  
2 its safety and visibility to oncoming motorists, and  
3 adequate advance warning signs, illuminated at night  
4 or under conditions of poor visibility, shall be  
5 erected to provide timely information to approaching  
6 motorists of the roadblock and its nature.

7 3. There shall be uniformed officers and official  
8 vehicles of the law enforcement agency or agencies  
9 involved, in sufficient quantity and visibility to  
10 demonstrate the official nature of the roadblock.

11 4. The selection of motor vehicles to be stopped  
12 shall not be arbitrary.

13 5. The roadblock shall be conducted to assure the  
14 safety of and to minimize the inconvenience of the  
15 motorists involved.

16 Sec. 24. NEW SECTION. 123.151 POSTING NOTICE ON  
17 DRUNK DRIVING LAWS REQUIRED.

18 State liquor stores and holders of liquor control  
19 licenses, wine permits, or beer permits shall post in  
20 a prominent place in the state liquor stores or  
21 licensed premises notice explaining the operation of  
22 and penalties of the laws which prohibit the operation  
23 of a motor vehicle by a person who is intoxicated.  
24 The size, print size, location, and content of the  
25 notice shall be established by rule of the  
26 department.”

27 13. Page 20, by inserting after line 29 the  
28 following:

29 “Sec. 27. Section 321.178, subsection 1,  
30 unnumbered paragraph 1, Code 1985, is amended to read  
31 as follows:

32 An approved driver education course as programmed  
33 by the department of public instruction shall consist  
34 of at least thirty clock hours of classroom  
35 instruction, and six or more clock hours of laboratory  
36 instruction of which at least three clock hours shall  
37 consist of street or highway driving. An approved  
38 course shall include a minimum of two hours of  
39 classroom instruction concerning substance abuse as  
40 part of its curriculum. After the student has  
41 completed three clock hours of street or highway  
42 driving and has demonstrated to the instructor an  
43 ability to properly operate a motor vehicle and upon  
44 written request of a parent or guardian, the  
45 instructor may waive the remaining required laboratory  
46 instruction.”

47 14. Page 21, by inserting after line 6 the  
48 following:

49 “Sec. 29. Section 321.196, Code Supplement 1985,  
50 is amended by adding the following new unnumbered

#### Page 6

1 paragraph:

2 NEW UNNUMBERED PARAGRAPH. Prior to the renewal of  
3 a license pursuant to this section, the department  
4 shall issue to each applicant information on the law  
5 relating to the operation of a motor vehicle while  
6 intoxicated and statistical information relating to  
7 the number of injuries and fatalities occurring as a  
8 result of the operation of motor vehicles while  
9 intoxicated.”

10 15. Page 22, line 25, by striking the words  
11 "section 321.277 and sections 321.280" and inserting  
12 the following: "section sections 321.277 and sections  
13 321.280".

14 16. By striking page 23, line 33, through page  
15 24, line 16.

16 17. Page 24, by inserting after line 30 the  
17 following:

18 "Sec. 41. Section 902.3, Code 1985, is amended to  
19 read as follows:

20 902.3 INDETERMINATE SENTENCE.

21 When a judgment of conviction of a felony, other  
22 than a class "A" felony is entered against a person,  
23 the court, in imposing a sentence of confinement,  
24 shall commit the person into the custody of the  
25 director of the Iowa department of corrections for an  
26 indeterminate term, the maximum length of which shall  
27 not exceed the limits as fixed by section 707.3 or  
28 section 902.9 nor shall the term be less than the  
29 minimum term imposed by law, if a minimum sentence is  
30 provided. However, the court may sentence a person  
31 convicted of a class "D" felony to imprisonment for up  
32 to one year in a county jail under section 902.9,  
33 subsection 4, and the person shall not be under the  
34 custody of the director of the Iowa department of  
35 corrections.

36 Sec. 42. Section 902.9, subsection 4, Code 1985,  
37 is amended to read as follows:

38 4. A class "D" felon, not an habitual offender,  
39 may be sentenced to imprisonment for up to one year in  
40 the county jail or shall be confined for no more than  
41 five years, and in addition may be sentenced to a fine  
42 of not more than seven thousand five hundred dollars."

43 18. Page 25, by inserting after line 31 the  
44 following:

45 "Sec. 48. This Act applies to any judicial or  
46 administrative action which arises due to violation of  
47 a section of this Act or an implementing rule, and  
48 which occurs after the effective date of this Act.  
49 This Act also applies to any judicial or  
50 administrative action which arose prior to the

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1 effective date of this Act due to a violation of a  
2 preceding Code section or implementing rule which was  
3 the same or substantially similar to a section in this  
4 Act, or an implementing rule if the defendant or

5 defendant's counsel requests that the action proceed  
6 under this Act."

COMMITTEE ON JUDICIARY  
DONALD V. DOYLE, Chairperson

HOUSE AMENDMENT TO  
SENATE FILE 2123

S-5497

1 Amend Senate File 2123 as passed by the Senate as  
2 follows:  
3 1. Page 2, by inserting after line 25 the  
4 following:  
5 "Sec. 2. Section 602.6201, subsection 10, Code  
6 1985, is amended to read as follows:  
7 10. Notwithstanding the formula for determining  
8 the number of judgeships in this section, the number  
9 of district judges shall not exceed ~~ninety-nine one~~  
10 hundred during the period commencing ~~July 1, 1983~~ and  
11 ~~ending as the general assembly shall specify~~ January  
12 1, 1987."

HOUSE AMENDMENT TO  
SENATE FILE 444

S-5498

1 Amend Senate File 444 as passed by the Senate as  
2 follows:  
3 1. Page 1, line 8, by inserting after the word  
4 "discovery" the words ", but not later than ten days  
5 prior to the date set for trial."

S-5499

1 Amend amendment S-5316 to Senate File 2078 as  
2 follows:  
3 1. Page 2, line 11, by inserting after the word  
4 "years" the following: "after the merger or  
5 consolidation".

LEONARD BOSWELL

S-5500

- 1 Amend House File 665 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, lines 7 and 8, by striking the words
- 4 “, except for Big Creek lake and lake Macbride”.

COMMITTEE ON NATURAL RESOURCES  
HURLEY HALL, Chairperson

S-5501

- 1 Amend House File 2370, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 18 through 20 and
- 4 inserting the following: “of supervisors, by the
- 5 treasurer, auditor, and ~~recorder county attorney.~~”
- 6 2. Page 1, by striking line 23 and inserting the
- 7 following: “paragraph and inserting in lieu thereof
- 8 the following:
- 9 When the duties of an officer or employee are
- 10 assigned to one or more elected officers, the board
- 11 shall set the initial salary for each elected officer
- 12 which shall not exceed the recommendation of the
- 13 county compensation board. The county auditor shall
- 14 call a special meeting of the county compensation
- 15 board for this purpose and the county compensation
- 16 board shall make a recommendation within thirty days
- 17 of the call. The board may reduce the salary
- 18 recommendation but not below the existing salary of
- 19 the affected elective officer. Thereafter, the salary
- 20 shall be determined as provided in section 331.907.”

COMMITTEE ON LOCAL GOVERNMENT  
ALVIN MILLER, Chairperson

S-5502

- 1 Amend House File 2397 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by striking lines 5 and 6 and
- 4 inserting the following: “taken to begin
- 5 implementing”.
- 6 2. Page 2, line 13, by striking the words “that
- 7 the” and inserting the following: “that”.
- 8 3. Page 2, line 15, by striking the word “fully”.
- 9 4. Page 2, by striking lines 16 through 19 and

- 10 inserting the following: "filed pursuant to section  
11 455B.306. However, the executive director may issue  
12 a".
- 13 5. Page 3, line 20, by striking the word "both"  
14 and inserting the following: "all".
- 15 6. Page 3, by inserting after line 26 the  
16 following:  
17 "c. The expected environmental impact of  
18 alternative solid waste disposal methods, including  
19 the use of sanitary landfills.  
20 d. A specific plan and schedule for implementing  
21 technically and economically feasible solid waste  
22 disposal methods that will result in minimal  
23 environmental impact."
- 24 7. Page 3, by striking lines 27 through 31.
- 25 8. Page 4, line 18, by inserting after the word  
26 "director" the following: ", with the approval of the  
27 commission,".
- 28 9. Page 5, line 7, by inserting after the word  
29 "director" the following: ", with the approval of the  
30 commission,".
- 31 10. Page 5, line 10, by striking the word  
32 "requested," and inserting the following: "requested  
33 or".
- 34 11. Page 5, by striking lines 12 through 15 and  
35 inserting the following: "disposal project."
- 36 12. Renumber as necessary.

MICHAEL E. GRONSTAL  
ROBERT CARR  
CHARLES BRUNER  
CALVIN HULTMAN  
JOHN SOORHOLTZ  
JOY CORNING  
JOE BROWN  
MILO COLTON  
ALVIN MILLER

S-5503

- 1 Amend House File 2330, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, lines 21 and 22, by striking the words  
4 "period of five subsequent registration years" and  
5 inserting the words "six-year period".

EDGAR H. HOLDEN

S-5504

- 1 Amend the Committee on Natural Resources amendment,
- 2 S-5457, to House File 2414 as amended, passed and
- 3 reprinted by the House as follows:
- 4 1. Page 1, line 10, by inserting before the word
- 5 "residents" the following: "firstly, owners and
- 6 tenants eligible for a license under section 110.24
- 7 and secondly,".
- 8 2. Page 1, line 14, by inserting after the word
- 9 "sale." the following: "Owners and tenants eligible
- 10 for a license under section 110.24 shall be provided
- 11 the opportunity to purchase a second license before
- 12 the opportunity is provided to residents generally."

BERL E. PRIEBE

S-5505

- 1 Amend House File 2128 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "township." the following: "One trustee may reside
- 5 within the corporate limit of a city having a population
- 6 of five hundred or less."

JACK W. HESTER

S-5506

- 1 Amend House File 2462, as amended, passed, and
- 2 reprinted by the House, as follows:

DIVISION S-5506A

- 3 1. Page 1, by inserting after line 32 the
- 4 following:
- 5 "Sec. \_\_\_\_ . Section 275.15, unnumbered paragraph 2,
- 6 Code Supplement 1985, is amended to read as follows:
- 7 The area education agency board, when entering the
- 8 order fixing the boundaries, shall consider all
- 9 requests timely filed for boundary line changes. Each
- 10 objection filed by a property owner shall be
- 11 considered separately and an individual ruling made."
- 12 2. Page 1, by inserting after line 32 the
- 13 following:
- 14 "Sec. \_\_\_\_ . Section 275.31, Code Supplement 1985,

15 is amended to read as follows:

16 275.31 TAXES AND APPROPRIATION TO EFFECT  
17 EQUALIZATION.

18 If necessary to equalize the division and  
19 distribution, the board or boards may provide for the  
20 levy of additional taxes, which shall be sufficient to  
21 satisfy the mandatory levy required in section 76.2 or  
22 other liabilities of the districts, upon the property  
23 of a corporation or part of a corporation and for the  
24 distribution of the tax revenues so as to effect  
25 equalization. When the board or boards are  
26 considering the equalization levy, the division and  
27 distribution shall not impair the security for  
28 outstanding obligations of each affected corporation.  
29 If the property tax levy for the amount estimated and  
30 certified to apply on principal and interest on lawful  
31 bonded indebtedness for a newly formed community  
32 school district is greater than the property tax levy  
33 for the amount estimated and certified to apply on  
34 principal and interest in the year preceding the  
35 reorganization or dissolution for a school district  
36 that is a party to the reorganization or dissolution  
37 and that had a certified enrollment of less than six  
38 hundred for the year prior to the reorganization or  
39 dissolution, the board of the newly formed district  
40 shall inform the state comptroller. The state  
41 comptroller shall pay debt service aid to the newly  
42 formed district in an amount that will reduce the rate  
43 of the property tax levy for lawful bonded  
44 indebtedness in the portion of the newly formed  
45 district where the new rate is higher, to the rate  
46 that was levied in that portion of the district during  
47 the year preceding the reorganization or dissolution.  
48 For the school year beginning July 1, 1987 and  
49 succeeding school years, there is appropriated from  
50 the general fund of the state to the state comptroller

Page 2

DIVISION S-5506A (cont'd.)

1 an amount sufficient to pay the debt service aid under  
2 this section. Debt service aid shall be paid in the  
3 manner provided in section 442.26.  
4 Not later than May 1 of each year, the state  
5 comptroller shall inform the board of the newly formed  
6 school district the amount of debt service aid that  
7 the district will receive and the rate of the property  
8 tax levy for the amount estimated and certified to  
9 apply on principal and interest on lawful bonded

10 indebtedness in the portion of the newly formed  
 11 district where the new rate would have been higher,  
 12 and for the remainder of the newly formed district.  
 13 The state comptroller shall notify the county auditor  
 14 of each applicable county of the amount, in dollars  
 15 and cents per thousand dollars of assessed valuation,  
 16 of the property tax levy in each portion of each  
 17 applicable newly formed school district in the county  
 18 for the amount estimated and certified to apply on  
 19 principal and interest on lawful bonded indebtedness,  
 20 and the boundaries of the portions within the newly  
 21 formed district for which the levies shall be made.  
 22 The county auditor shall spread the applicable  
 23 property tax levy for each portion of a school  
 24 district over all taxable property in that portion of  
 25 the district.”  
 26 3. Page 2, by striking lines 5 through 19.

## DIVISION S-5506B

27 4. By striking page 2, line 20, through page 3,  
 28 line 8.

## DIVISION S-5506A (cont'd.)

29 5. Page 3, by striking lines 9 through 30 and  
 30 inserting the following:  
 31 “Sec. \_\_\_\_ . Section 442.2, subsection 1, Code 1985,  
 32 is amended by adding the following new unnumbered  
 33 paragraphs:  
 34 NEW UNNUMBERED PARAGRAPH. However, commencing with  
 35 the budget year beginning July 1, 1987, a reorganized  
 36 school district shall cause a foundation property tax  
 37 of four dollars and forty cents per thousand dollars  
 38 of assessed valuation to be levied on all taxable  
 39 property which, in the year preceding the  
 40 reorganization, was within a school district affected  
 41 by the reorganization as defined in section 275.1 and  
 42 which had a certified enrollment of less than six  
 43 hundred. In succeeding school years, the foundation  
 44 property tax levy on that portion shall be increased  
 45 twenty cents per year until it reaches the rate of  
 46 five dollars and forty cents per thousand dollars of  
 47 assessed valuation.  
 48 NEW UNNUMBERED PARAGRAPH. For purposes of this  
 49 section, a reorganized school district is one in which  
 50 reorganization was approved in an election pursuant to

## Page 3

## DIVISION S-5506A (cont'd.)

1 sections 275.18 and 275.20 and will take effect on or  
2 after July 1, 1986.”

3 6. Page 3, by inserting before line 31 the  
4 following:

5 “Sec. \_\_\_\_ . NEW SECTION. 442.9A SUPPLEMENTAL AID.

6 Notwithstanding section 442.9, commencing with the  
7 budget year beginning July 1, 1987, if the rate of the  
8 additional property tax levy determined under section  
9 442.9 for a budget year for a reorganized school  
10 district is higher than the rate of additional  
11 property tax levy determined under section 442.9 for  
12 the year previous to the reorganization for a school  
13 district that had a certified enrollment of less than  
14 six hundred and that was within the school districts  
15 affected by the reorganization as defined in section  
16 275.1, the state comptroller shall reduce the rate of  
17 the additional property tax levy in the portion of the  
18 reorganized district where the new rate is higher, to  
19 the rate that was levied in that portion of the  
20 district during the year preceding the reorganization,  
21 for the five-year period provided in this section.

22 The state comptroller shall pay to each reorganized  
23 school district during each of the first five years of  
24 existence of the reorganized district as supplemental  
25 aid, moneys equal to the difference in revenues that  
26 would have been collected under the additional  
27 property tax levy calculated under section 442.9 and  
28 the rate determined under this section.

29 For the school year beginning July 1, 1987 and  
30 succeeding school years, there is appropriated from  
31 the general fund of the state to the state comptroller  
32 an amount sufficient to pay the supplemental aid to  
33 school districts under this section. Supplemental aid  
34 shall be paid in the manner provided in section  
35 442.26.

36 For the purpose of the state comptroller's  
37 determination of the portion of a school district's  
38 budget that was property tax and the portion that was  
39 state aid, supplemental aid shall be considered  
40 property tax.

41 For purposes of this section, a reorganized school  
42 district is one in which reorganization was approved  
43 in an election pursuant to sections 275.18 and 275.20  
44 and will take effect on or after July 1, 1986.”

45 7. Page 4, line 35, by striking the word “The”  
46 and inserting the following: “Effective July 1, 1986,

47 the”.

48 8. Page 5, line 2, by striking the word “four”

49 and inserting the word “five”.

50 9. Page 5, line 22, by striking the word

**Page 4**

DIVISION S-5506A (cont'd.)

1 “principals,”

2 10. Page 5, line 24, by inserting after the word

3 “school.” the following: “School administrators does

4 not include principals.”

5 11. Page 5, line 34, by striking the word “four”

6 and inserting the word “five”.

7 12. Page 6, by inserting after line 10 the

8 following:

9 “Sec. 101. ECONOMY TASK FORCES. The advisory  
10 committee appointed by the board of directors of a

11 school district under section 280.12, subsection 2,

12 shall serve as members of a school economy task force.

13 In addition to the members of the advisory committee,

14 the school economy task force shall include the

15 following as members if the advisory committee does

16 not include members meeting the listed criteria:

17 1. One member of the county board of supervisors

18 of the county in which the school district is located

19 or an individual designated by the county board of

20 supervisors.

21 2. One member who is a member of a city council of

22 a city located within the school district or an

23 individual designated by such a city council.

24 3. One member who is a board member of a regional

25 transit agency selected by the board of directors of

26 the school district or a designee named by that

27 regional transit board.

28 4. One member selected by the board of directors

29 of the school district who is a certified public

30 accountant or has an accounting background.

31 The superintendent and other administrative

32 personnel appointed by the board of directors shall

33 serve as advisers to the task force and shall prepare

34 and distribute information requested by the task

35 force.

36 The secretary of the board of directors shall serve

37 as secretary to the task force and shall take minutes

38 of the meetings and prepare a report of the

39 proceedings and recommendations of the task force.

40 The chairperson of the advisory committee shall

41 serve as chairperson of the task force.

42 Members shall serve without compensation or  
43 reimbursement for expenses.  
44 Sec. 102. AREA EDUCATION AGENCY TASK FORCE. The  
45 board of directors of each area education agency shall  
46 appoint an area education agency school economy task  
47 force. The members shall include members of boards of  
48 directors of school districts, a member of a regional  
49 library board, a member of a county board of  
50 supervisors from a county in the area or an individual

Page 5

DIVISION S-5506A (cont'd.)

1 designated by a county board of supervisors, a member  
2 of a city council of a city located in the area or an  
3 individual designated by a city council, a member of a  
4 regional transit board or a designee of a regional  
5 transit board, school administrators, teachers,  
6 parents, students, and other representatives residing  
7 in the area education agency.

8 The area education agency economy task force shall  
9 select a chairperson from its membership.

10 Members of area education agency task forces shall  
11 be paid mileage for attending meetings of the task  
12 force from funds appropriated to the department of  
13 public instruction for that purpose.

14 The secretary of the area education agency board  
15 shall serve as secretary to the task force and shall  
16 take minutes and prepare a report of the proceedings  
17 and recommendations of the task force.

18 Sec. 103. SCHEDULE. Each school district and area  
19 education agency task force shall hold its organi-  
20 zational meeting not later than June 1, 1986. A task  
21 force shall meet as often as deemed necessary to  
22 complete its report by November 1, 1986. A task force  
23 may meet jointly with one or more task forces  
24 appointed by boards of directors of contiguous school  
25 districts or contiguous area education agencies.

26 Sec. 104. DUTIES. The department of public  
27 instruction shall prepare district-by-district and  
28 area-by-area comparisons of the various kinds of  
29 expenditures and activities of school districts and  
30 area education agencies and transmit the applicable  
31 information to each task force prior to the organi-  
32 zational meetings.

33 A school district task force may consider but is  
34 not limited to discussion and recommendations for  
35 implementing efficiencies in the school district  
36 relating to the following:

- 37 1. School administration.
- 38 2. Teacher utilization.
- 39 3. Building utilization.
- 40 4. Extracurricular activities.
- 41 5. Use of regional transportation systems.
- 42 6. Energy management and costs.
- 43 7. School maintenance.
- 44 8. Centralized purchasing.
- 45 9. Availability of textbooks, instructional
- 46 materials, and library materials.
- 47 10. Staff development.
- 48 11. Shared programs and services.
- 49 12. Possible merger of programs and services.
- 50 An area education agency task force shall discuss

**Page 6**

DIVISION S-5506A (cont'd.)

1 recommendations for implementing efficiencies in  
 2 programs and services of the area education agency.  
 3 A report of the proceedings and recommendations of  
 4 each task force shall be made to the board of  
 5 directors of the school district or area education  
 6 agency. In addition, the report and recommendations  
 7 of the task force shall be sent to the department of  
 8 public instruction. The report shall also include  
 9 recommendations for changes in the statutes or rules  
 10 of the department of public instruction that will  
 11 improve efficiency in the school district or area  
 12 education agency.

13 **Sec. 105. DEPARTMENT OF PUBLIC INSTRUCTION DUTIES.**

14 The department of public instruction shall review the  
 15 reports of the school district and area education  
 16 agency task forces and compile recommendations for  
 17 school districts and area education agencies and for  
 18 statutory and rule changes to be submitted to the  
 19 general assembly. A preliminary report shall be  
 20 completed by December 1, 1986 with a final draft  
 21 completed by January 15, 1987. Copies of the  
 22 applicable report shall also be sent to each school  
 23 district and area education agency in the state.

24 **Sec. 106. APPROPRIATION.** There is appropriated  
 25 from the general fund of the state for the fiscal year  
 26 beginning July 1, 1986 and ending June 30, 1987, to  
 27 the department of public instruction the sum of ten  
 28 thousand (10,000) dollars, or as much thereof as may  
 29 be necessary, to pay mileage expenses of members of  
 30 area education agency school economy task forces and  
 31 for reproduction and postage costs for the department

32 of public instruction.

33 Sec. 107. The legislative council may appoint a  
34 joint committee consisting of five members from each  
35 house and representing both political parties to  
36 review the report of the department of public  
37 instruction relating to the recommendations of the  
38 school district and area education agency economy task  
39 forces and make recommendations to the legislative  
40 council and the general assembly meeting in 1987. The  
41 joint committee shall meet during December 1986.”

42 13. Page 6, by striking lines 11 through 28.

43 14. Page 6, by inserting before line 29 the  
44 following:

45 “Sec. \_\_\_\_ . Sections 101 through 104 of this Act,  
46 being deemed of immediate importance, take effect from  
47 and after publication of the Act in The New Hampton  
48 Tribune, a newspaper published in New Hampton, Iowa,  
49 and in The Cedar Rapids Gazette, a newspaper published  
50 in Cedar Rapids, Iowa.”

**Page 7**

DIVISION S-5506A (cont'd.)

1 15. Title page, by striking lines 2 and 3 and  
2 inserting the following: “creation of school district  
3 economy task forces and area education agency economy  
4 task forces, changing certain reorganization  
5 procedures, providing for multimember director”.

6 16. Title page, line 5, by inserting after the  
7 word “reducing” the following: “the levy for bonded  
8 indebtedness, the additional levy, and”.

9 17. Title page, line 6, by inserting after the  
10 word “in” the following: “certain”.

11 18. Title page, line 8, by striking the word  
12 “and”.

13 19. Title page, line 9, by inserting after the  
14 word “districts” the following: “, and making  
15 appropriations”.

COMMITTEE ON EDUCATION  
LARRY MURPHY, Chairperson

S-5507

1 Amend amendment S-5455 to Senate File 2243 as  
2 follows:

3 1. Page 1, line 44, by inserting after the word  
4 “debt.” the following: “These reports shall be kept

5 confidential and shall not be available to the  
6 public."

MILO COLTON

S-5508

1 Amend House File 2216 as passed by the House as  
2 follows:

3 1. Page 1, line 11, by inserting after the figure  
4 "1," the following: "conservancy districts as defined  
5 in section 467D.2, subsection 1."

6 2. Page 1, by inserting after line 14 the  
7 following:

8 "Sec. 2. Section 613A.1, subsection 1, Code 1985,  
9 is amended to read as follows:

10 1. "Municipality" means city, county, township,  
11 school district, and any other unit of local  
12 government except a soil conservation ~~district~~  
13 districts as defined in section 467A.3, subsection 1  
14 and conservancy districts as defined in section  
15 467D.2, subsection 1."

16 3. Title page, by striking lines 1 through 3 and  
17 inserting the following: "An Act relating to the  
18 inclusion or exclusion of certain entities under tort  
19 claims acts."

EDGAR H. HOLDEN

S-5509

1 Amend House File 2221 as passed by the House as  
2 follows:

3 1. Page 1, line 7, by striking the words "point  
4 or nonpoint".

5 2. Page 1, by striking lines 17 through 21.

6 3. Renumber as necessary.

JACK RIFE

S-5510

1 Amend House File 2035, as passed by the House, as  
2 follows:

3 1. Page 1, by striking lines 6 through 9 and  
4 inserting the following: "the chief of the police  
5 department. In ~~cities under the city manager plan the~~

6 city manager shall make such appointments with the  
7 approval of the city council, and in all other cities  
8 such the".

ARNE WALDSTEIN

S-5511

1 Amend House File 2204 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 1, line 30, by inserting after the word  
4 "highways." the words "The department shall also in  
5 cooperation with the Iowa development commission  
6 establish criteria for guiding traffic to places of  
7 lodging, food establishments, automobile repairs and  
8 services and other businesses providing services  
9 necessary to the motoring public within a reasonable  
10 distance from an interstate or primary highway."  
11 2. Page 1, line 32, by striking the words  
12 "tourist attraction".  
13 3. Page 1, line 34, by striking the words  
14 "tourist attraction".

EDGAR H. HOLDEN

S-5512

1 Amend Senate amendment S-5496 to House File 2339 as  
2 amended, passed, and reprinted by the House as  
3 follows:  
4 1. By striking page 4, line 34 through page 5,  
5 line 15.

RICHARD F. DRAKE

S-5513

1 Amend House File 2460 as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 4, line 2 by inserting after the word  
4 "mail" the following: ", if the value of the property  
5 is less than fifty dollars, or certified mail, if the  
6 value of the property is equal to or greater than  
7 fifty dollars,".  
8 2. Page 6, by striking lines 26 through 28, and  
9 inserting the following: "The written application  
10 shall be specific and amendments to the application

11 shall be liberally permitted, including an amendment  
12 to conform to proof at the close of all evidence. The  
13 fact that the”.

TOM MANN, Jr.

S-5514

1 Amend House File 2303 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 1, by striking lines 17 through 20 and  
4 inserting the following: “the testing not later than  
5 January 1, 1988. All of the tests shall be conducted  
6 by a single laboratory. The laboratory shall be  
7 selected by the department on the basis of competitive  
8 bids, however, the laboratory selected shall not  
9 charge more than three hundred thirty dollars for the  
10 initial test required by this Act. The laboratory  
11 selected”.

12 2. Page 1, by inserting after line 25 the  
13 following:

14 “Sec. 2. Section 455B.309, subsection 2, Code  
15 Supplement 1985, is amended by adding the following  
16 new lettered paragraph:

17 NEW LETTERED PARAGRAPH. e. Grants to public water  
18 supply systems to abate or eliminate threats to public  
19 health and safety resulting from contamination of the  
20 water supply source.

21 Sec. 3. Section 455B.309, Code Supplement 1985, is  
22 amended by adding the following new subsection:

23 NEW SUBSECTION. 3. An amount equal to twenty-five  
24 percent of the moneys received from the tonnage fee  
25 imposed under section 455B.310 in each fiscal year  
26 shall be reserved for the purpose of providing grants  
27 to public water supply systems to abate or eliminate  
28 threats to public health and safety resulting from  
29 contamination of the water supply source. However, a  
30 public water supply shall not receive a grant for more  
31 than ten percent of the moneys available for those  
32 purposes in any given year. Any moneys not expended  
33 under this subsection at the end of each fiscal year  
34 shall be available for any of the uses authorized in  
35 subsection 2.”

36 3. Title page, by striking lines 1 and 2 and  
37 inserting the following: “An Act relating to the  
38 contamination of public water supply systems by  
39 providing for a testing program, authorizing the use  
40 of ground water funds for grants to eliminate or abate

41 contamination, and dedicating part of the ground water  
42 fund to such grants.”

HURLEY W. HALL

S-5515

1 Amend amendment S-5228 to House File 392,  
2 as amended, passed, and reprinted by the House,  
3 as follows:

4 1. By striking page 1, line 5, through page  
5 3, line 13, and inserting in lieu thereof the  
6 following:

7 “Section 1. The director of the Iowa development  
8 commission or the director’s designee shall  
9 prepare and submit, by January 15, 1987, a report  
10 to the general assembly outlining the feasibility  
11 of and costs associated with establishing a one-stop  
12 business license center. The report shall include  
13 an examination of the following factors:

14 (1) Identification of licenses which are needed  
15 to begin mosts types of businesses in the state.  
16 (2) Recommendations of procedures for  
17 establishing a system which would include a list  
18 of license requirements for major categories of  
19 business and industry, formulation of a schedule  
20 for implementing the long-range goals of a business  
21 license information center, and examination of the  
22 possibility of developing a master license system  
23 capable of providing common license renewal dates,  
24 and a system for the uniform registration of trade  
25 names in accordance with recommendations of the  
26 secretary of state and county recorders.

27 Sec. 2. The director of the Iowa development  
28 commission or the director’s designee shall  
29 prepare and submit, by January 15, 1987, a report  
30 to the general assembly outlining the feasibility  
31 of and costs associated with establishing and  
32 developing a data base on vendors which shall be  
33 administered so that a vendor can be placed in the  
34 data base by submitting an application to the  
35 department or to the state board of regents, the  
36 department of transportation, or the commission  
37 for the blind, for the use of all agencies having  
38 purchasing authority.”

CHARLES BRUNER  
LEONARD BOSWELL

S-5516

- 1 Amend Senate amendment S-5420 to House File 2405
- 2 as passed by the House as follows:
- 3 1. Page 1, line 10, by striking the word "attorney."
- 4 and inserting the following: "attorney on a per diem
- 5 basis to represent the board of trustees when in the
- 6 opinion of the board of trustees there is a conflict
- 7 of interest between the board of trustees and the
- 8 city council."

ALVIN V. MILLER

S-5517

- 1 Amend House File 2403, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 6 through 21.
- 4 2. By renumbering as necessary.

ALVIN V. MILLER

S-5518

- 1 Amend Senate amendment S-5496 to House File 2339 as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 4, line 43, by inserting after the word
- 5 "vehicles" the words ", and to enforce compliance with
- 6 the law prohibiting the operation of a motor vehicle
- 7 by a person under the influence of alcohol or a drug".

DOUGLAS RITSEMA

S-5519

- 1 Amend House File 2370, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 18 through 20 and
- 4 inserting the following: "of supervisors, by the
- 5 treasurer, auditor, and recorder. In the event that
- 6 any of these offices have been abolished through
- 7 consolidation, the county attorney shall serve on this
- 8 committee."

ALVIN V. MILLER

HOUSE AMENDMENT TO  
SENATE FILE 2116

S-5520

1 Amend Senate File 2116 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 542.1, subsection 3, Code  
6 Supplement 1985, is amended to read as follows:

7 3. "Grain dealer" means a person who buys during  
8 any calendar month five hundred bushels of grain or  
9 more from the producers of the grain for purposes of  
10 resale, milling, or processing. However, "grain  
11 dealer" does not include a producer of grain who is  
12 buying grain for the producer's own use as seed or  
13 feed; a person solely engaged in buying grain future  
14 contracts on the board of trade; a person who  
15 purchases grain only for sale in a registered feed; a  
16 person who purchases grain for sale in a nonregistered  
17 customer-formula feed regulated by chapter 198, who  
18 purchases less than a total of fifty thousand bushels  
19 of grain annually, and who is also exempt as an  
20 incidental warehouse operator under chapter 543; a  
21 person engaged in the business of selling agricultural  
22 seeds regulated by chapter 199; a person buying grain  
23 only as a farm manager; an executor, administrator,  
24 trustee, guardian, or conservator of an estate; a  
25 bargaining agent as defined in section 542A.1; or a  
26 custom livestock feeder."

27 2. Page 1, by striking lines 11 and 12, and  
28 inserting the following:

29 "a. The grain dealer shall have and maintain a net  
30 worth of at least".

31 3. Page 1, by striking lines 16 through 21, and  
32 inserting the following: "net worth deficiency.  
33 However a person".

34 4. By striking page 1, line 35, through page 2,  
35 line 7, and inserting the following: "commission.  
36 The grain dealer may elect, however, to submit a  
37 financial statement satisfying the requirements of  
38 subsection 5, paragraph "b," that is accompanied by  
39 the report of a certified public accountant licensed  
40 in this state that is based upon a review performed by  
41 the certified public accountant in lieu of the audited  
42 financial statement specified in this paragraph, and  
43 if a grain dealer makes this election the commission  
44 shall cause the grain dealer to be inspected not less

45 than twice during each twelve-month period, but not  
 46 more than five times in a twenty-four month period  
 47 without good cause, in the manner provided in section  
 48 542.9. In addition, the commission shall cause a  
 49 grain dealer who makes this election to submit to the  
 50 commission, in a form and manner prescribed by the

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1 commission, an interim financial statement no less  
 2 than once in every three calendar month period.”  
 3 5. Page 2, by striking lines 8 and 9, and  
 4 inserting the following:  
 5 “c. The grain dealer shall have and maintain  
 6 current assets equal to at”.  
 7 6. By striking page 2, line 29, through page 3,  
 8 line 15.  
 9 7. Page 4, line 5, by inserting after the word  
 10 “commission.” the following: “The grain dealer may  
 11 elect, however, to submit a financial statement that  
 12 is accompanied by the report of a certified public  
 13 accountant licensed in this state that is based upon a  
 14 review performed by the certified public accountant in  
 15 lieu of the audited financial statement specified in  
 16 this paragraph, and if a grain dealer makes this  
 17 election the commission shall cause the grain dealer  
 18 to be inspected not less than twice during each  
 19 twelve-month period, but not more than five times in a  
 20 twenty-four month period without good cause, in the  
 21 manner provided in section 542.9. In addition, the  
 22 commission shall cause a grain dealer who makes this  
 23 election to submit to the commission, in a form and  
 24 manner prescribed by the commission, an interim  
 25 financial statement no less than once in every three  
 26 calendar month period.”  
 27 8. Page 5, by inserting after line 7 the  
 28 following:  
 29 “Sec. \_\_\_\_ . Section 542.3, Code Supplement 1985, is  
 30 amended by adding the following new subsection:  
 31 NEW SUBSECTION. 8. A deficiency bond or  
 32 irrevocable letter of credit filed with the commission  
 33 pursuant to this section shall not be canceled by the  
 34 issuer on less than ninety days’ notice by certified  
 35 mail to the commissioner and the principal.”  
 36 9. Page 7, by inserting after line 9 the  
 37 following:  
 38 “Sec. \_\_\_\_ . Section 542.15, Code Supplement 1985,  
 39 is amended by adding the following new subsection:  
 40 NEW SUBSECTION. 8. A licensed grain dealer  
 41 purchasing grain by credit sale contract shall at all

42. times maintain grain, rights in grain, proceeds from  
 43 the sale of grain, or a combination thereof totaling  
 44 at least eighty-five percent of the dealer's  
 45 obligation for grain purchased by credit sale  
 46 contract. The required amount shall be evidenced or  
 47 represented by one or more of the following:  
 48 a. Grain actually held by the dealer in licensed  
 49 storage facilities.  
 50 b. Rights in grain evidenced or represented by one

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1 or more of the following:  
 2 (1) A warehouse receipt issued by a warehouse  
 3 licensed under chapter 543 or under the United States  
 4 Warehouse Act, or by other documentation acceptable as  
 5 evidence of inventory under the United States  
 6 Warehouse Act.  
 7 (2) Evidence of grain forwarded to another  
 8 warehouse under provisions of 543.39.  
 9 c. Sufficient proceeds from and of the grain  
 10 evidenced or represented by one or more of the  
 11 following:  
 12 (1) Cash on hand or cash held on account in  
 13 federally or state chartered financial institutions.  
 14 (2) Short term investments held in time accounts  
 15 with federally or state chartered financial  
 16 institutions.  
 17 (3) Balances on grain margin accounts.  
 18 (4) Credit sales contracts for grain shipped to a  
 19 processor, terminal, or recognized grain merchandising  
 20 entity, less any payment or advance that has been  
 21 received provided that the price term of the contract  
 22 remains open.  
 23 (5) Other evidence or proceeds from or of grain  
 24 acceptable to the commission, including an irrevocable  
 25 letter of credit.  
 26 For the purpose of computing the dollar value of  
 27 inventories and credit sale obligations, the value of  
 28 grain shall be figured at the then current market.  
 29 A grain dealer shall keep records of credit sale  
 30 obligations and evidence of grain, rights in grain and  
 31 the proceeds from or of grain so as to clearly  
 32 indicate compliance with the requirements of this  
 33 subsection."  
 34 10. Page 8, by inserting after line 9 the  
 35 following:  
 36 "Sec. \_\_\_\_ . Section 543.1, subsection 8, Code 1985,  
 37 is amended to read as follows:  
 38 8. "Warehouse operator" means ~~any~~ a person engaged

39 in the business of operating or controlling a  
 40 warehouse for the storing, shipping, handling or  
 41 processing of agricultural products, but does not  
 42 include an incidental warehouse operator.  
 43 Sec. \_\_\_\_ . Section 543.1, Code 1985, is amended by  
 44 adding the following new subsection:  
 45 NEW SUBSECTION. 23. "Incidental warehouse  
 46 operator" means a person regulated under chapter 198  
 47 whose grain storage capacity does not exceed twenty-  
 48 five thousand bushels which is used exclusively for  
 49 grain owned or grain which will be returned to the  
 50 depositor for use in a feeding operation or as an

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1 ingredient in a customer-formula feed, as defined in  
 2 section 198.1."  
 3 11. Page 8, line 18, by striking the word "The"  
 4 and inserting the following: "The Except as provided  
 5 in section 543.6, the".  
 6 12. Page 12, by striking lines 26 through 32 and  
 7 inserting the following: "commission. The warehouse  
 8 operator may elect, however, to submit a financial  
 9 statement ~~satisfying the requirements of subsection 5,~~  
 10 paragraph "b," that is accompanied by the report of a  
 11 certified public accountant licensed in this state  
 12 that is based upon a review performed by the certified  
 13 public accountant in lieu of the audited financial  
 14 statement specified in this paragraph, and if a  
 15 warehouse operator makes this election the commission  
 16 shall cause the warehouse ~~operator~~ to be inspected not  
 17 less than twice during each twelve-month period, but  
 18 not more than five times in a twenty-four month period  
 19 without good cause, in the manner provided in section  
 20 543.2. In addition, the commission shall cause a  
 21 warehouse operator who makes this election to submit  
 22 to the commission, in a form and manner prescribed by  
 23 the commission, an interim financial statement no less  
 24 than once in every three calendar month period."  
 25 13. Page 13, line 20, by inserting after the word  
 26 "commission." the following: "The warehouse operator  
 27 may elect, however, to submit a financial statement  
 28 that is accompanied by the report of a certified  
 29 public accountant licensed in this state that is based  
 30 upon a review performed by the certified public  
 31 accountant in lieu of the audited financial statement  
 32 specified in this paragraph, and if a warehouse  
 33 operator makes this election the commission shall  
 34 cause the warehouse to be inspected not less than  
 35 twice during each twelve-month period, but not more

36 than five times in a twenty-four month period without  
37 good cause, in the manner provided in section 543.2.  
38 In addition, the commission shall cause a warehouse  
39 operator who makes this election to submit to the  
40 commission, in a form and manner prescribed by the  
41 commission, an interim financial statement no less  
42 than once in every three calendar month period."

43 14. Page 13, by inserting after line 20 the  
44 following:

45 "Sec. \_\_\_\_ . Section 543.6, Code 1985, is amended by  
46 adding the following new subsection:

47 **NEW SUBSECTION. 8.** A deficiency bond or  
48 irrevocable letter of credit filed with the commission  
49 pursuant to this section shall not be canceled by the  
50 issuer on less than one hundred twenty days' notice by

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1 certified mail to the commission and the principal."

2 15. Page 13, line 23, by inserting before the  
3 word "When" the figure "1."

4 16. Page 14, line 15, by striking the word  
5 "section" and inserting the words "**section**  
6 **subsection**".

7 17. Page 14, line 19, by inserting before the  
8 word "If" the figure "2."

9 18. Page 14, line 24, by striking the word  
10 "sixty" and inserting the word "thirty".

11 19. Page 14, line 26, by striking the word  
12 "sixty-day" and inserting the word "thirty-day".

13 20. Page 14, line 27, by striking the word  
14 "ninety" and inserting the word "sixty".

15 21. Page 15, line 3, by striking the word  
16 "section" and inserting the word "subsection".

17 22. Page 15, by inserting after line 5 the  
18 following:

19 "3. When the commission receives notice that a  
20 deficiency bond or irrevocable letter of credit is  
21 being canceled by the issuer, and determines that upon  
22 the cancellation the warehouse operation will not be  
23 in compliance with section 543.6, the commission shall  
24 suspend the warehouse operator's license if a new  
25 deficiency bond or irrevocable letter of credit is not  
26 received by the commission within sixty days of  
27 receipt by the commission of the notice of  
28 cancellation. If a new deficiency bond or irrevocable  
29 letter of credit is not received by the commission  
30 within thirty days following suspension, the warehouse  
31 operator's license shall be revoked. When a license  
32 is revoked, the commission shall notify each holder of

33 an outstanding warehouse receipt and all known persons  
34 who have grain retained in open storage of the  
35 revocation, and shall further notify each receipt  
36 holder and all known persons who have grain retained  
37 in open storage that the grain must be removed from  
38 the warehouse not later than the thirtieth day  
39 following revocation. The notice shall be sent by  
40 ordinary mail to the last known address of each person  
41 having grain in storage as provided in this  
42 subsection.”  
43 23. Page 15, by striking lines 17 through 20 and  
44 inserting the following:  
45 “1. A warehouse operator who stores only  
46 agricultural products other than bulk grain shall have  
47 and maintain a net worth of at least ten percent of  
48 the value of the warehouse capacity, or maintain a  
49 deficiency bond or an irrevocable letter of credit in  
50 the amount of two thousand dollars for each one

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1 thousand dollars or fraction thereof of net worth  
2 deficiency. However, a person shall not be eligible  
3 for a license to store only agricultural products  
4 other than bulk grain if the person has a net worth of  
5 less than ten thousand dollars.”  
6 24. Page 15, by striking lines 21 and 22 and  
7 inserting the following:  
8 “3. A bond, deficiency bond, or irrevocable letter  
9 of credit on agricultural products other than bulk  
10 grain shall not be canceled by the issuer on less than  
11 one hundred twenty days’ notice by certified mail to  
12 the commission and the principal. When the commission  
13 receives notice from an issuer that it has canceled  
14 the bond, deficiency bond, or irrevocable letter of  
15 credit on agricultural”  
16 25. Page 15, line 26, by inserting after the word  
17 “bond” the words “, deficiency bond.”  
18 26. Page 15, line 31, by inserting after the word  
19 “bond” the words “, deficiency bond.”  
20 27. Page 16, line 34, by inserting after the word  
21 “and” the words “, if the claim relates to bulk  
22 grain.”  
23 28. Page 17, line 2, by inserting after the word  
24 “and” the words “, if the claim relates to bulk  
25 grain.”  
26 29. Page 18, by inserting after line 22 the  
27 following:  
28 “Sec. \_\_\_\_ . Section 543.18, subsection 3, Code  
29 1985, is amended to read as follows:

30 3. A statement that the receipt is issued subject  
31 to the Iowa ~~bonded~~ warehouse Act and the rules and  
32 regulations prescribed ~~thereunder~~ pursuant to the  
33 Act."

34 30. Page 19, by inserting after line 12 the  
35 following:

36 "1. "Board" means the Iowa grain indemnity board  
37 created in section 543A.4."

38 31. Page 19, by inserting after line 17 the  
39 following:

40 "2A. "First purchaser" means a person, public or  
41 private corporation, governmental subdivision,  
42 association, co-operative, partnership, commercial  
43 buyer, dealer, or processor who purchases grain from a  
44 producer for the first time for any purpose except to  
45 feed it to the purchaser's livestock or to manufacture  
46 a product from the grain purchased for the purchaser's  
47 personal consumption."

48 32. Page 19, by striking line 23 and inserting  
49 the words "but does not include agricultural products  
50 other than bulk grain."

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1 33. Page 19, by inserting after line 28 the  
2 following:

3 "6A. "Sale" or "purchase" includes but is not  
4 limited to the pledge or other encumbrance of grain as  
5 security for a loan extended under a federal price  
6 support loan program. Actual delivery of the grain  
7 occurs when the grain is pledged or otherwise  
8 encumbered to secure the loan. The purchase price of  
9 the grain is the principal amount of the loan extended  
10 and the purchase invoice for the grain is the  
11 documentation required for extension of the loan."

12 34. Page 19, by inserting after line 32 the  
13 following:

14 "8. "Storage" means that grain has been received  
15 and has come under care, custody or control of a  
16 warehouse operator either for the depositor for which  
17 a contract of purchase has not been negotiated or for  
18 the warehouse operator operating the facility, and  
19 includes grain received for which the actual sale  
20 price is not fixed and proper documentation made or  
21 payment made."

22 35. By striking page 20, line 16 through page 21,  
23 line 12 and inserting the following: "depositors and  
24 sellers indemnity fund under section 543A.6. The fund  
25 consists of a per-bushel fee deducted from the  
26 purchase price of grain at the time of sale, an annual

27 fee charged to and remitted by licensed grain dealers,  
28 licensed warehouse operators, and participating  
29 federally licensed grain warehouses under this  
30 section, sums collected by the commission by legal  
31 action on behalf of the fund, and interest, property,  
32 or securities acquired through the use of moneys in  
33 the fund. The moneys collected under this section and  
34 deposited in the fund shall be used exclusively to  
35 indemnify depositors and sellers as provided in  
36 section 543A.6 and to pay the administrative costs of  
37 this chapter.

38 2. The per-bushel fee shall be deducted by the  
39 first purchaser from the purchase price of grain at  
40 the time of sale. The first purchaser shall forward  
41 the per-bushel fee to the commission in the manner and  
42 using the forms prescribed by the commission. If the  
43 per-bushel fee has not been forwarded to the  
44 commission by the date required by the commission, the  
45 first purchaser is subject to a late penalty of one  
46 hundred dollars per day for each day the first  
47 purchaser fails to forward the fee. It is a simple  
48 misdemeanor for a person to withhold the per-bushel  
49 fee for more than sixty days after the date required  
50 by the commission, and it is a simple misdemeanor for

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1 a person to willfully render or furnish a false or  
2 fraudulent report, statement, or record required by  
3 the commission. The first purchaser will show the  
4 total amount of the per-bushel fee on the purchase  
5 invoice. The per-bushel fee shall be collected only  
6 once on each bushel of grain.

7 3. a. All licensed grain dealers, licensed  
8 warehouse operators, and participating federally  
9 licensed grain warehouses shall annually remit a fee  
10 to be deposited into the fund which is determined as  
11 follows:

12 (1) For class 1 grain dealers, five hundred  
13 dollars.

14 (2) For class 2 grain dealers, two hundred fifty  
15 dollars.

16 (3) For warehouse operators or participating  
17 federally licensed grain warehouses:

18 (a) For intended storage of bulk grain in any  
19 quantity less than twenty thousand bushels, forty-two  
20 dollars plus seven dollars for each two thousand  
21 bushels or fraction thereof in excess of twelve  
22 thousand bushels.

23 (b) For intended storage of bulk grain in any

24 quantity not less than twenty thousand bushels and not  
25 more than fifty thousand bushels, seventy dollars plus  
26 four and a half dollars for each three thousand  
27 bushels or fraction thereof in excess of twenty  
28 thousand bushels.

29 (c) For intended storage of bulk grain in any  
30 quantity not less than fifty thousand bushels and not  
31 more than seventy thousand bushels, one hundred  
32 fifteen dollars plus four and a half dollars for each  
33 four thousand bushels or fraction thereof in excess of  
34 fifty thousand bushels.

35 (d) For intended storage of bulk grain in any  
36 quantity not less than seventy thousand bushels, one  
37 hundred thirty-seven and a half dollars plus two and  
38 three-quarters dollars for each five thousand bushels  
39 or fraction thereof in excess of seventy thousand  
40 bushels.

41 b. Payment of the required amount shall be made  
42 before the grain dealer's or warehouse operator's  
43 license is renewed, or before the participating  
44 federal licensee's agreement with the commission is  
45 ratified.

46 4. For one year after the effective date of this  
47 Act, all licensed grain dealers, licensed warehouse  
48 operators, and participating federally licensed grain  
49 warehouses shall pay a fee equal to twice the fee  
50 scheduled pursuant to subsection 3. A person who

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1 applies for a grain dealer's or warehouse operator's  
2 license or a federal licensee who elects to  
3 participate in the fund after one year from the  
4 effective date of this Act, and who has not previously  
5 paid the double fee, shall pay that amount before the  
6 license is issued or the agreement is ratified.

7 5. All disbursements from the fund shall be paid  
8 by the treasurer of state pursuant to vouchers  
9 authorized by the commission.

10 6. The administrative costs of this chapter shall  
11 be paid from the fund after approval of the costs by  
12 the board.

13 Sec. 27. **NEW SECTION.** 543A.4 ADVISORY BOARD.

14 The Iowa grain indemnity board is established to  
15 advise the commission on matters relating to the fund  
16 and to perform the duties provided it in this chapter.  
17 The board is composed of the secretary of the  
18 department of agriculture or a designee who shall  
19 serve as president; the director of the department of  
20 insurance or a designee who shall serve as secretary;

21 the state treasurer or a designee who shall serve as  
22 treasurer; and two representatives of the grain  
23 industry appointed by the governor, subject to  
24 confirmation by the senate, one of whom shall be a  
25 representative of grain depositors and sellers and one  
26 of whom shall be a representative of grain dealers and  
27 warehouse operators, each of whom shall be selected  
28 from a list of three nominations made by the secretary  
29 of agriculture. The term of membership of the grain  
30 industry representatives is three years, and the  
31 representatives are eligible for reappointment. The  
32 grain industry representatives are entitled to forty  
33 dollars per diem for each day spent in the performance  
34 of the duties of the board, plus actual expenses  
35 incurred in the performance of those duties. Three  
36 members of the board constitute a quorum, and the  
37 affirmative vote of three members is necessary for any  
38 action taken by the board, except that a lesser number  
39 may adjourn a meeting. A vacancy in the membership of  
40 the board does not impair the rights of a quorum to  
41 exercise all the rights and perform all the duties of  
42 the board."

43 36. Page 21, line 13, by striking the figure  
44 "543A.4" and inserting the figure "543A.5".

45 37. Page 21, line 14, by striking the word  
46 "commission" and inserting the word "board".

47 38. Page 21, by striking lines 17 through 29 and  
48 inserting the following: "the per-bushel fee required  
49 under section 543A.3, subsection 2, and the dealer-  
50 warehouse fee required under section 543A.3,

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1 subsection 3 that are necessary to maintain the fund  
2 within the limits established under this section. Not  
3 later than the first day of May of each year, the  
4 board shall determine the proposed amount of the per-  
5 bushel fee based on the expected volume of grain on  
6 which the fee is to be collected and that is likely to  
7 be handled under this chapter. The per-bushel fee and  
8 the dealer-warehouse fee shall be adjusted on a pro  
9 rata basis. The board shall make any changes in the  
10 previous year's fees in accordance with chapter 17A.  
11 Changes in the fees shall become effective on the  
12 following first day of July. The per-bushel fee shall  
13 not exceed one-half cent per bushel on soybeans and  
14 one-quarter cent per bushel on all other grains on  
15 which the fee is to be paid. Until the per-bushel fee  
16 is adjusted or waived as provided in this section, the  
17 per-bushel fee on soybeans is one-half cent, and is

18 one-quarter cent on all other grains on which the fee  
19 is paid.”

20 39. Page 21, line 31, by striking the word  
21 “eight” and inserting the word “six”.

22 40. Page 21, line 32, by inserting before the  
23 word “fee” the word “per-bushel”.

24 41. By striking page 21, line 33, through page  
25 22, line 1, and inserting the following: “under  
26 section 543A.3, subsection 2, and the dealer-warehouse  
27 fee required under section 543A.3, subsection 3, shall  
28 be waived until the board reinstates the fees on a pro  
29 rata basis to maintain the liquidity of the fund.”

30 42. Page 22, line 2, by striking the figure  
31 “543A.5” and inserting the figure “543A.6”.

32 43. Page 22, line 13, by striking the word  
33 “commission” and inserting the word “board”.

34 44. Page 22, line 26, by striking the word  
35 “commission” and inserting the word “board”.

36 45. Page 22, line 33, by striking the word  
37 “moneys” and inserting the following: “a loss  
38 incurred on or after July 1, 1986”.

39 46. By striking page 22, line 35, through page  
40 23, line 7, and inserting the following: “remedies as  
41 follows:

42 a. For claims regarding grain dealer transactions,  
43 eighty-five percent of the loss, but not more than one  
44 hundred thousand dollars per claimant.

45 b. For claims regarding storage transactions, one  
46 hundred percent of the loss, but not more than one  
47 hundred thousand dollars per claimant.

48 The aggregate amount recovered by a depositor or  
49 seller under all remedies shall not exceed one hundred  
50 percent of the value of the loss. If the moneys

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1 recovered by a depositor or seller under all remedies  
2 exceed one hundred percent of the value of the loss,  
3 the depositor or seller shall reimburse the fund in  
4 the amount that exceeds the value of the loss.”

5 47. Page 23, line 8, by striking the word  
6 “commission” and inserting the word “board”.

7 48. Page 23, line 18, by striking the word  
8 “commission” and inserting the word “board”.

9 49. Page 23, lines 28 and 29, by striking the  
10 words “However, no claims shall be paid before the  
11 fund initially reaches one million dollars.”

12 50. Page 24, line 11, by striking the figure  
13 “543A.6” and inserting the figure “543A.7”.

14 51. Page 24, line 31, by striking the word “June”

- 15 and inserting the word "September".
- 16 52. By striking page 24, line 35, through page  
17 25, line 1, and inserting the following: "the  
18 indemnity fund is liable for claims which arise on or  
19 after July 1, 1986 but before October 1, 1986 only if  
20 the".
- 21 53. Page 25, line 8, by striking the word "June"  
22 and inserting the word "October".
- 23 54. Page 25, by striking lines 13 through 17.
- 24 55. Title page, line 2, by inserting after the  
25 word "requirements," the word "and".
- 26 56. Title page, line 3, by inserting after the  
27 word "fund" the following: ", and providing a  
28 penalty".
- 29 57. Title page, line 3, by striking the words "  
30 and providing an effective date".

## S-5521

- 1 Amend House File 123 as amended, passed and  
2 reprinted by the House as follows:
- 3 1. Page 1, by inserting after line 31 the  
4 following:
- 5 "Sec. 711. Section 321.166, subsection 6, Code  
6 1985, is amended to read as follows:
- 7 6. Registration plates issued a disabled veteran  
8 under the provisions of section 321.105, shall display  
9 the alphabetical characters "DV", which ~~shall be of~~  
10 ~~the same size as the characters in the registration~~  
11 ~~plate number and~~ shall precede the registration plate  
12 number. The plates shall also display the  
13 international symbol of accessibility.
- 14 Sec. 712. Section 601E.6, subsection 1, Code 1985,  
15 is amended to read as follows:
- 16 1. A handicapped identification device may be  
17 displayed in a motor vehicle being used by a  
18 handicapped person, either as operator or passenger.  
19 The devices shall be of uniform design and fabricated  
20 of durable material, suitable for display from within  
21 the passenger compartment of a motor vehicle, and  
22 readily transferable from one vehicle to another.  
23 They shall be acquired by the department and sold at  
24 cost, not to exceed five dollars, to handicapped  
25 persons upon application on forms prescribed by the  
26 department. Before delivering a handicapped  
27 identification device to a purchaser, the department  
28 shall permanently affix to the device a unique number  
29 which may be used by the department to identify that  
30 individual purchaser. A registration plate issued to

31 a disabled veteran under section 321.166, subsection  
32 6, and a handicapped registration plate issued under  
33 section 321.34, subsection 7, ~~is~~ are also a valid  
34 handicapped identification ~~device~~ devices."

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

37 "Sec. 713. Section 601E.6, subsection 3, paragraph  
38 a, Code 1985, is amended to read as follows:  
39 a. Establishing procedure for applying to the  
40 department for issuance of a permanent or temporary  
41 handicapped identification device under this section.  
42 Each handicapped identification device issued under  
43 this section other than under paragraph "d" shall  
44 identify the name of the person to whom the  
45 identification device was issued, the person's social  
46 security number or other identifying number, and the  
47 person's date of birth. Each temporary handicapped  
48 identification device issued under this section shall  
49 also state the expiration date for the temporary  
50 handicapped identification device.

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1 Sec. 714. Section 601E.6, subsection 3, paragraph  
2 b, Code 1985, is amended to read as follows:  
3 b. Requiring persons who seek permanent  
4 handicapped identification devices to furnish evidence  
5 upon initial application that they are permanently  
6 handicapped; and requiring persons who seek temporary  
7 handicapped identification devices to furnish evidence  
8 upon initial application that they are physically  
9 handicapped and, in addition, to furnish evidence at  
10 ~~six-month~~ three-month intervals that they remain  
11 physically handicapped.

12 Sec. \_\_\_\_ . Sections 711 and 713 apply to  
13 registration plates and handicapped identification  
14 devices issued on or after January 1, 1987. Section  
15 714 applies to temporary handicapped identification  
16 devices issued on or after July 1, 1986."

17 3. Renumber sections and correct internal  
18 references as necessary.

JOHN NYSTROM  
DONALD V. DOYLE

S-5522

1 Amend the amendment, S-4023, to Senate File 461, as  
2 amended, passed, and reprinted by the Senate, as

3 follows:

4 1. By striking page 2, line 3 through page 3,  
5 line 10 and inserting the following:

6 "\_\_\_\_. By striking everything after the enacting  
7 clause and inserting the following:

8 "Section 1. NEW SECTION. 514E.1 DEFINITIONS.

9 As used in this chapter and sections 6 through 8 of  
10 this Act:

11 1. "Chemical dependency" means chemical dependency  
12 as defined in section 125.2, subsection 1.

13 2. "Freestanding or residential facility" means an  
14 inpatient facility in a nonhospital setting which  
15 provides twenty-four-hour-per-day supervision and  
16 support for the treatment and rehabilitation of a  
17 person with a chemical dependency.

18 3. "Mental disorder" means a mental disorder  
19 identified as such in the latest edition or revision  
20 of the diagnostic and statistical manual of the  
21 American psychiatric association or of the clinical  
22 modification portion of the international  
23 classification of diseases.

24 4. "Mental health services" means outpatient care  
25 and treatment, intermediate care and partial  
26 hospitalization services, inpatient services,  
27 residential services, community support services,  
28 emergency services, and evaluation services, or  
29 comparable services, and related inpatient and  
30 residential room and board costs, as delineated in the  
31 annual state mental health plan prepared pursuant to  
32 section 225C.4, subsection 1, paragraph "a", or  
33 comprehensive residential treatment services for  
34 children, and related residential room and board  
35 costs, as delineated in rules adopted pursuant to  
36 section 237.3.

37 5. "Outpatient care and treatment" means  
38 diagnostic and other treatment provided to a person  
39 with a chemical dependency on an individual or group  
40 basis, on a scheduled or a nonscheduled basis, in a  
41 setting which is not inpatient or residential in  
42 nature, including but not limited to follow-up therapy  
43 to persons who have left more structured settings, and  
44 entry level treatment and intervention for persons  
45 whose physical, psychological, social, or vocational  
46 status allows them to function in their usual  
47 environments.

48 6. "Treatment plan" means a plan initiated at the  
49 time of a person's referral to necessary care and  
50 treatment for chemical dependency or mental disorders,

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1 which is approved for chemical dependency treatment or  
2 for treatment for mental disorders by a physician or  
3 other designee of the third-party payer, and which  
4 specifies the services and programs for the care and  
5 treatment of the person.

6 Sec. 2. NEW SECTION. 514E.2 MANDATORY BENEFITS  
7 FOR CHEMICAL DEPENDENCY.

8 Except as provided in section 514E.5, benefits for  
9 the necessary care and treatment of chemical  
10 dependency shall be generally equivalent to benefits  
11 for physical illness, including provisions for  
12 deductibles and coinsurance; shall provide for  
13 inpatient care and treatment, including inpatient care  
14 and treatment in freestanding or residential  
15 facilities, and outpatient care and treatment; shall  
16 comply with the guidelines established pursuant to  
17 section 514E.4 or with guidelines established by the  
18 third-party payer and approved by the department of  
19 insurance in consultation with the department of  
20 substance abuse; and may be limited to necessary care  
21 and treatment provided either pursuant to a written  
22 treatment plan or provided by qualified cost-effective  
23 providers, or both. The requirements of this section  
24 do not apply to blanket, short-term travel, accident  
25 only, or limited or specified disease benefits, or to  
26 benefits designed only for issuance to persons  
27 eligible for medicare coverage under Title XVIII of  
28 the federal Social Security Act.

29 All providers and programs of necessary care and  
30 treatment of chemical dependency covered by benefits  
31 subject to this section shall periodically be  
32 subjected to a utilization review of the  
33 appropriateness of levels of treatment, admissions,  
34 and lengths of stays. The review may be conducted by  
35 the third-party payer, a peer review organization, the  
36 Iowa foundation for medical care, or a similar review  
37 organization. The reviewer shall utilize standardized  
38 and widely accepted review criteria.

39 Sec. 3. NEW SECTION. 514E.3 MANDATORY BENEFITS  
40 FOR MENTAL DISORDERS.

41 Except as provided in section 514E.5, benefits for  
42 the necessary care and treatment of mental disorders  
43 shall be generally equivalent to benefits for physical  
44 illness, including provisions for deductibles and  
45 coinsurance; shall cover the mental health services  
46 which are medically or psychologically necessary or  
47 which are necessary to restore a person's capacity for  
48 social or biological functioning; shall comply with

49 the guidelines established pursuant to section 514E.4  
50 or with guidelines established by the third-party

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1 payer and approved by the department of insurance in  
2 consultation with the division of mental health,  
3 mental retardation, and developmental disabilities of  
4 the department of human services; and may be limited  
5 to necessary care and treatment provided either  
6 pursuant to a written treatment plan or provided by  
7 qualified cost-effective providers, or both. The  
8 requirements of this section do not apply to blanket,  
9 short-term travel, accident only, or limited or  
10 specified disease benefits, or to benefits designed  
11 only for issuance to persons eligible for medicare  
12 coverage under Title XVIII of the federal Social  
13 Security Act.

14 All providers and programs of necessary care and  
15 treatment of mental disorders covered by benefits  
16 subject to this section shall periodically be  
17 subjected to a utilization review of the  
18 appropriateness of levels of treatment, admissions,  
19 and lengths of stays. The review may be conducted by  
20 the third-party payer, a peer review organization, the  
21 Iowa foundation for medical care, or a similar review  
22 organization. The reviewer shall utilize standardized  
23 and widely accepted review criteria.

24 Sec. 4. NEW SECTION. 514E.4 COVERAGE GUIDELINES.

25 1. The department of substance abuse, with the  
26 technical advice of the department of insurance and  
27 after consultation with affected utilization  
28 reviewers, health professionals, insurers, and health  
29 researchers, shall adopt rules pursuant to chapter  
30 17A, to be effective on or before July 1, 1987,  
31 establishing guidelines for mandatory benefits for  
32 chemical dependency. The guidelines shall provide for  
33 optional types of coverage systems, for the different  
34 treatment needs of juveniles and adults, for provider  
35 eligibility qualifications, for limitations on  
36 treatment days, for cost-effective treatment goals,  
37 and for cost containment through utilization review  
38 and evaluation of the cost-effectiveness of treatment.

39 2. The division of mental health, mental  
40 retardation, and developmental disabilities of the  
41 department of human services, with the technical  
42 advice of the department of insurance and after  
43 consultation with affected utilization reviewers,  
44 health professionals insurers, and health researchers,  
45 shall adopt rules pursuant to chapter 17A, to be

46 effective on or before July 1, 1987, establishing  
47 guidelines for mandatory benefits for mental  
48 disorders. The guidelines shall provide for optional  
49 types of coverage systems, for the different treatment  
50 needs of juveniles and adults, for provider

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1 eligibility qualifications, for limitations on  
2 treatment days, for cost-effective treatment goals,  
3 and for cost containment through utilization review  
4 and evaluation of the cost-effectiveness of treatment.  
5 Sec. 5. NEW SECTION. 514E.5 COST CONTROL.  
6 This chapter does not prohibit or discourage  
7 insurers, nonprofit service corporations, and health  
8 maintenance organizations from providing payments of  
9 benefits or providing care and treatment under  
10 capitated payment systems, under prospective  
11 reimbursement rate systems, under utilization control  
12 systems, under incentive systems for the use of least  
13 restrictive and least costly levels of care, under  
14 preferred provider contracts limiting choice of  
15 specific provider, or under other systems designed to  
16 contain costs without sacrificing care or treatment  
17 outcome.

18 To the extent possible, the least costly settings  
19 for treatment shall be utilized in the development of  
20 guidelines by the department of substance abuse and  
21 the division of mental health, mental retardation, and  
22 developmental disabilities under section 514E.4,  
23 except where contraindicated. In approving or  
24 disapproving guidelines established by thirty-party  
25 payers under section 514E.2 or 514E.3, the department  
26 of insurance shall assure that equivalent health care  
27 access and outcome are achieved to the access and  
28 outcome achieved by the guidelines established under  
29 section 514E.4, but shall recognize innovative efforts  
30 to contain costs while achieving such access and  
31 outcome.

32 Sec. 6. Section 509.3, Code 1985, is amended by  
33 adding the following new subsections:

34 NEW SUBSECTION. 7. A provision which provides the  
35 policyholder with benefits for the necessary care and  
36 treatment of chemical dependency as provided in  
37 section 514E.2.

38 NEW SUBSECTION. 8. A provision which provides the  
39 policyholder with benefits for the necessary care and  
40 treatment of mental disorders as provided in section  
41 514E.3.

42 Sec. 7. Section 514.7, Code 1985, is amended by

43 adding the following new unnumbered paragraphs:

44 NEW UNNUMBERED PARAGRAPH. Group contracts with  
 45 subscribers for hospital or medical and surgical  
 46 service shall contain in substance a provision which  
 47 provides the subscribers with benefits for the  
 48 necessary care and treatment of chemical dependency as  
 49 provided in section 514E.2.

50 NEW UNNUMBERED PARAGRAPH. Group contracts with

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1 subscribers for hospital or medical and surgical  
 2 service shall contain in substance a provision which  
 3 provides the subscribers with benefits for the  
 4 necessary care and treatment of mental disorders as  
 5 provided in section 514E.3.

6 Sec. 8. Section 514B.5, Code 1985, is amended by  
 7 adding the following new subsections after subsection  
 8 3 and renumbering the subsequent subsections:

9 NEW SUBSECTION. 4. The health maintenance  
 10 organization provides necessary care and treatment of  
 11 chemical dependency as provided in section 514E.2.

12 NEW SUBSECTION. 5. The health maintenance  
 13 organization provides necessary care and treatment of  
 14 mental disorders as provided in section 514E.3.

15 Sec. 9. EFFECTIVE DATES -- APPLICATION -- COVERAGE  
 16 INFORMATION. Sections 1 through 3 and 5 through 8 of  
 17 this Act apply to group policies, contracts, and  
 18 evidences of coverage delivered or issued for delivery  
 19 on or after March 1, 1988, and on or after March 1,  
 20 1988 to existing group policies, contracts, and  
 21 evidences of coverage on their next anniversary or  
 22 renewal date or upon the expiration of an applicable  
 23 collective bargaining contract, if any, whichever is  
 24 the later. The department of insurance may require an  
 25 insurer, nonprofit service corporation, or health  
 26 maintenance organization subject to this Act to file  
 27 with the department, at times designated by the  
 28 department and in the form required by the department,  
 29 information describing the mandatory benefits for  
 30 chemical dependency and mental disorders provided by  
 31 the insurer, corporation, or organization."

32 —. Title page, by striking lines 4 through 6  
 33 and inserting the following: "organization health  
 34 care services plans for the treatment of".

35 —. Title page, line 9, by inserting after the  
 36 word "limitations" the following: ", and providing an  
 37 effective date".

CHARLES BRUNER  
 LARRY MURPHY

ROBERT CARR  
BEVERLY HANNON  
JAMES WELLS  
CHARLES P. MILLER

S-5523

- 1 Amend amendment S-5445 to House File 23867 as amended,
- 2 passed and reprinted by the House as follows:
- 3 1. Page 1, line 20, by inserting after the word
- 4 "committee." the following: "As used in this subsection,
- 5 "peer review committee" does not include examining boards."

CHARLES BRUNER

S-5524

- 1 Amend House File 2226 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, lines 6 and 7, by striking the words
- 4 "who resides upon the farm unit".
- 5 2. Page 1, by striking line 16 and inserting the
- 6 following: "licensee ~~to whom it is issued resides is~~
- 7 the owner, tenant, or member of owner's or tenant's
- 8 family."
- 9 3. Page 1, by inserting after line 16 the
- 10 following:
- 11 "An application by a tenant or tenant's family
- 12 member shall be given preference over an application
- 13 by an owner or member of the owner's family who does
- 14 not reside on the farm unit. An application by an
- 15 owner or owner's family member who does not reside on
- 16 the farm unit shall be accompanied by a signed
- 17 statement that no other application is being made for
- 18 the farm unit and by a copy of evidence of ownership."

BERL E. PRIEBE

S-5525

- 1 Amend House File 2414 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 6 through 12.
- 4 2. By striking page 1, line 35 through page 2,

5 line 4.

6 3. Page 2, by striking lines 18 through 21.

BERL E. PRIEBE

S-5526

1 Amend House File 2120 as amended, passed and  
2 reprinted by the House as follows:

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

5 "Sec. \_\_\_\_ . NEW SECTION. 99D.27 REGISTRATION OF  
6 RACING DOGS.

7 A dog shall not be raced in this state unless it is  
8 first registered with the commission. The commission  
9 shall adopt rules relating to the registration of  
10 racing dogs. These rules shall include a requirement  
11 that the owner of a dog seeking to register the dog  
12 shall file an affidavit stating whether the owner has  
13 any knowledge or reason to believe that the dog has  
14 been trained with the use of live animals, other than  
15 the dogs being trained. The commission shall deny  
16 registration upon a finding that a dog has been  
17 trained with the use of live animals, other than the  
18 dogs being trained.

19 Sec. 2. Section 99D.24, subsection 1, Code 1985,  
20 is amended by adding the following new lettered  
21 paragraphs:

22 NEW LETTERED PARAGRAPH. d. Training racing dogs  
23 in this state and uses live animals, other than the  
24 dogs being trained, in the course of that training.

25 NEW LETTERED PARAGRAPH. e. Knowingly permitting a  
26 racing dog to race in the state if the dog was trained  
27 with the use of live animals, other than the dogs  
28 being trained."

WILLIAM W. DIELEMAN

S-5527

1 Amend House File 2423 as passed by the House, as  
2 follows:

3 1. Page 1, by striking line 34 and inserting the  
4 following: "one hundred nor more than ~~five hundred~~  
5 one thousand".

6 2. Page 2, line 3, by inserting after the word  
7 "citation" the following: ", except that the  
8 commissioner shall not waive the penalty if the  
9 licensee's facility is cited more than once for the

10 same violation and shall impose a minimum penalty of  
11 five hundred dollars for each repeat violation".

COMMITTEE ON HUMAN RESOURCES  
BEVERLY HANNON, Chairperson

S-5528

1 Amend House File 2452 as passed by the House as  
2 follows:  
3 1. Page 1, by striking lines 17 through 24.  
4 2. Page 1, by striking lines 27 through 30 and  
5 inserting the following:  
6 "NEW LETTERED PARAGRAPH. j. The commissioner of  
7 insurance and the commissioner of public health shall  
8 require a pilot project which will collect billing  
9 information on surgical procedures commonly performed  
10 by health care providers licensed under chapters 148,  
11 159, 150 and 150A, as specified by the health data  
12 commission. The pilot project shall be completed by  
13 July 1, 1988."

COMMITTEE ON HUMAN RESOURCES  
BEVERLY HANNON, Chairperson

S-5529

1 Amend House File 2280 as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting before line 1, the  
4 following:  
5 "Section 1. Section 598.23, subsection 2,  
6 paragraph b, Code Supplement 1985, is amended by  
7 striking the paragraph and inserting in lieu thereof  
8 the following:  
9 b. Modifies the decree or order to compensate for  
10 lost parental or visitation time; establishes joint  
11 custody of the child; establishes joint physical care  
12 of the child; or transfers custody of the child. The  
13 court shall consider the denial of parental or  
14 visitation time contrary to the best interest of the  
15 child and a substantial change in circumstances giving  
16 rise to cause for modification of the custody order.  
17 The court shall not excuse a denial of parental or  
18 visitation time in retaliation for a delinquency in  
19 the payment of child support obligations. The court  
20 shall grant additional parental or visitation time to  
21 compensate for a denial of parental or visitation  
22 time.  
23 Sec. 2. Section 598.41, Code Supplement 1985, is  
24 amended by adding the following new subsection:

25 NEW SUBSECTION. 7. Court orders granting parental  
 26 or visitation time to a parent who is not awarded  
 27 custody or physical care of the child are binding on  
 28 all parties in the same manner as are court orders for  
 29 child support. Court orders granting parental or  
 30 visitation time shall require that the parties arrange  
 31 additional parental or visitation time to compensate  
 32 for lost parental or visitation time which is not used  
 33 through no fault of the parent not awarded custody or  
 34 physical care of the child. The court shall consider  
 35 obdurate refusal to arrange such additional parental  
 36 or visitation time as contrary to the best interest of  
 37 the child.”  
 38 2. By renumbering as necessary.

DAVID M. READINGER

S-5530

1 Amend amendment S-5447 to House File 2280 as passed  
 2 by the House as follows:  
 3 1. Page 1, line 4, by striking the word “and”.

DOUGLAS RITSEMA

S-5531

1 Amend the amendment S-5501 to House File 2370, as  
 2 passed by the House, as follows:  
 3 1. Page 1, by striking line 5 and inserting the  
 4 following: “treasurer, auditor, and recorder. In the  
 5 event that any of these offices have been abolished  
 6 through consolidation, the county attorney shall serve  
 7 on this committee.”

ALVIN V. MILLER

S-5532

1 Amend House File 2397 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 3, line 34, by striking the word “twenty-  
 4 five” and inserting the following: “fifty”.  
 5 2. By striking page 4, line 33 through page 5,  
 6 line 3 and inserting the following: “the work as set  
 7 forth in the grant application. Grants for less than  
 8 a county-wide planning area shall be limited to

9 twenty-five percent state funds, for a single-county  
10 planning area the state funds shall be limited to  
11 fifty percent, and for a two-county planning area the  
12 state funds shall be limited to seventy-five percent.  
13 For each additional county above a two-county planning  
14 area, the maximum allowable state funds shall be  
15 increased by an additional five percent, up to a  
16 maximum of ninety percent state funds."

JACK RIFE

S-5533

1 Amend House File 2181 as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 14, line 14, by inserting after the word  
4 "rejected" the following: "for medical reasons".  
5 2. Page 14, line 16, by inserting after the word  
6 "coverage" the following: "that is similar to the  
7 association's coverage".

EDGAR H. HOLDEN

S-5534

1 Amend amendment S-5447 to House File 2280 as passed  
2 by the House as follows:  
3 1. Page 1, lines 4 and 5, by striking the words  
4 "and causes that child to be unavailable".

DOUGLAS RITSEMA

S-5535

1 Amend House File 2454, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 8, by striking lines 25 through 28 and  
4 inserting the following: "accused of committing a  
5 simple misdemeanor under the provisions of chapter  
6 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or  
7 321G, or of section 123.47, unless an arrest is  
8 appropriate pursuant to the factors enumerated in  
9 section 805.1, subsection 3, paragraph "b". If an  
10 arrest is made, the person shall not be detained or  
11 confined in a facility regulated under chapter 356 or  
12 356A."

DOUGLAS RITSEMA

S-5536

- 1 Amend amendment S-5489 to House File 2374 as passed
- 2 by the House as follows:
- 3 1. Page 1, by striking lines 5 through 11, and in-
- 4 serting in lieu thereof the following: "applies to
- 5 these judgments.".

DOUGLAS RITSEMA

S-5537

- 1 Amend House File 2374 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 17, by striking the words "action
- 4 unless" and inserting in lieu thereof the words "action.
- 5 If unless".
- 6 2. Page 1, line 18, by striking the words "in which
- 7 case" and inserting in lieu thereof the words "in which
- 8 case".

DOUGLAS RITSEMA

S-5538

- 1 Amend House File 2442 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "property" the following: ", resulting from the
- 5 design of the improvement and not from the defective
- 6 construction of the improvement,".

TOM MANN, Jr.

S-5539

- 1 Amend House File 2442 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "property." the following: "This subsection applies
- 5 to improvements to real property made after the
- 6 effective date of this Act."

TOM MANN, Jr.

S-5540

1 Amend House File 2442 as passed by the House as  
2 follows:  
3 1. Page 1, by inserting after line 15 the  
4 following:  
5 "As used in this subsection, "improvement to real  
6 property" means an improvement to a building or  
7 structure existing on the effective date of this Act  
8 and not the construction of a new building or  
9 structure."

TOM MANN, Jr.

S-5541

1 Amend amendment S-5491 to House File 2442 as passed  
2 by the House as follows:  
3 1. Page 1, by striking line 8 and inserting in lieu  
4 thereof the following: "part by:  
5 . 1. a governmental entity  
6 2. a facility generating nuclear energy  
7 3. a facility responsible for storing, transferring,  
8 or disposing of hazardous substances  
9 4. an owner of property assessed on the basis of  
10 productivity  
11 5. an owner of a single family dwelling unit  
12 6. a rural water system."

MICHAEL E. GRONSTAL

S-5542

1 Amend House File 2454, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking lines 4 through 10 and  
4 inserting the following: "child who is voluntarily  
5 absent, without the express or implied permission of  
6 the child's parent, guardian, or custodian, from the  
7 child's home or placement for a period of time  
8 exceeding one week or for a period of time exceeding  
9 forty-eight hours on each of three or more separate  
10 occasions in a twelve-month period, and whose health,  
11 safety, and welfare are seriously at risk."  
12 2. Page 5, by striking lines 8 through 12 and  
13 inserting the following: ", without the express or  
14 implied permission of the child's parent, guardian, or

15 custodian, from the child's home or placement for a  
 16 period of time exceeding one week or for a period of  
 17 time exceeding forty-eight hours on each of three or  
 18 more separate occasions in a twelve-month period, and  
 19 whose health, safety, and welfare are seriously at  
 20 risk."

21 3. Page 5, line 16, by inserting after the word  
 22 "appoint" the following: "a guardian ad litem for the  
 23 child, and may appoint".

24 4. Page 5, by striking lines 27 through 31 and  
 25 inserting the following: "the child has been  
 26 voluntarily absent, without the express or implied  
 27 permission of the child's parent, guardian, or  
 28 custodian, from the child's home or placement for a  
 29 period of time exceeding one week or for a period of  
 30 time exceeding forty-eight hours on each of three or  
 31 more separate occasions in a twelve-month period, and  
 32 whose health, safety, and welfare are seriously".

JULIA GENTLEMAN  
 TOM MANN, JR.

S-5543

1 Amend House File 2388 as amended, passed, and  
 2 reprinted by the House as follows:

3 1. Page 2, by inserting after line 25 the fol-  
 4 lowing:

5 "Sec. \_\_\_\_ . Section 496A.130, unnumbered paragraph  
 6 6, Code 1985, is amended to read as follows:

7 If the certificate of incorporation of a  
 8 corporation has been canceled by the secretary of  
 9 state as provided in this section for failure to file  
 10 an annual report, or failure to pay fees or penalties,  
 11 ~~such the~~ corporation shall be reinstated by the  
 12 secretary of state at any time within ~~five ten~~ years  
 13 following the date of the issuance by the secretary of  
 14 state of the certificate of cancellation upon:".

15 2. By renumbering as necessary.

JOHN NYSTROM

S-5544

1 Amend House File 2219 as amended, passed and  
 2 reprinted by the House as follows:

3 1. Page 1, by striking lines 25 through 30 and  
 4 inserting the following: "or its treatment. If the

5 policyholder elects coverage, the policy of group”.  
6 2. Page 4, by striking lines 14 through 19 and  
7 inserting the following: “If the subscriber elects  
8 the coverage, the subscriber contract may limit”.  
9 3. Page 5, by striking lines 22 through 28 and  
10 inserting the following: “person licensed under  
11 chapter 148, 150, or 150A. If the prepaid group plan  
12 covers chiropractic diagnosis or treatment of human  
13 ailments, the prepaid group plan may limit or make  
14 optional the payment or”.

ARTHUR SMALL, Jr.

S-5545

1 Amend amendment S-5457 to House File 2414 as  
2 amended, passed and reprinted by the House as follows:  
3 1. Page 1, line 30, by inserting after the words  
4 “any-sex” the words “antlered, or antlerless”.

HURLEY HALL  
BERL E. PRIEBE

S-5546

1 Amend House File 2457 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 5, by inserting before line 30 the following:  
4 “Sec. \_\_\_\_ . Section 48.6, subsection 10, Code 1985,  
5 is amended by striking the subsection.”

JULIA GENTLEMAN

S-5547

1 Amend House File 2454 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 1, by striking lines 1 through 10.  
4 2. By striking page 4, line 19 through page 7,  
5 line 20.  
6 3. By renumbering as necessary.

JULIA B. GENTLEMAN  
TOM MANN, Jr.

S-5548

1 Amend House File 2403 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 3, by striking lines 6 through 21.  
 4 2. Page 5, line 22, by striking the word "a" and  
 5 inserting the following: "a one".  
 6 3. Page 5, by striking line 24 and inserting the  
 7 following: "length of service in each classification  
 8 or grade of the classifications or grades from".  
 9 4. Page 5, line 26, by striking the words "and", and  
 10 the" and inserting the following: "; and the. The  
 11 certificate shall also list each classification or  
 12 grade in which the person was previously employed.  
 13 The".

ALVIN MILLER  
 JAMES WELLS  
 JIM LIND

S-5549

1 Amend House File 2219 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. By striking page 1, line 12, through page 2,  
 4 line 13.  
 5 2. Title page, line 2, by striking the figures  
 6 "509, 514," and inserting the figure "514".  
 7 3. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-5550

1 Amend House File 2219 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 6, by inserting after line 18 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Chapter 514B, Code 1985, is amended by  
 6 adding the following new sections:  
 7 NEW SECTION. 514B.33 UTILIZATION AND COST CONTROL  
 8 REVIEW COMMITTEES.  
 9 The boards of examiners under chapters 148, 150,  
 10 150A, 151, and 153 shall establish utilization and  
 11 cost control review committees of licensees under the  
 12 respective chapters, selected from licensees who have  
 13 practiced in Iowa for at least the previous five  
 14 years, or shall accredit and designate other

15 utilization and cost control organizations as  
16 utilization and cost control committees under this  
17 section, for the purposes of utilization review of the  
18 appropriateness of levels of treatment and of giving  
19 opinions as to the reasonableness of charges for  
20 diagnostic or treatment services of licensees.  
21 Persons governed by the various chapters of Title XX  
22 of the Code and self insurers for health care benefits  
23 to employees may utilize the services of the  
24 utilization and cost control review committees upon  
25 the payment of a reasonable fee for the services, to  
26 be determined by the respective boards of examiners.  
27 The respective boards of examiners under chapters 148,  
28 150, 151, and 153 shall adopt rules necessary and  
29 proper for the implementation of this section pursuant  
30 to chapter 17A. It is the intent of this general  
31 assembly that conduct of the utilization and cost  
32 control review committees authorized under this  
33 section shall be exempt from challenge under federal  
34 or state antitrust laws or other similar laws in  
35 regulation of trade or commerce.

36 NEW SECTION. 514B.34 UTILIZATION AND COST  
37 CONTROL.

38 Nothing contained in the chapters of Title XX of  
39 the Code shall be construed to prohibit or discourage  
40 insurers, nonprofit service corporations, health  
41 maintenance organizations, or self insurers for health  
42 care benefits to employees from providing payments of  
43 benefits or providing care and treatment under  
44 capitated payment systems, prospective reimbursement  
45 rate systems, utilization control systems, incentive  
46 systems for the use of least restrictive and least  
47 costly levels of care, preferred provider contracts  
48 limiting choice of specific provider, or other  
49 systems, methods or organizations designed to contain  
50 costs without sacrificing care or treatment outcome,

**Page 2**

1 provided these systems do not limit or make optional  
2 payment or reimbursement for health care services on a  
3 basis solely related to the license under or the  
4 practices authorized by chapter 151 or on a basis that  
5 is dependent upon a method of classification,  
6 categorization, or description based upon differences  
7 in terminology used by different licensees under the  
8 chapters of Title VIII of the Code in describing human  
9 ailments or their diagnosis or treatment.”

MICHAEL GRONSTAL

S-5551

1 Amend the amendment, S-5490, to House File 2350 as  
2 amended, passed and reprinted by the House as follows:  
3 1. Page 1, by striking lines 5 through 7 and  
4 inserting the following:  
5 "\_\_\_\_. Title page, by striking lines 2 through 5  
6 and inserting the following: "defining a newspaper  
7 and by establishing fees for the publication of  
8 official notices."

JIM LIND  
ALVIN MILLER

S-5552

1 Amend Senate File 2284 as follows:  
2 1. Page 1, by striking line 13, and inserting  
3 in lieu thereof the following: "property, passengers  
4 or cargo for hire on the rivers bordering the state  
5 or lakes within the state".  
6 2. Title page, line 3, by inserting after the word  
7 "property" the following: ",passengers".

LEE HOLT

S-5553

1 Amend House File 2219 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 6, by inserting after line 8 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 514B.7, Code 1985, is amended  
6 to read as follows:  
7 514B.7 GOVERNING BODY.  
8 The governing body of ~~any a~~ health maintenance  
9 organization ~~shall be a legal entity separate from the~~  
10 ~~governing body of any other legal entity and~~ may  
11 include providers, other individuals, or both, but it  
12 shall establish a mechanism to allow a reasonable  
13 representation of enrollees to participate in matters  
14 of policy and operation ~~as members of the governing~~  
15 ~~body~~. The commissioner shall establish guidelines to  
16 implement this section."

DALE TIEDEN

S-5554

1 Amend House File 2433 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 1, line 27, by striking the words  
4 "without malice" and inserting the following:  
5 "~~without malice~~ such acts do not constitute a willful  
6 and wanton disregard for the rights or safety of  
7 another".

TOM MANN, Jr.

S-5555

1 Amend House File 2060, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking lines 9 through 14 and  
4 inserting the following: "payment for one month, ~~the~~  
5 ~~clerk of and upon application of a person entitled to~~  
6 receive the support payments or upon application of  
7 the child support recovery unit, the district court or  
8 the child support recovery unit may enter an ex parte  
9 order notifying the person, whose income is to be  
10 assigned, of the delinquent amount, of the amount of  
11 income or wages to be withheld, and of the procedure  
12 to file a motion to quash the order of assignment, and  
13 shall order an assignment of income and notify an".  
14 2. Page 1, by striking lines 32 and 33 and  
15 inserting the following: "enforced. The ~~clerk of the~~  
16 district court, upon the application of any party or  
17 the child support recovery unit, by ex parte order,  
18 may modify the assignment of income on".  
19 3. Page 2, by inserting after line 3 the  
20 following:  
21 "Sec. \_\_\_\_ . Section 252D.2, subsection 1, Code  
22 1985, is amended to read as follows:  
23 1. A petitioner under section 252D.1, subsection 3  
24 may move to quash the order of assignment at any time  
25 by asserting that the delinquency did not occur or has  
26 been paid. A person whose income has been assigned  
27 under section 252D.1 may move to quash the order of  
28 assignment by filing the motion to quash and notice of  
29 the motion to quash with the court within ~~ten~~ thirty  
30 days after the employer, trustee, or other payor  
31 delivers a copy of the order of assignment to the  
32 person under section 252D.4, subsection 1 entering of  
33 the court order of assignment under section 252D.1,  
34 subsection 3 or at any time upon a showing of a

35 substantial change in circumstances relating to the  
 36 delinquency. The clerk of the district court shall  
 37 schedule a hearing on the motion to quash for a time  
 38 not later than ~~seven~~ ten days after the filing of the  
 39 motion to quash and the notice of the motion to quash.  
 40 The clerk shall mail to the parties copies of the  
 41 motion to quash, the notice of the motion to quash,  
 42 and the order scheduling the hearing.”  
 43 4. By renumbering as necessary.

TOM MANN, Jr.

S-5556

1 Amend the amendment S-5506 to House File 2462, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, line 28, by inserting after the word  
 5 “corporation.” the following: “Any owner of bonds of  
 6 an affected corporation may bring suit in equity for  
 7 adjustment of the division and distribution in  
 8 compliance with this section.”

WALLY E. HORN

HOUSE AMENDMENT TO  
 SENATE FILE 245

S-5557

1 Amend Senate File 245 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 2, line 20, by inserting after the word  
 4 “age” the following: “if the person is eighteen years  
 5 of age or older”.  
 6 2. Page 2, line 21, by inserting after the word  
 7 “status,” the words “physical disability,”.  
 8 3. Page 5, line 2, by inserting after the word  
 9 “strictly.” the following: “However, in exercising  
 10 this authority the court shall allow the employer of  
 11 the person being asked to serve to give testimony in  
 12 support of a request by the person for deferral or  
 13 excuse.”  
 14 4. Page 5, line 29, by inserting after the word  
 15 “commissioners.” the following: “If any of the above  
 16 offices have been consolidated, the chief judge of the  
 17 judicial district shall select another elected county  
 18 officer to serve as a jury commissioner.”

- 19 5. Page 7, line 33, by striking the words “,  
20 county auditor and county recorder” and inserting the  
21 words “and county auditor”.  
22 6. By renumbering, relettering, or redesignating  
23 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 477

S-5558

- 1 Amend Senate File 477 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 1, by striking lines 19 through 22.  
4 2. Page 1, by striking lines 31 and 32 and  
5 inserting the following:  
6 “a. The seriousness of the violation for which a  
7 search may be instituted.”  
8 3. Page 2, line 8, by striking the word  
9 “significantly”.  
10 4. Page 2, by inserting after line 29, the  
11 following:  
12 “d. The search of a student by a school official  
13 not of the same sex as the student.”  
14 5. By renumbering, relettering, or redesignating  
15 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 505

S-5559

- 1 Amend Senate File 505 as passed by the Senate as  
2 follows:  
3 1. Page 4, by striking lines 9 and 10 and  
4 inserting the following: “or mail in the same motor  
5 vehicle with passengers.”

HOUSE AMENDMENT TO  
SENATE FILE 2049

S-5560

- 1 Amend Senate File 2049, as passed by the Senate, as  
2 follows:  
3 1. Page 1, lines 9 and 10, by striking the words  
4 “at least seventy percent of the value” and inserting

- 5 the words "a majority of the component parts".  
 6 2. Page 1, line 11, by striking the words "North  
 7 America" and inserting the words "the United States or  
 8 Canada".  
 9 3. Page 1, line 12, by striking the words "North  
 10 America" and inserting the words "the United States or  
 11 Canada".  
 12 4. Page 1, by inserting after line 17 the  
 13 following new section:  
 14 "Sec. \_\_\_\_ . Section 18.6, Code 1985, is amended by  
 15 adding the following new subsection:  
 16 NEW SUBSECTION. 9. The state and its political  
 17 subdivisions shall give preference to purchasing Iowa  
 18 products and purchasing from Iowa based businesses if  
 19 the bids submitted are comparable in price to those  
 20 submitted by other bidders and meet the required  
 21 specifications."

HOUSE AMENDMENT TO  
 SENATE FILE 2088

S-5561

- 1 Amend Senate File 2088 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, by striking lines 15 through 19 and  
 4 inserting the following: "request, to a person who  
 5 states in writing that he or she is a prospective  
 6 purchaser of the facility audited."

HOUSE AMENDMENT TO  
 SENATE FILE 2100

S-5562

- 1 Amend Senate File 2100 as follows:  
 2 1. Page 1, line 8, by striking the words "or  
 3 budgets".

S-5563

- 1 Amend Senate amendment S-5496 to House File 2339 as  
 2 amended, passed and reprinted by the House as follows:  
 3 1. Page 4, line 20, by inserting after the word  
 4 "employment." the words "Damages which are recoverable  
 5 under this section include but are not limited to  
 6 actual damages, court costs, and reasonable attorney

7 fees. The person may also petition the court for  
8 irriposition of a cease and desist order against the  
9 person's employer and for reinstatement to the  
10 person's previous position of employment."

TOM MANN, Jr.

S-5564

1 Amend House File 2423 as passed by the House as  
2 follows:  
3 1. Page 1, line 1, by striking the words and  
4 figures "subsections 1 and 2" and inserting in lieu  
5 thereof the word and figure "subsection 1".  
6 2. By striking page 1, line 15 through page 2,  
7 line 3.

C. JOSEPH COLEMAN

S-5565

1 Amend House File 2363 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 3, by striking lines 19 through 26.

JULIA GENTLEMAN

S-5566

1 Amend amendment S-5496 to House File 2339 as  
2 amended, passed and reprinted by the House as follows:  
3 1. Page 5, by striking lines 16 through 26.

C. JOSEPH COLEMAN  
DALE TIEDEN

S-5567

1 Amend House File 2245, as passed by the House, as  
2 follows:  
3 1. Page 1, line 2, by striking the word  
4 "subsection" and inserting the following:  
5 "subsections".  
6 2. Page 1, by inserting after line 11 the  
7 following:  
8 "NEW SUBSECTION. 22. Information concerning the  
9 nature and location of any ecologically sensitive

10 resource or site if, in the opinion of the state  
 11 ecologist, disclosure of the information will result  
 12 in unreasonable risk of damage to or loss of the  
 13 resource or site where the resource is located. This  
 14 subsection shall not be construed to interfere with  
 15 the responsibilities of the federal government or the  
 16 state ecologist pertaining to access, disclosure, and  
 17 use of the ecologically sensitive site records.”

18 3. Page 1, by inserting after line 20 the  
 19 following:

20 “Sec. \_\_\_\_ . NEW SECTION. 111B.14 CONFIDENTIALITY  
 21 OF ECOLOGICALLY SENSITIVE SITES AND INFORMATION.

22 The state ecologist shall comply with the  
 23 requirements of section 22.7, subsection 22, regarding  
 24 information pertaining to the nature and location of  
 25 ecologically sensitive resources or sites. The state  
 26 ecologist shall consult with other public officers  
 27 serving as lawful custodians of ecologically sensitive  
 28 information to determine whether the information  
 29 should be confidential or be released.”

FORREST SCHWENGELS

S-5568

1 Amend House File 2330 as amended, passed and  
 2 reprinted by the House as follows:

3 1. Page 1, by inserting after line 23 the  
 4 following new section:

5 “Sec. \_\_\_\_ . Section 321.456, Code 1985, is amended  
 6 to read as follows:

7 321.456 HEIGHT OF VEHICLES.

8 ~~No~~ A vehicle unladen or with load shall not exceed  
 9 a height of thirteen feet, six inches, except by  
 10 permit as provided in this section. Nothing herein  
 11 ~~contained~~ This section shall not be construed to  
 12 require any railroad or public authorities to provide  
 13 sufficient vertical clearance to permit the operation  
 14 of such vehicle upon the highways of this state. Any  
 15 damage to highways, highway or railroad structures or  
 16 underpasses caused by the height of any vehicle  
 17 provided for by this section shall be borne by the  
 18 operator or owner of ~~such~~ the vehicle. Vehicles  
 19 unladen or with load exceeding a height of thirteen  
 20 feet, six inches but not exceeding fourteen feet may  
 21 be operated with a permit issued by the department or  
 22 jurisdictional local authorities. The permits shall  
 23 be issued annually for a fee of twenty-five dollars  
 24 and subject to rules adopted by the department. The

25 state or a political subdivision shall not be liable  
26 for damage to any vehicle or its cargo if changes in  
27 vertical clearance of a structure are made subsequent  
28 to the issuance of a permit during the term of the  
29 permit."

JOHN N. NYSTROM  
C. JOSEPH COLEMAN

S-5569

1 Amend amendment S-5496 to House File 2339 as  
2 amended, passed and reprinted by the House as follows:  
3 1. Page 4, by striking lines 17 through 20 and  
4 inserting in lieu thereof the following: "attend a  
5 course required by this section."

DOUGLAS RITSEMA

S-5570

1 Amend Senate File 2163 as follows:  
2 1. Page 1, by inserting after line 22 the  
3 following:  
4 "Sec. — . NEW SECTION. 99D.27 REGISTRATION OF  
5 RACING DOGS.  
6 A dog shall not be raced in this state unless it is  
7 first registered with the commission. The commission  
8 shall adopt rules relating to the registration of  
9 racing dogs. These rules shall include a requirement  
10 that the owner of a dog seeking to register the dog  
11 shall file an affidavit stating whether the owner has  
12 any knowledge or reason to believe that the dog has  
13 been trained with the use of live animals, other than  
14 the dogs being trained. The commission shall deny  
15 registration upon a finding that a dog has been  
16 trained with the use of live animals, other than the  
17 dogs being trained.  
18 Sec. 2. Section 99D.24, subsection 1, Code 1985,  
19 is amended by adding the following new lettered  
20 paragraphs:  
21 NEW LETTERED PARAGRAPH. d. Training racing dogs  
22 in this state and uses live animals, other than the  
23 dogs being trained, in the course of that training.  
24 NEW LETTERED PARAGRAPH. e. Knowingly permitting a  
25 racing dog to race in the state if the dog was trained

26 with the use of live animals, other than the dogs  
27 being trained.”

WILLIAM W. DIELEMAN

S-5571

1 Amend the amendment S-5496 to House File 2339 as  
2 amended, passed and reprinted by the House as follows:  
3 1. Page 2, by striking line 41 and inserting the  
4 following:  
5 “1. Not less than thirty days after the effective  
6 date of revocation under this chapter, the department  
7 may, on”.

JULIA B. GENTLEMAN

S-5572

1 Amend House File 2280 as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting before line 1, the  
4 following:  
5 “Section 1. Section 598.23, subsection 2,  
6 paragraph b, Code Supplement 1985, is amended by  
7 striking the paragraph and inserting in lieu thereof  
8 the following:  
9 b. Modifies the decree or order to compensate for  
10 lost parental or visitation time; establishes joint  
11 custody of the child; establishes joint physical care  
12 of the child; or transfers custody of the child.  
13 Absent compelling extenuating circumstances to the  
14 contrary, the court shall consider the denial of  
15 parental or visitation time contrary to the best  
16 interest of the child. The court shall not excuse a  
17 denial of parental or visitation time in retaliation  
18 for a delinquency in the payment of child support  
19 obligations. The court shall grant additional  
20 parental or visitation time to compensate for a denial  
21 of parental or visitation time unless the denial is  
22 shown to be in the best interest of the child.  
23 Sec. 2. Section 598.41, Code Supplement 1985, is  
24 amended by adding the following new subsection:  
25 NEW SUBSECTION. 7. Court orders granting parental  
26 or visitation time to a parent who is not awarded  
27 custody or physical care of the child are binding on  
28 all parties. Court orders granting parental or  
29 visitation time shall require that the parties arrange

30 additional parental or visitation time to compensate  
31 for lost parental or visitation time which is not used  
32 through no fault of the parent not awarded custody or  
33 physical care of the child who has demonstrated an  
34 effort to arrange for parental or visitation time  
35 under the conditions of the order. The court shall  
36 consider obdurate refusal to arrange such additional  
37 parental or visitation time as contrary to the best  
38 interest of the child.”

39 2. By renumbering as necessary.

DAVID M. READINGER  
CHARLES BRUNER

S-5573

1 Amend House File 2154 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 1, line 5, by striking the figure  
4 “500.00” and inserting the figure “300.00”.

5 2. Page 1, line 6, by striking the figure  
6 “100.00” and inserting the figure “30.00”.

7 3. Page 1, line 7, by striking the figure  
8 “1,500.00” and inserting the figure “400.00”.

DALE TIEDEN

S-5574

1 Amend the Senate amendment S-5496 to House File  
2 2339 as amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 2, by striking lines 46 through 50 and  
5 inserting the following: “place of employment; in the  
6 course of the person’s employment; to and from the  
7 person’s home and the location at which the person  
8 attends evaluation, treatment, or educational services  
9 for alcohol or drug dependency; and to and from the  
10 person’s home and the location at which the person is  
11 to perform court-ordered community service if the  
12 person’s”.

JULIA B. GENTLEMAN

S-5575

- 1 Amend the amendment, S-5496, to House File 2339 as  
 2 amended, passed and reprinted by the House as follows:  
 3 1. Page 1, line 12, by striking the word "upon"  
 4 and inserting the following: ", upon".

DONALD V. DOYLE

S-5576

- 1 Amend House File 2226 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 1, line 15, by striking the words  
 4 "hunting on the farm unit" and inserting the words  
 5 "hunting ~~on~~ in the zone containing the farm unit".  
 6 2. Page 1, line 19, by striking the words  
 7 "without fee" and inserting the words "~~without~~ for a  
 8 fee of five dollars for each license".

JIM LIND  
BERL E. PRIEBE

S-5577

- 1 Amend House File 2422, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 24, by inserting after the word  
 4 "and" the following: "the juvenile court authorizes  
 5 the access or".

C. JOSEPH COLEMAN

S-5578

- 1 Amend House File 2339 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 20, by inserting after line 9 the  
 4 following:  
 5 "Sec. \_\_\_\_ . **NEW SECTION. 321J.22 EFFECT OF**  
 6 **CRIMINAL COURT PROCEEDING ON LICENSE REVOCATION.**  
 7 1. If the department has revoked or denied a  
 8 person's privilege to drive under section 321J.12, the  
 9 department shall rescind the revocation or denial if  
 10 the department receives notice that:  
 11 a. There have been no criminal charges filed for a  
 12 violation of section 321J.2 based on the same

13 circumstances which resulted in the revocation or  
14 denial of the person's driving privilege for any  
15 reason other than as a part of a deferred prosecution  
16 program.

17 b. The criminal action on a charge of a violation  
18 of section 321J.2 filed as a result of the same  
19 circumstances which resulted in the revocation or  
20 denial of the person's driving privilege has been  
21 dismissed for any reason other than under section  
22 907.3, subsection 1, or as a part of a deferred  
23 prosecution program.

24 c. The criminal action on a charge of a violation  
25 of section 321J.2 filed as a result of the same  
26 circumstances which resulted in the revocation or  
27 denial of the person's driving privilege has resulted  
28 in a verdict of not guilty on the charge.

29 2. If the department has rescinded the revocation  
30 or denial of a person's privilege to drive under  
31 paragraph "a" or "b" of subsection 1 and a charge of a  
32 violation of section 321J.2 is subsequently filed or  
33 reinstated on the same circumstances which resulted in  
34 initial revocation or denial of the person's privilege  
35 to drive, the department shall revoke or deny the  
36 person's privilege to drive effective twenty days  
37 after the department has mailed notice of revocation  
38 or denial to the person by certified mail. The period  
39 of revocation or denial is the same as the period  
40 under the initial revocation or denial less any time  
41 the initial revocation or denial was effective. The  
42 revocation or denial remains subject to paragraph "b"  
43 or "c" of subsection 1.

44 3. If the person whose privilege to drive has been  
45 revoked or denied had a hearing under section 321J.13  
46 for the initial revocation or denial, the person does  
47 not have a right to another hearing under section  
48 321J.13 if the rescinded revocation or denial is  
49 reinstated under subsection 2."

50 2. By renumbering as necessary.

TOM MANN, Jr.  
C. JOSEPH COLEMAN  
JAMES RIORDAN

S-5579

1 Amend House File 2441 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 1, by striking lines 1 and 2, and  
4 inserting in lieu thereof the following:

5 "Section 1. Section 77.4, subsection 2, Code 1985,  
6 is amended to read as follows:

7 2. Execute a bond to the state of Iowa in the sum  
8 of ~~five hundred~~ ten thousand dollars conditioned for  
9 the true and faithful execution of the duties of the  
10 office, which bond, when secured by personal surety,  
11 shall be approved by the clerk of the district court  
12 of the county of the person's residence or in the case  
13 of a resident of a state bordering Iowa, of the county  
14 of the person's place of work or business within the  
15 state of Iowa; all other bonds shall be approved by  
16 the secretary of state."

17 2. Title page, line 1, by striking the word  
18 "eliminating" and inserting in lieu thereof the word  
19 "increasing".

RAY TAYLOR

S-5580

1 Amend House File 2414 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. NEW SECTION. 109.48A DEER FEE TO  
6 LANDOWNER.

7 If a deer is taken on private property, the person  
8 taking the deer shall pay to the landowner or the  
9 landowner's agent the amount of ten dollars. The  
10 portion of the deer tag designed to be attached to the  
11 deer shall contain a space for acknowledgement of  
12 payment. This section does not limit the ability of a  
13 landowner to charge a fee for access to or activity  
14 upon the property. The landowner reserves the right  
15 to waive the fee."

LEONARD L. BOSWELL  
JOHN JENSEN  
JOE WELSH  
JIM LIND  
BEVERLY A. HANNON  
EUGENE FRAISE  
BERL E. PRIEBE  
JAMES RIORDAN

S-5581

- 1 Amend House File 2339 as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 8, by striking lines 22 through 26.

JIM LIND

S-5582

- 1 Amend House File 2412 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. 1985 Iowa Acts, chapter 33, section  
6 301, subsection 1, paragraphs a and b, are amended to  
7 read as follows:  
8 a. The first ~~eleven~~ six million ~~ninety-two~~ forty-  
9 two thousand dollars to the "Jobs Now Capitals"  
10 account.  
11 b. After the allotment in paragraph "a", ten  
12 million dollars to the "Community Economic Betterment"  
13 account, ~~eight~~ five million ~~five hundred thousand~~  
14 dollars to the "Jobs Now" account, and ~~twelve~~ eleven  
15 million ~~five~~ seven hundred thousand dollars to the  
16 "Education and Agriculture Research and Development"  
17 account.  
18 Sec. 2. 1985 Iowa Acts, chapter 33, section 301,  
19 subsection 2, is amended by adding after paragraph e  
20 the following new lettered paragraph:  
21 NEW LETTERED PARAGRAPH. f. Funds for guaranteeing  
22 business loans by local development corporations as  
23 described in section 28.29.  
24 Sec. 3. 1985 Iowa Acts, chapter 33, section 301,  
25 subsection 3, paragraphs a and c, are amended to read  
26 as follows:  
27 a. To the state conservation commission the sum of  
28 ~~two one~~ million ~~five hundred thousand~~ (2,500,000)  
29 (1,000,000) dollars for the development of parks,  
30 recreation areas, forest, fish and wildlife areas, and  
31 natural areas, and for related technical services for  
32 carrying out these projects. Not more than five  
33 hundred thousand (500,000) dollars shall be set aside  
34 to match private funds available for the acquisition  
35 of natural areas with unique or unusual features. Not  
36 more than four hundred thousand (400,000) dollars  
37 shall be set aside for the acquisition of land for  
38 expansion or development of state forests and state  
39 fish and wildlife areas. Not more than seven hundred

40 fifty thousand (750,000) dollars shall be set aside  
 41 for use in providing grants-in-aid to county  
 42 conservation boards for carrying out acquisition land  
 43 development projects as provided in chapter 111A. Any  
 44 of the above funds can be matched with any available  
 45 federal funds or with any available federal or local  
 46 funds in the case of grants-in-aid to county  
 47 conservation boards.  
 48 c. To the Iowa product development fund the sum of  
 49 ~~two one~~ million (~~2,000,000~~) (1,000,000) dollars for  
 50 the purposes provided in section 28.89.

## Page 2

1 Sec. 4. 1985 Iowa Acts, chapter 33, section 301,  
 2 subsection 3, paragraph d, is amended to read as  
 3 follows:  
 4 d. To the office for planning and programming the  
 5 sum of ~~one million (1,000,000)~~ zero dollars for  
 6 additional and supplemental funding for the child care  
 7 services program and the displaced homemakers program  
 8 in connection and coordination with the federal Job  
 9 Training Partnership Act of 1982 and funding for a  
 10 child care grants program to provide grants of up to  
 11 ten thousand dollars for start-up funding for before  
 12 and after school programs using school facilities,  
 13 infant care programs, child care information and  
 14 referral centers, and on-site employer day care. An  
 15 application for a grant under the child care grants  
 16 program shall include a study documenting a need for  
 17 the service or program for which the grant is sought  
 18 and a plan for implementation of the service or  
 19 program which plan includes a listing of other sources  
 20 of income, the staff to be employed, and the method to  
 21 make the service or program self-supporting within  
 22 three years.  
 23 Sec. 5. 1985 Iowa Acts, chapter 33, section 301,  
 24 subsection 3, paragraph f is amended by adding the  
 25 following new subparagraph:  
 26 NEW SUBPARAGRAPH. (6) Foreign trade.  
 27 Sec. 6. 1985 Iowa Acts, chapter 33, section 301,  
 28 subsection 4, paragraph a, is amended by striking the  
 29 paragraph.  
 30 Sec. 7. 1985 Iowa Acts, chapter 33, section 301,  
 31 subsection 4, paragraphs d and e, are amended to read  
 32 as follows:  
 33 d. To the Iowa development commission the sum of  
 34 ten million (10,000,000) dollars to be allocated by  
 35 the Iowa development commission for economic  
 36 development and research and development purposes at

37 an institution of higher education under the control  
38 of the state board of regents or at an independent  
39 college or university of the state. Beginning with  
40 the fiscal year beginning July 1, 1986, the Iowa  
41 development commission shall allocate for each fiscal  
42 year the first five million (5,000,000) dollars to the  
43 Iowa state university of science and technology for  
44 agricultural biotechnology research and development.  
45 The institutions under control of the state board of  
46 regents may present proposals to the state board of  
47 regents for the use of the funds. The proposals may  
48 include, but are not limited to, endowing faculty  
49 chairs, conducting studies and research, establishing  
50 centers, purchasing equipment, and constructing

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1 facilities in the areas of entrepreneurial studies,  
2 foreign language translation and interpretation,  
3 management development, genetics, molecular biology,  
4 laser science and engineering, biotechnology, third  
5 crop development, and value-added projects. The  
6 proposals shall include certification from the  
7 institution, college or university that it will  
8 receive from other sources an amount equal to the  
9 amount requested in the proposal. The state board of  
10 regents shall, for institutions under its control,  
11 determine the specific proposals for which it requests  
12 funding and submit them to the Iowa development  
13 commission. An independent college or university  
14 shall submit requests directly to the Iowa development  
15 commission. The Iowa development commission shall  
16 disburse to the regents' institutions or an  
17 independent college or university the moneys for the  
18 various proposals requested unless the Iowa  
19 development commission disapproves of a specific  
20 proposal as inconsistent with the plan for economic  
21 development for this state. The applicants may submit  
22 additional proposals for those not approved by the  
23 Iowa development commission. Those funds allocated by  
24 the Iowa development commission under this paragraph  
25 that are not expended by the institution of higher  
26 education shall not revert to the commission. The  
27 Iowa development commission shall consult with the  
28 Iowa high technology council in making grants under  
29 this paragraph.  
30 e. To the state board of regents the sum of ~~two~~  
31 ~~hundred thousand (200,000)~~ zero dollars to be used by  
32 Iowa state university for the establishment of Iowa  
33 farm management program. The cooperative extension

34 service shall administer the program with provisions  
35 for cooperation and assistance through the department  
36 of public instruction. The program may be offered in  
37 conjunction with programs offered at the merged area  
38 schools and at school districts. The cooperative  
39 extension service may allocate moneys appropriated in  
40 this section for the program to area schools and  
41 school districts participating in the program. The  
42 cooperative extension service may accept gifts from  
43 other sources to supplement moneys appropriated in  
44 this section.

45 Sec. 8. 1985 Iowa Acts, chapter 33, section 301,  
46 subsection 4, is amended by adding the following new  
47 lettered paragraphs:  
48 NEW LETTERED PARAGRAPH. h. To the Iowa  
49 development commission the sum of one hundred thousand  
50 (100,000) dollars for the promotion of foreign trade

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1 in conjunction with the farm progress show.  
2 NEW LETTERED PARAGRAPH. i. To the legislative  
3 council for the use of the world trade advisory  
4 committee for the period beginning on the effective  
5 date of this Act and ending June 30, 1986, the sum of  
6 fifty thousand (50,000) dollars, or so much thereof as  
7 is necessary, to pay expenses of the members of the  
8 committee and other expenses approved by the  
9 committee. Any moneys expended by the committee which  
10 were paid from the general fund of the state during  
11 the period beginning on January 1, 1986 and ending on  
12 the effective date of this Act shall be repaid to the  
13 general fund of the state not later than June 30,  
14 1986, from this appropriation.

15 Sec. 9. 1985 Iowa Acts, chapter 33, section 301,  
16 subsection 5, paragraph a, is amended by striking the  
17 paragraph.

18 Sec. 10. 1985 Iowa Acts, chapter 33, section 301,  
19 subsection 5, is amended by adding the following new  
20 lettered paragraphs:

21 NEW LETTERED PARAGRAPH. f. To the Iowa family  
22 farm development authority the sum of three million  
23 (3,000,000) dollars for the agricultural loan  
24 assistance program provided in House File 2353 of the  
25 Seventy-first General Assembly. If House File 2353 is  
26 not enacted or the full appropriation under this  
27 program is not committed for grants as provided in  
28 House File 2353, the funds appropriated or the funds  
29 not committed, whichever is appropriate, shall be  
30 transferred from the jobs now capitals account to the

31 accounts specified in subsection 1, paragraph "b".  
 32 The funds so transferred are considered as allotments  
 33 made to those other accounts for the fiscal year  
 34 beginning July 1, 1985.  
 35 NEW LETTERED PARAGRAPH. g. To the department of  
 36 general services the sum of nine hundred thousand  
 37 (900,000) dollars for capitol building restoration and  
 38 major repairs.  
 39 NEW LETTERED PARAGRAPH. h. To the Iowa state  
 40 university of science and technology the sum of three  
 41 hundred thousand (300,000) dollars for allocation to  
 42 the center for industrial research and service for a  
 43 hazardous waste research program and a solar energy  
 44 conversion program. The hazardous waste research  
 45 program shall be created within the civil engineering  
 46 department. This research program shall concentrate  
 47 its efforts in the cleanup of industrial hazardous  
 48 waste in the state with special emphasis upon new  
 49 waste disposal techniques and applications. The  
 50 center for industrial research and service shall

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1 administer the research funds and report to the  
 2 general assembly on the program's progress and result.  
 3 Sec. 11. 1985 Iowa Acts, chapter 33, section 301,  
 4 is amended by adding the following new subsection:  
 5 NEW SUBSECTION. 9. The appropriations from the  
 6 allocation made to the education and agriculture  
 7 research and development account for the fiscal year  
 8 beginning July 1, 1985 under subsection 4, paragraphs  
 9 "a", "b", and "c" shall not be spent. The funds that  
 10 would have been available and spent, but for this  
 11 subsection, under section 4, paragraphs "a", "b", and  
 12 "c" shall be transferred from the education and  
 13 agriculture research and development account to the  
 14 accounts specified in subsection 1, paragraph "b".  
 15 The funds so transferred are considered as allotments  
 16 made to those accounts for the fiscal year beginning  
 17 July 1, 1985. However, the funds resulting from this  
 18 reallocation to the education and agriculture research  
 19 and development account shall not be appropriated  
 20 under subsection 4, paragraphs "a", "b", and "c".  
 21 Sec. 12. 1985 Iowa Acts, chapter 33, section 302,  
 22 subsection 1, paragraphs a and b, are amended to read  
 23 as follows:  
 24 a. In each of the fiscal years year beginning July  
 25 1, 1986 and the first three million two hundred fifty  
 26 thousand dollars, in the fiscal year beginning July 1,  
 27 1987 the first ~~ten~~ one million two hundred fifty

28 thousand dollars, in the fiscal year beginning July 1,  
 29 1988 the first ~~three one~~ million ~~two hundred fifty~~  
 30 ~~thousand~~ dollars and in the fiscal year beginning July  
 31 1, 1989 the first one million dollars to the jobs now  
 32 capitals account.

33 b. In each of the four fiscal years after the  
 34 allotment in paragraph "a", ten million dollars to the  
 35 community economic betterment account, eight million  
 36 five hundred thousand dollars to the jobs now account,  
 37 and twelve million five hundred thousand dollars to  
 38 the education and agriculture research and development  
 39 account. However, the allotment to the jobs now  
 40 account for the fiscal year beginning July 1, 1986  
 41 shall be eight million one hundred fifty thousand  
 42 dollars and the allotment to the education and  
 43 agriculture research and development account for the  
 44 fiscal year beginning July 1, 1986 shall be twelve  
 45 million three hundred thousand dollars.

46 Sec. 13. 1985 Iowa Acts, chapter 33, section 302,  
 47 subsection 2, is amended by adding after paragraph e  
 48 the following new lettered paragraph:

49 **NEW LETTERED PARAGRAPH. f. Funds for guaranteeing**  
 50 **business loans by local development corporations as**

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1 described in section 28.29.

2 Sec. 14. 1985 Iowa Acts, chapter 33, section 302,  
 3 subsection 3, paragraphs a, b, and c, are amended to  
 4 read as follows:

5 a. To the state conservation commission for the  
 6 purposes designated in section 301, subsection 3,  
 7 paragraph "a" of this Act. For the fiscal year  
 8 beginning July 1, 1986, the amount appropriated is two  
 9 million (2,000,000) dollars.

10 b. To the Iowa product development fund for the  
 11 purposes provided in section 28.89. For the fiscal  
 12 year beginning July 1, 1986, the amount appropriated  
 13 is one million five hundred thousand (1,500,000)  
 14 dollars.

15 c. To the office for planning and programming for  
 16 the purposes designated in section 301, subsection 3,  
 17 paragraphs "d" and "e" of this Act. For the fiscal  
 18 year beginning July 1, 1986, the amount appropriated  
 19 for the purposes designated in section 301, subsection  
 20 3, paragraph "d" of this Act is six hundred thousand  
 21 (600,000) dollars.

22 Sec. 15. 1985 Iowa Acts, chapter 33, section 302,  
 23 subsection 4, paragraphs a, b, and c, are amended to  
 24 read as follows:

25 a. ~~To~~ Except for the fiscal year beginning July 1,  
26 1986, to the Iowa college aid commission for the  
27 forgivable loan program established in division VII of  
28 this Act.

29 b. To the Iowa development commission for the  
30 purposes and under the conditions specified in section  
31 301, subsection 4, paragraphs "b" and "d" of this Act.  
32 For the fiscal year beginning July 1, 1986, the amount  
33 appropriated for the purposes designated in section  
34 301, subsection 4, paragraph "d" of this Act is ten  
35 million seven hundred fifty thousand (10,750,000)  
36 dollars.

37 c. ~~To~~ Except for the fiscal year beginning July 1,  
38 1986, to the state board of regents for the purposes  
39 and under the conditions specified in section 301,  
40 subsection 4, paragraph "e" of this Act.

41 Sec. 16. 1985 Iowa Acts, chapter 33, section 302,  
42 subsection 4, is amended by adding the following new  
43 lettered paragraph:

44 NEW LETTERED PARAGRAPH. e. For each of the fiscal  
45 years beginning July 1, 1986 and July 1, 1987 to the  
46 legislative council for the use of the world trade  
47 advisory committee the sum of fifty thousand (50,000)  
48 dollars, or so much thereof as is necessary, to pay  
49 expenses of the members of the committee and other  
50 expenses approved by the committee.

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1 Sec. 17. 1985 Iowa Acts, chapter 33, section 302,  
2 subsection 5, paragraph a, is amended by striking the  
3 paragraph.

4 Sec. 18. 1985 Iowa Acts, chapter 33, section 302,  
5 subsection 5, is amended by adding the following new  
6 lettered paragraphs:

7 NEW LETTERED PARAGRAPH. c. There is appropriated  
8 from the allotment made to the jobs now capitals  
9 account under subsection 1 for the fiscal year  
10 beginning July 1, 1986 to the department of public  
11 safety for the acquisition and interface with a  
12 fingerprint computer the sum of five hundred thousand  
13 (500,000) dollars. There is established an automated  
14 fingerprint computer committee (AFIS). This committee  
15 shall have the authority to prepare and implement  
16 guidelines, rules, and regulations pertaining to the  
17 placement, use, and access to the AFIS computer and  
18 any remote terminal designed to interface with the  
19 main computer located at the department of public  
20 safety. The AFIS committee will be chosen for two-  
21 year terms with four sheriffs chosen by the Iowa state

22 sheriffs and deputies association and four chiefs of  
23 police chosen by the Iowa police executive forum. The  
24 commissioner of public safety, or the designee, will  
25 be chairperson of the AFIS committee.  
26 After the initial committee is selected effective  
27 July 1, 1986, new members will serve staggered terms  
28 of two years. Beginning July 1, 1988, the Iowa state  
29 sheriffs and deputies association and the Iowa police  
30 executive forum will each choose two new members, who  
31 will make up the nine member AFIS committee.  
32 Thereafter, the staggered terms will take effect  
33 between the sheriffs' representatives and the police  
34 chiefs' representatives. Nothing herein shall limit  
35 the number of terms any one person may serve.  
36 NEW LETTERED PARAGRAPH. d. There is appropriated  
37 from the allotment made to the jobs now capitals  
38 account under subsection 1 for the fiscal year  
39 beginning July 1, 1986 to the Iowa state university of  
40 science and technology for funding for the small  
41 business development centers the sum of seven hundred  
42 thousand (700,000) dollars.  
43 NEW LETTERED PARAGRAPH. e. There is appropriated  
44 from the allotment made to the jobs now capitals  
45 account under subsection 1 for the fiscal year  
46 beginning July 1, 1986 to the Iowa state university of  
47 science and technology the sum of two hundred fifty  
48 thousand (250,000) dollars for allocation to the  
49 center for industrial research and service for the  
50 hazardous waste research program and the solar energy

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1 conversion program.  
2 NEW LETTERED PARAGRAPH. f. There is appropriated  
3 from the allotment made to the jobs now capitals  
4 account under subsection 1 for the fiscal year  
5 beginning July 1, 1986 to the department of human  
6 services the sum of four hundred fifty thousand  
7 (450,000) dollars for the purchase of computer  
8 equipment for establishing a child support recovery  
9 central clearinghouse.  
10 NEW LETTERED PARAGRAPH. g. There is appropriated  
11 from the allotment made to the jobs now capitals  
12 account under subsection 1 for the fiscal year  
13 beginning July 1, 1986 to the department of justice  
14 the sum of three hundred fifty thousand (350,000)  
15 dollars for office automation and related personnel  
16 costs. The moneys appropriated under this paragraph  
17 which have not been expended by the end of the fiscal  
18 year shall not revert under section 8.33 or any other

19 provision of law.

20 Sec. 19. 1985 Iowa Acts, chapter 33, section 303,  
21 as amended by 1985 Iowa Acts, chapter 256, section 12,  
22 is amended by adding the following new unnumbered  
23 paragraph:

24 NEW UNNUMBERED PARAGRAPH. Notwithstanding any  
25 other provision of this section, the amount  
26 appropriated for each of the fiscal years beginning  
27 July 1, 1986, July 1, 1987, July 1, 1988, and July 1,  
28 1989, from the allotments to be made to the community  
29 economic betterment account, jobs now account, and the  
30 education and agriculture research and development  
31 account to each of the funds, agencies, boards, or  
32 commissions for the purposes specified in subsections  
33 2, 3, and 4 of section 302 of this Act shall be the  
34 amounts appropriated to each of those funds, agencies,  
35 boards, or commissions for the fiscal year beginning  
36 July 1, 1985 for those purposes in subsections 2, 3,  
37 and 4 of section 301 of this Act, except where a  
38 different amount is specified by the general assembly  
39 for that fiscal year.

40 Sec. 20. Section 99E.10, subsection 1, paragraph  
41 a, Code Supplement 1985, is amended to read as  
42 follows:

43 a. An amount equal to one half of one percent two  
44 hundred fifty thousand dollars of the gross lottery  
45 revenue received in each fiscal year shall be  
46 deposited in a gamblers assistance fund in the office  
47 of the treasurer of state. Moneys in the fund shall  
48 be administered by the commissioner of human services  
49 and used to provide assistance and counseling to  
50 individuals and families experiencing difficulty as a

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1 result of gambling losses and to promote awareness of  
2 gamblers anonymous and similar assistance programs.

3 Sec. 21. Section 99E.10, subsection 1, unnumbered  
4 paragraph 3, Code Supplement 1985, is amended to read  
5 as follows:

6 The Iowa plan fund for economic development, also  
7 to be known as the Iowa plan fund, is created in the  
8 office of the treasurer of state. Lottery revenue  
9 remaining after expenses are determined shall be  
10 transferred to the Iowa plan fund on a quarterly  
11 monthly basis. However, upon the request of the  
12 commissioner and subject to approval by the treasurer  
13 of state, an amount sufficient to cover the  
14 foreseeable administrative expenses of the lottery for  
15 a period of twenty-one days may be retained from the

16 lottery revenue. Prior to the ~~quarterly~~ monthly  
 17 transfer to the Iowa plan fund, the commissioner may  
 18 direct that lottery revenue shall be deposited in the  
 19 lottery fund and in interest bearing accounts  
 20 designated by the treasurer of state in the financial  
 21 institutions of this state or invested in the manner  
 22 provided in section 452.10. Interest or earnings paid  
 23 on the deposits or investments is considered lottery  
 24 revenue and shall be transferred to the Iowa plan fund  
 25 in the same manner as other lottery revenue. Money in  
 26 the Iowa plan fund shall be deposited in interest  
 27 bearing accounts in financial institutions in this  
 28 state or invested in the manner provided in section  
 29 452.10. The interest or earnings on the deposits or  
 30 investments shall be considered part of the Iowa plan  
 31 fund and shall be retained in the fund unless  
 32 appropriated by the general assembly.  
 33 Sec. 22. This Act, being deemed of immediate  
 34 importance, takes effect from and after its  
 35 publication in the Globe-Gazette, a newspaper  
 36 published in Mason City, Iowa, and in The Forest City  
 37 Summit, a newspaper published in Forest City, Iowa.”

COMMITTEE ON APPROPRIATIONS  
 JOE WELSH, Chairperson

S-5583

1 Amend House File 2066 as amended and passed by the  
 2 House, as follows:  
 3 1. Page 1, by inserting after line 33 the  
 4 following:  
 5 “Sec. \_\_\_\_ . Section 41.1, subsection 10, paragraph  
 6 b, Code 1985, is amended to read as follows:  
 7 b. Pocahontas county, except Cummins, Powhatan,  
 8 Des Moines, Roosevelt, Garfield, Clinton, and Lake  
 9 townships.”  
 10 2. Page 4, by inserting after line 21 the  
 11 following:  
 12 “Sec. \_\_\_\_ . Section 232.75, Code 1985, is amended  
 13 by adding the following new subsection:  
 14 NEW SUBSECTION. 3. A person who reports or causes  
 15 to be reported to the department of human services  
 16 false information regarding an alleged act of child  
 17 abuse, knowing that the information is false or that  
 18 the act did not occur, commits a simple misdemeanor.”  
 19 3. Page 5, by inserting after line 1 the  
 20 following:  
 21 “Sec. \_\_\_\_ . Section 321.236, subsection 1,

22 unnumbered paragraph 2, Code Supplement 1985, is  
23 amended to read as follows:

24 Parking meter and overtime parking violations which  
25 are denied shall be charged and proceed before a court  
26 the same as other traffic violations and court costs  
27 shall be assessed as provided in section 805.6,  
28 subsection 1, paragraph "a" for parking violation  
29 cases. Parking violations which are admitted:"

30 4. Page 5, by inserting after line 25 the  
31 following:

32 "Sec. \_\_\_\_ . Section 708.7, subsection 5, Code 1985,  
33 is amended by striking the subsection."

34 5. Page 6, by inserting after line 2 the  
35 following:

36 "Sec. \_\_\_\_ . Section 805.6, subsection 1, paragraph  
37 "a", unnumbered paragraph 1, Code Supplement 1985, is  
38 amended to read as follows:

39 The commissioner of public safety and the state  
40 conservation director, acting jointly, shall adopt a  
41 uniform, combined citation and complaint which shall  
42 be used for charging all traffic violations in Iowa  
43 under state law or local regulation or ordinance, and  
44 which shall be used for charging all other violations  
45 which are designated by section 805.8 to be scheduled  
46 violations. The court costs in cases of parking  
47 violation cases violations which are denied, and  
48 charged and collected pursuant to section 321.236,  
49 subsection 1, are eight dollars per court appearance.  
50 The court costs in scheduled violation cases where a

## Page 2

1 court appearance is not required are ten dollars. The  
2 court costs in scheduled violation cases where a court  
3 appearance is required are fifteen dollars. This  
4 subsection does not prevent the charging of any of  
5 those violations by information, by private complaint  
6 filed under chapter 804, or by a simple notice of fine  
7 where permitted by section 321.236, subsection 1.  
8 Each uniform citation and complaint shall be serially  
9 numbered and shall be in quintuplicate, and the  
10 officer shall deliver the original and a copy to the  
11 court where the defendant is to appear, two copies to  
12 the defendant, and a copy to the law enforcement  
13 agency of the officer. The court shall forward the  
14 copy of the uniform citation and complaint in

- 15 accordance with section 321.207 when applicable.”  
 16 6. By renumbering as necessary.

COMMITTEE ON JUDICIARY  
 DONALD V. DOYLE, Chairperson

S-5584

- 1 Amend House File 2066 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 5, by inserting after line 1 the  
 4 following:  
 5 “Sec. \_\_\_\_ . Section 331.401, subsection 3, Code  
 6 1985, is amended to read as follows:  
 7 3. The board shall not pay bounties on crows,  
 8 rattlesnakes, foxes, or wolves other than coyotes, but  
 9 may pay a reasonable bounty on any gopher.”

MILO COLTON

S-5585

- 1 Amend Senate File 2288 as follows:  
 2 1. Page 1, line 31, by inserting after the word  
 3 “department” the following: “upon appropriation by  
 4 the general assembly”.

MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO  
 SENATE FILE 2037

S-5586

- 1 Amend Senate File 2037 as passed by the Senate as  
 2 follows:  
 3 1. Page 1, line 16, by inserting after the word  
 4 ““kerosene”” the following: “and a designation as  
 5 either “K1” or “K2”,”.

HOUSE AMENDMENT TO  
 SENATE FILE 2052

S-5587

- 1 Amend Senate File 2052, as passed by the Senate, as  
 2 follows:

3 1. Page 1, by striking line 3 and inserting the  
 4 following:  
 5 "Sec. 2. This Act takes effect on the date of the  
 6 entry of the final decision or order in the case,  
 7 Junkins v. Branstad, No. CL 062 36310 (Polk County  
 8 Dist. Ct.), after the Act's".

HOUSE AMENDMENT TO  
 SENATE FILE 2043

S-5588

1 Amend Senate File 2043 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, line 6, by inserting after the figure  
 4 "7," the following: "where the assets subject to  
 5 the conservatorship are less than fifteen thousand  
 6 dollars."  
 7 2. Page 1, by striking line 12, and inserting the  
 8 following:  
 9 "Sec. 2. Section 633.172, subsection 2, Code 1985,  
 10 is amended to read as follows:  
 11 2. Unless otherwise required by the instrument  
 12 creating the relationship, or by order of court, ~~a~~  
 13 ~~corporate fiduciary bank and trust companies~~ shall not  
 14 be required to provide any bond.  
 15 Sec. 3. This Act takes effect July 1 following  
 16 its".

HOUSE AMENDMENT TO  
 SENATE FILE 2108

S-5589

1 Amend Senate File 2108 as passed by the Senate as  
 2 follows:  
 3 1. Page 1, by inserting before line 1, the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 48.30, Code 1985, is amended to  
 6 read as follows:  
 7 48.30 NOTIFICATION OF CHANGES IN REGISTRATION.  
 8 The clerk of the district court shall promptly  
 9 notify the county commissioner of registration of  
 10 changes of name and of convictions of ~~infamous crimes~~  
 11 ~~or felonies, as defined in section 701.7,~~ of legal  
 12 declarations of incompetence made after a proceeding

13 held pursuant to section 229.27, and of diagnosis of  
 14 severe or profound mental retardation of persons of  
 15 voting age. The clerk of the district court shall  
 16 also notify the county commissioner of registration of  
 17 the restoration of citizenship of a person who has  
 18 been convicted of ~~an infamous crime or a~~ felony and of  
 19 the finding that a person is of good mental health.  
 20 The notice will not restore voter registration. The  
 21 county commissioner of registration shall notify the  
 22 person whose citizenship has been restored or who has  
 23 been declared to be in good mental health that the  
 24 person's registration to vote was canceled and the  
 25 person must register again to become a qualified  
 26 elector.

27 Sec. \_\_\_\_ . Section 48.31, subsection 4, Code 1985,  
 28 is amended to read as follows:

29 4. The clerk of district court sends notification  
 30 of an elector's conviction of ~~an infamous crime or a~~  
 31 felony, as defined in section 701.7."

32 2. Page 1, line 4, by striking the words "an  
 33 infamous crime" and inserting the words "an infamous  
 34 crime a felony, as defined in section 701.7".

35 3. Page 1, line 10, by striking the words "Except  
 36 as provided in this chapter, the" and inserting the  
 37 word "The".

38 4. Page 2, line 5, by striking the word "thirty"  
 39 and inserting the word "ninety".

40 5. Page 2, lines 9 and 10, by striking the words  
 41 "remain with the governor and shall be reviewed at  
 42 least annually" and inserting the following: "be  
 43 returned to the board of parole and may be refiled  
 44 with the governor at any time".

45 6. By striking page 2, line 28 through page 3,  
 46 line 1.

47 7. Page 4, by inserting after line 9, the  
 48 following:

49 "Sec. \_\_\_\_ . Section 277.29, Code 1985, is amended  
 50 to read as follows:

## Page 2

1 277.29 VACANCIES.

2 Failure to elect at the proper election or to  
 3 appoint within the time fixed by law or the failure of  
 4 the officer elected or appointed to qualify within the  
 5 time prescribed by law; the incumbent ceasing for any  
 6 reason to be a resident of the district or removing  
 7 residence from the subdistrict; the resignation or  
 8 death of incumbent or of the officer-elect; the  
 9 removal of the incumbent from, or forfeiture of, the

10 office, or the decision of a competent tribunal  
11 declaring the office vacant; the conviction of  
12 incumbent of an infamous crime a felony, as defined in  
13 section 701.7, or of any public offense involving the  
14 violation of the incumbent's oath of office, shall  
15 constitute a vacancy."  
16 8. By numbering and renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2165

S-5590

1 Amend Senate File 2165 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 455D.4, subsection 1, Code  
6 1985, is amended to read as follows:  
7 1. Except for section 455D.9, this chapter does  
8 not apply to a person engaged in farming; as defined  
9 in this section or a pesticide as defined in section  
10 206.2, subsection 1, used, stored, or available for  
11 sale by a commercial applicator as defined in section  
12 206.2, subsection 12, a certified applicator as  
13 defined in section 206.2, subsection 17, a certified  
14 private applicator as defined in section 206.2,  
15 subsection 18, a certified commercial applicator as  
16 defined in section 206.2, subsection 19, a pesticide  
17 dealer as defined in section 206.2, subsection 24, or  
18 to activities which are covered under the federal  
19 Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C.  
20 sec. 135 et seq.; provided, however, that such persons  
21 shall comply with the requirements of the federal  
22 Insecticide, Fungicide, and Rodenticide Act, 40 C.F.R.  
23 sec. 170, and chapter 206 where applicable to such  
24 persons. As used in this section, "farming" means the  
25 cultivation of land for the production of agricultural  
26 crops, the raising of poultry, the production of eggs,  
27 production of milk, the production of fruit or other  
28 horticultural crops, grazing or the production of  
29 livestock, spraying, or harvesting. The department of  
30 agriculture shall cooperate with the bureau in an  
31 investigation of an agricultural employee's complaint  
32 filed pursuant to section 455D.9."  
33 2. Page 1, by striking lines 4 through 9 and  
34 inserting the following: "hazardous chemicals which  
35 are consumer products as defined in and regulated by  
36 the federal Consumer Product Safety Act, 15 U.S.C. §§

37 2051 et seq., in the possession of a person who is not  
 38 regulated by the federal occupational safety and  
 39 health administration's hazard communication  
 40 regulation 29 C.F.R. §§ 1910.1200 et seq. as  
 41 promulgated on November 25, 1983."  
 42 3. Title page, by striking lines 1 through 6 and  
 43 inserting the following: "An Act relating to the  
 44 applicability of the hazardous chemicals risk right to  
 45 know Act."

HOUSE AMENDMENT TO  
 SENATE FILE 2177

S-5591

1 Amend Senate File 2177 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 455B.422, Code Supplement  
 6 1985, is amended to read as follows:  
 7 455B.422 ACQUISITION AND LEASE OF SITES.  
 8 The commission shall adopt rules establishing  
 9 criteria for the identification of land areas or sites  
 10 which are suitable for the operation of a treatment,  
 11 ~~or disposal, or storage~~ facility. Upon request, the  
 12 department shall assist the executive council in  
 13 locating suitable sites for the location of a  
 14 treatment, ~~or disposal, or storage~~ facility. The  
 15 commission may recommend to the executive council the  
 16 purchase or condemnation of land to be leased for the  
 17 operation of a treatment, ~~or disposal, or storage~~  
 18 facility. The executive council may purchase or may  
 19 condemn the land subject to chapter 471.  
 20 Consideration for a contract for purchase of land  
 21 shall not be in excess of funds appropriated by the  
 22 general assembly for that purpose. The executive  
 23 council upon recommendation of the commission may  
 24 lease land purchased under this section to any person  
 25 including the state or a state agency. This section  
 26 authorizes the state to own or operate a hazardous  
 27 waste treatment, ~~or disposal facility, or storage~~  
 28 facilities for the treatment, ~~and disposal, and~~  
 29 storage of hazardous wastes. The terms of the lease  
 30 shall establish responsibility for long-term  
 31 monitoring and maintenance of the site. The lessee is  
 32 subject to all applicable requirements of this part  
 33 including permit requirements. The commission ~~may~~  
 34 shall require the lessee to post bond conditioned upon

35 performance of conditions of the lease relating to  
36 long-term monitoring and maintenance. The leasehold  
37 interest including improvements made to the property  
38 shall be listed, assessed, and valued as any other  
39 real property as provided by law. A facility acquired  
40 or operated pursuant to this section is subject to the  
41 licensing requirements of section 455B.443.

42 Sec. 2. Section 455B.448, subsection 1, Code 1985,  
43 is amended by adding the following new lettered  
44 paragraphs j and k and relettering the remaining  
45 lettered paragraph:

46 NEW LETTERED PARAGRAPH. j. The availability of  
47 alternatives sites and methods of treatment, disposal,  
48 or storage, including cost comparisons. The cost  
49 comparisons shall cover short and long-term costs  
50 including, but not limited to, liability insurance,

**Page 2**

1 postclosure maintenance, monitoring of ground and  
2 surface waters, monitoring of air before and after  
3 closure, and the potential loss of land or water  
4 resources due to contamination.

5 NEW LETTERED PARAGRAPH. k. To the maximum extent  
6 feasible a site should be located away from all of the  
7 following areas:

8 (1) Areas subject to natural hazards including,  
9 but not limited to, flooding, earthquakes, or  
10 subsidence.

11 (2) Sources of drinking water supply including,  
12 but not limited to, reservoirs, lakes and rivers and  
13 their watersheds, and aquifers and their recharge  
14 areas.

15 (3) Fragile land areas including, but not limited  
16 to, wetlands and the shorelines of rivers, lakes, and  
17 streams.

18 (4) Areas with rare or valuable ecosystems or  
19 geologic formations or significant wildlife habitat.

20 (5) Unique scenic or historic areas.

21 (6) Residential areas, parks, or schools.”

22 (7) Prime farmland as defined by the United States  
23 department of agriculture in 7 C.F.R. § 657.5(a).

HOUSE AMENDMENT TO  
SENATE FILE 2253

S-5592

1 Amend Senate File 2253 as amended, passed, and  
2 reprinted by the Senate as follows:

- 3 1. Page 1, by inserting after line 14 the  
 4 following:  
 5 "e. Disconnection of service, as set forth in  
 6 section 476.20.  
 7 f. Discrimination against users of renewable  
 8 energy resources, as set forth in section 476.21.  
 9 g. Encouragement of alternate energy production  
 10 facilities, as set forth in sections 476.41 through  
 11 476.45."  
 12 2. Page 1, by striking lines 23 through 28.  
 13 3. Page 1, line 29, by striking the letter "e."  
 14 and inserting the letter "b."

HOUSE AMENDMENT TO  
 SENATE FILE 2283

S-5593

- 1 Amend Senate File 2283 as passed by the Senate as  
 2 follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. Section 96.5, subsection 1, Code  
 6 Supplement 1985, is amended by adding the following  
 7 new lettered paragraph:  
 8 NEW LETTERED PARAGRAPH. j. The individual is  
 9 unemployed as a result of the individual's employer  
 10 selling or otherwise transferring a clearly segregable  
 11 and identifiable part of the employer's business or  
 12 enterprise to another employer which does not make an  
 13 offer of suitable work to the individual as provided  
 14 under subsection 3; however, if the individual does  
 15 accept, and works in and is paid wages for, suitable  
 16 work with the acquiring employer, the acquiring  
 17 employer immediately becomes chargeable for the  
 18 benefits paid which are based on the wages paid by the  
 19 transferring employer."  
 20 2. Page 1, line 9, by inserting after the word  
 21 "with" the following: "more than a total of one  
 22 hundred dollars in".  
 23 3. Page 1, line 11, by inserting after the word  
 24 "year." the following: "However, notwithstanding the  
 25 voluntary contribution provisions of section 96.7,  
 26 subsection 3, paragraph "a", subparagraph (7), if the  
 27 employer's account has not been charged with more than  
 28 a total of one hundred dollars in benefit payments  
 29 during the twenty-four calendar quarters immediately

30 preceding the computation date and the employer's  
31 percentage of excess is less than seven and five-  
32 tenths percent, the employer shall not be required to  
33 contribute to the unemployment compensation fund for  
34 the rate year if the employer makes a voluntary  
35 contribution which raises the employer's percentage of  
36 excess to seven and five-tenths percent or greater and  
37 which equals or exceeds the amount of any benefit  
38 charge, of no more than one hundred dollars within the  
39 preceding twenty-four calendar quarters, to the  
40 employer's account."

41 4. Page 1, by striking lines 16 through 32 and  
42 inserting the following: "year is either the  
43 employer's experience rate computed under this  
44 lettered paragraph or one and eight-tenths percent,  
45 whichever is less. For subsequent years, either the  
46 employer is not required to contribute under this  
47 unnumbered paragraph or the employer's contribution  
48 rate is the employer's experience rate computed under  
49 this lettered paragraph. However, the employer's  
50 experience rate shall be limited for each of the next

Page 2

1 three consecutive rate years. For the first rate  
2 year, the employer's rate shall be limited to the rate  
3 in the percentage of excess rank which is no more than  
4 three percentage of excess ranks higher numerically  
5 than the rank containing the one and eight-tenths  
6 percent rate or the next lower rate. For each of the  
7 next two rate years, the employer's rate shall be  
8 limited to the rate in the percentage of excess rank  
9 which is no more than three percentage of excess ranks  
10 higher numerically than the rank in which the employer  
11 was placed for the immediate past rate year."

12 5. Page 3, by inserting after line 27 the  
13 following:

14 "Sec. \_\_\_\_ . 1986 CONTRIBUTIONS FOR CERTAIN ZERO-  
15 RATED EMPLOYERS. If an employer was not required to  
16 contribute to the unemployment compensation fund for  
17 any prior rate year under section 96.7, subsection 3,  
18 paragraph "d", unnumbered paragraph 6, but is required  
19 to contribute for calendar year 1986 solely due to the  
20 fact that the employer's percentage of excess is less  
21 than seven and five-tenths percent, and if the  
22 employer's contributions paid for the first two  
23 calendar quarters of 1986 raise the employer's  
24 percentage of excess to seven and five-tenths percent  
25 or more, based on the employer's average annual  
26 payroll computed as of July 1, 1986, the employer is

27 not required to contribute to the fund for the last  
28 two calendar quarters of 1986."

29 6. By striking page 3, line 29 through page 4,  
30 line 4.

31 7. Title page, line 1, by inserting after the  
32 word "Act" the following: "relating to employer  
33 charges for benefits involving the transfer of a  
34 clearly segregable and identifiable part of a business  
35 or enterprise,".

36 8. Title page, line 3, by inserting after the  
37 word "law" the following: ", relating to contribution  
38 rates and schedules for special zero-rated  
39 employers,".

40 9. Title page, by striking lines 5 and 6, and  
41 inserting the following: "certain expanding  
42 employers."

43 10. By renumbering as necessary.

S-5594

1 Amend Senate amendment S-5496 to House File 2339 as  
2 amended, passed and reprinted by the House as follows:

3 1. Page 4, by striking lines 19 and 20 and  
4 inserting the following: "damages which include but  
5 are not limited to actual damages, court costs, and  
6 reasonable attorney fees. The person may also  
7 petition the court for imposition of a cease and  
8 desist order against the person's employer and for  
9 reinstatement to the person's previous position of  
10 employment."

TOM MANN, Jr.

S-5595

1 Amend Senate File 2190 as follows:

2 1. Page 1, by striking lines 14 through 17 and  
3 inserting the following: "the highway. Neither the  
4 agency,".

HURLEY W. HALL

S-5596

1 Amend House File 2462, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 1 the  
4 following:  
5 "Section 1. NEW SECTION. 275.1A DIVISION OF  
6 SCHOOL DISTRICT.  
7 The board of directors of a school district that

8 has a dropout rate during a school year of more than  
 9 five percent of the district's certified enrollment  
 10 shall begin proceedings under this chapter during the  
 11 next following school year to divide the territory of  
 12 the school district into two or more reorganized  
 13 school districts. The board of directors shall use  
 14 the procedure provided in this chapter to draw the  
 15 school district boundary lines. If the proposition to  
 16 divide the school district fails to pass at the  
 17 election held under sections 275.18 and 275.20, the  
 18 state board of public instruction shall divide the  
 19 school district into two or more reorganized school  
 20 districts."

BEVERLY A. HANNON

S-5597

1 Amend House File 2457 as amended, passed and re-  
 2 printed by the House as follows:  
 3 1. Page 6, by striking lines 26 through 30 and  
 4 inserting in lieu thereof the words: "both boards."

JOHN JENSEN

HOUSE AMENDMENT TO  
 SENATE FILE 508

S-5598

1 Amend Senate File 508 as passed by the Senate as  
 2 follows:  
 3 1. Page 1, by striking lines 3 through 14, and  
 4 inserting the following:  
 5 648.5 JURISDICTION.  
 6 The court within the county shall have jurisdiction  
 7 of actions for the forcible entry or detention of real  
 8 property. It shall be tried as an equitable action.  
 9 Unless commenced as a small claim, a petition shall be  
 10 presented to a district court judge. ~~The court shall~~  
 11 ~~make an order fixing the time and place for hearing~~  
 12 ~~upon said petition and shall prescribe that notice of~~  
 13 ~~the hearing be personally served upon the defendant or~~  
 14 ~~defendants, which service shall be at least five days~~  
 15 ~~prior to the date set for hearing. Upon receipt of~~  
 16 ~~the petition, the court shall order a hearing which~~  
 17 ~~shall not be later than fourteen days from the date of~~  
 18 ~~the order. Personal service shall be made upon the~~

19 defendant not less than five days prior to the  
 20 hearing. In the event that personal service cannot be  
 21 completed in time to give the defendant the minimum  
 22 notice required by this section, the court may set a  
 23 new hearing date. A default can not be made upon a  
 24 defendant unless the five days notice has been given.

25 Sec. 2. Section 648.10, Code 1985, is amended by  
 26 striking the section and inserting the following:

27 648.10 SERVICE BY PUBLICATION.

28 Notwithstanding the requirements of section 648.5,  
 29 service may be made by publishing such notice for one  
 30 week in a newspaper of general circulation published  
 31 in the county where the petition is filed, provided  
 32 the petitioner files with the court an affidavit  
 33 stating that an attempt at personal service made by  
 34 the sheriff was unsuccessful because the defendant is  
 35 avoiding service by concealment or otherwise, and that  
 36 a copy of the petition and notice of hearing has been  
 37 mailed to the defendant at the defendant's last known  
 38 address or that the defendant's last known address is  
 39 not known to the petitioner. Service under this  
 40 section is complete seven days after publication. The  
 41 court shall set a new hearing date if necessary to  
 42 allow the defendant the five day minimum notice  
 43 required under section 648.5."

44 2. Page 1, by striking lines 20 and 21, and  
 45 inserting the following: "claim for rent or recovery  
 46 as provided in sections 562A.24, 562A.32, 562B.22, or  
 47 562B.25, nor ~~can~~ shall it be made the".

48 3. By renumbering as necessary.

S-5599

1 Amend House File 2414 as amended, passed, and  
 2 reprinted by the House as follows:

DIVISION S-5599A

3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. Section 109.38, Code 1985, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. 4. The commission may allow  
 8 residents to purchase a second deer or wild turkey  
 9 license issued under this section at the regular fee  
 10 in addition to the first license issued under this  
 11 section or section 110.24. Owners and tenants  
 12 eligible for a license under section 110.24 shall be  
 13 provided a preference over residents generally in the

14 eligibility for or issuance of the second licenses.  
15 The second license authorizes the taking of a second  
16 deer or wild turkey. If the first license is issued  
17 under section 110.24 or subsection 3 of this section,  
18 the second license shall be issued for the hunting  
19 zone requested.

20 Sec. 2. Section 109.38, subsections 2 and 3, Code  
21 1985, are amended to read as follows:

22 2. If following an investigation the commission  
23 finds that the number of hunters licensed to take deer  
24 or wild turkey should be limited, further regulated,  
25 or expanded, the commission shall conduct a drawing to  
26 determine which applicants receive a license. If  
27 further deer depopulation is warranted in localized  
28 areas, the commission shall consider additional  
29 hunting days and additional any-sex, antlered or  
30 antlerless deer licenses shall be issued for those  
31 areas. Applications for licenses shall be received  
32 and accepted during a forty-five day period  
33 established by the commission. At the end of the  
34 period the drawing shall be conducted. If the quota  
35 has not been filled, licenses shall be issued in the  
36 order in which applications are received and shall  
37 continue to be issued until the quota has been met or  
38 until a date fifteen days prior to the opening day of  
39 the season, whichever first occurs. If an applicant  
40 receives a deer license which is more restrictive than  
41 licenses issued to others for the same period and  
42 place, ~~the~~ applicant shall receive a certificate with  
43 the license entitling the applicant to priority in the  
44 drawing for the less restrictive deer licenses the  
45 following year. The certificate must accompany that  
46 person's application the following year, or the  
47 applicant will not receive this priority. ~~Persons~~  
48 Except as provided in subsection 4, persons purchasing  
49 a deer license for the gun season under this section  
50 and under section 110.1 are not eligible for a gun

Page 2

DIVISION S-5599A (cont'd.)

1 deer-hunting license under section 110.24. This  
2 subsection does not apply to the hunting of wild  
3 turkey on game breeding and shooting preserves  
4 licensed under chapter 110A.

5 3. The commission shall issue a special turkey  
6 hunting license to either the owner or the tenant of a  
7 farm unit or a member of the owner's or tenant's  
8 immediate family if the person makes a written

9 application to the commission and pays the fee  
 10 provided for the regular turkey hunting license. The  
 11 special license is valid only for hunting on the farm  
 12 unit of the owner or tenant. Only one special license  
 13 may be issued for a farm unit. The application must  
 14 contain the consent of the owner if the tenant or  
 15 tenant's family member applies for the license. ~~A~~  
 16 Except as provided in subsection 4, a person  
 17 purchasing a regular turkey hunting license is not  
 18 eligible to purchase a special license under this  
 19 subsection. Applications for the special turkey  
 20 licenses must be received by the commission at least  
 21 thirty days prior to the opening of the turkey hunting  
 22 season. The special turkey hunting licensees are  
 23 subject to all other laws regarding the hunting of  
 24 turkeys."

## DIVISION S-5599B

- 25 2. Page 1, by striking lines 6 through 12.  
 26 3. By striking page 1, line 35 through page 2,  
 27 line 4.  
 28 4. Page 2, by striking lines 18 through 21.

## DIVISION S-5599A (cont'd.)

- 29 5. Page 2, line 29, by inserting after the word  
 30 "contiguous" the words "but located in the county of  
 31 residence or an adjoining county".  
 32 6. Page 3, by striking line 12 and inserting the  
 33 following: "commission, one of the ~~following~~ persons  
 34 in each of the following categories who resides uponthe".  
 35 7. Page 3, by striking lines 15 through 19 and  
 36 inserting the following:  
 37 "1. The owner of a farm unit; or member of the  
 38 owner's family.  
 39 ~~2. One member of the family of the farm owner; or~~  
 40 ~~3. 2. The tenant residing on the farm unit; or~~  
 41 member of the tenant's family.  
 42 ~~4. One member of the family of the tenant, who~~  
 43 ~~resides on the farm unit."~~  
 44 8. Page 4, by striking lines 8 through 21.  
 45 9. By striking page 4, line 35 through page 5,  
 46 line 6.

HURLEY W. HALL  
 EMIL J. HUSAK  
 JACK W. HESTER  
 JOHN A. PETERSON

DALE L. TIEDEN  
BERL E. PRIEBE

S-5600

- 1 Amend amendment S-5528 to House File 2452 as passed
- 2 by the House as follows:
- 3 1. Page 1, line 11, by striking the figure "159"
- 4 and inserting in lieu thereof the figure "149".

CHARLES BRUNER

S-5601

- 1 Amend the amendment, S-5572, to House File 2280 as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 29, by striking the word "shall"
- 4 and inserting the following: "may".
- 5 2. Page 1, line 35, by striking the word "shall"
- 6 and inserting the following: "may".

TOM MANN, Jr.

S-5602

- 1 Amend House File 2457 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 5, by inserting after line 29 the
- 4 following:
- 5 "Sec. \_\_\_\_ . Section 48.6, subsection 10, Code 1985,
- 6 is amended to read as follows:
- 7 10. The social security number of the
- 8 applicant, if available. However, the social
- 9 security number so obtained shall be used only for
- 10 maintenance of voter registration records and the
- 11 voter registration list and determination of voter
- 12 eligibility. It shall not be available through
- 13 lists provided under 48.5 of the Iowa Code or
- 14 otherwise made available or otherwise provided for
- 15 purposes other than those delineated in this sub-
- 16 section."

CHARLES BRUNER  
TOM MANN, JR.

S-5603

1 Amend the amendment S-5449 to Senate File 102 as  
2 amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 1, by striking lines 3 and 4 and  
5 inserting the following:

6 "\_\_\_\_. Page 1, by striking lines 12 through 15 and  
7 inserting the following: "but not limited to,""

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

10 "\_\_\_\_. Page 1, line 22, by inserting after the  
11 word "include" the following: "restaurants,"

12 \_\_\_\_ . Page 2, by striking lines 1 through 7 and  
13 inserting the following: "beverages as defined in  
14 section 123.3, subsection 8.""

JIM LIND

S-5604

1 Amend House File 2405 as follows:

2 1. Page 1, by striking lines 13 and 14.

CHARLES BRUNER

S-5605

1 Amend the amendment S-5506 to House File 2462, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

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

6 "\_\_\_\_. Page 3, by inserting after line 30 the  
7 following:

8 "Sec.\_\_\_\_. Section 442.9, subsection 1, paragraph  
9 b, Code Supplement 1985, is amended to read as

10 follows:

11 b. The district cost for the budget year is equal  
12 to the district cost per pupil for the budget year  
13 multiplied by the weighted enrollment, plus ~~commencing~~  
14 ~~with the budget year beginning July 1, 1985~~ additional  
15 district cost added for moneys received by a school  
16 district under section 302.3, Code 1981, as provided  
17 in section 442.21; ~~and~~ plus the additional district  
18 cost allocated to the district under section 442.27 to  
19 fund media services and educational services provided

20 through the area education agency; and commencing with  
21 the budget year beginning July 1, 1987 plus additional  
22 district cost added for an educational improvement  
23 amount under section 442.55. A school district may  
24 not increase its district cost for the budget year  
25 except to the extent that an excess tax levy is  
26 authorized by the school budget review committee as  
27 provided in section 442.13.

28 Sec. \_\_\_\_ . Section 442.27, Code 1985, is amended by  
29 adding the following new subsections:

30 NEW SUBSECTION. 13. For the school year beginning  
31 July 1, 1987, the state comptroller shall reduce the  
32 area media services cost per pupil for the budget year  
33 in each area education agency by ten percent before  
34 multiplying it by the enrollment served for the budget  
35 year in each area. For the school year beginning July  
36 1, 1987 and each succeeding school year, the state  
37 comptroller shall determine for each school district  
38 the difference between the amount added to its  
39 district cost for media services as a result of the  
40 reduction under this subsection and the amount that  
41 would have been added to district cost if there had  
42 been no reduction under this subsection. That  
43 difference is a school district educational  
44 improvement amount that may be expended only for  
45 direct instructional costs under section 442.55.

46 NEW SUBSECTION. 14. For the school year beginning  
47 July 1, 1987, the state comptroller shall reduce the  
48 area educational services cost per pupil for the  
49 budget year in each area education agency by ten  
50 percent before multiplying it by the enrollment served

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1 for the budget year in each area. For the school year  
2 beginning July 1, 1987 and each succeeding school  
3 year, the state comptroller shall determine for each  
4 school district the difference between the amount  
5 added to its district cost for educational services as  
6 a result of the reduction under this subsection and  
7 the amount that would have been added to district cost  
8 if there had been no reduction under this subsection.  
9 That difference is a school district educational  
10 improvement amount that may be expended only for  
11 direct instructional costs under section 442.55.

12 Sec. \_\_\_\_ . NEW SECTION. 442.55 SCHOOL DISTRICT  
13 EDUCATIONAL IMPROVEMENT AMOUNT.

14 The school district educational improvement amount  
15 is the difference between the amount that would have  
16 been added to each school district's district cost for

17 its area education agency media services and its  
 18 educational services for a budget year and the amounts  
 19 that were actually added after the reduction in  
 20 section 442.27, subsections 13 and 14. The school  
 21 district educational improvement amount shall be added  
 22 to the district cost of each school district under  
 23 section 442.9, subsection 1, paragraph "b", and shall  
 24 be expended only for direct instructional costs of the  
 25 school district."

ARNE WALDSTEIN  
 JOE BROWN

S-5606

1 Amend House File 2164 as amended, passed and re-  
 2 printed by the House as follows:  
 3 1. Page 1, line 25, by striking the word "three"  
 4 and inserting in lieu thereof the following: "four".

DOUGLAS RITSEMA

S-5607

1 Amend the amendment, S-5583, to House File 2066, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, line 49, by inserting after the word  
 5 "appearance" the following: ", regardless of the  
 6 number of parking violations considered at that court  
 7 appearance".

TOM MANN, Jr.  
 C. JOSEPH COLEMAN

HOUSE AMENDMENT TO  
 SENATE FILE 2050

S-5608

1 Amend Senate File 2050 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 554.9307, subsection 1, Code  
 6 Supplement 1985, is amended to read as follows:  
 7 1. Except as provided in subsection 4, a buyer in

8 ordinary course of business as defined in section  
9 554.1201, subsection 9, takes free of a security  
10 interest created by that person's seller even though  
11 the security interest is perfected and even though the  
12 buyer knows of its existence. For purposes of this  
13 section, a buyer or buyer in ordinary course of  
14 business includes any commission merchant, selling  
15 agent, or other person engaged in the business of  
16 receiving livestock as defined in section 189A.2 on  
17 commission for or on behalf of another.  
18 Sec. 2. Section 554.9307, subsection 4, Code  
19 Supplement 1985, is amended by striking the subsection  
20 and inserting in lieu thereof the following:  
21 4. a. A buyer in ordinary course of business  
22 buying farm products from a person engaged in farming  
23 operations takes free of a security interest created  
24 by that person's seller even though the security  
25 interest is perfected, unless within one year before  
26 the sale of the farm products the buyer receives prior  
27 written notice of the security interest which complies  
28 with this subsection.  
29 b. A written notice complies with this subsection  
30 if the notice is given to the buyer by the secured  
31 party or the seller of the farm products and complies  
32 with both of the following:  
33 (1) Is an original or reproduced copy of the  
34 financing statement.  
35 (2) Contains all of the following:  
36 (a) The name and address of the secured party.  
37 (b) The name and address of the person indebted to  
38 the secured party.  
39 (c) The social security number of the debtor or,  
40 in the case of a debtor doing business other than as  
41 an individual, the internal revenue service taxpayer  
42 identification number of the debtor.  
43 (d) A description of the farm products subject to  
44 the security interest created by the debtor, including  
45 the amount of the products where applicable.  
46 (e) An identification of the crop year in which  
47 the farm products were produced.  
48 (f) An identification of the county in which the  
49 farm products were produced.  
50 (g) A reasonable description of the property on

Page 2

1 which the farm products were produced.  
2 c. In addition to the requirements of paragraph  
3 "b", the notice shall contain a statement of any  
4 payment obligations imposed on the buyer by the

5 secured party as conditions for waiver or release of  
6 the security interest.

7 d. A written notice shall be amended by the  
8 secured party within three months of any material  
9 change and transmitted to the potential buyer by  
10 either the secured party or the seller of the farm  
11 products. The notice lapses on the earlier of either  
12 one year from the date the notice was received by the  
13 buyer or the buyer receives a notice signed by the  
14 secured party that the security interest has lapsed.

15 e. A buyer of farm products takes subject to a  
16 security interest created by the seller if the buyer  
17 has received the notice provided for in subsection 4  
18 and fails to perform the payment obligations specified  
19 in the notice.

20 Sec. 3. Section 554.9307, subsection 1, Code Sup-  
21 plement 1985, is amended by adding the following new  
22 subsections:

23 NEW SUBSECTION. 5. A secured party may request a  
24 debtor to provide the secured party with a list of  
25 potential buyers to whom the debtor anticipates  
26 selling the farm products to be subject to a security  
27 interest. The secured party may also request the  
28 buyer to issue any check for payment or partial  
29 payment of a product subject to a security interest  
30 jointly in the name of both the seller and the secured  
31 party. However, before the secured party may exercise  
32 either right provided in this section, the secured  
33 party shall have included in the documents creating  
34 the security interest a written provision stating that  
35 the secured party intends to notify any person listed  
36 as a potential buyer of the existence of the security  
37 interest and to request a joint check. The provision  
38 making such disclosure shall be separately signed and  
39 dated by the person granting the security interest for  
40 the provision to be effective. A debtor who signs  
41 such a separate provision shall provide the secured  
42 party with a list of potential buyers of the farm  
43 product subject to the security interest created at  
44 the time the debt is incurred or at any other time  
45 that the secured party and debtor have agreed to in  
46 writing.

47 NEW SUBSECTION. 6. a. If the documents creating  
48 a security interest contain the provisions permitted  
49 pursuant to subsection 5 and meet the requirements of  
50 subsection 5, the debtor is engaged in farming

## Page 3

1 operations, and the debtor sells the farm products  
2 subject to a security interest created by the debtor  
3 to a buyer not included on the list as a potential  
4 buyer, then the debtor is subject to a civil penalty  
5 of the greater of either five thousand dollars or  
6 fifteen percent of the value or benefits received by  
7 the debtor for the farm product described in the  
8 security agreement. The penalty shall be deposited in  
9 the state general fund. However, if the secured party  
10 can demonstrate in state district court upon  
11 application by the secured party that the secured  
12 party has sustained a monetary loss as a result of the  
13 debtor selling to a person other than a person on the  
14 list of potential buyers and does not reasonably  
15 expect to be able to collect under the security  
16 agreement, then to the extent that the secured party  
17 can prove by competent evidence the amount of the  
18 monetary loss and the inability to collect under the  
19 security agreement, the court shall award the secured  
20 party so much of the civil penalty as necessary to  
21 cover the secured party's loss. However, if the  
22 secured party does ultimately recover under the  
23 security agreement, then the secured party shall remit  
24 to the state general fund the moneys collected under  
25 this subsection to the extent of the recovery. The  
26 penalty provided in this subsection shall not be  
27 imposed on the debtor if the debtor has complied with  
28 any of the following:

29 (1) Notified the secured party in writing of the  
30 identity of the buyer at least seven days prior to the  
31 sale.

32 (2) Accounted to the secured party for the  
33 proceeds of the sale not later than ten days after the  
34 sale.

35 (3) Acted in conformity with a written agreement  
36 between the secured party and the debtor regarding  
37 prior notification of a sale or payment of the  
38 proceeds.

39 b. In addition to the civil penalty provided in  
40 this section, a debtor who sells a farm product  
41 subject to a security interest created by the debtor  
42 to a buyer not included on the list as a potential  
43 buyer may also be guilty of committing theft pursuant  
44 to section 714.1, subsection 5.

45 c. The civil penalty provided in paragraph "a" is  
46 in lieu of and not in addition to any penalty imposed  
47 under federal law. If a debtor is required to pay a  
48 fine or penalty under federal law and the debtor has

49 previously also been required to pay a civil penalty  
50 pursuant to paragraph "a", then the debtor is entitled

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1 to a reimbursement of any moneys required to be paid  
2 due to a violation of paragraph "a".

3 NEW SUBSECTION. 7. A secured party is subject to  
4 the following civil penalties that shall be paid to  
5 the state general fund:

6 a. One hundred dollars if the secured party fails  
7 to send a written notice to any person the secured  
8 party notified as a potential buyer that the security  
9 interest has been terminated within fifteen days after  
10 all obligations for which the security interest was  
11 granted have been fulfilled, unless the debtor signs a  
12 written statement after the obligations secured by the  
13 security interest have been fulfilled waiving the  
14 requirement of the secured party to provide notice to  
15 potential buyers that the obligation has been  
16 fulfilled.

17 b. Two hundred dollars for each person the secured  
18 party has sent a written notice pursuant to this  
19 section who was not either of the following:

20 (1) Listed by the debtor as a potential buyer  
21 pursuant to the provision permitted in subsection 5.

22 (2) A person who was identified by the debtor  
23 pursuant to subsection 6, paragraph "a", subparagraph  
24 (1).

25 The penalty imposed pursuant to this paragraph "b"  
26 shall not apply if the debtor does in fact sell all or  
27 part of the farm product subject to the security  
28 interest to the person to whom the notice was sent.

29 NEW SUBSECTION. 8. a. A potential buyer who  
30 receives a written notice pursuant to subsection 4  
31 shall not do either of the following:

32 (1) Publicly display the written notice or any  
33 writing or document containing information obtained  
34 from or based upon the written notice.

35 (2) Disseminate the written notice or any writing  
36 or document containing information obtained from or  
37 based upon the written notice to any person other than  
38 those agents or employees of the potential buyer who  
39 reasonably require the information to comply with this  
40 section.

41 b. A potential buyer who violates paragraph "a" is  
42 liable for a civil penalty in an amount of one  
43 thousand dollars. The penalty shall be paid to the  
44 state general fund.

45 NEW SUBSECTION. 9. a. In addition to any civil

46 penalty imposed pursuant to subsections 7 and 8, a  
47 person who violates subsection 7 or 8 is liable to the  
48 debtor for any loss caused by the person resulting  
49 from the violation that the debtor can prove in court.  
50 The person may also recover from the person violating

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1 subsection 7 or 8 a penalty in an amount determined by  
2 the court not less than one hundred dollars nor more  
3 than one thousand dollars.

4 b. In an action in which it is found that a person  
5 has violated subsections 6, 7, or 8, the court shall  
6 award to the secured party under subsection 6 or the  
7 debtor under subsections 7 and 8 the court costs and  
8 to that party's attorneys their reasonable fees.  
9 Reasonable attorney's fees shall be determined by the  
10 value of the time reasonably expended by the attorney  
11 and not by the amount of recovery on behalf of the  
12 secured party or debtor.

13 NEW SUBSECTION. 10. For purposes of this  
14 subsection, a written notice shall be considered to be  
15 received by the person to whom it was sent if the  
16 notice is mailed by registered mail with the proper  
17 postage and properly addressed to the person to whom  
18 it was sent. The refusal of a person to whom a notice  
19 is sent to accept delivery of the notice shall be  
20 considered receipt.

21 Sec. 4. Section 554.9402, subsection 3, Code  
22 Supplement 1985, is amended to read as follows:

23 3. A form substantially as follows is sufficient  
24 to comply with subsection 1:

- 25 Name of debtor (or assignor) . . . . .
- 26 Address . . . . .
- 27 Name of secured party (or assignee) . . . . .
- 28 Address . . . . .
- 29 Social security number of debtor if debtor is an
- 30 individual or the internal revenue service taxpayer
- 31 identification number of the debtor if the debtor is
- 32 not an individual . . . . .

33 (1) This financing statement covers the following  
34 types (or items) of property:

35 (Describe: If collateral is farm products,  
36 describe the farm products including the amount of the  
37 products where applicable and the crop year in which  
38 the products were produced and the county in which the  
39 products were produced)

40 . . . . .  
41 (2) (If collateral is crops) The above described  
42 crops are growing or are to be grown on:

43 (Describe Real Estate) . . . . .

44 (3) (If applicable) The above goods are to become

45 fixtures on

46 Where appropriate either add or substitute "The above timber

47 is standing on . . . . . " or "The above minerals or

48 the like (including oil and gas) are located on . . . . . "

49 or "The above accounts will be financed at the wellhead or mine-

50 head of the well or mine located on . . . . . "

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1 or any or all of these

2 (Describe Real Estate) . . . . . and this

3 financing statement is to be filed for record in the real estate

4 records. (If the debtor does not have an interest of record)

5 The name of a record owner is . . . . .

6 (4) (If products of collateral are claimed)

7 Products of the collateral are also covered.

8 (use whichever is applicable) . . . . .

9 Signature of Debtor (or Assignor) . . . . .

10 Signature of Secured Party (or Assignee) . . . . .

11 Sec. 5. This bill is effective on December 24,

12 1986 and shall apply to all security interests granted

13 on or after December 24, 1986."

14 2. Title page, line 1, by inserting after the

15 word "products" the following: ", prohibiting certain

16 acts, providing for penalties,".

HOUSE AMENDMENT TO  
SENATE FILE 2255

S-5609

1 Amend Senate File 2255 as passed by the Senate as

2 follows:

3 1. Page 1, line 11, by inserting after the word

4 "cost." the following: "However, credit unemployment

5 insurance shall be permitted under this paragraph if

6 all of the following conditions have been met:

7 (1) The insurance provides coverage beginning with

8 the first day of unemployment. However, the policy

9 may include a waiting period before the consumer may

10 file a claim.

11 (2) The insurance shall be sold separately and

12 shall be separately priced from any other insurance

13 offered or sold at the same time. The credit

14 unemployment insurance need not be sold separately or

15 separately priced from other insurance offered if it

16 is included as part of a mailed insurance offering by

17 a credit card issuer to its credit cardholders.  
 18 However, credit unemployment insurance shall not be  
 19 sold in conjunction with an application for a credit  
 20 card or for the renewal of a credit card.  
 21 (3) The premium rates have been affirmatively  
 22 approved by the insurance department. In approving or  
 23 establishing the rates, the department shall review  
 24 the insurance company's actuarial data to assure that  
 25 the rates are fair and reasonable. The insurance  
 26 commissioner shall either hire or contract with a  
 27 qualified actuary to review the data. The insurance  
 28 department shall obtain reimbursement from the  
 29 insurance company for the cost of the actuarial review  
 30 prior to approving the rates. In addition, the rates  
 31 shall be made in accordance with the following  
 32 provisions:  
 33 a. Rates shall not be excessive, inadequate or  
 34 unfairly discriminatory.  
 35 b. Due consideration shall be given to all  
 36 relevant factors within and outside this state but  
 37 rates shall be deemed to be reasonable under this  
 38 section and section 537.2501 if they reasonably may be  
 39 expected to produce a ratio of fifty percent by  
 40 dividing claims incurred by premiums earned."  
 41 2. Title page, line 1, by inserting after the  
 42 word "Act" the words "relating to credit unemployment  
 43 insurance in consumer transactions, by providing  
 44 requirements for the rates for involuntary credit  
 45 unemployment insurance sold in connection with  
 46 consumer credit transactions, and".

HOUSE AMENDMENT TO  
 SENATE FILE 2234

S-5610

1 Amend Senate File 2234 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, by striking lines 26 through 31 and  
 4 inserting the following:  
 5 "If the authority determines that sufficient demand  
 6 exists for housing rehabilitation financing, it shall  
 7 endeavor to issue obligations to finance that demand.  
 8 If the authority finds it is unable to issue  
 9 obligations to meet that demand, it shall file, within  
 10 six months of the date of the determination that a  
 11 demand exists, a full report with the governor,  
 12 secretary of the senate, and chief clerk of the house

13 of representatives explaining the demand and the  
14 reason it was not possible to satisfy that demand.”

HOUSE AMENDMENT TO  
SENATE FILE 2207

S-5611

- 1 Amend Senate File 2207, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking lines 1 through 16.  
4 2. Page 1, line 18, by striking the word  
5 “paragraphs” and inserting the following:  
6 “paragraph”.  
7 3. Page 1, by striking lines 23 through 25.  
8 4. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 549

S-5612

- 1 Amend Senate File 549 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 1, line 1, by striking the figure “IX”  
4 and inserting the following: “XI”.  
5 2. Page 1, line 2, by striking the figure  
6 “28.101” and inserting the following: “28.111”.  
7 3. Page 1, line 5, by striking the figure  
8 “28.102” and inserting the following: “28.112”.  
9 4. Page 1, by inserting after line 7 the  
10 following:  
11 “\_\_\_ . “Lottery agency” means the Iowa lottery  
12 agency created and operating pursuant to chapter 99E.”  
13 5. Page 1, line 10, by striking the figure  
14 “28.103” and inserting the following: “28.113”.  
15 6. Page 1, line 18, by striking the figure  
16 “28.103” and inserting the following: “28.113”.  
17 7. Page 1, line 19, by striking the word  
18 “commission” and inserting the following: “lottery  
19 agency”.  
20 8. Page 1, line 21, by striking the word  
21 “commission” and inserting the following: “lottery  
22 agency”.  
23 9. Page 1, line 30, by striking the word  
24 “commission” and inserting the following: “lottery  
25 agency”.  
26 10. Page 2, line 4, by inserting after the words

- 27 "by the" the following: "lottery agency, the".  
28 11. Page 2, line 28, by inserting after the word  
29 "The" the following: "lottery agency and the".  
30 12. Page 3, line 4, by striking the word  
31 "commission" and inserting the following: "lottery  
32 agency".  
33 13. Page 3, line 9, by striking the word  
34 "commission" and inserting the following: "lottery  
35 agency".  
36 14. Page 3, line 11, by striking the word  
37 "commission" and inserting the following: "lottery  
38 agency".  
39 15. Page 3, line 20, by striking the word  
40 "Commission" and inserting the following: "Lottery  
41 agency".  
42 16. Page 4, by striking line 13 and inserting the  
43 following:  
44 "6. The lottery agency and the commission shall  
45 include in their annual reports to".  
46 17. Page 4, line 16, by inserting after the word  
47 "The" the following: "lottery agency and the".  
48 18. Page 4, by striking lines 19 through 35 and  
49 inserting the following:  
50 "Sec. 5. Section 537A.4, unnumbered paragraph 2,

## Page 2

- 1 Code Supplement 1985, is amended to read as follows:  
2 This section does not apply to a contract for the  
3 operation of or for the sale or rental of equipment  
4 for games of skill or games of chance, if both the  
5 contract and the games are in compliance with chapter  
6 99B. This section does not apply to wagering under  
7 the pari-mutuel method of wagering authorized by  
8 chapter 99D. This section does not apply to the sale,  
9 purchase or redemption of a ticket or share in the  
10 state lottery in compliance with chapter 99E or the  
11 sale, purchase or redemption of a share in the raffle  
12 conducted under section 22.113.  
13 Sec. 6. Section 725.15, Code Supplement 1985, is  
14 amended to read as follows:  
15 725.15 EXCEPTIONS FOR LEGAL GAMBLING.  
16 Sections 725.5 to 725.10 and 725.12 do not apply to  
17 a game, activity, ticket, share or device when  
18 lawfully possessed, used, conducted or participated in  
19 pursuant to section 28.113, chapter 99B or chapter  
20 99E."  
21 19. Title page, by striking lines 1 through 3 and  
22 inserting the following: "An Act providing for a  
23 raffle conducted by the Iowa lottery agency with the

24 proceeds of the raffle to be invested by the Iowa  
 25 development commission in certain types of venture  
 26 capital funds and the".  
 27 20. By renumbering, relettering, or redesignating  
 28 and correcting internal references as necessary.

S-5613

1 Amend Senate File 2288 as follows:  
 2 1. Page 3, by inserting after line 21, the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 524.219, unnumbered paragraph  
 5 1, Code 1985, is amended to read as follows:  
 6 524.219 FEES FOR EXAMINATIONS.  
 7 A state bank; ~~and any private bank~~ subject to  
 8 examination, supervision, and regulation by the  
 9 superintendent, shall pay to the superintendent a fee,  
 10 established by the state banking board, based on the  
 11 time required for the examination and the  
 12 administrative costs and expenses incurred in the  
 13 discharge of the duties imposed upon the  
 14 superintendent by this chapter. The fee shall  
 15 include, but not be limited to costs and expenses for  
 16 salaries, expenses and travel for employees, office  
 17 facilities, supplies, and equipment. Such fee shall  
 18 apply equally to all state banks ~~and private banks~~  
 19 ~~subject to examination, and may not be changed more~~  
 20 ~~frequently than annually and when changed, shall be~~  
 21 ~~effective on January 1 of the year following the year~~  
 22 ~~in which the change was approved."~~

MICHAEL E. GRONSTAL

S-5614

1 Amend the amendment, S-5593, to Senate File 2283 as  
 2 follows:

DIVISION S-5614A

3 1. Page 2, by inserting after line 11 the  
 4 following:  
 5 "\_\_\_\_ . Page 2, by striking lines 31 through 35."

## DIVISION S-5614B

- 6 2. Page 2, by striking lines 12 through 28.
- 7 3. By renumbering as necessary.

CALVIN O. HULTMAN

## S-5615

- 1 Amend Senate File 2288 as follows:
- 2 1. Page 1, line 31, by inserting before the word
- 3 "expenses" the words "inspection and examination".
- 4 2. Page 2, line 5, by inserting before the word
- 5 "expenses" the words "inspection and examination".
- 6 3. Page 2, line 14, by inserting after the word
- 7 "separate" the words "inspection and examination".
- 8 4. Page 2, line 15, by inserting after the word
- 9 "separate" the words "inspection and examination".

MICHAEL E. GRONSTAL

## S-5616

- 1 Amend House File 2363 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 3, line 24, by striking the words "legiti-
- 4 mate wishes" and inserting in lieu thereof the follow-
- 5 ing: "legal interests".

DOUGLAS RITSEMA

## S-5617

- 1 Amend amendment S-5476 to House File 2441 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, by inserting after line 23, the
- 4 following:
- 5 "\_\_\_\_. Page 1, by striking lines 1 and 2, and
- 6 inserting in lieu thereof the following:
- 7 "Section 1. Section 77.4, subsection 2, Code 1985,
- 8 is amended to read as follows:
- 9 2. Execute a bond to the state of Iowa in the sum
- 10 of ~~five hundred ten thousand~~ dollars conditioned for
- 11 the true and faithful execution of the duties of the
- 12 office, which bond, when secured by personal surety,
- 13 shall be approved by the clerk of the district court
- 14 of the county of the person's residence or in the case

15 of a resident of a state bordering Iowa, of the county  
16 of the person's place of work or business within the  
17 state of Iowa; all other bonds shall be approved by  
18 the secretary of state."".

RAY TAYLOR

S-5618

- 1 Amend House File 2363 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 1, by striking lines 27 through 32.

JULIA B. GENTLEMAN

S-5619

- 1 Amend Senate Concurrent Resolution 117 as follows:  
2 1. Page 1, line 27, by inserting after the word  
3 "and" the words "the Iowa Development Commission, in  
4 conjunction with".  
5 2. Page 1, line 30, by inserting after the word  
6 "State" the words ", the director of the Iowa  
7 Development Commission,".

C. W. Bill HUTCHINS

S-5620

- 1 Amend House File 2066 as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 5, by inserting after line 25, the  
4 following:  
5 "Sec. \_\_\_\_ . Section 642.22, Code Supplement 1985,  
6 is amended by adding the following new subsection:  
7 NEW SUBSECTION. 3. Expiration of the execution  
8 does not affect a garnishee's duties and liabilities  
9 respecting property already withheld pursuant to the  
10 garnishment."  
11 2. By renumbering as necessary.

DONALD V. DOYLE

S-5621

- 1 Amend amendment S-5572 to House File 2280 as  
2 passed by the House as follows:  
3 1. Page 1, line 19, by striking the word "shall"  
4 and inserting in lieu thereof the word "may".

TOM MANN, JR.

S-5622

- 1 Amend House File 2433 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 3, by inserting after line 7 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 709.4, Code 1985, is amended by  
6 striking the section and inserting in lieu thereof the  
7 following:  
8 709.4 SEXUAL ABUSE IN THE THIRD DEGREE.  
9 A person commits sexual abuse in the third degree  
10 when the person performs a sex act under any of the  
11 following circumstances:  
12 1. By force or against the will of another.  
13 2. Between persons who are not at the time  
14 cohabiting as husband and wife and if any of the  
15 following are true:  
16 a. The other participant is suffering from a  
17 mental defect or incapacity which precludes giving  
18 consent.  
19 b. The other participant is twelve or thirteen  
20 years of age.  
21 c. The other participant is fourteen or fifteen  
22 years of age and any of the following are true:  
23 (1) The person is a member of the same household  
24 as the other participant.  
25 (2) The person is related to the other participant  
26 by blood or affinity to the fourth degree.  
27 (3) The person is in a position of authority over  
28 the other participant and used this authority to  
29 coerce the other participant to submit.  
30 (4) The person is six or more years older than the  
31 other participant.  
32 Sexual abuse in the third degree is a class "C"  
33 felony.  
34 Sec. \_\_\_\_ . A person shall not be presumed to be  
35 incapable of committing an offense under chapter 709  
36 solely because of cohabitation as husband or wife with  
37 the other participant."  
38 2. Title page, line 1, by striking the word  
39 "abuse" and inserting the word "violence".

BEVERLY HANNON

S-5623

1 Amend the amendment S-5506 to House File 2462 as  
2 amended, passed and reprinted by the House as follows:

3 1. Page 1, by inserting after line 2 the  
4 following:

5 "\_\_\_\_. Page 1, by inserting before line 1 the  
6 following:

7 "Sec. 201. Section 39.24, Code 1985, is amended to  
8 read as follows:

9 39.24 SCHOOL OFFICERS.

10 Members of boards of directors of community and  
11 independent school districts, and boards of directors  
12 of merged areas shall be elected at the school  
13 election. Their terms of office shall be ~~three~~ four  
14 years, except as otherwise provided by section  
15 275.23A, ~~or 280A.11, 280A.12, or 280A.13.~~

16 Sec. 202. Section 273.8, subsection 1, Code  
17 Supplement 1985, is amended to read as follows:

18 1. BOARD OF DIRECTORS. The board of directors of  
19 an area education agency shall consist of not less  
20 than five nor more than nine members, each a resident  
21 of and elected in the manner provided in this section  
22 from a director district that is approximately equal  
23 in population to the other director districts in the  
24 area education agency. Each director shall serve a  
25 ~~three-year~~ four-year term which commences at the  
26 organization meeting.

27 Sec. 203. Section 273.8, subsection 2, unnumbered  
28 paragraph 2, Code Supplement 1985, is amended to read  
29 as follows:

30 The director district conventions shall be called  
31 and the locations of the conventions shall be  
32 determined by the area education agency administrator.  
33 ~~Annually~~ Biennially the director district conventions  
34 shall be held within two weeks following the regular  
35 school election. Notice of the time, date, and place  
36 of a director district convention shall be published  
37 by the area education agency administrator at least  
38 forty-five days prior to the day of the district  
39 conventions in at least one newspaper of general  
40 circulation in the director district. The cost of  
41 publication shall be paid by the area education  
42 agency.

43 Sec. 204. Section 273.8, subsection 3, unnumbered  
44 paragraph 1, Code Supplement 1985, is amended to read  
45 as follows:

46 The board of directors of each area education  
47 agency shall meet and organize at the first regular  
48 meeting in ~~October~~ July of each ~~odd-numbered~~ year at a  
49 suitable place designated by the president. Directors  
50 whose terms commence at the organization meeting shall

**Page 2**

1 qualify by taking the oath of office required by  
2 section 277.28 at or before the organization meeting.

3 Sec. 205. Section 274.7, Code 1985, is amended to  
4 read as follows:

5 274.7 DIRECTORS.

6 The affairs of each school corporation shall be  
7 conducted by a board of directors, the members of  
8 which in all community or independent school districts  
9 shall be chosen for a term of ~~three~~ four years."

10 \_\_\_\_ . Page 1, line 18, by striking the word  
11 "annual" and inserting the following: "~~annual~~  
12 regular".

13 \_\_\_\_ . Page 1, by inserting after line 20 the  
14 following:

15 "c. Election of not more than one-half of the  
16 total number of school directors at large from the  
17 entire district and the remaining directors from and  
18 as residents of designated single-member or ~~multi-~~  
19 ~~member~~ multimember director districts into which the  
20 entire school district shall be divided on the basis  
21 of population for each director. In ~~such~~ this case,  
22 all directors shall be elected by the electors of the  
23 entire school district. Changes in the boundaries of  
24 director districts shall not be made during a period  
25 commencing sixty days prior to the date of the ~~annual~~  
26 regular school election."

27 \_\_\_\_ . Page 1, line 32, by striking the word  
28 "annual" and inserting the following: "~~annual~~  
29 regular".

30 \_\_\_\_ . Page 1, by inserting after line 32 the  
31 following:

32 "e. In districts having seven directors, election  
33 of three directors at large by the electors of the  
34 entire district, ~~one no more than two~~ at each annual a  
35 regular school election, and election of the remaining  
36 directors as residents of and by the electors of  
37 individual geographic subdistricts established on the  
38 basis of population and identified as director  
39 districts. Boundaries of the subdistricts shall  
40 follow precinct boundaries, ~~insofar as far as~~  
41 practicable, and shall not be changed less than sixty  
42 days prior to the ~~annual~~ regular school election."

43 Sec. 206. Section 275.25, subsection 3, Code  
 44 Supplement 1985, is amended to read as follows:  
 45 3. The directors who are elected to serve shall  
 46 serve until their successors are elected and qualify.  
 47 At the special election, the three newly elected  
 48 ~~director~~ directors receiving the most votes shall be  
 49 elected to serve until ~~the director's successor~~  
 50 qualifies their successors qualify after the fourth

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1 third regular school election date occurring after the  
 2 effective date of the reorganization; and the two  
 3 newly elected directors receiving the next largest  
 4 number of votes shall be elected to serve until the  
 5 directors' successors qualify after the third second  
 6 regular school election date occurring after the  
 7 effective date of the reorganization; and the two  
 8 newly elected directors receiving the next largest  
 9 number of votes shall be elected to serve until the  
 10 directors' successors qualify after the second regular  
 11 school election date occurring after the effective  
 12 date of the reorganization. However, in districts  
 13 that include all or a part of a city of fifteen  
 14 thousand or more population and in districts in which  
 15 the proposition to establish a new corporation  
 16 provides for the election of seven directors, the  
 17 ~~three~~ four newly elected directors receiving the most  
 18 votes shall be elected to serve until the directors'  
 19 successors qualify after the fourth third regular  
 20 school election date occurring after the effective  
 21 date of the reorganization and the three newly elected  
 22 directors receiving the next largest number of votes  
 23 shall be elected to serve until the directors'  
 24 successors qualify after the second regular school  
 25 election date occurring after the effective date of  
 26 the reorganization.

27 Sec. 207. Section 275.36, Code 1985, is amended to  
 28 read as follows:  
 29 275.36 SUBMISSION OF CHANGE TO ELECTORS.  
 30 If a petition for a change in the number of  
 31 directors or in the method of election of school  
 32 directors, describing the boundaries of the proposed  
 33 director districts, if any, signed by eligible  
 34 electors of the school district equal in number to at  
 35 least thirty percent of those who voted in the last  
 36 previous ~~annual~~ regular school election in the school  
 37 district, but not less than twenty-five persons, and  
 38 accompanied by affidavit as required by section 275.13  
 39 ~~be,~~ is filed with the school board of a school

40 district, not earlier than six months and not later  
 41 than two months before a regular or special school  
 42 election, the school board shall submit ~~such the~~  
 43 proposition to the voters at ~~such the~~ election. If a  
 44 proposition for a change in the number of directors or  
 45 in the method of election of school directors  
 46 submitted to the voters under this section is  
 47 rejected, it shall not be resubmitted to the voters of  
 48 the district in substantially the same form within the  
 49 next three years; if it is approved, no other proposal  
 50 ~~may shall~~ be submitted to the voters of the district

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1 under this section within the next six years.  
 2 Sec. 208. Section 275.37, Code 1985, is amended to  
 3 read as follows:  
 4 275.37 INCREASE IN NUMBER OF DIRECTORS.  
 5 At the next succeeding ~~annual~~ regular school  
 6 election in a district where the number of directors  
 7 has been increased from five to seven, and directors  
 8 are elected at large, ~~there shall be elected a~~  
 9 director shall be elected to succeed each incumbent  
 10 director whose term is expiring in that year, and two  
 11 additional directors. Upon organizing as required by  
 12 section 279.1, either one or two of the newly elected  
 13 ~~director~~ directors who received the fewest votes in  
 14 the election shall be assigned a term of either one  
 15 ~~year or two years if as~~ necessary in order that as  
 16 nearly as possible ~~one-third~~ one-half of the members  
 17 of the board shall be elected ~~each year~~ biennially.  
 18 Sec. 209. Section 275.38, Code 1985, is amended to  
 19 read as follows:

20 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.  
 21 If a change in the method of election of school  
 22 directors is approved at a regular or special school  
 23 election, the directors who were serving unexpired  
 24 terms or were elected concurrently with approval of  
 25 the change of method shall serve out the terms for  
 26 which they were elected. If the plan adopted is that  
 27 described in section 275.12, subsection 2, paragraph  
 28 "b," "c," "d," or "e," the board shall at the earliest  
 29 practicable time designate the districts from which  
 30 residents are to be elected as school directors at  
 31 each of the next ~~three two~~ succeeding ~~annual~~ regular  
 32 school elections, arranging so far as possible for  
 33 elections of directors as residents of the respective  
 34 districts to coincide with the expiration of terms of  
 35 incumbent members residing in those districts. If an  
 36 increase in the size of the board from five to seven

37 members is approved concurrently with the change in  
 38 method of election of directors, the board shall make  
 39 the necessary adjustment in the manner prescribed in  
 40 section 275.37, as well as providing for  
 41 implementation of the districting plan under this  
 42 section.

43 Sec. 210. Section 275.41, subsections 4, 5, 6, and  
 44 7, Code Supplement 1985, are amended to read as  
 45 follows:

46 4. If the total number of directors determined  
 47 under subsection 2 or 3 is an odd number, the board of  
 48 the district with the largest population shall  
 49 designate the term of office of one of the members who  
 50 is retained to commence at the organizational meeting

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1 of the board of the newly formed district and to end  
 2 at the organizational meeting following the ~~fourth~~  
 3 ~~third~~ regular school election held ~~thereafter~~ after  
 4 the effective date of the merger, in the manner  
 5 specified in the reorganization petition.

6 If the total number of directors determined under  
 7 subsection 2 or 3 is an even number, that number of  
 8 directors shall function until a special election can  
 9 be held, at which time an additional director shall be  
 10 elected ~~to a term~~ from the newly formed district ~~to a~~  
 11 ~~term~~ ending at the organizational meeting following  
 12 the ~~fourth~~ ~~third~~ regular school election held  
 13 ~~thereafter~~ after the effective date of the merger.  
 14 The procedure for calling the special election shall  
 15 be the procedure specified in section 275.25.

16 5. The boards of directors of school districts  
 17 which are involved in the merger which have three or  
 18 more directors who are retained, shall each designate  
 19 two of the directors who are retained to serve terms  
 20 that expire at the organizational meeting following  
 21 the ~~second~~ ~~first~~ regular school election held  
 22 ~~thereafter~~ after the effective date of the merger.  
 23 All other directors who are retained shall serve terms  
 24 that expire at the organizational meeting following  
 25 the ~~third~~ ~~second~~ regular school election held  
 26 ~~thereafter~~ after the effective date of the merger. If  
 27 there is an insufficient number of board members  
 28 eligible to be retained from a former school district,  
 29 the board of the former school district may appoint  
 30 members to fill the vacancies. A vacancy occurs if  
 31 there is an insufficient number of former board  
 32 members who reside in the newly formed district or if  
 33 there is an insufficient number who are willing to

34 serve on the board of the newly formed district.  
35 6. At the ~~second~~ first regular school election  
36 held after the effective date of the merger, the two  
37 vacancies which will occur on the board shall be  
38 filled in a manner specified in the reorganization  
39 petition.  
40 7. At the ~~third~~ second regular school election  
41 held after the effective date of ~~the~~ merger, if a  
42 five-member board is specified in the reorganization  
43 petition, two directors shall be elected in the manner  
44 specified in the reorganization petition and if a  
45 seven-member board is specified in the reorganization  
46 petition, four directors shall be elected, two for  
47 ~~one-year~~ two-year terms and two for ~~three-year~~ four-  
48 year terms, in the manner specified in the  
49 reorganization petition.  
50 Sec. 211. Section 277.1, Code 1985, is amended to

**Page 6**

1 read as follows:

2 277.1 REGULAR ELECTION.

3 The regular election shall be held ~~annually~~  
4 biennially on the ~~second first~~ Tuesday in ~~September~~  
5 following the first Monday in June of each odd-  
6 numbered year in each school district for the election  
7 of officers of the district and merged area and for  
8 the purpose of submitting to the voters any matter  
9 authorized by law.

10 Sec. 212. Section 277.2, Code 1985, is amended to  
11 read as follows:

12 277.2 SPECIAL ELECTION.

13 The board of directors in any school corporation  
14 may call a special election at which ~~election~~ the  
15 voters shall have the powers exercised at the regular  
16 election with reference to the sale of school property  
17 and the application to be made of the proceeds, the  
18 authorization to change the method of election of  
19 school directors to any method authorized by section  
20 275.12, the authorization of seven members on the  
21 board of directors, the authorization to establish or  
22 change the boundaries of director districts, and the  
23 authorization of a schoolhouse tax or indebtedness, as  
24 provided by law.

25 Sec. 213. Section 277.20, unnumbered paragraph 1,  
26 Code 1985, is amended to read as follows:

27 On the next ~~Friday~~ Monday after the regular school  
28 election, the county board of supervisors shall  
29 canvass the returns made to the county commissioner of  
30 elections from the several precinct polling places and

31 the absentee ballot counting board, ascertain the  
 32 result of the voting with regard to every matter voted  
 33 upon and cause a record to be made ~~thereof of the~~  
 34 results as required by section 50.24. Special  
 35 elections held in school districts shall be canvassed  
 36 at the time and in the manner required by that  
 37 section. The board shall declare the results of the  
 38 voting for members of boards of directors of school  
 39 corporations nominated pursuant to section 277.4, and  
 40 the commissioner shall at once issue a certificate of  
 41 election to each person declared elected. The board  
 42 shall also declare the results of the voting on any  
 43 public question submitted to the voters of a single  
 44 school district, and the commissioner shall certify  
 45 the result as required by section 50.27.

46 Sec. 214. Section 277.23, unnumbered paragraph 2,  
 47 Code 1985, is amended to read as follows:  
 48 A change from five to seven directors shall be  
 49 effected in a district at the first regular election  
 50 after authorization by the voters or when a district

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1 becomes wholly or in part within a city of fifteen  
 2 thousand population or more in the following manner:  
 3 If the term of ~~one director~~ two directors of the five-  
 4 member board expires at the time of ~~said the~~ regular  
 5 election, ~~three~~ four directors shall be elected to  
 6 serve until the ~~third~~ second following regular  
 7 election ~~thereafter~~; if the terms of ~~two~~ three  
 8 directors expire at the time of ~~said the~~ regular  
 9 election, three directors shall be elected to serve  
 10 until the ~~third~~ second following regular election  
 11 ~~thereafter~~ and ~~one director~~ two directors shall be  
 12 elected to serve ~~a term the expiration of which~~  
 13 ~~coincides with the expiration of the term of the~~  
 14 ~~director heretofore singly elected until the next~~  
 15 regular election.

16 Sec. 215. Section 277.25, Code 1985, is amended to  
 17 read as follows:  
 18 277.25 DIRECTORS IN NEW DISTRICTS.  
 19 At the first election in newly organized districts  
 20 the directors shall be elected as follows:  
 21 1. In districts having three directors, ~~one~~  
 22 ~~director~~ two directors shall be elected for ~~one year~~,  
 23 ~~one for~~ two years, and one for ~~three~~ four years.  
 24 2. In districts having five directors, ~~two~~ three  
 25 shall be elected for ~~one year~~, ~~two for~~ two years, and  
 26 ~~one two~~ for ~~three~~ four years.  
 27 3. In districts having seven directors, ~~two~~ four

28 shall be elected for ~~one year, two for~~ two years, and  
 29 three for ~~three four~~ years.

30 Sec. 216. Section 277.27, Code 1985, is amended to  
 31 read as follows:

32 277.27 QUALIFICATION.

33 A Notwithstanding section 71.1, a school officer or  
 34 member of the board shall, at the time of election or  
 35 appointment, be an eligible elector of the corporation  
 36 or subdistrict. Notwithstanding any contrary  
 37 provision of the Code, no A member of the board of  
 38 directors of any school district, or director's  
 39 spouse, shall not receive compensation directly from  
 40 the school board, except a director's spouse may be  
 41 employed by the district in a noncertificated  
 42 position, or in a certificated position on a half-time  
 43 basis or less. No director or spouse affected by this  
 44 provision on July 1, 1972, whose term of office for  
 45 which elected has not expired, or whose contract of  
 46 employment has a fixed date of expiration and has not  
 47 expired, shall be affected by this provision until the  
 48 expiration of the term of office to which elected, or  
 49 the expiration date of the contract for which  
 50 employed. A member of the board of directors shall

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1 not be an employee of the school district.

2 Sec. 217. Section 277.28, unnumbered paragraph 1,  
 3 Code 1985, is amended to read as follows:

4 Each director elected at a regular district or  
 5 director district election; ~~as the case may be,~~ shall  
 6 qualify by taking the oath of office on or before the  
 7 time set for the organization meeting of the board the  
 8 third Monday in September first day in July which is  
 9 not a Sunday of each odd-numbered year, and the  
 10 election and qualification shall be entered of record  
 11 by the secretary. The oath may be administered by ~~any~~  
 12 a qualified member of the board or the secretary of  
 13 the board and may be taken in substantially the  
 14 following form:

15 Sec. 218. Section 279.1, Code 1985, is amended to  
 16 read as follows:

17 279.1 ORGANIZATION.

18 The board of directors of each school corporation  
 19 shall meet and organize at two o'clock p.m., or at  
 20 seven-thirty o'clock p.m., if so ordered by the  
 21 president of the board, on the third Monday in  
 22 September first day in July which is not a Sunday of  
 23 each odd-numbered year at some a suitable place to be  
 24 designated by the secretary. Notice of the place and

25 hour of ~~such the~~ meeting shall be given by the  
 26 secretary to each member and each member-elect of the  
 27 board.

28 ~~Such The~~ organization shall be effected by the  
 29 election of a president from the members of the board;  
 30 ~~who shall be. The president is~~ entitled to vote as a  
 31 member.””

32 2. Page 2, by striking line 28 and inserting the  
 33 following: “line 8 and inserting the following:

34 “Sec. 219. Section 280A.11, unnumbered paragraph  
 35 1, Code 1985, is amended to read as follows:

36 The governing board of a merged area is a board of  
 37 directors composed of one member elected from each  
 38 director district in the area by the qualified  
 39 electors of the respective district. Members of the  
 40 board shall be residents of the district from which  
 41 elected. Successors shall be chosen at the ~~annual~~  
 42 regular school elections for members whose terms  
 43 expire. The term of a member of the board of  
 44 directors is ~~three four~~ years and commences at the  
 45 organization meeting. Vacancies on the board which  
 46 occur more than ninety days prior to the next regular  
 47 school election may be filled at the next regular  
 48 meeting of the board by appointment by the remaining  
 49 members of the board. A member so chosen shall be a  
 50 resident of the district in which the vacancy occurred

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1 and shall serve until a member is elected pursuant to  
 2 section 69.12 to fill the vacancy for the balance of  
 3 the unexpired term. A vacancy is defined in section  
 4 277.29. A member shall not serve on the board of  
 5 directors who is a member of a board of directors of a  
 6 local school district or a member of an area education  
 7 agency board. A member of the board of directors of a  
 8 merged area shall not be an employee of the merged  
 9 area.

10 Sec. 220. Section 280A.12, Code 1985, is amended  
 11 to read as follows:

#### 12 280A.12 DIRECTORS OF MERGED AREA.

13 In each merged area, the initial board of directors  
 14 elected at the special election shall organize within  
 15 fifteen days following the election and may ~~thereafter~~  
 16 proceed with the establishment of the designated area  
 17 vocational school or area community college. The  
 18 board of directors of the merged area shall organize  
 19 at the first regular meeting in ~~October~~ July of each  
 20 odd-numbered year. Organization of the board shall be  
 21 effected by the election of a president and other

22 officers from the board membership as board members  
 23 determine. The board of directors shall appoint a  
 24 secretary and a treasurer who shall each give bond as  
 25 prescribed in section 291.2 and who shall each receive  
 26 the salary determined by the board. The secretary and  
 27 treasurer shall perform duties under chapter 291 and  
 28 additional duties the board of directors deems  
 29 necessary. However, the board may appoint one person  
 30 to serve as the secretary and treasurer. If one  
 31 person serves as the secretary and treasurer, only one  
 32 bond is necessary for that person. The frequency of  
 33 meetings other than organizational meetings shall be  
 34 as determined by the board of directors but the  
 35 president or a majority of the members may call a  
 36 special meeting at any time.

37 Sec. 221. Section 280A.13, subsection 1, Code  
 38 1985, is amended to read as follows:

39 1. The board of a merged area may change the  
 40 number of directors on the board and shall make  
 41 corresponding changes in the boundaries of director  
 42 districts. Changes shall be completed not later than  
 43 July 1 of a fiscal year for the ~~next~~ regular school  
 44 election ~~to be held the next following September.~~

45 Sec. 222. Section 280A.13, subsection 4, Code  
 46 1985, is amended to read as follows:

47 4. To the extent possible the board shall provide  
 48 that changes in the boundary lines of director  
 49 districts of merged areas do not lengthen or diminish  
 50 the term of office of a director of the board.

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1 Initial terms of office shall be set by the board so  
 2 that as nearly as possible the terms of ~~one-third one-~~  
 3 half of the members expire ~~annually~~ biennially.

4 Sec. 223. Section 280A.15, subsection 1, Code  
 5 1985, is amended to read as follows:

6 1. Regular elections held ~~annually~~ by the merged  
 7 area for the election of members of the board of  
 8 directors as required by section 280A.11, for the  
 9 renewal of the twenty and one-fourth cents per  
 10 thousand dollars of assessed valuation levy authorized  
 11 in section 280A.22, or for any other matter authorized  
 12 by law and designated for election by the board of  
 13 directors of the merged area, shall be held on the  
 14 date of the school election as fixed by section 277.1.  
 15 The election notice shall be made a part of the local  
 16 school election notice published as provided in  
 17 section 49.53 in each local school district where  
 18 voting is to occur in the merged area election and the

19 election shall be conducted by the county commissioner  
20 of elections pursuant to chapters 39 to 53 and section  
21 277.20.

22 Sec. 224. Section 280A.15, subsection 4, Code  
23 1985, is amended to read as follows:

24 4. The votes cast in the election shall be  
25 canvassed and abstracts of the votes cast shall be  
26 certified as required by section 277.20. In each  
27 county whose commissioner of elections is responsible  
28 under section 47.2 for conducting elections held for a  
29 merged area, the county board of supervisors shall  
30 convene at ten o'clock a.m. on the last Monday in  
31 ~~September~~ June after the regular school election,  
32 canvass the abstracts of votes cast and declare the  
33 results of the voting. The commissioner shall at once  
34 issue certificates of election to each person declared  
35 elected, and shall certify to the merged area board in  
36 substantially the manner prescribed by section 50.27  
37 the result of the voting on any public question  
38 submitted to the voters of the merged area. Members  
39 elected to the board of directors of a merged area  
40 shall qualify by taking the oath of office prescribed  
41 in section 277.28.

42 Sec. 225. Section 280A.22, subsection 1, paragraph  
43 a, Code 1985, is amended to read as follows:

44 a. In addition to the tax authorized under section  
45 280A.17, the voters in ~~any~~ a merged area may at the  
46 ~~annual~~ regular school election vote a tax not  
47 exceeding twenty and one-fourth cents per thousand  
48 dollars of assessed value in any one year for a period  
49 not to exceed ten years for the purchase of grounds,  
50 construction of buildings, payment of debts contracted

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1 for the construction of buildings, purchase of  
2 buildings and equipment for buildings, and the  
3 acquisition of libraries, and for the purpose of  
4 maintaining, remodeling, improving, or expanding the  
5 area vocational school or area community college of  
6 the merged area. The tax shall be collected by the  
7 county treasurers and remitted to the treasurer of the  
8 merged area as provided in section 331.552, subsection  
9 29. The proceeds of the tax shall be deposited in a  
10 separate and distinct fund to be known as the voted  
11 tax fund, to be paid out upon warrants drawn by the  
12 president and secretary of the board of directors of  
13 the merged area district for the payment of costs  
14 incurred in providing the school facilities for which  
15 the tax was voted."''

16 3. Page 6, by inserting after line 32 the  
17 following:

18 "Sec. 500.

19 1. In order to accomplish the transition from  
20 election of directors of community and independent  
21 school districts, merged areas, and area education  
22 agencies annually for terms of three years each, to  
23 election of such directors biennially for terms of  
24 four years each, the following adjustments in terms  
25 and times of election shall be made, notwithstanding  
26 other provisions of law:

27 a. The term of office of each director of a  
28 community or an independent school district, merged  
29 area, and area education agency board whose term  
30 expires in the years 1987 and 1988 shall expire at  
31 noon on July 1, 1987 and the successors shall be  
32 elected at the regular election in 1987 or in the case  
33 of the area education agency, at the director district  
34 convention in 1987.

35 b. In community, independent, and consolidated  
36 school districts and merged areas having five-member  
37 boards of directors, the persons elected as directors  
38 in 1987 who receive the greatest and the next greatest  
39 number of votes in that election shall serve terms of  
40 four years each and the other persons so elected shall  
41 serve terms of two years each.

42 c. In community, independent, and consolidated  
43 school districts and merged areas having seven-member  
44 boards of directors, the persons elected as directors  
45 in 1987 who receive the greatest, the next greatest,  
46 and the third greatest number of votes shall serve  
47 terms of four years each, and the other persons so  
48 elected shall serve terms of two years each.

49 d. In merged areas having more than seven members,  
50 the persons elected as directors in 1987 who receive

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1 the greatest, the next greatest, the third greatest,  
2 and the fourth greatest number of votes shall serve  
3 terms of four years each, and the other persons so  
4 elected shall serve terms of two years each.

5 e. In area education agencies, the persons elected  
6 shall draw lots to determine who will serve terms of  
7 four years each and who will serve terms of two years  
8 each so that the appropriate number will serve terms  
9 ending in 1989 and 1991.

10 2. Notwithstanding section 275.12, at least a  
11 majority of the board of directors of each school  
12 district shall be elected from director districts

13 pursuant to section 275.23A, subsection 1 by the  
 14 regular school election in 1989. The remaining  
 15 members may be elected at large from the entire  
 16 district by the electors of the entire district.

17 At the regular school election in 1989 the  
 18 community, independent, and consolidated school  
 19 districts having five-member boards of directors shall  
 20 elect the three vacant positions from director  
 21 districts unless at least a majority of the board of  
 22 directors was elected from director districts in 1987.

23 At the regular school election in 1989, the  
 24 community, independent, and consolidated school  
 25 districts having seven-member boards of directors  
 26 shall elect the four vacant positions from director  
 27 districts unless at least a majority of the board of  
 28 directors was elected from director districts in  
 29 1987.”

30 4. Page 6, by striking line 50 and inserting the  
 31 following: “in Cedar Rapids, Iowa. Sections 201  
 32 through 225 and section 500 take effect January 1,  
 33 1987.””

JOE BROWN

S-5624

1 Amend House File 2433 as amended, passed and re-  
 2 printed by the House as follows:

3 1. Page 2, line 17, by inserting after the word  
 4 “child” the following: “other children, or a parent”.

5 2. Page 2, by striking lines 19 through 28, and  
 6 inserting in lieu thereof the following: “and responsi-  
 7 bilities of raising the child. The court shall con-  
 8 sider the denial by”.

ARTHUR GRATIAS

S-5625

1 Amend House File 2407 as amended, passed, and  
 2 reprinted by the House as follows:

3 1. Page 2, line 1, by inserting after the word  
 4 “building.” the following: “A school corporation  
 5 shall pay out of the revenue from such lease, when the  
 6 lease is to a private entity except a nonprofit  
 7 corporation, to the state of Iowa and to the city,  
 8 school district and any other political subdivision,  
 9 authorized to levy taxes, a sum equal to the amount of

10 tax, determined by applying the tax rate of the taxing  
11 district to the assessed value of the portion of the  
12 building leased, which the state, county, city, school  
13 district, or other political subdivision would receive  
14 if the portion of the building leased were owned by a  
15 private person or corporation."

BERLE E. PRIEBE

S-5626

1 Amend House File 2344 as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 1, by inserting after line 30 the  
4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 266.8 HAZARDOUS WASTE  
6 RESEARCH PROGRAM.

7 A hazardous waste research program is created  
8 within the civil engineering department at Iowa state  
9 university of science and technology to concentrate on  
10 the cleanup of industrial hazardous waste in the state  
11 with special emphasis upon new waste disposal  
12 techniques and applications. The program shall also  
13 give first priority to the cleanup of those hazardous  
14 waste sites with particular hazard to the public and  
15 hazardous waste sites which impair the future economic  
16 development of a particular area including, but not  
17 limited to, the development of infrastructure,  
18 highways, sewers, industrial sites, educational  
19 facilities, and other assets essential for the  
20 development of a city. The program may seek, and is  
21 encouraged to seek, funds from private foundations and  
22 companies, the federal government, municipalities,  
23 counties, and departments of the state that have funds  
24 for economic development and hazardous waste sites.  
25 The program is also encouraged to reclaim valuable  
26 wastes so as to recover costs and achieve a continued  
27 level of support for research related to hazardous  
28 waste.

29 The center for industrial research and service at  
30 Iowa state university will administer the funds of the  
31 program and report to the general assembly on the  
32 progress and results of the program. Particular  
33 emphasis in the reporting shall be on site specifics  
34 and indicate actual results of efforts to clean up  
35 waste sites, the use of new techniques and processes,  
36 the use of private contractors, economic benefits  
37 derived, and evidence of cooperation with state and  
38 federal environmental groups and other agencies."

- 39 2. Title page, by striking lines 1 and 2 and  
 40 inserting the following: "An Act relating to the  
 41 cleanup of hazardous waste."  
 42 3. Renumber as necessary.

JOE WELSH

S-5627

- 1 Amend amendment S-5359 to House File 2387,  
 2 as amended, passed and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, by striking lines 3 through 18  
 5 and inserting in lieu thereof the following:  
 6 "1. By striking page 1, line 14 through page  
 7 2, line 13 and inserting in lieu thereof the  
 8 following:  
 9 "This"."

CHARLES BRUNER

HOUSE AMENDMENT TO  
 SENATE FILE 166

S-5628

- 1 Amend Senate File 166 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, by striking lines 20 through 22 and  
 4 inserting the following: "methods by which pigeons  
 5 may be taken which may include, but are not limited  
 6 to, the use of trapping, chemical repellants, or toxic  
 7 perches."

HOUSE AMENDMENT TO  
 SENATE FILE 2069

S-5629

- 1 Amend Senate File 2069 as passed by the Senate as  
 2 follows:  
 3 1. Page 2, by striking lines 1 through 4.

HOUSE AMENDMENT TO  
SENATE FILE 2101

S-5630

- 1 Amend Senate File 2101 as passed by the Senate as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 33.2, Code 1985, is amended by  
6 adding the following new subsection after subsection 1  
7 and renumbering the remaining subsections:  
8 **NEW SUBSECTION. 2. Martin Luther King, Jr.'s**  
9 **birthday, the third Monday in January."**  
10 2. Page 1, by striking lines 6 through 8 and  
11 inserting the following: "by striking the  
12 subsection."  
13 3. Title page, by striking line 1 and inserting  
14 the following:  
15 "An Act relating to Martin Luther King, Jr.'s  
16 birthday and Veterans Day as paid state holidays and".

S-5631

- 1 Amend the amendment, S-5587, to Senate File 2052,  
2 as passed by the Senate, as follows:  
3 1. Page 1, by striking lines 3 through 8 and  
4 inserting the following:  
5 "1. Page 1, line 2, by inserting after the word  
6 "repealed" the following: " and section 602.9104,  
7 subsection 1, Code 1985, is reenacted and shall be the  
8 law of this state from the effective date of this  
9 Act"."

DONALD V. DOYLE

S-5632

- 1 Amend House File 2348 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 2, by inserting after line 27 the following:  
4 "g. The provisions of paragraphs a, b, c, and e shall  
5 not apply to ice produced from a public water supply as  
6 defined and regulated in chapter 455B. Ice sold in  
7 sealed containers shall be labeled or tagged with the  
8 name and location of the ice maker and whether it is  
9 produced from a public water supply. The department  
10 shall adopt rules relating to the packaging and handling  
11 of ice sold in sealed containers."

MICHAEL E. GRONSTAL

S-5633

- 1 Amend amendment S-5622 to House File 2433 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, by inserting after line 33 the following:
- 4 "\_\_\_ . Page 3, by inserting after line 7 the
- 5 following:".

C. JOSEPH COLEMAN

S-5634

- 1 Amend the amendment, S-5542, to House File 2454 as
- 2 amended, passed and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 9, by striking the word "forty-
- 5 eight" and inserting the following: "twenty-four".
- 6 2. Page 1, line 17, by striking the word "forty-
- 7 eight" and inserting the following: "twenty-four".
- 8 3. Page 1, line 30, by striking the word "forty-
- 9 eight" and inserting the following: "twenty-four".

TOM MANN, Jr.

S-5635

- 1 Amend House File 2378 as passed by the House as
- 2 follows:
- 3 1. By striking page 1, line 33 through page 3,
- 4 line 9.
- 5 2. Title page, by striking line 2 and inserting
- 6 the following: "the beef assessment."

C. JOSEPH COLEMAN

S-5636

- 1 Amend House File 2463 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 5, line 1, by inserting after the word
- 4 "use." the following: "Notwithstanding the fee rates
- 5 for gear tags of subsection 7, the minimum fee for a
- 6 gear tag is five dollars."

BERL E. PRIEBE  
DALE TIEDEN

S-5637

1 Amend House File 2354 as passed by the House as  
2 follows:  
3 1. Page 1, line 5, by inserting after the figure  
4 "515B.10" the following: ", subsection 1, paragraph  
5 "a", subparagraph (2)".  
6 2. Page 4, line 25, by inserting after the figure  
7 "1" the following: ", paragraph "a", subparagraph  
8 (2)".

MICHAEL E. GRONSTAL

S-5638

1 Amend House File 2443 as passed by the House as  
2 follows:  
3 1. Page 5, by inserting after line 4 the  
4 following:  
5 "Sec. 10. If one million (1,000,000) dollars are  
6 appropriated to the Iowa conservation corps account  
7 for the fiscal year beginning July 1, 1986 pursuant to  
8 enactment of section 7, paragraph "b", and section 9  
9 of House File 2412, as amended, passed, and reprinted  
10 by the House, then the appropriations made pursuant to  
11 sections 8 and 9 of this Act shall apply only to the  
12 fiscal years beginning on July 1, 1987, July 1, 1988,  
13 and July 1, 1989."  
14 2. By renumbering as necessary.

BEVERLY HANNON

S-5639

1 Amend the House amendment, S-5559, to Senate File  
2 505 as passed by the Senate as follows:  
3 1. Page 1, by inserting after line 5 the  
4 following:  
5 "\_\_\_\_. Page 10, by inserting after line 6 the  
6 following:  
7 "Sec. 777. Section 328.21, Code 1985, is amended  
8 by adding the following new subsection immediately  
9 following subsection 4 and renumbering succeeding  
10 subsections:  
11 NEW SUBSECTION. 5. The registration fee for a  
12 helicopter owned and operated by a nonprofit hospital  
13 located in Iowa is thirty-five dollars.

14 Sec. \_\_\_\_ . Section 777 of this Act applies to  
 15 aircraft registrations made on or after the effective  
 16 date of this Act.”  
 17 \_\_\_\_ . Title page, line 1, by inserting after the  
 18 word “to” the words “vehicle law by establishing a  
 19 registration fee for helicopters owned and operated by  
 20 nonprofit hospitals and by providing provisions  
 21 relating to”.  
 22 \_\_\_\_ . Renumber sections and correct internal  
 23 references as necessary.”

JAMES D. WELLS

S-5640

1 Amend House File 2463 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 5, line 14, by striking the figure  
 4 “100.00” and inserting the figure “30.00”.  
 5 2. Page 5, line 15, by striking the figure  
 6 “1500.00” and inserting the figure “400.00”.  
 7 3. Page 5, line 16, by striking the figure  
 8 “500.00” and inserting the figure “300.00”.  
 9 4. Page 10, by striking lines 11 through 21 and  
 10 inserting the following:  
 11 “3. Whenever and so long as the states of  
 12 Minnesota, Wisconsin, Illinois, or Missouri confer  
 13 upon the commercial clamming licensees of this state  
 14 reciprocal rights, privileges and immunities, any  
 15 commercial clamming license issued by such other state  
 16 shall entitle the licensee to all the rights,  
 17 privileges and immunities, in and upon the boundary  
 18 waters between Illinois and this state and between  
 19 Wisconsin and this state, enjoyed by the holders of  
 20 equivalent licenses issued by this state; subject,  
 21 however, to the duties, responsibilities and  
 22 liabilities imposed on its own licensees by the laws  
 23 of this state.”  
 24 5. Page 11, by inserting after line 20 the  
 25 following:  
 26 “Sec. 20. Section 4, subsection 6, paragraph “g”  
 27 through “j” and section 13, subsection 3 of this Act,  
 28 being deemed of immediate importance, shall take  
 29 effect from and after the Act’s publication in the  
 30 Muscatine Journal, a newspaper published in Muscatine,  
 31 Iowa and in the North Iowa Times, a newspaper  
 32 published in McGregor, Iowa.”

DALE TIEDEN

S-5641

- 1 Amend House File 2378 as passed by the House as  
2 follows:
- 3 1. Page 1, line 22, by inserting after the word  
4 "date." the following: "If the secretary determines  
5 that extension of the assessment is favored by a  
6 majority of the producers voting in the referendum, an  
7 additional referendum on the extension of the  
8 assessment shall not be conducted earlier than thirty  
9 days before the next four-year anniversary date."  
10 2. Page 2, line 22, by striking the word "two"  
11 and inserting the word "one".  
12 3. Page 2, line 27, by inserting after the word  
13 "date." the following: "If the secretary determines  
14 that extension of the assessment is favored by a  
15 majority of the producers voting in the referendum, an  
16 additional referendum on the extension of the  
17 assessment shall not be conducted earlier than thirty  
18 days before the next four-year anniversary date."  
19 4. Page 2, line 35, by striking the word "two"  
20 and inserting the word "one".

ARNE WALDSTEIN  
C. JOSEPH COLEMAN

S-5642

- 1 Amend the amendment, S-5527, to House File 2423, as  
2 passed by the House as follows:
- 3 1. Page 1, line 9, by inserting after the word  
4 "once" the following: "in any two-year period".

BEVERLY HANNON

S-5643

- 1 Amend the amendment S-5582 to House File 2412 as  
2 amended, passed, and reprinted by the House as  
3 follows:
- 4 1. Page 1, line 32, by inserting after the word  
5 "projects." the following: "Of the amount  
6 appropriated under this paragraph, fifty thousand  
7 (50,000) dollars shall be used to make emergency  
8 repairs on the dam on the Little Sioux river located  
9 at Linn Grove."

ARNE WALDSTEIN  
LEE HOLT

S-5644

- 1 Amend the amendment S-5417 to House File 2393 as
- 2 passed by the House as follows:

DIVISION S-5644B

- 3 1. Page 1, line 5, by striking the words "shall
- 4 not" and inserting the word "may".

DIVISION S-5644A

- 5 2. Page 1, by striking line 8 and inserting the
- 6 following: "licensing of small firearms, as defined
- 7 by the commissioner of public safety, but shall not
- 8 enact such ordinance for any other firearm when the
- 9 ownership, possession,".

TOM MANN, Jr.

S-5645

- 1 Amend House File 2462, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, by inserting after line 28 the
- 4 following:
- 5 "Sec. \_\_\_\_ . The legislative council is requested to
- 6 establish during the 1986 legislative interim an
- 7 interim study committee composed of members of the
- 8 education committees of both parties from both houses
- 9 of the general assembly to study the feasibility of
- 10 using a school district's average daily attendance for
- 11 calculating enrollment for purposes of determining a
- 12 school district's budget under the state school
- 13 foundation plan rather than using the present
- 14 enrollment formula.
- 15 The study committee shall report its
- 16 recommendations to the general assembly meeting in
- 17 1987."

RAY TAYLOR

S-5646

1 Amend amendment S-5596 to House File 2462 as  
2 amended, passed and reprinted by the House as follows:  
3 1. Page 1, lines 12 and 13, by striking the words  
4 "two or more reorganized school districts" and insert-  
5 ing in lieu thereof the words "districts containing  
6 seven thousand pupils or less".  
7 2. Page 1, lines 19 and 20, by striking the words  
8 "two or more reorganized school districts" and insert-  
9 ing in lieu thereof the words "districts containing  
10 seven thousand pupils or less".

RAY TAYLOR

S-5647

1 Amend House File 2462, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 3, by inserting after line 8 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 321.178, subsection 1,  
6 unnumbered paragraph 2, Code 1985, is amended to read  
7 as follows:  
8 Every public school district in Iowa shall offer or  
9 make available to all students residing in the school  
10 district or Iowa students attending a nonpublic school  
11 in the district an approved course in driver  
12 education. The courses may be offered at sites other  
13 than at the public school, including nonpublic school  
14 facilities within the public school districts. An  
15 approved course offered during the summer months, on  
16 Saturdays, after regular school hours during the  
17 regular terms or partly in one term or summer vacation  
18 period and partly in the succeeding term or summer  
19 vacation period, ~~as the case may be, shall satisfy~~  
20 satisfies the requirements of this section to the same  
21 extent as an approved course offered during the  
22 regular school hours of the school term. The public  
23 school district may charge a fee to students enrolled  
24 in the driver education course, which fee shall not  
25 exceed the actual cost of instruction. However, a fee  
26 shall not be charged to a student who asks to be  
27 exempt if the student's household income is at or  
28 below the poverty level guideline as set by the United  
29 States department of health and human services. Fee  
30 moneys received are miscellaneous income as defined in  
31 section 442.5. A student who successfully completes

32 and obtains certification in an approved course in  
 33 driver education or an approved course in motorcycle  
 34 education may, upon proof of ~~such~~ that fact, be  
 35 excused from any field test which the student would  
 36 otherwise be required to take in demonstrating the  
 37 student's ability to operate a motor vehicle."

\*  
 JOY CORNING

S-5648

1 ~~Amend~~ the amendment S-5582 to House File 2412 as  
 2 amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. Page 1, line 32, by inserting after the word  
 5 "projects." the following: "Of the amount  
 6 appropriated under this paragraph, fifty thousand  
 7 (50,000) dollars shall be used as matching funds to  
 8 make emergency repairs on the dam on the Little Sioux  
 9 river located at Linn Grove."

ARNE WALDSTEIN  
 LEE HOLT

S-5649

1 Amend the amendment S-5496 to House File 2339 as  
 2 amended, passed and reprinted by the House as follows:

DIVISION S-5649A

3 1. Page 2, by inserting after line 38 the  
 4 following:  
 5 "9. Page 16, line 20, by inserting after the word  
 6 "license." the following: "The request for a hearing  
 7 shall not stay the revocation, notwithstanding any  
 8 provision of chapter 17A to the contrary.'"

DIVISION S-5649B

9 2. Page 2, by striking line 41 and inserting the  
 10 following:  
 11 "'1. Not less than thirty days after the effective  
 12 date of revocation under this chapter, the department  
 13 may, on".  
 14 3. By renumbering as necessary.

JULIA B. GENTLEMAN

S-5650

1 Amend House File 2462, 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. NEW SECTION. 275.1A DIVISION OF  
6 SCHOOL DISTRICT.

7 The board of directors of a school district that  
8 has a dropout rate during a school year of more than  
9 five percent of the district's certified enrollment  
10 shall begin proceedings under this chapter during the  
11 next following school year to divide the territory of  
12 the school district into two or more reorganized  
13 school districts. The board of directors shall use  
14 the procedure provided in this chapter to draw the  
15 school district boundary lines. If the proposition to  
16 divide the school district fails to pass at the  
17 election held under sections 275.18 and 275.20, the  
18 state board of public instruction shall divide the  
19 school district into two or more reorganized school  
20 districts."

BEVERLY A. HANNON

S-5651

1 Amend House File 2066 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 5, by inserting after line 1, the  
4 following:

5 "Sec. \_\_\_\_ . Section 327H.18, Code 1985, is amended  
6 to read as follows:

7 327H.18 RAILROAD ASSISTANCE FUND ESTABLISHED.

8 There is established a railroad assistance fund in  
9 the office of the treasurer of state. Moneys in this  
10 fund shall be expended for providing assistance for  
11 the restoration, conservation, and improvement and  
12 construction of railroad main lines, branch lines,  
13 switching yards and sidings. Any unencumbered funds  
14 appropriated by the general assembly for branch line  
15 railroad assistance shall be deposited in the railroad  
16 assistance fund. However, not more than twenty  
17 percent of the funds appropriated to the railroad  
18 assistance fund from the general fund of the state in  
19 any fiscal year shall be used for restoration,  
20 conservation, and improvement and construction of  
21 railroad main lines, switching yards and sidings. Any

22 moneys received by the department by agreements,  
23 grants, gifts, or other means from individuals,  
24 companies, business entities, cities or counties for  
25 the purposes of this section shall be credited to the  
26 railroad assistance fund.”.

JOE WELSH

S-5652

1 Amend House File 656 as passed by the House as  
2 follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 “Section 1. NEW SECTION. 191.9 LABELING OF IOWA  
6 MEAT PRODUCTS.  
7 As used in this section, “meat food product” and  
8 “prepared” mean as defined in section 189A.2. “Raised  
9 in Iowa” means the livestock were fed in Iowa for at  
10 least the three months prior to slaughter.  
11 A person who prepares a meat food product in this  
12 state which contains the meat of livestock raised in  
13 Iowa shall print conspicuously on the principal label  
14 of the product containing the meat of Iowa-raised  
15 livestock the words “AN IOWA MEAT PRODUCT”.”

LEONARD L. BOSWELL

S-5653

1 Amend amendment S-5650 to House File 2462 as  
2 amended, passed and reprinted, by the House as follows:  
3 1. Page 1, lines 12 and 13, by striking the words  
4 “two or more reorganized school districts” and insert-  
5 ing in lieu thereof the words “districts containing  
6 seven thousand pupils or less”.  
7 2. Page 1, lines 19 and 20, by striking the words  
8 “two or more reorganized school districts” and insert-  
9 ing in lieu thereof the words “districts containing  
10 seven thousand pupils or less”.

RAY TAYLOR

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2380

S-5654

1 Amend the Senate amendment, H-5554, to House File  
2 2380, as amended, passed and reprinted by the House as  
3 follows:

- 4 1. Page 1, by striking lines 3 through 27 and  
5 inserting the following:  
6 "— . Page 2, lines 18 and 19, by striking the  
7 words and figures "not later than April 15, 1986".  
8 — . Page 2, line 32, by inserting after the  
9 figure "1987." the words "Funds appropriated by this  
10 section may be expended or encumbered after June 30,  
11 1986. Notwithstanding section 8.33, any remaining  
12 unencumbered funds appropriated under this section  
13 shall revert to the general fund of the state on June  
14 30, 1987.""

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 732

S-5655

1 Amend the amendment H-5595, to House File 732 as  
2 passed by the House as follows:

- 3 1. Page 1, by striking lines 4 and 5 and  
4 inserting the following:  
5 "2. Page 1, by inserting after line 30 the  
6 following:"
- 7 2. Page 1, line 12, by striking the word "simple"  
8 and inserting the word "serious".
- 9 3. By renumbering as necessary.

S-5656

1 Amend the House amendment, S-5558, to Senate File  
2 477, as amended, passed and reprinted by the Senate,  
3 as follows:

- 4 1. Page 1, by striking line 3 and inserting the  
5 following:  
6 "— . Page 1, by striking line 22, and inserting  
7 the following: "is permitted to lock. School  
8 officials may conduct periodic inspections of all

9 school lockers. However, the school district shall  
 10 provide notice to the students, at least twenty-four  
 11 hours prior to the inspection, of the date and time of  
 12 the inspection.””

TOM MANN, Jr.

S-5657

1 Amend the amendment S-5417, to House File 2393, as  
 2 passed by the House, as follows:

3 1. Page 1, by inserting after line 2, the  
 4 following:

5 “\_\_\_ . Page 1, by inserting before line 1, the  
 6 following:

7 “Sec. \_\_\_\_ . Section 80.11, subsection 9, Code 1985,  
 8 is amended to read as follows:

9 9. Small arms and stun gun instruction.

10 Sec. \_\_\_\_ . Section 80A.13, subsection 1, Code  
 11 Supplement 1985, is amended to read as follows:

12 1. File with the sheriff of the county in which  
 13 the campus is located evidence that the individual has  
 14 successfully completed an approved firearms and stun  
 15 gun training program under section 724.9. This  
 16 requirement does not apply to armored car personnel.””

17 2. Page 1, by inserting after line 48, the  
 18 following:

19 “\_\_\_ . Page 5, by inserting after line 34, the  
 20 following:

21 “Sec. 3. Section 702.7, Code 1985, is amended to  
 22 read as follows:

23 702.7 DANGEROUS WEAPON.

24 A “dangerous weapon” is any instrument or device  
 25 designed primarily for use in inflicting death or  
 26 injury upon a human being or animal, and which is  
 27 capable of inflicting death upon a human being when  
 28 used in the manner for which it was designed.  
 29 Additionally, any instrument or device of any sort  
 30 whatsoever which is actually used in such a manner as  
 31 to indicate that the defendant intends to inflict  
 32 death or serious injury upon the other, and which,  
 33 when so used, is capable of inflicting death upon a  
 34 human being, is a dangerous weapon. Dangerous weapons  
 35 include, but are not limited to, any offensive weapon,  
 36 pistol, revolver, or other firearm, stun gun, dagger,  
 37 razor, stiletto, or knife having a blade of three  
 38 inches or longer in length.

39 Sec. 4. NEW SECTION. 702.24 STUN GUN.

40 “Stun gun” means a device which by electrical

41 impulse or current is capable of immobilizing a human  
42 being temporarily, whether or not the device is  
43 capable of inflicting death or serious injury.  
44 However, the term does not include a device designed  
45 exclusively to move or control livestock when the  
46 device is so used.  
47 Sec. 5. Section 724.4, unnumbered paragraph 1,  
48 Code 1985, is amended to read as follows:  
49 A person who goes armed with a dangerous weapon  
50 concealed on or about the person, or who, within the

Page 2

1 limits of any city, goes armed with a pistol, ~~or~~  
2 revolver, or stun gun, or any loaded firearm of any  
3 kind, whether concealed or not, or who knowingly  
4 carries or transports in a vehicle a pistol, ~~or~~  
5 revolver, or stun gun, commits an aggravated  
6 misdemeanor; ~~provided that, However,~~ this section  
7 ~~shall does~~ not apply to any of the following:

8 Sec. 6. Section 724.4, subsection 6, Code 1985, is  
9 amended to read as follows:

10 6. Any person who for any lawful purpose carries  
11 or transports an unloaded pistol, ~~or~~ revolver, or stun  
12 gun in any vehicle inside a closed and fastened  
13 container or securely wrapped package which is too  
14 large to be concealed on the person or inside a cargo  
15 or luggage compartment where the pistol, ~~or~~ revolver,  
16 or stun gun will not be readily accessible to any  
17 person riding in the vehicle or common carrier.

18 Sec. 7. Section 724.5, Code 1985, is amended to  
19 read as follows:

20 724.5 DUTY TO CARRY PERMIT TO CARRY WEAPONS.

21 ~~It shall be the duty of any A~~ person armed with a  
22 revolver, pistol, stun gun, or pocket billy concealed  
23 upon the person ~~to shall~~ have in the person's  
24 immediate possession the permit provided for in  
25 section 724.4, subsection 8 and ~~to shall~~ produce ~~same~~  
26 ~~the permit~~ for inspection at the request of any peace  
27 officer. Failure to so produce ~~such the~~ permit ~~shall~~  
28 ~~constitute is~~ a simple misdemeanor.

29 Sec. 8. Section 724.9, Code 1985, is amended to  
30 read as follows:

31 724.9 FIREARM AND STUN GUN TRAINING PROGRAM.

32 A training program to qualify persons in the safe  
33 use of firearms and stun guns shall be provided by the  
34 issuing officer of permits, as provided in section  
35 724.11. The commissioner of public safety shall  
36 approve the training program, and the county sheriff  
37 or the commissioner of public safety conducting the

38 training program within their respective jurisdictions  
 39 may contract with a private organization or use the  
 40 services of other agencies, or may use a combination  
 41 of the two, to provide such training. Any person  
 42 eligible to be issued a permit to carry weapons may  
 43 enroll in such a course. A fee sufficient to cover  
 44 the cost of the program may be charged each person  
 45 attending. Certificates of completion, on a form  
 46 prescribed and published by the commissioner of public  
 47 safety, shall be issued to each person who  
 48 successfully completes the program. ~~No A~~ person shall  
 49 not be issued either a professional or nonprofessional  
 50 permit unless the person has received a certificate of

**Page 3**

1 completion or is a certified peace officer. ~~No A~~  
 2 peace officer or correctional officer, except a  
 3 certified peace officer, shall not go armed with a  
 4 pistol, ~~or~~ revolver, ~~or~~ stun gun unless the officer  
 5 has received a certificate of completion; provided  
 6 that, However, this requirement shall does not apply  
 7 to persons who are employed in this state as peace  
 8 officers on January 1, 1978 until July 1, 1978; or to  
 9 peace officers of other jurisdictions exercising their  
 10 legal duties within this state.

11 Sec. 9. Section 724.15, Code 1985, is amended to  
 12 read as follows:

13 724.15 ANNUAL PERMIT TO ACQUIRE PISTOLS, ~~OR~~  
 14 REVOLVERS, OR STUN GUNS.

15 1. ~~Any A~~ person who acquires ownership of ~~any a~~  
 16 pistol, ~~or~~ revolver, ~~or~~ stun gun shall first obtain an  
 17 annual permit. An annual permit shall not be issued  
 18 to any person unless all of the following apply:

19 a. The person is twenty-one years of age or older.

20 b. The person has never been convicted of a  
 21 felony.

22 c. The person is not addicted to the use of  
 23 alcohol or a controlled substance.

24 d. The person has no history of repeated acts of  
 25 violence.

26 e. The person has never been convicted of a crime  
 27 defined in chapter 708, except "assault" as defined in  
 28 section 708.1 and "harassment" as defined in section  
 29 708.7.

30 f. The person has never been adjudged mentally  
 31 defective.

32 2. ~~Any A~~ person who acquires ownership of a  
 33 pistol, ~~or~~ revolver ~~shall, or~~ stun gun is not be  
 34 required to obtain an annual permit if any of the

35 following apply:

- 36 a. The person transferring the pistol, ~~or~~  
37 revolver, or stun gun and the person acquiring the  
38 pistol, ~~or~~ revolver, or stun gun are licensed firearms  
39 dealers under federal law;.
- 40 b. The pistol or revolver acquired is an antique  
41 firearm, a collector's item, a device which is not  
42 designed or redesigned for use as a weapon, a device  
43 which is designed solely for use as a signaling,  
44 pyrotechnic, line-throwing, safety, or similar device,  
45 or a firearm which is unserviceable by reason of being  
46 unable to discharge a shot by means of an explosive  
47 and is incapable of being readily restored to a firing  
48 condition; ~~or~~.
- 49 c. The person acquiring the pistol, ~~or~~ revolver,  
50 or stun gun is authorized to do so on behalf of a law

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1 enforcement agency.

- 2 3. The annual permit to acquire pistols, ~~or~~  
3 revolvers ~~shall authorize~~, or stun guns authorizes the  
4 permit holder to acquire one or more pistols, ~~or~~  
5 revolvers, or stun guns during the period that the  
6 permit remains valid. If the issuing officer  
7 determines that the applicant has become disqualified  
8 under the provisions of subsection 1, the issuing  
9 officer may immediately invalidate the permit.

10 Sec. 10. Section 724.16, Code 1985, is amended to  
11 read as follows:

12 724.16 ANNUAL PERMIT TO ACQUIRE REQUIRED.

- 13 ~~Any A~~ person who acquires ownership of a pistol, ~~or~~  
14 revolver, or stun gun without a valid annual permit to  
15 acquire pistols, ~~or~~ revolvers, or stun guns or ~~any a~~  
16 person who transfers ownership of a pistol, ~~or~~  
17 revolver, or stun gun to a person who does not have in  
18 the person's possession a valid annual permit to  
19 acquire pistols, ~~or~~ revolvers, or stun guns is guilty  
20 of a simple misdemeanor.

21 Sec. 11. Section 724.17, Code 1985, is amended to  
22 read as follows:

23 724.17 APPLICATION FOR ANNUAL PERMIT TO ACQUIRE.

- 24 The application for an annual permit to acquire  
25 pistols, ~~or~~ revolvers, or stun guns may be made to the  
26 sheriff of the county of the applicant's residence and  
27 shall be on a form prescribed and published by the  
28 commissioner of public safety. The application shall  
29 state the full name of the applicant, the social  
30 security number of the applicant, the residence of the  
31 applicant, and the age of the applicant.

32 Sec. 12. Section 724.18, Code 1985, is amended to  
33 read as follows:

34 724.18 PROCEDURE FOR MAKING APPLICATION FOR ANNUAL  
35 PERMIT TO ACQUIRE.

36 A person may personally request the sheriff to mail  
37 an application for an annual permit to acquire  
38 pistols, ~~or~~ revolvers, or stun guns, and the sheriff  
39 shall immediately forward to such person an  
40 application for an annual permit to acquire pistols,  
41 ~~or~~ revolvers, or stun guns. A person shall upon  
42 completion of the application personally deliver ~~such~~  
43 the application to the sheriff who shall note the  
44 period of validity on the application and shall  
45 immediately issue the annual permit to acquire  
46 pistols, ~~or~~ revolvers, or stun guns to the applicant.  
47 For the purposes of this section the date of  
48 application shall be the date on which the sheriff  
49 received the completed application.

50 Sec. 13. Section 724.19, Code 1985, is amended to

**Page 5**

1 read as follows:

2 724.19 ISSUANCE OF ANNUAL PERMIT TO ACQUIRE.

3 The annual permit to acquire pistols, ~~or~~ revolvers,  
4 or stun guns shall be issued to the applicant  
5 immediately upon completion of the application unless  
6 the applicant is disqualified under ~~the provisions of~~  
7 section 724.15 and shall be on a form prescribed and  
8 published by the commissioner of public safety. The  
9 permit shall contain the name ~~of the permittee~~, the  
10 social security number ~~of the permittee~~, and the  
11 residence of the permittee, and the effective date of  
12 the permit.

13 Sec. 14. Section 724.20, Code 1985, is amended to  
14 read as follows:

15 724.20 VALIDITY OF ANNUAL PERMIT TO ACQUIRE  
16 PISTOLS, ~~OR~~ REVOLVERS, OR STUN GUNS.

17 The permit ~~shall be~~ is valid throughout the state  
18 ~~and shall be valid~~ three days after the date of  
19 application and ~~shall be~~ is invalid one year after the  
20 date of application.

21 Sec. 15. Section 724.21, Code 1985, is amended to  
22 read as follows:

23 724.21 GIVING FALSE INFORMATION WHEN ACQUIRING  
24 WEAPON.

25 A person who gives a false name or presents false  
26 identification, or otherwise gives false information  
27 to one from whom the person seeks to acquire a pistol,  
28 ~~or~~ revolver, or stun gun, commits an aggravated

29 misdemeanor.

30 Sec. 16. Section 724.22, Code 1985, is amended to  
31 read as follows:

32 724.22 SALE TO MINORS.

33 1. Except as provided in subsection 3, a person  
34 who sells, loans, gives, or makes available a rifle or  
35 shotgun or ammunition for a rifle or shotgun to a  
36 minor commits a simple misdemeanor.

37 2. Except as provided in subsections 4 and 5, a  
38 person who sells, loans, gives, or makes available a  
39 pistol, ~~or~~ revolver, or stun gun or ammunition for a  
40 pistol or revolver to a person below the age of  
41 twenty-one commits a simple misdemeanor.

42 3. A parent, guardian, spouse who is eighteen  
43 years of age or older, or another with the express  
44 consent of the minor's parent or guardian or spouse  
45 who is eighteen years of age or older may allow a  
46 minor to possess a rifle or shotgun or the ammunition  
47 ~~therefor for it~~ which may be lawfully used.

48 4. A person eighteen, nineteen, or twenty years of  
49 age may possess a stun gun ~~or~~ firearm and the  
50 ammunition ~~therefor for it~~ while on military duty or

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1 while a peace officer, security guard, or correctional  
2 officer, when such duty requires the possession of  
3 such a weapon or while the person receives instruction  
4 in the proper use ~~thereof of the weapon~~ from an  
5 instructor who is twenty-one years of age or older.

6 5. A parent or guardian or spouse who is twenty-  
7 one years of age or older, of a person fourteen years  
8 of age but less than twenty-one may allow the person  
9 to possess a pistol, ~~or~~ revolver, or stun gun or the  
10 ammunition ~~therefor of a pistol or revolver~~ for any  
11 lawful purpose while under the direct supervision of  
12 the parent or guardian or spouse who is twenty-one  
13 years of age or older, or while the person receives  
14 instruction in the proper use thereof from an  
15 instructor twenty-one years of age or older, with the  
16 consent of such parent, guardian or spouse.

17 6. For the purposes of this section, caliber .22  
18 rimfire ammunition ~~shall be~~ is deemed to be rifle  
19 ammunition.

20 Sec. 17. Section 724.26, Code 1985, is amended to  
21 read as follows:

22 724.26 RECEIPT, TRANSPORTATION, AND POSSESSION OF  
23 FIREARMS, STUN GUNS, AND DESTRUCTIVE DEVICES BY  
24 FELONS.

25 ~~Any~~ A person who is convicted of a felony in any

26 state or federal court and who subsequently possesses,  
 27 receives, or transports or causes to be transported a  
 28 firearm, stun gun, or offensive weapon is guilty of an  
 29 aggravated misdemeanor.

30 Sec. 18. Section 724.27, Code 1985, is amended to  
 31 read as follows:

32 724.27 EXCEPTION TO SECTIONS 724.8, SUBSECTION 2,  
 33 724.15, SUBSECTION 1, AND 724.26.

34 ~~The provisions of sections Sections~~ 724.8,  
 35 subsection 2, 724.15, subsection 1, paragraphs "b" and  
 36 "e", and 724.26 ~~shall do~~ not apply to a person who is  
 37 pardoned or has had the person's civil rights restored  
 38 by the ~~President~~ president of the United States or the  
 39 chief executive of a state and who is expressly  
 40 authorized by the ~~President~~ president of the United  
 41 States or such chief executive to receive, transport,  
 42 or possess firearms, stun guns, or destructive  
 43 devices."''

44 3. By numbering and renumbering as necessary.

JULIA B. GENTLEMAN

S-5658

1 Amend the amendment S-5506 to House File 2462 as  
 2 amended, passed, and reprinted by the House as  
 3 follows:

4 1. Page 1, by inserting after line 2 the  
 5 following:

6 "\_\_\_\_. Page 1, by inserting before line 1, the  
 7 following:

8 "Sec. \_\_\_\_ . NEW SECTION. 257.46 OFFICE OF RURAL  
 9 EDUCATION.

10 The state board of public instruction shall  
 11 establish an office of rural education within the  
 12 department. The office shall:

13 1. Study current state policies, rules, and  
 14 regulations to determine the impact on rural and small  
 15 schools and notify appropriate state and local  
 16 officials of determination.

17 2. Serve as a clearinghouse for ideas for  
 18 successful educational practices in rural and small  
 19 schools and conduct an annual statewide forum to  
 20 permit rural administrators and teachers to share and  
 21 discuss the implementation of such educational  
 22 practices.

23 3. Cooperate with leaders of Iowa's business and  
 24 education associations to encourage the associations  
 25 to address the needs of small and rural schools in

26 their programs, policies, and resolutions when  
27 developing meetings, conferences, and workshops.  
28 4. Establish a rural and small school advisory  
29 council composed of representatives of local school  
30 districts, area education agencies, and postsecondary  
31 institutions to be aware of current trends, and  
32 educational problems and solutions in rural education.  
33 5. Meet with appropriate federal and state rural  
34 education specialists to exchange information, ideas,  
35 and strategies for improving rural education.””

RAY TAYLOR

S-5659

1 Amend House File 2462 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 3, line 7, by striking the word “March”  
4 and inserting the following: “January”.

LARRY MURPHY

HOUSE AMENDMENT TO  
SENATE FILE 2248

S-5660

1 Amend Senate File 2248 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 1, line 20, by striking the word “fifty”  
4 and inserting the following: “seventy-five”.

S-5661

1 Amend the House amendment S-5560 to Senate File  
2 2049 as passed by the Senate as follows:  
3 1. Page 1, by striking lines 3 through 5.

C. JOSEPH COLEMAN

S-5662

1 Amend House File 2458 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 2, by striking lines 21 through 26 and  
4 inserting the following:  
5 “Any person, who in good faith and without

6 compensation, renders reasonable aid or assistance to  
7 another against whom a crime is being committed or, if  
8 rendered at the scene of the crime, to another against  
9 whom a crime has been committed is not liable for any  
10 civil damages for acts or omissions resulting from the  
11 aid or assistance and is eligible to file a claim for  
12 reimbursement as a victim pursuant to section 912.1.”

13 2. Page 4, by striking lines 10 through 12 and  
14 inserting the following:

15 “2. The offender's final release from local  
16 custody.”

17 3. Page 4, by striking lines 21 through 26 and  
18 inserting the following:

19 “1. The date on which the offender is expected to  
20 be released from custody on work release, and whether  
21 the offender is expected to return to the community  
22 where the registered victim resides.

23 2. The date on which the offender is expected to  
24 be temporarily released from custody on furlough, and  
25 whether the offender is expected to return to the  
26 community where the registered victim resides.”

27 4. By striking page 5, line 15, through page 6,  
28 line 24.

29 5. Page 8, lines 12 and 13, by striking the words  
30 “three years” and inserting the words “one year”.

31 6. Page 8, by striking line 24, and inserting the  
32 following: “misdemeanor, and an employee shall be  
33 entitled to recover damages. Damages recoverable  
34 under this section include but are not limited to,  
35 actual damages, court costs, and reasonable attorney  
36 fees. The employee may also petition the court for  
37 imposition of a cease and desist order against the  
38 person's employer and for reinstatement to the  
39 person's previous position of employment.”

40 7. By striking page 8, line 34 through page 9,  
41 line 2, and inserting the following: “guardians.”

42 8. Page 9, line 19, by inserting after the word  
43 “damages.” the following: “This section does not  
44 apply to acts or omissions which constitute a willful  
45 and wanton disregard for the rights or safety of  
46 another.”

DOUGLAS RITSEMA

S-5663

1 Amend the amendment S-5584 to House File 2066 as  
2 amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 1, line 9, by inserting after the word  
5 "gopher" the following: "if a study commission headed  
6 by Bill Murray and Milo Colton deems such action is  
7 necessary. The report of the commission is due  
8 November 5, 1986".

JIM LIND

S-5664

1 Amend Senate File 2179 as follows:  
2 1. By striking page 1, line 29 through page 3,  
3 line 10.  
4 2. Page 3, by striking lines 16 through 28.  
5 3. By striking page 4, line 19 through page 9,  
6 line 5, and inserting the following:  
7 "Sec. \_\_\_\_ . Section 297.5, unnumbered paragraph 1,  
8 Code 1985, is amended to read as follows:  
9 The directors in a ~~high school district maintaining~~  
10 ~~a program kindergarten through grade twelve~~ may, by  
11 March 15 of each year certify an amount not exceeding  
12 ~~twenty-seven~~ fifty-four cents per thousand dollars of  
13 assessed value for a capital projects and equipment  
14 levy to the board of supervisors, who shall levy the  
15 amount ~~so~~ certified, and the revenues from the tax so  
16 levied shall be placed in the schoolhouse fund to be  
17 used for the any of the following purposes:  
18 1. The purchase and improvement of sites or for  
19 major building repairs.  
20 2. Major building repairs.  
21 3. Purchase of transportation equipment for  
22 transporting students.  
23 4. Lease-purchase option agreements for school  
24 buildings.  
25 5. Purchase of textbooks.  
26 6. Public educational and recreational purposes  
27 authorized in chapter 300.  
28 7. Community education purposes authorized in  
29 chapter 276.  
30 ~~Any funds~~ Funds expended by a school district for new  
31 construction of school buildings or school  
32 administration buildings must first be approved by the  
33 voters of the district."  
34 4. Page 10, by striking lines 11 through 29.  
35 5. Page 14, by striking line 12, and inserting  
36 the following:  
37 "Sec. \_\_\_\_ . Section 298.7, Code 1985, is repealed."  
38 6. By numbering and renumbering sections as  
39 necessary.

WILLIAM W. DIELEMAN  
LEE HOLT

S-5665

1 Amend the amendment, S-5555, to House File 2060, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 5 through 7 and  
5 inserting the following: "clerk of upon application  
6 of a person entitled to receive the support payments,  
7 the child support recovery unit or the district court  
8 or".

9 2. Page 1, by striking lines 16 and 17 and  
10 inserting the following: "child support recovery unit  
11 or the district court or the child support recovery  
12 unit, upon the application of any party, by ex parte  
13 order.".

14 3. Page 1, line 29, by striking the words "ten  
15 thirty" and inserting the following: "ten".

16 4. Page 1, by striking line 35 and inserting the  
17 following: "mistake of fact relating to the".

18 5. Page 1, line 38, by striking the words "seven  
19 ten" and inserting the following: "seven".

TOM MANN, JR.

S-5666

1 Amend amendment S-5657 to House File 2393 as passed  
2 by the House as follows:

3 1. Page 6, by inserting after line 43, the  
4 following:

5 "Sec. 19. NEW SECTION. 724.31 REPORT OF LOSS OR  
6 THEFT OF PISTOL, REVOLVER, OR STUN GUN.

7 A person who possesses or owns a pistol, revolver,  
8 or stun gun which is lost or stolen shall, within  
9 forty-eight hours of the discovery of loss or theft,  
10 report the loss or theft to a law enforcement agency  
11 within the jurisdiction where the loss or theft  
12 occurred. A person violating this section commits a  
13 simple misdemeanor.

14 Sec. 20. NEW SECTION. 724.32 STORAGE OF PISTOL,  
15 REVOLVER, OR STUN GUN.

16 A person who possesses or owns a pistol, revolver,  
17 or stun gun shall secure the pistol, revolver, or stun  
18 gun in a locked opaque container accessible only by  
19 use of a key or combination lock when the pistol,

20 revolver, or stun gun is not in the person's immediate  
 21 possession or control. A person who violates this  
 22 section may be held liable for damages to any person  
 23 injured as a result of the loss or theft of the  
 24 unsecured pistol, revolver, or stun gun.

25 Sec. 21. NEW SECTION. 724.33 FINANCIAL  
 26 RESPONSIBILITY FOR OWNERSHIP OF PISTOL OR REVOLVER.

27 1. A person who applies for a permit to acquire or  
 28 carry a pistol or revolver under this chapter shall  
 29 demonstrate, in such form as shall be required by the  
 30 department of public safety, proof of and maintain  
 31 financial responsibility in an amount of at least one  
 32 hundred thousand dollars to insure against injury  
 33 caused by the negligent or criminal use of the  
 34 person's pistol or revolver. A person who violates  
 35 this subsection commits a serious misdemeanor.

36 2. A sheriff shall ascertain compliance with the  
 37 financial responsibility requirements of this section  
 38 before issuing or reissuing a permit to carry or  
 39 acquire a pistol or revolver."

TOM MANN, Jr.

S-5667

1 Amend the amendment S-5506 to House File 2462, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 3, by inserting after line 2 the  
 5 following:

6 " . Page 3, by inserting before line 31 the  
 7 following:

8 "Section 1. Section 442.9, subsection 1, paragraph  
 9 b, Code Supplement 1985, is amended to read as  
 10 follows:

11 b. The district cost for the budget year is equal  
 12 to the district cost per pupil for the budget year  
 13 multiplied by the weighted enrollment, plus ~~commencing~~  
 14 ~~with the budget year beginning July 1, 1985~~ additional  
 15 district cost added for moneys received by a school  
 16 district under section 302.3, Code 1981, as provided  
 17 in section 442.21; ~~and~~ plus the additional district  
 18 cost allocated to the district under section 442.27 to  
 19 fund media services and educational services provided  
 20 through the area education agency; ~~and commencing with~~  
 21 the budget year beginning July 1, 1987 plus additional  
 22 district cost added for an educational improvement  
 23 amount under section 442.55. A school district may  
 24 not increase its district cost for the budget year

25 except to the extent that an excess tax levy is  
 26 authorized by the school budget review committee as  
 27 provided in section 442.13.”

28 2. Page 6, by striking line 42 and inserting the  
 29 following:

30 “\_\_\_ . Page 6, by striking lines 11 and 12 and  
 31 inserting the following:

32 “Sec. \_\_\_ . Section 442.27, Code 1985, is amended  
 33 by adding the following new subsections:

34 NEW SUBSECTION. 13. Notwithstanding section  
 35 442.7, subsection 7, paragraph “g”, and subsections 4  
 36 and 7, for”.

37 \_\_\_ . Page 6, line 14, by striking the word “five”  
 38 and inserting the following: “three”.

39 \_\_\_ . Page 6, line 18, by striking the word “two”  
 40 and inserting the following: “three”.

41 \_\_\_ . Page 6, line 19, by inserting after the word  
 42 “purposes.” the following: “Thereafter, an area  
 43 education agency shall not increase the proportion of  
 44 its budget expended for general administration program  
 45 costs and administration programs of the division  
 46 programs costs.”

47 \_\_\_ . Page 6, line 22, by striking the word “two”  
 48 and inserting the following: “three”.

49 \_\_\_ . Page 6, by inserting after line 28 the  
 50 following:

## Page 2

1 “For the school year beginning July 1, 1987 and  
 2 each succeeding school year, the state comptroller  
 3 shall determine for each school district the  
 4 difference between the amount added to its district  
 5 cost for educational services and media services as a  
 6 result of the reduction under this subsection and the  
 7 amount that would have been added to district cost if  
 8 there had been no reduction under this subsection.

9 That difference is a school district educational  
 10 improvement amount that may be expended only for  
 11 direct instructional costs under section 442.55.

12 Sec. \_\_\_ . NEW SECTION. 442.55 SCHOOL DISTRICT  
 13 EDUCATIONAL IMPROVEMENT AMOUNT.

14 The school district educational improvement amount  
 15 is the difference between the total of the amount that  
 16 would have been added to each school district’s  
 17 district cost for its area education agency media  
 18 services and its educational services and the amount  
 19 included in district cost per pupil for special  
 20 education support services for a budget year and the  
 21 amounts that were actually added, and included, after

22 the reduction in section 442.27, subsection 13. The  
 23 school district educational improvement amount shall  
 24 be added to the district cost of each school district  
 25 under section 442.9, subsection 1, paragraph "b", and  
 26 shall be expended only for direct instructional costs  
 27 of the school district."'''

ARNE WALDSTEIN  
 JOE BROWN

S-5668

1 Amend the Committee amendment, S-5417, to House  
 2 File 2393, as passed by the House, as follows:

DIVISION S-5668A

3 1. Page 1, by inserting after line 10 the  
 4 following:  
 5 "\_\_\_ . Page 1, by inserting after line 16 the  
 6 following:  
 7 "3. A city shall not provide that a violation of  
 8 an ordinance is a municipal infraction if the  
 9 violation is a felony or misdemeanor by state law."'''

DIVISION S-5668B

10 2. Page 1, by inserting after line 29 the  
 11 following:  
 12 "\_\_\_ . Page 3, by inserting after line 32 the  
 13 following:  
 14 "3. A county shall not provide that a violation of  
 15 an ordinance is a county infraction if the violation  
 16 is a felony or misdemeanor by state law."'''

DONALD V. DOYLE

S-5669

1 Amend House File 2457 as amended, passed, and re-  
 2 printed by the House as follows:  
 3 1. Page 6, by striking lines 20 through 30.  
 4 2. Page 19, by striking lines 20 through 24 and  
 5 inserting in lieu thereof the following:  
 6 "Sec. 42. Section 33 becomes effective".

CHARLES BRUNER

S-5670

1 Amend the amendment S-5506 to House File 2462 as  
2 amended, passed and reprinted by the House as follows:

3 1. Page 1, by inserting after line 2 the  
4 following:

5 "\_\_\_\_. Page 1, by inserting before line 1 the  
6 following:

7 "Sec. 201. Section 39.24, Code 1985, is amended to  
8 read as follows:

9 39.24 SCHOOL OFFICERS.

10 Members of boards of directors of community and  
11 independent school districts, and boards of directors  
12 of merged areas shall be elected at the school  
13 election. Their terms of office shall be ~~three~~ four  
14 years, except as otherwise provided by section  
15 275.23A, ~~or 280A.11, 280A.12, or 280A.13.~~

16 Sec. 202. Section 273.8, subsection 1, Code  
17 Supplement 1985, is amended to read as follows:

18 1. BOARD OF DIRECTORS. The board of directors of  
19 an area education agency shall consist of not less  
20 than five nor more than nine members, each a resident  
21 of and elected in the manner provided in this section  
22 from a director district that is approximately equal  
23 in population to the other director districts in the  
24 area education agency. Each director shall serve a  
25 ~~three-year~~ four-year term which commences at the  
26 organization meeting.

27 Sec. 203. Section 273.8, subsection 2, unnumbered  
28 paragraph 2, Code Supplement 1985, is amended to read  
29 as follows:

30 The director district conventions shall be called  
31 and the locations of the conventions shall be  
32 determined by the area education agency administrator.  
33 ~~Annually~~ Biennially the director district conventions  
34 shall be held within two weeks following the regular  
35 school election. Notice of the time, date, and place  
36 of a director district convention shall be published  
37 by the area education agency administrator at least  
38 forty-five days prior to the day of the district  
39 conventions in at least one newspaper of general  
40 circulation in the director district. The cost of  
41 publication shall be paid by the area education  
42 agency.

43 Sec. 204. Section 273.8, subsection 3, unnumbered  
44 paragraph 1, Code Supplement 1985, is amended to read  
45 as follows:

46 The board of directors of each area education  
47 agency shall meet and organize at the first regular

48 meeting in ~~October~~ July of each odd-numbered year at a  
49 suitable place designated by the president. Directors  
50 whose terms commence at the organization meeting shall

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1 qualify by taking the oath of office required by  
2 section 277.28 at or before the organization meeting.

3 Sec. 205. Section 274.7, Code 1985, is amended to  
4 read as follows:

5 274.7 DIRECTORS.

6 The affairs of each school corporation shall be  
7 conducted by a board of directors, the members of  
8 which in all community or independent school districts  
9 shall be chosen for a term of ~~three~~ four years."

10 — . Page 1, line 18, by striking the word  
11 "annual" and inserting the following: "~~annual~~  
12 regular".

13 — . Page 1, by inserting after line 20 the  
14 following:

15 "c. Election of not more than one-half of the  
16 total number of school directors at large from the  
17 entire district and the remaining directors from and  
18 as residents of designated single-member or ~~multi-~~  
19 ~~member~~ multimember director districts into which the  
20 entire school district shall be divided on the basis  
21 of population for each director. In such this case,  
22 all directors shall be elected by the electors of the  
23 entire school district. Changes in the boundaries of  
24 director districts shall not be made during a period  
25 commencing sixty days prior to the date of the ~~annual~~  
26 regular school election."

27 — . Page 1, line 32, by striking the word  
28 "annual" and inserting the following: "~~annual~~  
29 regular".

30 — . Page 1, by inserting after line 32 the  
31 following:

32 "e. In districts having seven directors, election  
33 of three directors at large by the electors of the  
34 entire district, one no more than two at each ~~annual~~ a  
35 regular school election, and election of the remaining  
36 directors as residents of and by the electors of  
37 individual geographic subdistricts established on the  
38 basis of population and identified as director  
39 districts. Boundaries of the subdistricts shall  
40 follow precinct boundaries, insofar as far as  
41 practicable, and shall not be changed less than sixty  
42 days prior to the ~~annual~~ regular school election."

43 Sec. 206. Section 275.25, subsection 3, Code  
44 Supplement 1985, is amended to read as follows:

45 3. The directors who are elected to serve shall  
 46 serve until their successors are elected and qualify.  
 47 At the special election, the three newly elected  
 48 ~~director~~ directors receiving the most votes shall be  
 49 elected to serve until the director's successor  
 50 qualifies their successors qualify after the fourth

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1 third regular school election date occurring after the  
 2 effective date of the reorganization; and the two  
 3 newly elected directors receiving the next largest  
 4 number of votes shall be elected to serve until the  
 5 directors' successors qualify after the third second  
 6 regular school election date occurring after the  
 7 effective date of the reorganization; and the two  
 8 newly elected directors receiving the next largest  
 9 number of votes shall be elected to serve until the  
 10 directors' successors qualify after the second regular  
 11 school election date occurring after the effective  
 12 date of the reorganization. However, in districts  
 13 that include all or a part of a city of fifteen  
 14 thousand or more population and in districts in which  
 15 the proposition to establish a new corporation  
 16 provides for the election of seven directors, the  
 17 ~~three~~ four newly elected directors receiving the most  
 18 votes shall be elected to serve until the directors'  
 19 successors qualify after the fourth third regular  
 20 school election date occurring after the effective  
 21 date of the reorganization and the three newly elected  
 22 directors receiving the next largest number of votes  
 23 shall be elected to serve until the directors'  
 24 successors qualify after the second regular school  
 25 election date occurring after the effective date of  
 26 the reorganization.

27 Sec. 207. Section 275.36, Code 1985, is amended to  
 28 read as follows:

29 275.36 SUBMISSION OF CHANGE TO ELECTORS.

30 If a petition for a change in the number of  
 31 directors or in the method of election of school  
 32 directors, describing the boundaries of the proposed  
 33 director districts, if any, signed by eligible  
 34 electors of the school district equal in number to at  
 35 least thirty percent of those who voted in the last  
 36 previous ~~annual~~ regular school election in the school  
 37 district, but not less than twenty-five persons, and  
 38 accompanied by affidavit as required by section 275.13  
 39 ~~be,~~ is filed with the school board of a school  
 40 district, not earlier than six months and not later  
 41 than two months before a regular or special school

42 election, the school board shall submit ~~such the~~  
43 proposition to the voters at ~~such the~~ election. If a  
44 proposition for a change in the number of directors or  
45 in the method of election of school directors  
46 submitted to the voters under this section is  
47 rejected, it shall not be resubmitted to the voters of  
48 the district in substantially the same form within the  
49 next three years; if it is approved, no other proposal  
50 ~~may shall~~ be submitted to the voters of the district

Page 4

1 under this section within the next six years.

2 Sec. 208. Section 275.37, Code 1985, is amended to  
3 read as follows:

4 275.37 INCREASE IN NUMBER OF DIRECTORS.

5 At the next succeeding ~~annual regular~~ school  
6 election in a district where the number of directors  
7 has been increased from five to seven, and directors  
8 are elected at large, ~~there shall be elected a~~  
9 director ~~shall be elected~~ to succeed each incumbent  
10 director whose term is expiring in that year, and two  
11 additional directors. Upon organizing as required by  
12 section 279.1, ~~either one or two of~~ the newly elected  
13 ~~director directors~~ who received the fewest votes in  
14 the election shall be assigned a term of ~~either one~~  
15 ~~year or two years if as~~ necessary in order that as  
16 nearly as possible ~~one-third one-half~~ of the members  
17 of the board shall be elected ~~each year biennially~~.

18 Sec. 209. Section 275.38, Code 1985, is amended to  
19 read as follows:

20 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

21 If a change in the method of election of school  
22 directors is approved at a regular or special school  
23 election, the directors who were serving unexpired  
24 terms or were elected concurrently with approval of  
25 the change of method shall serve out the terms for  
26 which they were elected. If the plan adopted is that  
27 described in section 275.12, subsection 2, paragraph  
28 "b," "c," "d," or "e," the board shall at the earliest  
29 practicable time designate the districts from which  
30 residents are to be elected as school directors at  
31 each of the next ~~three two~~ succeeding ~~annual regular~~  
32 school elections, arranging so far as possible for  
33 elections of directors as residents of the respective  
34 districts to coincide with the expiration of terms of  
35 incumbent members residing in those districts. If an  
36 increase in the size of the board from five to seven  
37 members is approved concurrently with the change in  
38 method of election of directors, the board shall make

39 the necessary adjustment in the manner prescribed in  
40 section 275.37, as well as providing for  
41 implementation of the districting plan under this  
42 section.  
43 Sec. 210. Section 275.41, subsections 4, 5, 6, and  
44 7, Code Supplement 1985, are amended to read as  
45 follows:  
46 4. If the total number of directors determined  
47 under subsection 2 or 3 is an odd number, the board of  
48 the district with the largest population shall  
49 designate the term of office of one of the members who  
50 is retained to commence at the organizational meeting

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1 of the board of the newly formed district and to end  
2 at the organizational meeting following the ~~fourth~~  
3 ~~third~~ regular school election held ~~thereafter~~ after  
4 the effective date of the merger, in the manner  
5 specified in the reorganization petition.  
6 If the total number of directors determined under  
7 subsection 2 or 3 is an even number, that number of  
8 directors shall function until a special election can  
9 be held, at which time an additional director shall be  
10 elected ~~to a term~~ from the newly formed district to a  
11 term ending at the organizational meeting following  
12 the ~~fourth~~ ~~third~~ regular school election held  
13 ~~thereafter~~ after the effective date of the merger.  
14 The procedure for calling the special election shall  
15 be the procedure specified in section 275.25.  
16 5. The boards of directors of school districts  
17 which are involved in the merger which have three or  
18 more directors who are retained, shall each designate  
19 two of the directors who are retained to serve terms  
20 that expire at the organizational meeting following  
21 the ~~second~~ first regular school election held  
22 ~~thereafter~~ after the effective date of the merger.  
23 All other directors who are retained shall serve terms  
24 that expire at the organizational meeting following  
25 the ~~third~~ second regular school election held  
26 ~~thereafter~~ after the effective date of the merger. If  
27 there is an insufficient number of board members  
28 eligible to be retained from a former school district,  
29 the board of the former school district may appoint  
30 members to fill the vacancies. A vacancy occurs if  
31 there is an insufficient number of former board  
32 members who reside in the newly formed district or if  
33 there is an insufficient number who are willing to  
34 serve on the board of the newly formed district.  
35 6. At the ~~second~~ first regular school election

36 held after the effective date of the merger, the two  
37 vacancies which will occur on the board shall be  
38 filled in a manner specified in the reorganization  
39 petition.

40 7. At the ~~third~~ second regular school election  
41 held after the effective date of the merger, if a  
42 five-member board is specified in the reorganization  
43 petition, two directors shall be elected in the manner  
44 specified in the reorganization petition and if a  
45 seven-member board is specified in the reorganization  
46 petition, four directors shall be elected, two for  
47 one-year two-year terms and two for three-year four-  
48 year terms, in the manner specified in the  
49 reorganization petition.

50 Sec. 211. Section 277.1, Code 1985, is amended to

#### Page 6

1 read as follows:

2 277.1 REGULAR ELECTION.

3 The regular election shall be held ~~annually~~  
4 biennially on the ~~second~~ first Tuesday in ~~September~~  
5 following the first Monday in June of each odd-  
6 numbered year in each school district for the election  
7 of officers of the district and merged area and for  
8 the purpose of submitting to the voters any matter  
9 authorized by law.

10 Sec. 212. Section 277.2, Code 1985, is amended to  
11 read as follows:

12 277.2 SPECIAL ELECTION.

13 The board of directors in any school corporation  
14 may call a special election at which ~~election~~ the  
15 voters shall have the powers exercised at the regular  
16 election with reference to the sale of school property  
17 and the application to be made of the proceeds, the  
18 authorization to change the method of election of  
19 school directors to any method authorized by section  
20 275.12, the authorization of seven members on the  
21 board of directors, the authorization to establish or  
22 change the boundaries of director districts, and the  
23 authorization of a schoolhouse tax or indebtedness, as  
24 provided by law.

25 Sec. 213. Section 277.20, unnumbered paragraph 1,  
26 Code 1985, is amended to read as follows:

27 On the next ~~Friday~~ Monday after the regular school  
28 election, the county board of supervisors shall  
29 canvass the returns made to the county commissioner of  
30 elections from the several precinct polling places and  
31 the absentee ballot counting board, ascertain the  
32 result of the voting with regard to every matter voted

33 upon and cause a record to be made ~~thereof~~ of the  
 34 results as required by section 50.24. Special  
 35 elections held in school districts shall be canvassed  
 36 at the time and in the manner required by that  
 37 section. The board shall declare the results of the  
 38 voting for members of boards of directors of school  
 39 corporations nominated pursuant to section 277.4, and  
 40 the commissioner shall at once issue a certificate of  
 41 election to each person declared elected. The board  
 42 shall also declare the results of the voting on any  
 43 public question submitted to the voters of a single  
 44 school district, and the commissioner shall certify  
 45 the result as required by section 50.27.

46 Sec. 214. Section 277.23, unnumbered paragraph 2,  
 47 Code 1985, is amended to read as follows:

48 A change from five to seven directors shall be  
 49 effected in a district at the first regular election  
 50 after authorization by the voters or when a district

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1 becomes wholly or in part within a city of fifteen  
 2 thousand population or more in the following manner:  
 3 If the term of ~~one director~~ two directors of the five-  
 4 member board expires at the time of ~~said the~~ the regular  
 5 election, ~~three~~ four directors shall be elected to  
 6 serve until the ~~third~~ second following regular  
 7 election ~~thereafter~~; if the terms of ~~two~~ three  
 8 directors expire at the time of ~~said the~~ the regular  
 9 election, three directors shall be elected to serve  
 10 until the ~~third~~ second following regular election  
 11 ~~thereafter~~ and ~~one director~~ two directors shall be  
 12 elected to serve ~~a term the expiration of which~~  
 13 ~~coincides with the expiration of the term of the~~  
 14 ~~director heretofore singly elected~~ until the next  
 15 regular election.

16 Sec. 215. Section 277.25, Code 1985, is amended to  
 17 read as follows:

#### 18 277.25 DIRECTORS IN NEW DISTRICTS.

19 At the first election in ~~newly~~ newly organized districts  
 20 the directors shall be elected as follows:

21 1. In districts having three directors, ~~one~~  
 22 director two directors shall be elected for ~~one year~~,  
 23 ~~one~~ one for two years, and one for ~~three~~ four years.

24 2. In districts having five directors, ~~two~~ three  
 25 shall be elected for ~~one year~~, ~~two~~ two for two years, and  
 26 ~~one~~ two for ~~three~~ four years.

27 3. In districts having seven directors, ~~two~~ four  
 28 shall be elected for ~~one year~~, ~~two~~ two for two years, and  
 29 three for ~~three~~ four years.

30 Sec. 216. Section 277.27, Code 1985, is amended to  
31 read as follows:

32 277.27 QUALIFICATION.

33 A Notwithstanding section 71.1, a school officer or  
34 member of the board shall, at the time of election or  
35 appointment, be an eligible elector of the corporation  
36 or subdistrict. ~~Notwithstanding any contrary~~  
37 provision of the Code, no A member of the board of  
38 directors of any school district, or director's  
39 spouse, shall not receive compensation directly from  
40 the school board, ~~except a director's spouse may be~~  
41 employed by the district in a noncertificated  
42 position, or in a certificated position on a half-time  
43 basis or less. No director or spouse affected by this  
44 provision on July 1, 1972, whose term of office for  
45 which elected has not expired, or whose contract of  
46 employment has a fixed date of expiration and has not  
47 expired, shall be affected by this provision until the  
48 expiration of the term of office to which elected, or  
49 the expiration date of the contract for which  
50 employed. A member of the board of directors shall

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1 not be an employee of the school district.

2 Sec. 217. Section 277.28, unnumbered paragraph 1,  
3 Code 1985, is amended to read as follows:

4 Each director elected at a regular district or  
5 director district election; ~~as the case may be~~, shall  
6 qualify by taking the oath of office on or before the  
7 time set for the organization meeting of the board the  
8 third Monday in September first day in July which is  
9 not a Sunday of each odd-numbered year, and the  
10 election and qualification shall be entered of record  
11 by the secretary. The oath may be administered by any  
12 a qualified member of the board or the secretary of  
13 the board and may be taken in substantially the  
14 following form:

15 Sec. 218. Section 279.1, Code 1985, is amended to  
16 read as follows:

17 279.1 ORGANIZATION.

18 The board of directors of each school corporation  
19 shall meet and organize at two o'clock p.m., or at  
20 seven-thirty o'clock p.m., if so ordered by the  
21 president of the board, on the ~~third Monday in~~  
22 September first day in July which is not a Sunday of  
23 each odd-numbered year at some a suitable place to be  
24 designated by the secretary. Notice of the place and  
25 hour of such the meeting shall be given by the  
26 secretary to each member and each member-elect of the

27 board.

28 ~~Such~~ The organization shall be effected by the  
29 election of a president from the members of the board;  
30 ~~who shall be.~~ The president is entitled to vote as a  
31 member.””

32 2. Page 2, by inserting after line 28 the  
33 following:

34 “\_\_\_ . Page 3, by inserting after line 8 the  
35 following:

36 “Sec. 219. Section 280A.11, unnumbered paragraph  
37 1, Code 1985, is amended to read as follows:

38 The governing board of a merged area is a board of  
39 directors composed of one member elected from each  
40 director district in the area by the qualified  
41 electors of the respective district. Members of the  
42 board shall be residents of the district from which  
43 elected. Successors shall be chosen at the ~~annual~~  
44 regular school elections for members whose terms  
45 expire. The term of a member of the board of  
46 directors is ~~three~~ four years and commences at the  
47 organization meeting. Vacancies on the board which  
48 occur more than ninety days prior to the next regular  
49 school election may be filled at the next regular  
50 meeting of the board by appointment by the remaining

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1 members of the board. A member so chosen shall be a  
2 resident of the district in which the vacancy occurred  
3 and shall serve until a member is elected pursuant to  
4 section 69.12 to fill the vacancy for the balance of  
5 the unexpired term. A vacancy is defined in section  
6 277.29. A member shall not serve on the board of  
7 directors who is a member of a board of directors of a  
8 local school district or a member of an area education  
9 agency board. A member of the board of directors of a  
10 merged area shall not be an employee of the merged  
11 area.

12 Sec. 220. Section 280A.12, Code 1985, is amended  
13 to read as follows:

14 280A.12 DIRECTORS OF MERGED AREA.

15 In each merged area, the initial board of directors  
16 elected at the special election shall organize within  
17 fifteen days following the election and may ~~thereafter~~  
18 proceed with the establishment of the designated area  
19 vocational school or area community college. The  
20 board of directors of the merged area shall organize  
21 at the first regular meeting in ~~October~~ July of each  
22 odd-numbered year. Organization of the board shall be  
23 effected by the election of a president and other

24 officers from the board membership as board members  
25 determine. The board of directors shall appoint a  
26 secretary and a treasurer who shall each give bond as  
27 prescribed in section 291.2 and who shall each receive  
28 the salary determined by the board. The secretary and  
29 treasurer shall perform duties under chapter 291 and  
30 additional duties the board of directors deems  
31 necessary. However, the board may appoint one person  
32 to serve as the secretary and treasurer. If one  
33 person serves as the secretary and treasurer, only one  
34 bond is necessary for that person. The frequency of  
35 meetings other than organizational meetings shall be  
36 as determined by the board of directors but the  
37 president or a majority of the members may call a  
38 special meeting at any time.

39 Sec. 221. Section 280A.13, subsection 1, Code  
40 1985, is amended to read as follows:

41 1. The board of a merged area may change the  
42 number of directors on the board and shall make  
43 corresponding changes in the boundaries of director  
44 districts. Changes shall be completed not later than  
45 July 1 of a fiscal year for the next regular school  
46 election ~~to be held the next following September.~~

47 Sec. 222. Section 280A.13, subsection 4, Code  
48 1985, is amended to read as follows:

49 4. To the extent possible the board shall provide  
50 that changes in the boundary lines of director

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1 districts of merged areas do not lengthen or diminish  
2 the term of office of a director of the board.  
3 Initial terms of office shall be set by the board so  
4 that as nearly as possible the terms of ~~one-third one-~~  
5 half of the members expire ~~annually~~ biennially.

6 Sec. 223. Section 280A.15, subsection 1, Code  
7 1985, is amended to read as follows:

8 1. Regular elections held ~~annually~~ by the merged  
9 area for the election of members of the board of  
10 directors as required by section 280A.11, for the  
11 renewal of the twenty and one-fourth cents per  
12 thousand dollars of assessed valuation levy authorized  
13 in section 280A.22, or for any other matter authorized  
14 by law and designated for election by the board of  
15 directors of the merged area, shall be held on the  
16 date of the school election as fixed by section 277.1.  
17 The election notice shall be made a part of the local  
18 school election notice published as provided in  
19 section 49.53 in each local school district where  
20 voting is to occur in the merged area election and the

21 election shall be conducted by the county commissioner  
 22 of elections pursuant to chapters 39 to 53 and section  
 23 277.20.

24 Sec. 224. Section 280A.15, subsection 4, Code  
 25 1985, is amended to read as follows:

26 4. The votes cast in the election shall be  
 27 canvassed and abstracts of the votes cast shall be  
 28 certified as required by section 277.20. In each  
 29 county whose commissioner of elections is responsible  
 30 under section 47.2 for conducting elections held for a  
 31 merged area, the county board of supervisors shall  
 32 convene at ten o'clock a.m. on the last Monday in  
 33 ~~September~~ June after the regular school election,  
 34 canvass the abstracts of votes cast and declare the  
 35 results of the voting. The commissioner shall at once  
 36 issue certificates of election to each person declared  
 37 elected, and shall certify to the merged area board in  
 38 substantially the manner prescribed by section 50.27  
 39 the result of the voting on any public question  
 40 submitted to the voters of the merged area. Members  
 41 elected to the board of directors of a merged area  
 42 shall qualify by taking the oath of office prescribed  
 43 in section 277.28.

44 Sec. 225. Section 280A.22, subsection 1, paragraph  
 45 a, Code 1985, is amended to read as follows:

46 a. In addition to the tax authorized under section  
 47 280A.17, the voters in ~~any a~~ merged area may at the  
 48 ~~annual~~ regular school election vote a tax not  
 49 exceeding twenty and one-fourth cents per thousand  
 50 dollars of assessed value in any one year for a period

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1 not to exceed ten years for the purchase of grounds,  
 2 construction of buildings, payment of debts contracted  
 3 for the construction of buildings, purchase of  
 4 buildings and equipment for buildings, and the  
 5 acquisition of libraries, and for the purpose of  
 6 maintaining, remodeling, improving, or expanding the  
 7 area vocational school or area community college of  
 8 the merged area. The tax shall be collected by the  
 9 county treasurers and remitted to the treasurer of the  
 10 merged area as provided in section 331.552, subsection  
 11 29. The proceeds of the tax shall be deposited in a  
 12 separate and distinct fund to be known as the voted  
 13 tax fund, to be paid out upon warrants drawn by the  
 14 president and secretary of the board of directors of  
 15 the merged area district for the payment of costs  
 16 incurred in providing the school facilities for which  
 17 the tax was voted.”

18 3. Page 6, by inserting after line 32 the  
19 following:

20 "Sec. 500.

21 1. In order to accomplish the transition from  
22 election of directors of community and independent  
23 school districts, merged areas, and area education  
24 agencies annually for terms of three years each, to  
25 election of such directors biennially for terms of  
26 four years each, the following adjustments in terms  
27 and times of election shall be made, notwithstanding  
28 other provisions of law:

29 a. The term of office of each director of a  
30 community or an independent school district, merged  
31 area, and area education agency board whose term  
32 expires in the years 1987 and 1988 shall expire at  
33 noon on July 1, 1987 and the successors shall be  
34 elected at the regular election in 1987 or in the case  
35 of the area education agency, at the director district  
36 convention in 1987.

37 b. In community, independent, and consolidated  
38 school districts and merged areas having five-member  
39 boards of directors, the persons elected as directors  
40 in 1987 who receive the greatest and the next greatest  
41 number of votes in that election shall serve terms of  
42 four years each and the other persons so elected shall  
43 serve terms of two years each.

44 c. In community, independent, and consolidated  
45 school districts and merged areas having seven-member  
46 boards of directors, the persons elected as directors  
47 in 1987 who receive the greatest, the next greatest,  
48 and the third greatest number of votes shall serve  
49 terms of four years each, and the other persons so  
50 elected shall serve terms of two years each.

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1 d. In merged areas having more than seven members,  
2 the persons elected as directors in 1987 who receive  
3 the greatest, the next greatest, the third greatest,  
4 and the fourth greatest number of votes shall serve  
5 terms of four years each, and the other persons so  
6 elected shall serve terms of two years each.

7 e. In area education agencies, the persons elected  
8 shall draw lots to determine who will serve terms of  
9 four years each and who will serve terms of two years  
10 each so that the appropriate number will serve terms  
11 ending in 1989 and 1991.

12 2. Notwithstanding section 275.12, at least a  
13 majority of the board of directors of each school  
14 district shall be elected from director districts

15 pursuant to section 275.23A, subsection 1 by the  
 16 regular school election in 1989. The remaining  
 17 members may be elected at large from the entire  
 18 district by the electors of the entire district.

19 At the regular school election in 1989 the  
 20 community, independent, and consolidated school  
 21 districts having five-member boards of directors shall  
 22 elect the three vacant positions from director  
 23 districts unless at least a majority of the board of  
 24 directors was elected from director districts in 1987.

25 At the regular school election in 1989, the  
 26 community, independent, and consolidated school  
 27 districts having seven-member boards of directors  
 28 shall elect the four vacant positions from director  
 29 districts unless at least a majority of the board of  
 30 directors was elected from director districts in  
 31 1987.”

32 4. Page 6, by striking line 50 and inserting the  
 33 following: “in Cedar Rapids, Iowa. Sections 201  
 34 through 225 and section 500 take effect January 1,  
 35 1987.””

JOE BROWN

S-5671

1 Amend House File 2066 as amended, passed and  
 2 reprinted by the House as follows:

3 1. Page 5, by inserting after line 25, the  
 4 following:

5 “Sec. \_\_\_\_ . Section 625.22, unnumbered paragraph 2,  
 6 Code 1985, is amended to read as follows:

7 In an action against the maker to recover payment  
 8 on a dishonored check or draft, as defined in section  
 9 554.3104, the plaintiff, if successful, may recover,  
 10 in addition to all other costs or surcharges provided  
 11 by law, all court costs incurred, including a  
 12 reasonable attorney's fee, or ~~an individual's~~ cost to  
 13 the payee of processing a small claims recovery such  
 14 as lost time and transportation costs from the maker  
 15 of the check or draft. Any such additional charges  
 16 shall be determined by the court. If the defendant is  
 17 successful in the action and the court determines the  
 18 action was frivolous, the court may award the  
 19 defendant reasonable attorney's fees.”

TOM MANN, Jr.

S-5672

1 Amend House File 2300, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, line 9, by striking the word "The" and  
4 inserting the following: "Unless the general assembly  
5 specifically appropriates moneys directly from the  
6 temporary emergency surcharge fund, the".

7 2. Page 1, line 10, by striking the word  
8 "immediately".

9 3. Page 2, by inserting after line 17 the  
10 following:

11 "Sec. 4. DEPARTMENT-APPROVED TRAINING.  
12 Notwithstanding the provisions of section 96.7,  
13 subsection 15, which restrict the use of moneys in the  
14 temporary emergency surcharge fund, there is  
15 appropriated from the temporary emergency surcharge  
16 fund, created in section 96.7, subsection 15, for the  
17 fiscal year beginning July 1, 1986, and ending June  
18 30, 1987, to the department of job service for deposit  
19 in the department-approved training fund in the state  
20 treasury, two million (2,000,000) dollars, to be used  
21 solely to pay the instructional costs of training  
22 approved by the department pursuant to section 96.4  
23 and 370 I.A.C. §4.39, §4.40, for individuals who  
24 demonstrate, to the department's satisfaction, that  
25 they are financially incapable of paying the  
26 instructional costs of the approved training.

27 The department-approved training fund is created as  
28 a separate account in the state treasury.

29 Notwithstanding section 453.7, interest and earnings  
30 from moneys deposited in the department-approved  
31 training fund shall be credited to the fund.

32 Notwithstanding section 8.33, unencumbered or  
33 unobligated moneys in the department-approved training  
34 fund at the end of the fiscal year which ends June 30,  
35 1987, or a subsequent fiscal year, shall not revert to  
36 the general fund of the state and shall not be  
37 transferred to the unemployment compensation fund, but  
38 shall remain in the department-approved training fund  
39 for the use of the department as provided in this  
40 section.

41 The department shall use moneys from the fund only  
42 to pay for the instructional costs of approved  
43 training relating to tuition and course fees. The  
44 payments shall not be made to the individual receiving  
45 approved training but shall be made directly to the  
46 institution or person providing the approved training.  
47 Payments shall not exceed one thousand dollars per

48 individual trainee.

49 The department shall distribute information on the  
50 qualification requirements for and availability of

**Page 2**

1 payment from the department-approved training fund to  
2 individuals filing claims for benefits or receiving  
3 benefits under chapter 96.”

TOM MANN, Jr.

S-5673

1 Amend the Senate amendment S-5496 to House File  
2 2339 as amended, passed, and reprinted by the House as  
3 follows:

4 1. By striking page 4, line 36 through page 5,  
5 line 15 and inserting the following:

6 “1. The law enforcement agencies of this state may  
7 conduct emergency vehicle roadblocks in response to  
8 immediate threats to the health, safety, and welfare  
9 of the public; and otherwise may conduct routine  
10 vehicle roadblocks only as provided in this section.  
11 Each routine vehicle roadblock shall be conducted to  
12 enforce compliance with the law regarding all of the  
13 following:

14 a. The licensing of operators of motor vehicles.  
15 b. The registration of motor vehicles.  
16 c. The safety equipment required on motor  
17 vehicles.

18 d. The operation of a motor vehicle by a person  
19 under the influence of alcohol or a drug.

20 2. Any routine vehicle roadblock conducted under  
21 this section shall meet the following requirements:

22 a. The location of the roadblock, the time during  
23 which the roadblock will be conducted, and the  
24 procedure to be used while conducting the roadblock,  
25 shall be determined by policymaking administrative  
26 officers of the law enforcement agency.

27 b. The roadblock location shall be selected for  
28 its safety and visibility to oncoming motorists, and  
29 adequate advance warning signs, illuminated at night  
30 or under conditions of poor visibility, shall be  
31 erected to provide timely information to approaching  
32 motorists of the roadblock and its nature.

33 c. There shall be uniformed officers and official  
34 vehicles of the law enforcement agency or agencies  
35 involved, in sufficient quantity and visibility to

36 demonstrate the official nature of the roadblock.  
37 d. The selection of motor vehicles to be stopped  
38 shall not be arbitrary.  
39 e. The roadblock shall be conducted to assure the  
40 safety of and to minimize the inconvenience of the  
41 motorists involved.”

TOM MANN, Jr.

S-5674

1 Amend the House amendment, S-5559, to Senate File  
2 505 as passed by the Senate as follows:  
3 1. Page 1, by inserting after line 5 the  
4 following:  
5 “\_\_\_ . Page 10, by inserting after line 6 the  
6 following:  
7 “Sec. 777. Section 328.21, Code 1985, is amended  
8 by adding the following new subsection immediately  
9 following subsection 4 and renumbering succeeding  
10 subsections:  
11 NEW SUBSECTION. 5. The registration fee for a  
12 helicopter owned and operated by a nonprofit hospital  
13 located in Iowa is one thousand dollars.  
14 Sec. \_\_\_ . Section 777 of this Act applies to  
15 aircraft registrations made on or after the effective  
16 date of this Act.”  
17 \_\_\_ . Title page, line 1, by inserting after the  
18 word “to” the words “vehicle law by establishing a  
19 registration fee for helicopters owned and operated by  
20 nonprofit hospitals and by providing provisions  
21 relating to”.  
22 \_\_\_ . Renumber sections and correct internal  
23 references as necessary.”

JAMES D. WELLS

S-5675

1 Amend House File 2066 as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 5, by inserting after line 25 the  
4 following:  
5 “Sec. \_\_\_ . NEW SECTION. 631.17 PROHIBITED  
6 PRACTICES.  
7 1. The district court, after due notice and  
8 hearing, may bar a person from appearing on the  
9 person’s own behalf in any court governed by this

10 chapter on a cause of action purchased by or assigned  
11 for collection to that person for any of the  
12 following:

13 a. Falsely holding oneself out as an attorney at  
14 law.

15 b. Repeatedly filing claims for costs allowed  
16 under section 625.22 which have been found by the  
17 court to have been exaggerated or without merit.

18 c. A pattern of conduct in violation of article 7  
19 of chapter 537.

20 2. A person barred pursuant to subsection 1 shall  
21 not derive any benefit, directly or indirectly, from  
22 any case brought pursuant to this chapter within the  
23 purview of the order of bar issued by the district  
24 court.

25 3. The district court shall dismiss any pending  
26 case based on a cause of action purchased or assigned  
27 for collection brought on the person's own behalf by a  
28 person barred pursuant to subsection 1, and shall  
29 assess the costs against that person.

30 4. The district court shall dismiss any case  
31 subsequently brought directly or indirectly by a  
32 person subject to a bar pursuant to subsection 1 in  
33 violation of that subsection and shall assess all  
34 costs to that person, and the court shall assess a  
35 further civil fine of one hundred dollars against that  
36 person for each such case dismissed.

37 5. The district court shall retain jurisdiction  
38 over a person barred pursuant to subsection 1 and may  
39 punish violations of the court's order of bar as a  
40 matter of criminal contempt."

41 2. Page 7, by inserting after line 31 the  
42 following:

43 "Sec. \_\_\_\_ . Section 631.17, as enacted by this Act,  
44 being deemed of immediate importance, takes effect  
45 from and after the publication of this Act in the Iowa  
46 City Press-Citizen, a newspaper published in Iowa  
47 City, Iowa, and in the Audubon News-Advocate, a  
48 newspaper published in Audubon, Iowa."

49 3. By renumbering as necessary.

50 4. Title page, line 3, by inserting after the

**Page 2**

1 word "practices" the following: ", and providing  
2 penalties and an effective date".

ARTHUR A. SMALL, JR.

S-5676

- 1 Amend amendment S-5674 to the House amendment  
2 S-5559, to enact File 505 as passed by the Senate as  
3 follows:  
4 1. Page 1, line 12, by inserting after the word  
5 "helicopter" the words "or aircraft".  
6 2. Page 1, line 19, by inserting after the word  
7 "helicopters" the words "or aircraft".

RICHARD F. DRAKE

S-5677

- 1 Amend the amendment, S-5547, to House File 2454, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, line 3, by inserting after the figure  
5 "10" the following: "and inserting the following:  
6 "Section 1. Section 232.2, subsection 6, Code  
7 1985, is amended by adding the following new lettered  
8 paragraph:  
9 NEW LETTERED PARAGRAPH. n. Who is voluntarily  
10 absent without permission from the child's home or  
11 placement for a period of time exceeding one week or  
12 for a period of time exceeding twenty-four hours on  
13 each of three or more separate occasions in a twelve-  
14 month period, and whose health, safety and welfare are  
15 at risk."  
16 2. Page 1, line 5, by inserting after the figure  
17 "20" the following: "and inserting the following:  
18 "Sec. \_\_\_\_ . NEW SECTION. 232.104 DISPOSITIONS --  
19 VIOLATION OF COURT ORDER -- ABILITY TO HOLD.  
20 1. This section shall be liberally construed in  
21 order to address the problems of the chronic runaway  
22 at the earliest stage possible, to provide early  
23 intervention through the delivery of services to the  
24 chronic runaway as a child in need of assistance, and  
25 to exercise court jurisdiction which will best serve  
26 the interests of both the chronic runaway and the  
27 state.  
28 2. If the court adjudicates a child as a child in  
29 need of assistance pursuant to section 232.2,  
30 subsection 6, paragraph "n", the court shall, as soon  
31 as practicable, hold a dispositional hearing. Prior  
32 to the hearing, the court shall require a social  
33 investigation to be conducted and a social report to  
34 be submitted to the court in accordance with the

35 applicable requirements of section 232.97. The social  
36 report shall include a review of factors and reasons  
37 for the child's absence without permission from the  
38 child's home or placement.

39 3. The court may impose a disposition set out in  
40 sections 232.100 through 232.102, and may terminate,  
41 modify, or vacate the dispositional order as provided  
42 in section 232.103. However, the court shall not  
43 order the child placed in the Iowa juvenile home. The  
44 court order shall notify the child and the child's  
45 legal counsel that willful absence from placement in  
46 violation of a condition of the court order could  
47 subject the child to placement in staff secure shelter  
48 care or detention.

49 4. A child found in violation of a valid court  
50 order placing the child, imposed pursuant to

**Page 2**

1 subsection 3, shall not be considered to have  
2 committed a delinquent act. A child accused or found  
3 to have violated a valid court order placing the child  
4 shall not be held in a facility regulated under  
5 chapter 356 or 356A, in the state training school, or  
6 in the Iowa juvenile home. However, a child accused  
7 of being willfully absent from placement in violation  
8 of a valid court order entered pursuant to subsection  
9 3, may be held in staff secure shelter care or  
10 detention, other than the Iowa juvenile home or the  
11 state training school, if a court determines within  
12 twenty-four hours of placement in staff secure shelter  
13 care or detention that probable cause exists to  
14 believe that the child willfully violated the  
15 condition of the valid court order placing the child.  
16 If the child is held pursuant to an oral court order,  
17 the court shall enter a written order before the end  
18 of the next day confirming the oral order and  
19 indicating the reasons for the order. The child has  
20 the right to counsel in connection with all  
21 proceedings related to an alleged violation of a valid  
22 court order.

23 If the court determines that probable cause exists  
24 to believe that the child violated a valid court order  
25 placing the child, the child may be held in staff  
26 secure shelter care or detention pending a violation  
27 hearing which shall be held within seventy-two hours  
28 of placement in staff secure shelter care or  
29 detention, excluding nonjudicial days. The hearing  
30 shall be conducted in compliance with all applicable  
31 requirements of sections 232.90 through 232.94A and

32 232.96.

33 Pursuant to the violation hearing, the court may  
34 order a child held in staff secure shelter care or  
35 detention if the court finds, by clear and  
36 satisfactory proof, all of the following:

37 a. That the child was willfully absent from the  
38 placement in violation of a valid court order.

39 b. That all applicable due process rights were  
40 afforded the child.

41 c. That no less restrictive alternative placement  
42 appropriate to the needs of the child and the  
43 community exists.

44 However, the court shall not order the child placed  
45 in the Iowa juvenile home or the state training  
46 school, and shall not place the child in detention for  
47 more than seven days and shall not place the child in  
48 staff secure shelter care for more than thirty days.””

COMMITTEE ON APPROPRIATIONS  
JOE WELSH, Chairperson

HOUSE AMENDMENT TO  
SENATE FILE 2083

S-5678

1 Amend Senate File 2083 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 20, by striking the word “third”  
4 and inserting the following: “first”.

S-5679

1 Amend S-5582 to House File 2412 as amended, passed  
2 and reprinted by the House as follows:

3 1. Page 8, by striking lines 43 through 47 and  
4 inserting the following:

5 “a. An amount equal to one-half of one percent of  
6 the gross lottery revenue shall be deposited in a  
7 gamblers assistance fund in the office of the  
8 treasurer of state. The money shall be deposited on a  
9 monthly basis. Moneys in the fund shall”.

JOE WELSH  
WILLIAM W. DIELEMAN

S-5680

1 Amend House File 2462, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 6, by inserting after line 28, the  
 4 following:  
 5 "Sec. \_\_\_\_ . For the fiscal year beginning July 1,  
 6 1986 and ending June 30, 1987, if the governor finds  
 7 that the estimated budget resources are insufficient  
 8 to pay all appropriations in full, and the executive  
 9 council concurs in that finding, the reductions in  
 10 allotments made pursuant to section 8.31 shall not  
 11 apply to the appropriation made under section 442.26."

LARRY MURPHY  
 JOE BROWN  
 MILO COLTON  
 WALLY HORN  
 JAMES D. WELLS  
 JIM RIORDAN  
 JOY CORNING  
 BEVERLY A. HANNON

S-5681

1 Amend the House amendment S-5598 to Senate File  
 2 508 as passed by the Senate as follows:  
 3 1. Page 1, by inserting after line 47 the following:  
 4 " \_\_\_\_ . Page 1, lines 29 and 30, by striking the words  
 5 "within ten days from the judgment".

TOM MANN, JR.

S-5682

1 Amend the amendment, S-4023, to Senate File 461, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by inserting after line 2 the follow-  
 5 ing:  
 6 " \_\_\_\_ . Page 1, by inserting before line 1 the  
 7 following:  
 8 "Section 1. NEW SECTION. 505.15 COMMISSIONER'S  
 9 DUTIES RELATING TO CHEMICAL DEPENDENCY AND MENTAL  
 10 DISORDER COVERAGES -- COOPERATION OF DEPARTMENT OF  
 11 SUBSTANCE ABUSE AND DEPARTMENT OF HUMAN SERVICES.  
 12 The commissioner of insurance shall review the

13 provisions of insurance policies, hospital and medical  
14 service corporation contracts, and evidences of  
15 coverage issued to groups of enrollees by health  
16 maintenance organizations which relate to care and  
17 treatment of chemical dependency and mental disorders.  
18 The commissioner shall determine whether flexible  
19 programs are available which will offer care and  
20 treatment, including but not limited to, inpatient or  
21 outpatient treatment, in various facilities. The  
22 commissioner shall review chemical dependency  
23 coverages for care and treatment of juveniles and  
24 adults, eligibility standards, program limitations,  
25 cost-effective treatment goals, and cost containment,  
26 and utilization review procedures. In regard to  
27 mental disorders, the commissioner shall review  
28 programs relating to coverages under insurance  
29 policies and hospital and medical service corporation  
30 contracts, and programs available through health  
31 maintenance organizations, in order to determine if  
32 the programs offered provide for the necessary care  
33 and treatment of mental disorders, cover the mental  
34 health services which are medically or psychologically  
35 necessary or which are necessary to restore a person's  
36 capacity for social or biological functioning, and are  
37 provided pursuant to a written treatment plan. In  
38 addition, the commissioner shall review optional types  
39 of mental disorder coverage systems relating to  
40 different treatment needs of juveniles and adults,  
41 eligibility qualifications, limitations on treatment  
42 days, deductibles and coinsurance, and cost  
43 containment through utilization review and evaluation.  
44 In carrying out the duties under this section, the  
45 commissioner of insurance may consult with, and shall  
46 receive the cooperation and services of, the  
47 department of substance abuse and the division of  
48 mental health, mental retardation, and developmental  
49 disabilities of the department of human services.  
50 The commissioner of insurance may approve programs

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1 and standards, and may exercise all powers and duties  
2 granted the commissioner under this Title XX in order  
3 to assure compliance with any orders or actions taken  
4 by the commissioner as a result of carrying out duties  
5 specified under this section.””  
6 2. Page 1, by striking lines 26 through 28 and  
7 inserting the following: “The provision shall offer  
8 care and treatment for chemical dependency programs  
9 approved by the commissioner of insurance as provided

10 in section 505.15. The policyholder may reject the  
 11 coverage or select alternative coverage offered by or  
 12 negotiated with the insurer if the coverage meets the  
 13 standards approved by the commissioner of insurance as  
 14 provided in section 505.15. Benefits provided for  
 15 care and”.

16 3. Page 2, by striking lines 6 through 9 and  
 17 inserting the following: “chemical dependency and  
 18 mental disorders. The group may reject the coverage  
 19 or select alternative coverage offered by or  
 20 negotiated with the corporation if the coverage meets  
 21 standards approved by the commissioner of insurance as  
 22 provided in section 505.15. Benefits provided for  
 23 care and treatment”.

24 4. Page 2, by striking lines 32 through 35 and  
 25 inserting the following: “chemical dependency and  
 26 mental disorders. The enrollees may reject the  
 27 coverage or select alternative coverage offered by or  
 28 negotiated with the organization if the coverage meets  
 29 the standards approved by the commissioner of  
 30 insurance as provided in section 505.15. Care and  
 31 treatment of chemical”.

32 5. Page 3, by striking line 3, and inserting the  
 33 following:

34 “\_\_\_ . By striking page 6, line 23 through page 7,  
 35 line 20, and inserting the following:

36 “Coverages as provided in this Act shall be made  
 37 available not later than July 1, 1987. The  
 38 commissioner of insurance shall make periodic reports  
 39 to the appropriate standing committees of the general  
 40 assembly meeting in 1987 regarding the progress in the  
 41 development of programs subject to review and approval  
 42 under section 505.15.””

EDGAR H. HOLDEN  
 DALE L. TIEDEN  
 HURLEY W. HALL  
 WILLIAM W. DIELEMAN  
 DOUGLAS RITSEMA

HOUSE AMENDMENT TO  
 SENATE FILE 2242

S-5683

1 Amend Senate File 2242, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 6, by striking the figure “1” and  
 4 inserting the following: “31”.

5 2. Page 2, line 23, by inserting after the figure  
6 "1." the following: "Notwithstanding the minimum age  
7 requirements specified in this section, if a state  
8 employee is fifty-nine years of age or older when the  
9 state employee retires under chapter 97A within the  
10 time limitations specified in this section, the state  
11 employee is eligible to receive the retirement bonus  
12 under subsection 1."

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

15 "For purposes of determining the length of a full-  
16 time state employee's period of continuous state  
17 service, the merit employment department, or successor  
18 agency, shall include the state employee's most recent  
19 continuous period of service in full-time county  
20 employment as full-time state employment for  
21 individuals who became full-time state employees under  
22 1983 Iowa Acts, chapter 186."

23 4. Page 3, by striking lines 15 through 21 and  
24 inserting the following: "program for state employees  
25 who are at least fifty-nine but have not yet reached  
26 sixty-two years of age. The governor may implement  
27 the program in up to three phases based upon the  
28 number of terminations and the employees' ages on June  
29 30, 1987. The merit employment department."

30 5. Page 3, line 23, by inserting after the word  
31 "section." the following: "The governor may implement  
32 the program in selected departments or agencies as the  
33 goals and objectives for reduced long-term  
34 governmental needs arise."

35 6. Page 3, line 24, by striking the words  
36 "between fifty-five and" and inserting the following:  
37 "who is at least fifty-nine but less than".

38 7. Page 3, by striking lines 26 through 33 and  
39 inserting the following: "completed at least five  
40 years of state employment, and sends written  
41 notification to the merit employment department, or  
42 successor agency, by July 31, 1986 that the state  
43 employee will terminate state employment not later  
44 than October 31, 1986, is eligible to receive the  
45 following termination".

46 8. Page 4, line 7, by striking the words "between  
47 five and fourteen" and inserting the following: "at  
48 least five years but less than fifteen".

49 9. Page 4, line 9, by striking the words "between  
50 fifteen and twenty-four" and inserting the following:

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1 "at least fifteen but less than twenty-five".

2 10. Page 4, lines 10 and 11, by striking the  
3 words "after twenty-five" and inserting the following:  
4 "twenty-five or more".

5 11. Page 4, by striking lines 12 through 15 and  
6 inserting the following:

7 "For an employee who is fifty-nine years of age,  
8 the percent based upon age at termination is thirty-  
9 two; for an employee who is sixty years of age, thirty  
10 percent, and for an employee who is sixty-one years of  
11 age, twenty-eight percent. The bonus".

12 12. Page 4, line 28, by inserting after the word  
13 "dollars." the following: "One-half the bonus payment  
14 shall be paid during the fiscal year beginning July 1,  
15 1986 and the remainder of the bonus payment shall be  
16 paid in the first pay period during the fiscal year  
17 beginning July 1, 1987."

18 13. Page 5, line 23, by inserting after the word  
19 "regents" the following: ", employees covered under  
20 the retirement system established under chapter 97A,".

21 14. Page 6, line 5, by inserting after the word  
22 "state" the following: "or a political subdivision of  
23 the state".

24 15. Page 6, by inserting after line 19 the  
25 following:

26 "Sec. \_\_\_\_ . The board of directors of each judicial  
27 district department of correctional services  
28 established in chapter 905 shall establish for its  
29 employees retirement incentives identical to those  
30 established in section 1 of this Act. If funds of a  
31 judicial district department of correctional services  
32 are insufficient to pay the retirement bonus under  
33 section 1, subsection 1, of this Act, the Iowa  
34 department of corrections may request that the  
35 governor authorize payment from the salary adjustment  
36 fund. The cost of payments under section 1,  
37 subsection 2, of this Act shall be made from funds  
38 appropriated to the salary adjustment fund, and the  
39 Iowa department of corrections shall reimburse the  
40 salary adjustment fund annually from state funds  
41 appropriated for the establishment, operation,  
42 support, and evaluation of community-based  
43 correctional programs and services unless the governor  
44 exempts the department from the reimbursement  
45 requirements."

46 16. Page 6, by inserting after line 19 the fol-  
47 lowing:

48 "Sec. \_\_\_\_ . POLITICAL SUBDIVISION RETIREMENT

49 INCENTIVES. The governing board of a political  
50 subdivision may adopt a program for payment of a

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1 monetary bonus, continuation of health or medical  
2 insurance coverage, or other incentives for  
3 encouraging its employees to retire before the normal  
4 retirement date as defined in chapter 97B. The  
5 program is available only to employees between fifty-  
6 nine and sixty-five years of age who notify the board  
7 at any time between the effective date of this Act and  
8 March 15, 1987 that they intend to retire not later  
9 than June 30, 1987. An employee retiring under this  
10 section shall apply for a retirement allowance under  
11 chapter 97B or chapter 294. If the total estimated  
12 accumulated cost to a political subdivision of the  
13 bonus or other incentives for employees who retire  
14 under this section does not exceed the estimated  
15 savings in salaries and benefits for employees who  
16 replace the employees who retire under the program,  
17 the governing board may certify for levy a tax on all  
18 taxable property in the political subdivision to pay  
19 the costs of the program provided in this section.  
20 The levy certified under this section is in addition  
21 to any other levy authorized for that political  
22 subdivision by law and is not subject to budget  
23 limitations otherwise provided by law. A governing  
24 board may amend its certified budget during a fiscal  
25 year to provide for payments required under this  
26 section."

27 17. Title page, line 1, by inserting after the  
28 word "state" the following: "and local government".

29 18. By renumbering, relettering, or redesignating  
30 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2265

S-5684

1 Amend Senate File 2265 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 18.164, subsection 2,  
6 unnumbered paragraph 1, Code 1985, is amended to read  
7 as follows:

8 The division ~~may~~ shall develop programs for the

9 management of loss and loss exposures of governmental  
10 subdivisions which may include, but shall not be  
11 limited to, the following:

12 Sec. 2. Section 18.164, Code 1985, is amended by  
13 adding the following new subsections:

14 NEW SUBSECTION. 3. The division shall develop and  
15 implement a market assistance program to facilitate,  
16 arrange, or provide for the acquisition of insurance  
17 coverage for all public or private entities deemed to  
18 be essential to the public welfare and for which it is  
19 determined that present coverage is unavailable,  
20 unreasonable, or unacceptable.

21 NEW SUBSECTION. 4. The division shall provide  
22 technical advice and assistance, upon request, to  
23 governmental subdivisions and public and private  
24 entities identified under subsection 3 seeking to  
25 utilize alternative financing methods to develop a  
26 stable pool of funds with which to insure and reinsure  
27 risk exposures, including administrative and personnel  
28 support for entities seeking to utilize state  
29 financing, or combination financing under chapter 28E.

30 Sec. 3. Section 18.165, subsection 1, paragraph b,  
31 Code 1985, is amended to read as follows:

32 b. Bonding of state employees shall be re-  
33 evaluated, and uniform standards shall be adopted for  
34 the purchase of all fidelity bonds recommended for  
35 state employees. To the extent possible, all bonded  
36 state employees shall be covered under one or more  
37 blanket bonds or position schedule bonds. In carrying  
38 out the requirements of section 64.6, the state may  
39 purchase an individual or a blanket surety bond  
40 insuring the fidelity of state officers ~~subject to the~~  
41 ~~minimum surety bond requirements of section 64.6. A~~  
42 ~~state officer listed in section 64.6 is deemed to have~~  
43 ~~furnished surety if the officer is covered by a~~  
44 ~~blanket bond purchased as provided in this paragraph.~~  
45 The risk management division may self assume or self  
46 insure fidelity exposures for state officials and  
47 employees. A state official is deemed to have  
48 furnished surety if the official has been covered by  
49 any program of insurance or self insurance established  
50 by the risk management division.

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1 Sec. 4. Section 18.165, subsection 2, Code 1985,  
2 is amended to read as follows:

3 2. The division ~~may~~ shall develop programs  
4 relating to governmental subdivisions which shall be  
5 subject to the following guidelines:

6 a. Participation by a governmental subdivision in  
7 any risk management program offered by the division  
8 shall be by contract or on a voluntary basis.

9 b. The division shall not be required to negotiate  
10 or purchase insurance coverage for any governmental  
11 subdivision, as permitted by sections 18.160 to  
12 18.169, which fails to comply with standards adopted  
13 by the division and may cancel coverage already  
14 negotiated or purchased upon determination of such  
15 failure.

16 c. Risk management programs may treat loss and  
17 risk exposures of governmental subdivisions  
18 individually, or on a group basis, or both.

19 Sec. 5. Section 18.166, Code 1985, is amended to  
20 read as follows:

21 18.166 PURCHASE OF INSURANCE.

22 1. The department shall be the exclusive  
23 contracting agency for the purchase of insurance  
24 coverage for state loss and risk exposure except for  
25 revenue producing facilities under the state board of  
26 regents which have to comply with bond covenants.

27 2. The ~~department~~ division may upon request  
28 negotiate with insurers on behalf of governmental  
29 subdivisions unable to obtain reasonable or acceptable  
30 insurance coverage for the purchase of insurance  
31 coverage.

32 3. The department may purchase such contracts of  
33 insurance, and may contract with such insurers, as are  
34 within the standards prescribed by the risk management  
35 division. Funding for the purchase of insurance shall  
36 be provided by a specific and separate appropriation  
37 provided solely for this purpose.

38 4. The ~~department~~ division may ~~acquire facilitate,~~  
39 arrange, or provide for the acquisition of insurance  
40 coverage on behalf of one or more governmental  
41 subdivisions upon request. Any insurance contract  
42 negotiated by the department may include coverage or  
43 coverages for state loss or risk exposures and for the  
44 loss or risk exposures of one or more governmental  
45 subdivisions, or for any combination thereof.

46 5. The director of the department of general  
47 services may act as attorney in fact under section  
48 520.2 for governmental subdivisions executing  
49 reciprocal or interinsurance contracts under chapter  
50 520.

## Page 3

1 6. The department of general services or the  
2 division shall not charge governmental subdivisions  
3 for risk management services. ~~However, the department~~  
4 ~~shall not expend state funds for the purchase of~~  
5 ~~insurance coverage for any governmental subdivision,~~  
6 but may charge for the reimbursement of expenses  
7 incurred in facilitating, arranging, or acquiring  
8 insurance coverage.

9 Sec. 6. Section 18.168, Code 1985, is amended to  
10 read as follows:

11 18.168 ACCESS TO STATE RECORDS.

12 1. The division shall be given full assistance and  
13 co-operation by every state agency and its officers  
14 and employees. Each agency shall provide to the  
15 division all requested loss and loss exposure  
16 information, and shall comply with all standards and  
17 directives of the division and of the department  
18 relating to the administration of sections 18.160 to  
19 18.169 except as herein provided.

20 2. A governmental subdivision or other public or  
21 private entity requesting the assistance of the  
22 division shall, as a prerequisite to the assistance,  
23 provide the division with full cooperation and all  
24 requested loss and loss exposure information, and  
25 shall comply with all standards and directives of the  
26 division relating to the administration of sections  
27 18.160 through 18.169.

28 3. Information provided pursuant to this section  
29 shall be maintained in a separate confidential file,  
30 notwithstanding chapter 22.

31 Sec. 7. Section 18.169, Code 1985, is amended by  
32 striking the section and inserting in lieu thereof the  
33 following:

34 18.169 ANNUAL REPORT -- LONG RANGE PLANNING.

35 The division shall:

36 1. Annually submit to the general assembly a  
37 report containing the findings and recommendations of  
38 the division, setting out the standards adopted, and  
39 making recommendations for those statutory changes  
40 which are necessary to implement or permit the  
41 implementation of standards proposed by the division.  
42 The report shall include a summary of the division's  
43 annual costs of operation, the risks covered, and the  
44 premiums paid.

45 2. Initiate continuing discussion and programming  
46 with public and private financing agencies and other  
47 interested entities regarding the feasibility and  
48 establishment of a continuing source of funds to serve

49 as a reinsurance pool for public and private entities  
50 essential to the public welfare.

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1 Sec. 8. Section 25A.14, Code 1985, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 11. Any claim for financial loss  
4 based upon an act or omission in financial regulation,  
5 including but not limited to examinations,  
6 inspections, audits, or other financial oversight  
7 responsibilities, pursuant to Titles XIX through  
8 XXIII.

9 Sec. 9. Section 25A.14, Code 1985, is amended by  
10 adding the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. Subsection 11 of this  
12 section applies to all cases filed on or after July 1,  
13 1986, and does not expand any existing cause of action  
14 or create any new cause of action against the state.

15 Sec. 10. Section 64.6, Code Supplement 1985, is  
16 amended by striking the section and inserting in lieu  
17 thereof the following:

18 64.6 STATE OFFICERS -- BONDS.

19 State officials are not required to obtain bonds,  
20 but may be covered under a blanket bond for state  
21 employees. The blanket bond purchases shall be made  
22 in an amount and with the level of assumption of risk  
23 by the state that is determined by the risk management  
24 division of the department of general services. The  
25 state shall pay the reasonable cost of bonds under  
26 this section.

27 Sec. 11. Section 123.92, Code Supplement 1985, is  
28 amended to read as follows:

29 123.92 CIVIL LIABILITY FOR SALE ~~OR GIFT AND~~  
30 SERVICE OF BEER, WINE, OR INTOXICATING LIQUOR  
31 (DRAMSHOP ACT).

32 ~~Every husband, wife, child, parent, guardian,~~  
33 ~~employer or other person~~ Any person who is injured in  
34 person or property or means of support by ~~any an~~  
35 intoxicated person or resulting from the intoxication  
36 of ~~any a~~ person, has a right of action for all damages  
37 actually sustained, severally or jointly, against any  
38 licensee or permittee, who ~~sells or gives sold and~~  
39 ~~served or sold and delivered~~ any beer, wine, or  
40 intoxicating liquor to a the intoxicated person while  
41 ~~the person is when the licensee or permittee knew or~~  
42 should have known the person was intoxicated, or  
43 ~~serves a who sold to and served the person to a point~~  
44 where the ~~person is licensee or permittee knew or~~  
45 should have known the person would become intoxicated.

46 If the injury was caused by an intoxicated person, a  
47 permittee or licensee may establish as an affirmative  
48 defense that the intoxication did not contribute to  
49 the injurious action of the person.  
50 Every liquor control licensee and class "B" beer

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1 permittee shall furnish proof of financial  
2 responsibility either by the existence of a liability  
3 insurance policy or by posting bond in such amount as  
4 determined by the department.  
5 The department shall issue to each licensee and  
6 permittee a scientific chart showing the relationship  
7 between beer, wine, or intoxicating liquor consumed,  
8 body weight, and resulting blood alcohol content, and  
9 each licensee and permittee shall instruct all persons  
10 under their supervision and control, who serve or have  
11 the authority to serve beer, wine, or intoxicating  
12 liquor, in the use of such chart.

13 Sec. 12. Section 147.1, subsection 6, Code  
14 Supplement 1985, is amended by adding the following  
15 new lettered paragraph:

16 NEW LETTERED PARAGRAPH. e. The board of trustees  
17 of a licensed hospital when performing a function  
18 relating to the reporting required by section 147.135,  
19 subsection 3.

20 Sec. 13. Section 147.135, Code 1985, is amended by  
21 numbering the current unnumbered paragraph as  
22 subsection 1 and by adding the following new  
23 subsections:

24 NEW SUBSECTION. 2. As used in this subsection,  
25 "peer review records" means all complaint files,  
26 investigation files, reports, and other investigative  
27 information relating to licensee discipline or  
28 professional competence in the possession of a peer  
29 review committee or an employee of a peer review  
30 committee. As used in this subsection, "peer review  
31 committee" does not include examining boards. Peer  
32 review records are privileged and confidential, are  
33 not subject to discovery, subpoena, or other means of  
34 legal compulsion for release to a person other than an  
35 affected licensee or a peer review committee and are  
36 not admissible in evidence in a judicial or  
37 administrative proceeding other than a proceeding  
38 involving licensee discipline or a proceeding brought  
39 by a licensee who is the subject of a peer review  
40 record and whose competence is at issue. A person  
41 shall not be liable as a result of filing a report or  
42 complaint with a peer review committee or providing

43 information to such a committee, or for disclosure of  
44 privileged matter to a peer review committee. A  
45 person present at a meeting of a peer review committee  
46 shall not be permitted to testify as to the findings,  
47 recommendations, evaluations, or opinions of the peer  
48 review committee in any judicial or administrative  
49 proceeding other than a proceeding involving licensee  
50 discipline or a proceeding brought by a licensee who

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1 is the subject of a peer review committee meeting and  
2 whose competence is at issue. Information or  
3 documents discoverable from sources other than the  
4 peer review committee do not become nondiscoverable  
5 from the other sources merely because they are made  
6 available to or are in the possession of a peer review  
7 committee. However, such information relating to  
8 licensee discipline may be disclosed to an appropriate  
9 licensing authority in any jurisdiction in which the  
10 licensee is licensed or has applied for a license. If  
11 such information indicates a crime has been committed,  
12 the information shall be reported to the proper law  
13 enforcement agency. This subsection shall not  
14 preclude the discovery of the identification of  
15 witnesses or documents known to a peer review  
16 committee. Any final written decision and finding of  
17 fact by a licensing board in a disciplinary proceeding  
18 is a public record. Upon appeal by a licensee of a  
19 decision of a licensing board, the entire case record  
20 shall be submitted to the reviewing court. In all  
21 cases where privileged and confidential information  
22 under this subsection becomes discoverable,  
23 admissible, or part of a court record the identity of  
24 an individual whose privilege has been involuntarily  
25 waived shall be withheld.

26 NEW SUBSECTION. 3. A full and confidential report  
27 concerning any final hospital disciplinary action  
28 approved by a hospital board of trustees that results  
29 in a limitation, suspension, or revocation of a  
30 physician's privilege to practice for reasons relating  
31 to the physician's professional competence or  
32 concerning any voluntary surrender or limitation of  
33 privileges for reasons relating to professional  
34 competence shall be made to the board of medical  
35 examiners by the hospital administrator or chief of  
36 medical staff within ten days of such action. The  
37 board of medical examiners shall investigate the  
38 report and take appropriate action. These reports  
39 shall be privileged and confidential as though

40 included in and subject to the requirements for peer  
41 review committee information in subsection 2. Persons  
42 making these reports and persons participating in  
43 resulting proceedings related to these reports shall  
44 be immune from civil liability with respect to the  
45 making of the report or participation in resulting  
46 proceedings. As used in this subsection, "physician"  
47 means a person licensed pursuant to chapter 148,  
48 chapter 150, or chapter 150A.

49 Sec. 14. Section 258A.6, subsection 4, unnumbered  
50 paragraph 1, Code 1985, is amended to read as follows:

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1 In order to assure a free flow of information for  
2 accomplishing the purposes of this section, and  
3 notwithstanding section 622.10, all complaint files,  
4 investigation files, other investigation reports, and  
5 other investigative information in the possession of a  
6 licensing board or peer review committee acting under  
7 the authority of a licensing board or its employees or  
8 agents which relates to licensee discipline are  
9 privileged and confidential, and are not subject to  
10 discovery, subpoena, or other means of legal  
11 compulsion for their release to a person other than  
12 the licensee and the boards, their employees and  
13 agents involved in licensee discipline, and are not  
14 admissible in evidence in a judicial or administrative  
15 proceeding other than the proceeding involving  
16 licensee discipline. However, investigative  
17 information in the possession of a licensing board or  
18 its employees or agents which relates to licensee  
19 discipline may be disclosed to the appropriate  
20 licensing ~~authority in another~~ authorities within this  
21 state, the appropriate licensing authority in another  
22 state, the District of Columbia, or a territory or  
23 country in which the licensee is licensed or has  
24 applied for a license. If the investigative  
25 information in the possession of a licensing board or  
26 its employees or agents indicates a crime has been  
27 committed, the information shall be reported to the  
28 proper law enforcement agency. However, a final  
29 written decision and finding of fact of a licensing  
30 board in a disciplinary proceeding, including a  
31 decision referred to in section 258A.3, subsection 4,  
32 is a public record.

33 Sec. 15. NEW SECTION. 147.139 EXPERT WITNESS  
34 STANDARDS.

35 If the standard of care given by a physician and  
36 surgeon licensed pursuant to chapter 148, or

37 osteopathic physician and surgeon licensed pursuant to  
38 chapter 150A, or a dentist licensed pursuant to  
39 chapter 153, is at issue, the court shall only allow a  
40 person to qualify as an expert witness and to testify  
41 on the issue of the appropriate standard of care if  
42 the person's medical or dental qualifications relate  
43 directly to the medical problem or problems at issue  
44 and the type of treatment administered in the case.

45 Sec. 16. NEW SECTION. 148.12 VOLUNTARY  
46 AGREEMENTS.

47 The medical examiners, after due notice and  
48 hearing, may direct the commissioner of health to  
49 issue an order to revoke, suspend, or restrict a  
50 license to practice medicine and surgery, osteopathic

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1 medicine and surgery, or osteopathy, or to issue a  
2 restricted license on application if, after a hearing,  
3 the medical examiners determine that a physician  
4 licensed to practice medicine and surgery, osteopathic  
5 medicine and surgery, or osteopathy, or an applicant  
6 for licensure has entered into a voluntary agreement  
7 to restrict the practice of medicine and surgery,  
8 osteopathic medicine and surgery, or osteopathy in  
9 another state, district, territory, or country. A  
10 certified copy of the voluntary agreement shall be  
11 considered conclusive or prima facie evidence.

12 Sec. 17. NEW SECTION. 296.7 INDEBTEDNESS FOR  
13 INSURANCE AUTHORIZED -- TAX LEVY.

14 A school district or merged area school corporation  
15 is authorized to contract indebtedness and to issue  
16 general obligation bonds or enter into insurance  
17 agreements obligating the school district or  
18 corporation to make payments beyond its current budget  
19 year to procure or provide for a policy of insurance,  
20 a self insurance program, or a local government risk  
21 pool to protect the school district or corporation  
22 from tort liability, loss of property, or any other  
23 risk associated with the operation of the school  
24 district or corporation. Taxes for the payment of the  
25 principal, premium, or interest on such a bond, the  
26 payment of such an insurance policy, the payment of  
27 the costs of such a self insurance program, the  
28 payment of the costs of such a local government risk  
29 pool, and the payment of any amounts payable under any  
30 such insurance agreement may be levied in excess of  
31 any tax limitation imposed by statute. Such a self  
32 insurance program or local government risk pool is not  
33 insurance and is not subject to regulation under

34 chapters 505 through 523C. However, those self-  
35 insurance plans regulated pursuant to section 509A.14  
36 shall remain subject to the requirements of section  
37 509A.14 and rules adopted pursuant to that section.  
38 Sec. 18. Section 331.301, Code Supplement 1985, is  
39 amended by adding the following new subsections:  
40 NEW SUBSECTION. 11. A county may enter into  
41 insurance agreements obligating the county to make  
42 payments beyond its current budget year to procure or  
43 provide for a policy of insurance, a self insurance  
44 program, or a local government risk pool to protect  
45 the county against tort liability, loss of property,  
46 or any other risk associated with the operation of the  
47 county. Such a self insurance program or local  
48 government risk pool is not insurance and is not  
49 subject to regulation under chapters 505 through 523C.  
50 However, those self-insurance plans regulated pursuant

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1 to section 509A.14 shall remain subject to the  
2 requirements of section 509A.14 and rules adopted  
3 pursuant to that section.  
4 NEW SUBSECTION. 12. The board of supervisors may  
5 credit funds to a reserve for the purposes authorized  
6 by section 331.301, subsection 11; section 331.424,  
7 subsection 1, paragraph 1; and section 331.441,  
8 subsection 2, paragraph "b". Moneys credited to the  
9 reserve, and interest earned on such moneys, shall  
10 remain in the reserve until expended for purposes  
11 authorized by section 331.301, subsection 11; section  
12 331.424, subsection 1, paragraph "1"; or section  
13 331.441, subsection 2, paragraph "b".  
14 Sec. 19. Section 331.424, subsection 1, paragraph  
15 1, Code 1985, is amended by striking the paragraph and  
16 inserting in lieu thereof the following:  
17 1. Tort liability insurance, property insurance,  
18 and any other insurance that may be necessary in the  
19 operation of the county, costs of a self insurance  
20 program, costs of a local government risk pool, and  
21 amounts payable under any insurance agreements to  
22 provide or procure such insurance, self insurance  
23 program, or local government risk pool.  
24 Sec. 20. Section 331.441, subsection 2, paragraph  
25 b, Code 1985, is amended by adding the following new  
26 subparagraph:  
27 NEW SUBPARAGRAPH. (8) The provision of insurance,  
28 or funding a self insurance program or local  
29 government risk pool, including but not limited to the  
30 investigation and defense of claims, the payment of

31 claims, and the administration and management of such  
32 self insurance program or local government risk pool.  
33 Sec. 21. Section 364.4, Code Supplement 1985, is  
34 amended by adding the following new subsection:  
35 **NEW SUBSECTION.** 5. Enter into insurance  
36 agreements obligating the city to make payments beyond  
37 its current budget year to procure or provide for a  
38 policy of insurance, a self insurance program, or a  
39 local government risk pool to protect the city against  
40 tort liability, loss of property, or any other risk  
41 associated with the operation of the city. Such a  
42 self insurance program or local government risk pool  
43 is not insurance and is not subject to regulation  
44 under chapters 505 through 523C. However, those self-  
45 insurance plans regulated pursuant to section 509A.14  
46 shall remain subject to the requirements of section  
47 509A.14 and rules adopted pursuant to that section.  
48 Sec. 22. Section 384.12, subsection 18, Code  
49 Supplement 1985, is amended by striking the subsection  
50 and inserting in lieu thereof the following:

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1 18. A tax to pay the premium costs on tort  
2 liability insurance, property insurance, and any other  
3 insurance that may be necessary in the operation of  
4 the city, the costs of a self insurance program, the  
5 costs of a local government risk pool and amounts  
6 payable under any insurance agreements to provide or  
7 procure such insurance, self insurance program, or  
8 local government risk pool.  
9 Sec. 23. Section 384.24, subsection 3, Code 1985,  
10 is amended by adding the following new lettered  
11 paragraph:  
12 **NEW LETTERED PARAGRAPH.** s. The provision of  
13 insurance, or funding a self insurance program or  
14 local government risk pool, including but not limited  
15 to the investigation and defense of claims, the  
16 establishment of reserve funds for claims, the payment  
17 of claims, and the administration and management of  
18 such self insurance program or local government risk  
19 pool.  
20 Sec. 24. **NEW SECTION.** 384.110 INSURANCE, SELF-  
21 INSURANCE, AND RISK POOLING FUNDS.  
22 A city may credit funds to a fund or funds for the  
23 purposes authorized by section 364.4, subsection 5;  
24 section 384.12, subsection 18; or section 384.24,  
25 subsection 3, paragraph "s". Moneys credited to the  
26 fund or funds, and interest earned on such moneys,  
27 shall remain in the fund or funds until expended for

28 purposes authorized by section 364.4, subsection 5;  
29 section 384.12, subsection 18; or section 384.24,  
30 subsection 3, paragraph "g".

31 Sec. 25. NEW SECTION. 507D.1 SHORT TITLE.

32 This Act shall be known as the "Insurance  
33 Assistance Act".

34 Sec. 26. NEW SECTION. 507D.2 DISCLOSURE OF  
35 INFORMATION.

36 The commissioner of insurance shall adopt rules  
37 pursuant to chapter 17A for the collection of  
38 information relating to the availability, obtain-  
39 ability, costs, profits, and losses associated with  
40 the provision of property, casualty, product,  
41 professional, or other liability insurance within the  
42 state, and relating to the feasibility and  
43 implementation of market assistance programs,  
44 mandatory risk allocation programs, risk-sharing  
45 programs, risk management programs, or any other  
46 authorized program under section 507D.3.

47 Sec. 27. NEW SECTION. 507D.3 AUTHORIZED  
48 ASSISTANCE PROGRAMS.

49 The commissioner of insurance is authorized to  
50 institute programs, order the institution of programs

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1 within the private sector, or to contract with or  
2 delegate authority to the risk management division of  
3 the department of general services for the institution  
4 of programs relating to insurance assistance  
5 including, but not limited to, the following:

6 1. The development and implementation of a market  
7 assistance program to facilitate, arrange, or provide  
8 for the acquisition of property, casualty, product,  
9 professional, or other liability insurance coverage  
10 for all persons or entities seeking such coverage but  
11 for which the coverage is presently unavailable or  
12 unobtainable to the person or entity.

13 2. The development and implementation of a  
14 mandatory risk allocation system for property,  
15 casualty, product, professional, or other liability  
16 insurance, except asbestos and environmental  
17 impairment liability, in order to assure that all  
18 persons or entities for which such insurance is  
19 essential may obtain such insurance from insurers  
20 authorized to do business within this state.

21 3. The development and implementation of a risk-  
22 sharing program to assist and advise persons or  
23 entities seeking property, casualty, product,  
24 professional, or other liability insurance, except

25 asbestos and environmental impairment liability, on  
26 the most efficient manner in which to share or pool  
27 similar risks in order to obtain essential insurance  
28 coverage at the minimum cost.

29 4. The development and implementation of a risk  
30 management program for persons or entities to which  
31 property, casualty, product, professional, or other  
32 liability insurance is essential, such program to  
33 include at a minimum the following:

34 a. Assistance in developing and maintaining loss  
35 and loss exposure data on such liability risks.

36 b. Recommendations regarding risk reduction and  
37 risk elimination programs.

38 c. Recommendations of those practices which will  
39 permit protection against such losses at the lowest  
40 costs, consistent with good underwriting practices and  
41 sound risk management techniques.

42 5. Subsections 2 and 3 shall have no application  
43 or effect after July 1, 1991.

44 Sec. 28. NEW SECTION. 507D.4 FINANCING OF  
45 ASSISTANCE PROGRAMS.

46 The insurance commissioner may, by rule, provide  
47 for the financing, as necessary, for any or all  
48 programs under section 507D.3 by the assessment of  
49 fees to insurers authorized to write property,  
50 casualty, product, professional, or other liability

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1 insurance within this state. The commissioner of  
2 insurance may assess fees and charges against persons  
3 or entities for costs incurred in providing assistance  
4 to the person or entity pursuant to section 507D.3.  
5 Fees collected pursuant to such rules shall be used  
6 solely for the purposes of the program for which  
7 assessed, and are not to be transmitted to the general  
8 fund or used for any other purposes.

9 Sec. 29. NEW SECTION. 507D.5 RATE ADJUSTMENT  
10 REVIEW.

11 The commissioner of insurance shall conduct a rate  
12 adjustment review for all insurers authorized to write  
13 property, casualty, product, professional, or other  
14 liability insurance within this state and who make a  
15 request for rate adjustment regarding such insurance.  
16 The commissioner of insurance may employ or contract  
17 with actuarial consultants as necessary to review the  
18 request. The person conducting the review shall  
19 report to the commissioner as to the advisability of  
20 the adjustment requested.

21 The reasonable fees and expenses of an actuarial

22 consultant employed or contracted by the commissioner  
23 of insurance for purposes of a rate adjustment review  
24 shall be assessed against and paid by the person  
25 requesting such rate adjustment.

26 Sec. 30. NEW SECTION. 507D.6 CONTINUING STUDIES.

27 The commissioner of insurance is authorized to  
28 conduct such further surveys, market reviews, data  
29 collection and analysis, studies of a mandatory risk  
30 allocation system and a risk sharing program and such  
31 other studies as the commissioner deems necessary for  
32 the proper implementation of this chapter.

33 Sec. 31. NEW SECTION. 507D.7 AUTHORIZATION TO  
34 ACCEPT FUNDS.

35 The commissioner of insurance may accept gifts,  
36 grants, or other funds from any sources for the  
37 purpose of defraying the costs incurred by the  
38 department of insurance in carrying out the provisions  
39 of this chapter, provided the funds are made available  
40 by more than one source during the fiscal year.  
41 However, the commissioner shall transmit to the  
42 general assembly by January 1 of each year a list of  
43 contributions received from private sources, the  
44 contributors, and the purposes for which the  
45 contributions were used.

46 Sec. 32. Section 602.1209, Code 1985, is amended  
47 by adding the following new subsection:  
48 NEW SUBSECTION. 16. Provide for the compilation  
49 of information relating to tort liability litigation,  
50 including but not limited to the numbers and types of

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1 petitions filed and the numbers and amounts of  
2 judgments rendered in the various types of cases.

3 Sec. 33. NEW SECTION. 613.18 LIMITATION ON  
4 PRODUCTS LIABILITY OF NONMANUFACTURERS.

5 1. A person who is not the assembler, designer, or  
6 manufacturer, and who wholesales, retails,  
7 distributes, or otherwise sells a product is:  
8 a. Immune from any suit based upon strict  
9 liability in tort or breach of implied warranty of  
10 merchantability which arises solely from an alleged  
11 defect in the original design or manufacture of the  
12 product.

13 b. Not liable for damages based upon strict  
14 liability in tort or breach of implied warranty of  
15 merchantability for the product upon proof that the  
16 manufacturer is subject to the jurisdiction of the  
17 courts of this state and has not been judicially  
18 declared insolvent.

19 2. A person who is a retailer of a product and who  
20 assembles a product, such assembly having no causal  
21 relationship to the injury from which the claim  
22 arises, is not liable for damages based upon strict  
23 liability in tort or breach of implied warranty of  
24 merchantability which arises from an alleged defect in  
25 the original design or manufacture of the product upon  
26 proof that the manufacturer is subject to the  
27 jurisdiction of the courts of this state and has not  
28 been judicially declared insolvent.

29 3. An action brought pursuant to this section,  
30 where the claimant certifies that the manufacturer of  
31 the product is not yet identifiable, tolls the statute  
32 of limitations against such manufacturer until such  
33 time as discovery in the case has identified the  
34 manufacturer.

35 Sec. 34. Section 613A.4, Code 1985, is amended by  
36 adding the following new subsections:

37 **NEW SUBSECTION. 9.** Any claim based upon an act or  
38 omission by an officer or employee of the municipality  
39 or the municipality's governing body, in the granting,  
40 suspension, or revocation of a license or permit,  
41 where the damage was caused by the person to whom the  
42 license or permit was issued, unless the act of the  
43 officer or employee constitutes actual malice or a  
44 criminal offense.

45 **NEW SUBSECTION. 10.** Any claim based upon an act  
46 or omission of an officer or employee of the  
47 municipality, whether by issuance of permit,  
48 inspection, investigation, or otherwise, and whether  
49 the statute, ordinance, or regulation is valid, if the  
50 damage was caused by a third party, event, or property

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1 not under the supervision or control of the  
2 municipality, unless the act or omission of the  
3 officer or employee constitutes actual malice or a  
4 criminal offense.

5 Sec. 35. Section 613A.7, Code 1985, is amended to  
6 read as follows:

7 **613A.7 INSURANCE.**

8 The governing body of any municipality may purchase  
9 a policy of liability insurance insuring against all  
10 or any part of liability which might be incurred by  
11 such municipality or its officers, employees and  
12 agents under the provisions of section 613A.2 and  
13 section 613A.8 and may similarly purchase insurance  
14 covering torts specified in section 613A.4. The  
15 governing body of any municipality may adopt a self

16 insurance program, including but not limited to the  
17 investigation and defense of claims, the establishment  
18 of a reserve fund for claims, the payment of claims,  
19 and the administration and management of the self  
20 insurance program, to cover all or any part of the  
21 liability. The governing body of any municipality may  
22 join and pay funds into a local government risk pool  
23 to protect itself against any or all liability. The  
24 governing body of any municipality may enter into  
25 insurance agreements obligating the municipality to  
26 make payments beyond its current budget year to  
27 provide or procure such policies of insurance, self  
28 insurance program, or local government risk pool. The  
29 premium costs of such insurance, the costs of such a  
30 self insurance program, the costs of a local  
31 government risk pool, and the amounts payable under  
32 any such insurance agreements may be paid out of the  
33 general fund or any available funds or may be levied  
34 in excess of any tax limitation imposed by statute.  
35 Any independent or autonomous board or commission in  
36 the municipality having authority to disburse funds  
37 for a particular municipal function without approval  
38 of the governing body may similarly enter into  
39 insurance agreements, procure liability insurance,  
40 adopt a self insurance program, or join a local  
41 government risk pool within the field of its  
42 operation. The procurement of such insurance  
43 constitutes a waiver of the defense of governmental  
44 immunity as to those exceptions listed in section  
45 613A.4 to the extent stated in such policy but shall  
46 have no further effect on the liability of the  
47 municipality beyond the scope of this chapter, but if  
48 a municipality adopts a self insurance program or  
49 joins and pays funds into a local government risk pool  
50 such action does not constitute a waiver of the

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1 defense of governmental immunity as to the exceptions  
2 listed in section 613A.4. The existence of any  
3 insurance which covers in whole or in part any  
4 judgment or award which may be rendered in favor of  
5 the plaintiff, or lack of any such insurance, shall  
6 not be material in the trial of any action brought  
7 against the governing body of any municipality, or  
8 their officers, employees or agents and any reference  
9 to such insurance, or lack of same, shall be grounds  
10 for a mistrial. A self insurance program or local  
11 government risk pool is not insurance and is not  
12 subject to regulation under chapters 505 through 523C.

13 Sec. 36. Section 613A.12, Code 1985, is amended to  
14 read as follows:

15 613A.12 OFFICERS AND EMPLOYEES -- PERSONAL  
16 LIABILITY.

17 All officers and employees of municipalities are  
18 not personally liable for ~~any claim~~ claims which is  
19 ~~are~~ exempted under section 613A.4, except ~~a claim~~  
20 claims for punitive damages, and actions permitted  
21 under section 85.20. An officer or employee of a  
22 municipality is not liable for punitive damages as a  
23 result of acts in the performance of a ~~law enforcement~~  
24 ~~or emergency~~ duty, unless actual malice or willful,  
25 wanton and reckless misconduct is proven.

26 Sec. 37. NEW SECTION. 617.16 FRIVOLOUS ACTIONS.

27 If a party commencing an action has in the  
28 preceding five-year period unsuccessfully prosecuted  
29 three or more actions, the court may, if it deems the  
30 actions to have been frivolous, stay the proceedings  
31 until that party furnishes an undertaking secured by  
32 cash or approved sureties to pay all costs resulting  
33 to opposing parties to the action including a rea-  
34 sonable attorney fee.

35 Sec. 38. Section 619.18, Code 1985, is amended by  
36 striking the section and inserting in lieu thereof the  
37 following:

38 619.18 MONEY DAMAGES NOT TO BE STATED.

39 In an action for personal injury or wrongful death,  
40 the amount of money damages demanded shall not be  
41 stated in the petition, original notice, or any  
42 counterclaim or cross-petition. This section does not  
43 apply to claims brought pursuant to chapter 631.

44 Sec. 39. NEW SECTION. 619.19 VERIFICATION NOT  
45 REQUIRED --AFFIDAVITS.

46 Pleadings need not be verified unless otherwise  
47 required by statute. Where a pleading is verified, it  
48 is not necessary that subsequent pleadings be verified  
49 unless otherwise required by statute.

50 The signature of a party, the party's legal

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1 counsel, or any other person representing the party,  
2 to a motion, pleading, or other paper is a certificate  
3 that:

4 1. The person has read the motion, pleading, or  
5 other paper.

6 2. To the best of the person's knowledge,  
7 information, and belief, formed after reasonable  
8 inquiry, it is grounded in fact and is warranted by  
9 existing law or a good faith argument for the

10 extension, modification, or reversal of existing law.

11 3. It is not interposed for any improper purpose,  
12 such as to harass or cause an unnecessary delay or  
13 needless increase in the cost of litigation.

14 If a motion, pleading, or other paper is not  
15 signed, it shall be stricken unless it is signed  
16 promptly after the omission is called to the attention  
17 of the pleader or movant.

18 If a motion, pleading, or other paper is signed in  
19 violation of this section, the court, upon motion or  
20 upon its own initiative, shall impose upon the person  
21 signing, the represented party, or both, an  
22 appropriate sanction, which may include an order to  
23 pay the other party or parties the amount of the  
24 reasonable expenses incurred because of the filing of  
25 the motion, pleading, or other paper, including a  
26 reasonable attorney fee.

27 Sec. 40. Section 668.3, Code 1985, is amended by  
28 adding the following new subsection:

29 NEW SUBSECTION. 7: When a final judgment or award  
30 is entered for future damages, any party may petition  
31 the court for a determination of the appropriate  
32 payment method of such judgment or award. If so  
33 petitioned the court shall order that the payment  
34 method for all or part of the judgment or award for  
35 future damages be by structured, periodic, or other  
36 nonlump-sum payments. Structured, periodic, or other  
37 nonlump-sum payments may include appropriate interest  
38 if such interest was not included in the determination  
39 of the initial judgment or award. However, the court  
40 shall not order a structured, periodic, or other  
41 nonlump-sum payment method if it finds that any of the  
42 following are true:

43 a. The payment method would be inequitable.

44 b. The payment method provides insufficient  
45 guarantees of future collectibility of the judgment or  
46 award.

47 c. Payments made under the payment method could be  
48 subject to other claims, past or future, against the  
49 defendant or the defendant's insurer.

50 Sec. 41. NEW SECTION. 668.11 DISCLOSURE OF

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1 EXPERT WITNESSES IN LIABILITY CASES INVOLVING LICENSED  
2 PROFESSIONALS.

3 1. A party in a professional liability case  
4 brought against a licensed professional pursuant to  
5 this chapter who intends to call an expert witness of  
6 their own selection, shall certify to the court and

7 all other parties the expert's name, qualifications  
8 and the purpose for calling the expert within the  
9 following time period:

10 a. The plaintiff within one hundred eighty days of  
11 the defendant's answer unless the court for good cause  
12 not ex parte extends the time of disclosure.

13 b. The defendant within ninety days of plaintiff's  
14 certification.

15 2. If a party fails to disclose an expert pursuant  
16 to subsection 1 or does not make the expert available  
17 for discovery, the expert shall be prohibited from  
18 testifying in the action unless leave for the expert's  
19 testimony is given by the court for good cause shown.  
20 3. This section does not apply to court appointed  
21 experts or to rebuttal experts called with the  
22 approval of the court.

23 Sec. 42. NEW SECTION. 668.12 LIABILITY FOR  
24 PRODUCTS --STATE OF THE ART DEFENSE.

25 In any action brought pursuant to this chapter  
26 against an assembler, designer, supplier of  
27 specifications, distributor, manufacturer or seller  
28 for damages arising from an alleged defect in the  
29 design, testing, manufacturing, formulation,  
30 packaging, warning, or labeling of a product, a  
31 percentage of fault shall not be assigned to such  
32 persons if they plead and prove that the product  
33 conformed to the state of the art in existence at the  
34 time the product was designed, tested, manufactured,  
35 formulated, packaged, provided with a warning, or  
36 labeled. Nothing contained in this section shall  
37 diminish the duty of an assembler, designer, supplier  
38 of specifications, distributor, manufacturer or seller  
39 to warn concerning subsequently acquired knowledge of  
40 a defect or dangerous condition that would render the  
41 product unreasonably dangerous for its foreseeable use  
42 or diminish the liability for failure to so warn.

43 Sec. 43. NEW SECTION. 668.14 SUBSEQUENT PROFITS  
44 --REMISSION OF ATTORNEY FEE -- CIVIL LITIGATION TRUST.

45 Every person, firm, corporation, partnership,  
46 association, or other legal entity contracting with an  
47 attorney of record in an action brought pursuant to  
48 this chapter, shall pay over to the attorney general  
49 any money or other compensation received from the  
50 reenactment of the action, by way of movie, book,

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1 magazine article, radio or television presentation, or  
2 from the expression of the attorney's thoughts,  
3 feelings, opinions, or emotions regarding the action,

4 which money or other compensation would otherwise, by  
5 terms of a contract, be owing to the attorney. The  
6 attorney general shall deposit such funds in a trust  
7 account and shall disburse the funds as follows:

8 1. First, payment to the attorney to cover actual  
9 expenses incurred.

10 2. Second, payment to the person bringing the  
11 action an amount equal to the attorney fee paid by the  
12 person as a result of the action.

13 3. Third, any remaining funds disbursed to civil  
14 litigation programs for the indigent.

15 Any action taken by an attorney to defeat the  
16 purpose of this section shall be null and void as  
17 against the public policy of this state.

18 This section applies to all moneys or other  
19 compensation received on or after July 1, 1986.

20 Sec. 44. NEW SECTION. 669.1 PUNITIVE OR  
21 EXEMPLARY DAMAGES.

22 1. In a civil action where a claim for punitive or  
23 exemplary damages is made, the trial shall be  
24 conducted in two phases.

25 a. In the trial's first phase, the trier of fact  
26 shall determine, concurrent with all other issues  
27 presented, whether punitive or exemplary damages may  
28 be assessed. However, in making this determination,  
29 all of the following apply:

30 (1) If the trier of fact is a jury, the verdict  
31 must be unanimous on the issue of liability for  
32 punitive or exemplary damages.

33 (2) Evidence of the defendant's wealth or  
34 financial condition is not admissible and discovery of  
35 the defendant's financial condition shall not be  
36 allowed.

37 (3) Punitive or exemplary damages shall not be  
38 assessed in a case where any of the following are  
39 true:

40 (a) There is no finding of actual damages,  
41 compensatory damages are not awarded, or only nominal  
42 damages are awarded.

43 (b) The defendant has previously been assessed  
44 punitive or exemplary damages for the same conduct  
45 serving as the basis for the claim.

46 (c) The defendant has previously been criminally  
47 or civilly punished by fine or imprisonment, or  
48 proceedings for criminal or civil punishment have been  
49 instituted or are pending, which arose from the same  
50 conduct for which punitive or exemplary damages are

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1 sought.

2 (d) The defendant was acting in good faith that  
3 the actions were proper, or was acting in good faith  
4 reliance on the advice of legal counsel.

5 (e) Against a principal or employer for the acts  
6 of an employee or agent, unless the principal or  
7 employer authorized or ratified the conduct of the  
8 employee or agent serving as the basis for the claim.  
9 However, this authorization or ratification must have  
10 been made by a person expressly empowered to do so.

11 (f) For tortious breach of contract, unless it is  
12 first determined that the contract involves a subject  
13 matter of great public interest.

14 (4) The plaintiff must have proven the defendant's  
15 culpability, as defined in subsection 2, and each  
16 element authorizing the imposition of punitive or  
17 exemplary damages beyond a reasonable doubt.  
18 Presumptions shall not be used to shift this burden of  
19 proof.

20 b. If liability for punitive or exemplary damages  
21 is found in the trial's first phase, the judge shall  
22 then assess the amount of punitive or exemplary  
23 damages in the trial's second phase. During the  
24 second phase, the judge may consider evidence not  
25 formally admitted during the first phase, including  
26 evidence of an economic or social policy nature, and  
27 hear any evidence outside the record that would aid in  
28 determining the amount of punitive or exemplary  
29 damages to be assessed including any evidence of  
30 remedial measures undertaken by the defendant relating  
31 to the conduct from which the present claims arise.  
32 The defendant may introduce expert testimony  
33 concerning the assessment of punitive or exemplary  
34 damages which may include testimony regarding the  
35 subsequent effects which the award of punitive or  
36 exemplary damages would have on the defendant's  
37 ability to pay subsequent or anticipated awards  
38 arising from the same conduct from which the present  
39 claims arise.

40 2. A defendant shall not be held liable for  
41 punitive or exemplary damages unless the plaintiff has  
42 proven that the defendant acted with oppression,  
43 fraud, or malice toward the plaintiff. For purposes  
44 of this subsection:

45 a. "Oppression" means a specific intent to subject  
46 a person to cruel and unjust hardship.

47 b. "Fraud" means an intentional misrepresentation,  
48 deceit or concealment of a material fact known to the

49 defendant with the intention on the part of the  
50 defendant to deprive a person of property or legal

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1 right, or otherwise cause injury.

2 c. "Malice" means conduct which is specifically  
3 intended by the defendant to cause tangible or  
4 intangible injury to another, or an act that is  
5 carried out with flagrant indifference to the rights  
6 of others and with a subjective awareness that the act  
7 could result in death or serious injury.

8 3. If punitive or exemplary damages are awarded,  
9 they shall be distributed as follows:

10 a. An amount shall be awarded to the plaintiff not  
11 to exceed ten percent of all compensatory damages  
12 awarded.

13 b. An amount shall be awarded to the crime victim  
14 reparation program, established pursuant to chapter  
15 912, not to exceed fifteen percent of the punitive or  
16 exemplary damages.

17 c. The remainder, if any, shall be paid to the  
18 general fund of the state.

19 This established distribution scheme shall not be  
20 introduced as evidence and is not a proper subject  
21 matter on voir dire. This subsection shall not be  
22 construed as granting the state a cause of action to  
23 seek punitive damages or be a party to an action in  
24 which punitive or exemplary damages are sought, except  
25 the right to collect punitive or exemplary damages  
26 after they have been assessed and determined.

27 However, the state may seek punitive or exemplary  
28 damages in its own right where authorized by statute.

29 4. At any time during the trial and upon motion of  
30 the defendant, the court may hold a hearing on the  
31 merit of the claim for punitive or exemplary damages.  
32 The court may award costs, expenses, and reasonable  
33 attorney's fees, as it deems equitable and  
34 appropriate, to the defendant and against the  
35 plaintiff or the plaintiff's attorney if the court  
36 determines that either of the following is true:

37 a. The claim for punitive or exemplary damages was  
38 brought without sufficient facts and evidence to  
39 reasonably entitle the plaintiff to a judgment for  
40 such damages.

41 b. The claim for punitive or exemplary damages was  
42 maintained after it was reasonably evident that there  
43 were insufficient facts and evidence to reasonably  
44 entitle the plaintiff to a judgment for such damages.

45 Sec. 45. Section 321.445, Code 1985, as amended by

46 1986 Iowa Acts, Senate File 499, section 2, is amended  
47 by adding the following new subsection:  
48 NEW SUBSECTION. 4. a. The nonuse of a safety  
49 belt or safety harness by a person is not admissible  
50 or material as evidence in a civil action brought for

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1 damages in a cause of action arising prior to July 1,  
2 1986.

3 b. In a cause of action arising on or after July  
4 1, 1986, brought to recover damages arising out of the  
5 ownership or operation of a motor vehicle, the failure  
6 to wear a safety belt or safety harness in violation  
7 of this section shall not be considered evidence of  
8 comparative fault. However, except as provided in  
9 section 321.446, subsection 6, the failure to wear a  
10 safety belt or safety harness in violation of this  
11 section may be admitted to mitigate damages, but only  
12 under the following circumstances:

13 (1) Parties seeking to introduce evidence of the  
14 failure to wear a safety belt or safety harness in  
15 violation of this section must first introduce  
16 substantial evidence that the failure to wear a safety  
17 belt or safety harness contributed to the injury or  
18 injuries claimed by the plaintiff.

19 (2) If the evidence supports such a finding, the  
20 trier of fact may find that the plaintiff's failure to  
21 wear a safety belt or safety harness in violation of  
22 this section contributed to the plaintiff's claimed  
23 injury or injuries, and may reduce the amount of  
24 plaintiff's recovery by an amount not to exceed five  
25 percent of the damages awarded after any reductions  
26 for comparative fault.

27 Sec. 46. STUDY COMMISSION CREATED.

28 1. There is established a commission to study the  
29 issues involved in liability and liability insurance  
30 concerns. The commission shall be composed of sixteen  
31 members who shall be appointed as follows:

32 a. Three members of the house of representatives,  
33 by the speaker of the house.

34 b. Three members of the senate, by the senate  
35 majority leader.

36 c. Two members of the house of representatives, by  
37 the house minority leader.

38 d. Two members of the senate, by the senate  
39 minority leader.

40 e. Four members of the public as representatives  
41 of the public or private sector for industries,  
42 professions, local governments, or other particularly

43 affected groups, appointed by the chairperson and vice  
44 chairperson of the legislative council, in  
45 consultation with the senate and house minority  
46 leaders and with the approval of the legislative  
47 council.  
48 f. The attorney general or the attorney general's  
49 designee.  
50 g. The commissioner of insurance or the

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1 commissioner's designee.  
2 2. The commission's study shall include, but is  
3 not limited to, the following:  
4 a. The implementation of maximum caps on liability  
5 payments.  
6 b. The elimination of the collateral source rule.  
7 c. The review of present insurance practices,  
8 including:  
9 (1) A review and report on the feasibility and  
10 advisability of enacting a mandatory insurance  
11 disclosure Act.  
12 (2) A review and report on the present level of  
13 industry regulation and the potential for increasing  
14 such regulation. This report should approximate the  
15 cost of any recommendations made.  
16 (3) A review and report on the present powers,  
17 authority, and staffing of the insurance department.  
18 (4) A review and report on the feasibility and  
19 advisability of enacting insurance assistance and risk  
20 management programs.  
21 d. The review of alternative methods of litigation  
22 actions.  
23 e. The review of alternatives to reduce  
24 nonmeritorious suits.  
25 f. Review and report on the advisability of  
26 limiting tort liability of the state and  
27 municipalities arising from regulatory and licensing  
28 activities.  
29 g. Review and report on the advisability of  
30 enacting a statute of repose for actions arising from  
31 improvements to real property.  
32 h. Monitor and report on any operation savings in  
33 the insurance industry due to tort liability reform  
34 for the period from July 1, 1983 to present, including  
35 the effects of this Act, and the feasibility of  
36 mandatory rate adjustments for insurers to reflect  
37 such cost savings.  
38 i. Review and report on the advisability of  
39 enacting a system for the compensation of individuals

40 injured by the state or a municipality of a nature  
41 similar to existing statutory enactments relating to  
42 workers' compensation, and having such attributes as a  
43 no-fault basis, limited recovery, and remedy  
44 exclusivity.

45 j. Other issues necessary to ensure fairness in  
46 the operation of the tort liability system.

47 3. The legislative council may authorize funds for  
48 the study commission, which may be used for the  
49 following commission purposes.

50 a. Employment of a full-time staff person for the

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1 commission.

2 b. Employment of actuarial, insurance, and legal  
3 consultants.

4 c. Compilation, printing, and distribution of  
5 materials prepared by the commission.

6 d. Necessary expenses of travel, attendance, and  
7 participation in regional or national programs.

8 4. Public members of the study commission shall  
9 receive a per diem of forty dollars and be reimbursed  
10 for their travel and other necessary expenses actually  
11 incurred in the performance of their official duties.

12 Public employees who are members of the study  
13 commission shall be reimbursed for travel and other  
14 expenses actually incurred in the performance of their  
15 official duties.

16 5. The study commission shall hold its first  
17 meeting within sixty days of its formation and shall  
18 transmit copies of its final report to the legislative  
19 council by December 15, 1986.

20 Sec. 47. The judicial department shall compile  
21 information relating to tort liability litigation,  
22 including but not limited to the numbers and types of  
23 petitions filed and the numbers and amounts of  
24 judgments rendered in the various types of cases, for  
25 the period of July 1, 1983 through July 1, 1986, and  
26 for such period prior to July 1, 1983 as the  
27 department determines to be feasible, and shall report  
28 such information to the legislative council by  
29 September 1, 1986. The judicial department is  
30 authorized to contract for the information compilation  
31 required under this section.

32 Sec. 48. The supreme court shall, by January 1,  
33 1987, develop and convey to the Seventy-second General  
34 Assembly a system of mandatory arbitration, and may  
35 develop and convey a system of mandatory mediation,  
36 for actions brought pursuant to chapter 668, as the

37 court deems appropriate in order to expedite in a less  
 38 costly manner any action wherein a party asserts a  
 39 claim not exceeding fifteen thousand dollars, or a  
 40 judge of the district court at a pretrial conference  
 41 determines that no greater amount is genuinely in  
 42 controversy. The court shall include an estimate of  
 43 fiscal and personnel resources necessary for the  
 44 implementation of any system developed.  
 45 The court may, prior to January 1, 1987, begin  
 46 implementation of any arbitration or mediation system  
 47 developed pursuant to this section.  
 48 Sec. 49. A county which has levied a tax pursuant  
 49 to section 331.424, subsection 1, paragraph 1, or a  
 50 city which has levied a tax pursuant to section

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1 384.12, subsection 18, for the fiscal year July 1,  
 2 1985 through June 30, 1986, may use any unexpended  
 3 proceeds of this tax to pay the costs of a self  
 4 insurance program or the costs of a local government  
 5 risk pool.  
 6 Sec. 50. Section 64.7, Code 1985, is repealed.  
 7 Sec. 51. This Act, being deemed of immediate  
 8 importance, takes effect from and after its  
 9 publication in The Sioux City Journal, a newspaper  
 10 published in Sioux City, Iowa, and in the Ad-Express  
 11 and Daily Iowegian and Citizen, a newspaper published  
 12 in Centerville, Iowa, and unless otherwise  
 13 specifically provided, applies to all cases filed on  
 14 or after July 1, 1986."

S-5685

1 Amend S-5608 to Senate File 2050 as amended,  
 2 passed, and reprinted by the Senate as follows:  
 3 1. Page 1, line 7, by striking the word and  
 4 figure "subsection 4" and inserting the following:  
 5 "~~subsection 4~~ the federal Food Security Act of 1985,  
 6 Public Law 99-198, section 1324".  
 7 2. By striking page 1, line 21 through page 2,  
 8 line 19 and inserting the following:  
 9 "4. A secured party may request the buyer to issue  
 10 any check for payment or partial payment of a good  
 11 subject to a security interest jointly in the name of  
 12 both the seller and the secured party only if the  
 13 secured party has included in the documents creating  
 14 the security interest a written provision that a joint  
 15 check would be requested or required and if the

16 provision has been specifically signed and dated by  
17 the person granting the security interest.”  
18 3. Page 2, line 20, by striking the word and  
19 figure “subsection 1.”  
20 4. Page 2, by striking lines 23 through 46.  
21 5. Page 2, by striking lines 49 and 50 and  
22 inserting the following: “pursuant to subsection 4  
23 and meet the requirements of subsection 4, the debtor  
24 is engaged in farming”.  
25 6. Page 3, line 47, by striking the words  
26 “federal law” and inserting the following: “Public  
27 Law 99-198, section 1324”.  
28 7. Page 3, line 48, by striking the words  
29 “federal law” and inserting the following: “Public  
30 Law 99-198, section 1324”.  
31 8. Page 4, line 6, by striking the word “One” and  
32 inserting the following: “Two”.  
33 9. Page 4, line 8, by inserting after the word  
34 “notified” the following: “pursuant to Public Law 99-  
35 198, section 1324”.  
36 10. Page 4, lines 18 and 19, by striking the  
37 words “this section” and inserting the following:  
38 “Public Law 99-198, section 1324”.  
39 11. Page 4, line 20, by striking the word “buyer”  
40 and inserting the following: “buyer.”  
41 12. Page 4, by striking line 21.  
42 13. Page 4, by striking lines 30 through 40 and  
43 inserting the following: “receives a written notice  
44 pursuant to Public Law 99-198, section 1324, shall not  
45 publicly display or disseminate the written notice or  
46 information based upon the written notice.”  
47 14. Page 4, lines 42 and 43, by striking the  
48 words “one thousand” and inserting the following:  
49 “two hundred”.  
50 15. Page 5, lines 13 and 14, by striking the

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1 words “this subsection” and inserting the following:  
2 “Public Law 99-198, section 1324, and this section”.  
3 16. By striking page 5, line 21 through page 6,  
4 line 10.  
5 17. Renumber and change internal references as  
6 necessary.

BERL E. PRIEBE  
RICHARD VANDE HOEF  
EUGENE FRAISE  
ARNE WALDSTEIN  
EMIL HUSAK

JOHN E. SOORHOLTZ  
LEONARD L. BOSWELL  
ALVIN V. MILLER

S-5686

1 Amend House File 2459 as passed by the House as  
2 follows:  
3 1. Page 6, line 6, by inserting after the word  
4 "chapter" the following: "in an amount not to exceed  
5 twenty million dollars".

COMMITTEE ON STATE GOVERNMENT  
ROBERT M. CARR, Chairperson

HOUSE AMENDMENT TO  
SENATE FILE 2268

S-5687

1 Amend Senate File 2268 as passed by the Senate as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Sec. 103. Section 536B.7, unnumbered paragraph 1,  
6 Code 1985, is amended to read as follows:  
7 Thrift Except as provided in section 536B.28,  
8 thrift certificates of a member of the guaranty  
9 corporation shall be guaranteed by the guaranty  
10 corporation as follows:  
11 2. Page 1, line 13, by striking the word  
12 "borrower" and inserting the following: "member".  
13 3. Page 1, by inserting after line 17 the  
14 following:  
15 "Sec. \_\_\_\_ . NEW SECTION. 536B.28 LIMITS OF  
16 GUARANTEES -- PHASING OUT OF GUARANTEES.  
17 1. Notwithstanding section 536B.7, any new thrift  
18 certificate issued by a member after June 30, 1986,  
19 shall not be guaranteed by the guaranty corporation.  
20 Thrift certificates guaranteed under section 536B.7  
21 which are outstanding as of June 30, 1986 may be  
22 renewed provided that their maturity date after  
23 renewal is not later than June 30, 1988. However, any  
24 noncallable thrift certificate issued by a member  
25 prior to January 1, 1986 for a term up to five years  
26 shall be guaranteed by the guaranty corporation until  
27 the expiration of the certificate.  
28 Thrift certificates issued by a member in the form

29 of passbook accounts shall be redeemed by the member  
 30 or converted to a nonguaranteed thrift certificate not  
 31 later than June 30, 1988. After June 30, 1986 the  
 32 balance of each guaranteed passbook account shall not  
 33 exceed the balance of the account existing on that  
 34 date plus any accumulated interest on that balance.  
 35 2. As of July 1, 1986, any thrift certificate  
 36 issued by a member shall conspicuously bear on its  
 37 face a statement indicating that the thrift  
 38 certificate is not guaranteed or insured by the  
 39 guaranty corporation or the state of Iowa. A member  
 40 may issue such nonguaranteed thrift certificates as  
 41 senior debt pursuant to section 536A.22. However,  
 42 before a member may issue a nonguaranteed thrift  
 43 certificate, the member must disclose to the  
 44 prospective purchaser in writing and orally that the  
 45 certificate is not guaranteed or insured by the  
 46 guaranty corporation or the state of Iowa. The  
 47 written disclosure shall be made clearly and  
 48 conspicuously and shall be specifically signed and  
 49 dated prior to the purchase by the prospective  
 50 purchaser of the certificate.

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1 3. Except as provided in subsection 1, all thrift  
 2 certificates issued by a member, including those  
 3 certificates issued prior to July 1, 1986, shall cease  
 4 to be guaranteed by the guaranty corporation as of  
 5 July 1, 1988.  
 6 4. Notwithstanding the provisions of this chapter,  
 7 a member may, in lieu of maintaining membership in the  
 8 guaranty corporation, acquire insurance from the  
 9 federal deposit insurance corporation or the federal  
 10 savings and loan insurance corporation to protect each  
 11 thrift certificate against loss of funds."  
 12 4. Renumber as necessary.

S-5688

1 Amend House File 2454, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 9, by striking the words "health,  
 4 safety, and welfare" and inserting the following:  
 5 "health and safety".  
 6 2. Page 3, line 14, by striking the words "oral  
 7 or" and inserting the following: "oral or".  
 8 3. Page 3, by striking lines 26 through 29 and  
 9 inserting the following: "weekends and holidays."

10 ~~When the detention is authorized by an oral court~~  
 11 ~~order, the court shall enter a written order before~~  
 12 ~~the end of the next day confirming the oral order and~~  
 13 ~~indicating the reasons for the order.”~~

14 4. Page 4, by striking lines 21 through 26 and  
 15 inserting the following:

16 “1. This section shall be strictly construed.”

17 5. Page 5, by striking line 12 and inserting the  
 18 following: “health and safety are at risk.”

19 6. Page 5, line 31, by striking the words  
 20 “health, safety, and welfare” and inserting the  
 21 following: “health and safety”.

JULIA B. GENTLEMAN

S-5689

1 Amend the amendment, S-5458, to House File 2454 as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

4 1. Page 1, by striking lines 10 through 25.

5 2. Page 2, by striking lines 3 through 5.

6 3. By renumbering as necessary.

JULIA B. GENTLEMAN

S-5690

1 Amend the amendment S-5506 to House File 2462, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:

DIVISION S-5690A

4 1. Page 2, by striking line 26 and inserting the  
 5 following:

6 “\_\_\_ . Page 2, line 15, by inserting after the  
 7 word “fund.” the following: “Thereafter, a school  
 8 district shall not increase the percent of its  
 9 administrative expenditures compared to its operating  
 10 fund.””

DIVISION S-5690B

11 2. Page 6, line 42, by inserting after the figure  
 12 “28” the following: “and inserting the following:

13 “Sec. \_\_\_ . NEW SECTION. 273.13 ADMINISTRATIVE  
 14 EXPENDITURES.

15 During the budget year beginning July 1, 1989 and  
16 the three succeeding budget years, the board of  
17 directors of an area education agency in which the  
18 administrative expenditures as a percent of the area  
19 education agency's operating fund for a base year  
20 exceed eight percent shall reduce its administrative  
21 expenditures to eight percent of the area education  
22 agency's operating fund. During each of the four  
23 years, the board of directors shall reduce  
24 administrative expenditures of twenty-five percent of  
25 the reduction in administrative expenditure required  
26 by this section. Thereafter, the administrative  
27 expenditures shall not exceed eight percent of the  
28 operating fund. Annually, the board of directors  
29 shall certify to the department of public instruction  
30 the amounts of the area education agency's  
31 expenditures and its operating fund. Base year and  
32 budget year mean base year and budget year as defined  
33 in section 442.6."

EDGAR H. HOLDEN  
DALE L. TIEDEN  
ROBERT CARR  
ARNE WALDSTEIN  
BERL E. PRIEBE

S-5691

1 Amend the amendment S-5506 to House File 2462 as  
2 amended, passed and reprinted by the House as follows:  
3 1. Page 2, line 29, by striking the figure and  
4 word "30 and" and inserting the following: "30."  
5 2. By striking page 2, line 30 through page 3,  
6 line 2.  
7 3. Page 4, by inserting after line 6 the  
8 following:  
9 " \_\_\_\_ . Page 6, by inserting after line 10 the  
10 following:  
11 "Sec. \_\_\_\_ . NEW SECTION. BONUS PAYMENTS.  
12 Commencing with the budget year commencing July 1,  
13 1987, a reorganized school district shall receive a  
14 bonus payment during each of the first five years  
15 after its reorganization takes effect to assist the  
16 school district in a transition from two or more  
17 school districts to a single reorganized school  
18 district. During the first budget year after the  
19 reorganization takes effect, the bonus payment is  
20 equal to the difference in property tax revenues that  
21 are estimated to be received under the foundation

22 property tax levy in section 442.2 and a property tax  
 23 levy of four dollars and forty cents per thousand  
 24 dollars of assessed valuation on all taxable property  
 25 in the school district. During the next four budget  
 26 years, the bonus payment shall equal the difference  
 27 between the estimated property tax revenues from the  
 28 foundation property tax levy and the estimated  
 29 revenues from a property tax levy on all taxable  
 30 property in the school district that is twenty cents  
 31 per thousand dollars of assessed valuation greater  
 32 than that used for the base year.  
 33 Bonus payments are miscellaneous income.  
 34 There is appropriated from the general fund of the  
 35 state to the state comptroller an amount sufficient to  
 36 pay the bonus payments to school districts under this  
 37 section.  
 38 For purposes of this section, a reorganized school  
 39 district is one in which reorganization was approved  
 40 in an election pursuant to sections 275.18 and 275.20  
 41 and will take effect on or after July 1, 1987."

WILLIAM PALMER

S-5692

1 Amend the amendment S-5506 to House File 2462, as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 2, by striking line 26 and inserting the  
 5 following:  
 6 "\_\_\_ . Page 2, line 8, by striking the words  
 7 "administrative expenditures" and inserting the  
 8 following: "expenditures for executive  
 9 administration".  
 10 \_\_\_ . Page 2, lines 10 and 11, by striking the  
 11 words "administrative expenditures" and inserting the  
 12 following: "expenditures for executive  
 13 administration".  
 14 \_\_\_ . Page 2, line 14, by striking the words  
 15 "administrative expenditures" and inserting the  
 16 following: "expenditures for executive  
 17 administration".  
 18 \_\_\_ . Page 2, line 15, by inserting after the word  
 19 "fund." the following: "Thereafter, a school district  
 20 shall not increase the percent of its expenditures for  
 21 executive administration compared to its operating  
 22 fund."  
 23 \_\_\_ . Page 2, line 17, by striking the words  
 24 "administrative expenditures" and inserting the

25 following: "expenditures for executive  
26 administration".

27 2. Page 6, line 42, by inserting after the figure  
28 "28" the following: "and inserting the following:

29 "Sec. \_\_\_\_ . NEW SECTION. 273.13 ADMINISTRATIVE  
30 EXPENDITURES.

31 During the budget year beginning July 1, 1989 and  
32 the three succeeding budget years, the board of  
33 directors of an area education agency in which the  
34 expenditures for executive administration as a percent  
35 of the area education agency's operating fund for a  
36 base year exceed eight percent shall reduce its  
37 expenditures for executive administration to eight  
38 percent of the area education agency's operating fund.  
39 During each of the four years, the board of directors  
40 shall reduce expenditures for executive administration  
41 by twenty-five percent of the reduction in  
42 expenditures required by this section. Thereafter,  
43 the expenditures for executive administration shall  
44 not exceed eight percent of the operating fund.  
45 Annually, the board of directors shall certify to the  
46 department of public instruction the amounts of the  
47 area education agency's expenditures for executive  
48 administration and its operating fund. Base year and  
49 budget year mean base year and budget year as defined  
50 in section 442.6."

WALLY HORN  
JOY CORNING

S-5693

1 Amend the House amendment S-5683 to Senate File  
2 2242, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 3, by striking lines 11 through 23 and  
5 inserting the following: "chapter 97B or chapter 294.  
6 A governing".

RICHARD F. DRAKE  
ROBERT CARR

S-5694

1 Amend House File 2473 as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 2, line 4, by inserting after the word  
4 "cases" the following: ", but shall not engage in the

5 prosecution of frivolous or harassing actions on  
6 behalf of the farmers”.

DONALD V. DOYLE

S-5695

1 Amend the amendment, S-5458, to House File 2454, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, by inserting after line 49 the  
5 following:  
6 “\_\_\_ . Page 7, by inserting after line 25 the  
7 following:  
8 “Sec. \_\_\_ . Section 600A.5, Code 1985, is amended  
9 by adding the following new subsection:  
10 NEW SUBSECTION. 4. If a parent is under the age  
11 of eighteen, the juvenile court shall appoint a  
12 guardian ad litem, who may be the parent's parent or  
13 guardian, to act as the parent's representative in  
14 termination of parental rights proceedings under this  
15 chapter.”  
16 2. Page 2, line 13, by inserting after the word  
17 “children” the following: “, including the provision  
18 of guardian ad litem services pursuant to section  
19 600A.5, subsection 4”.

BEVERLY HANNON  
LARRY MURPHY  
CHARLES BRUNER  
JULIA GENTLEMAN  
JOY CORNING

S-5696

1 Amend the amendment, S-5542, to House File 2454, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, by striking lines 3 through 11 and  
5 inserting the following:  
6 “\_\_\_ . Page 1, by striking lines 1 through 10 and  
7 inserting the following:  
8 “Section 1. Section 232.2, subsection 6, Code  
9 1985, is amended by adding the following new lettered  
10 paragraph:  
11 NEW LETTERED PARAGRAPH. n. Who is voluntarily  
12 absent without permission from the child's home or  
13 placement for a period of time exceeding one week or

14 for a period of time exceeding twenty-four hours on  
15 each of three or more separate occasions in a twelve-  
16 month period, and whose health, safety and welfare are  
17 at risk.””

18 2. Page 1, by striking lines 12 through 32 and  
19 inserting the following:

20 “ \_\_\_\_ . By striking page 4, line 19, through page  
21 7, line 20 and inserting the following:

22 “Sec. \_\_\_\_ . NEW SECTION. 232.104 DISPOSITIONS --  
23 VIOLATION OF COURT ORDER -- ABILITY TO HOLD.

24 1. This section shall be liberally construed in  
25 order to address the problems of the chronic runaway  
26 at the earliest stage possible, to provide early  
27 intervention through the delivery of services to the  
28 chronic runaway as a child in need of assistance, and  
29 to exercise court jurisdiction which will best serve  
30 the interests of both the chronic runaway and the  
31 state.

32 2. If the court adjudicates a child as a child in  
33 need of assistance pursuant to section 232.2,  
34 subsection 6, paragraph “n”, the court shall, as soon  
35 as practicable, hold a dispositional hearing. Prior  
36 to the hearing, the court shall require a social  
37 investigation to be conducted and a social report to  
38 be submitted to the court in accordance with the  
39 applicable requirements of section 232.97. The social  
40 report shall include a review of factors and reasons  
41 for the child’s absence without permission from the  
42 child’s home or placement.

43 3. The court may impose a disposition set out in  
44 sections 232.100 through 232.102, and may terminate,  
45 modify, or vacate the dispositional order as provided  
46 in section 232.103. However, the court shall not  
47 order the child placed in the Iowa juvenile home. The  
48 court order shall notify the child and the child’s  
49 legal counsel that willful absence from placement in  
50 violation of a condition of the court order could

## Page 2

1 subject the child to placement in staff secure shelter  
2 care or detention.

3 4. A child found in violation of a valid court  
4 order placing the child, imposed pursuant to  
5 subsection 3, shall not be considered to have  
6 committed a delinquent act. A child accused or found  
7 to have violated a valid court order placing the child  
8 shall not be held in a facility regulated under  
9 chapter 356 or 356A, in the state training school, or  
10 in the Iowa juvenile home. However, a child accused

11 of being willfully absent from placement in violation  
12 of a valid court order entered pursuant to subsection  
13 3, may be held in staff secure shelter care or  
14 detention, other than the Iowa juvenile home or the  
15 state training school, if a court determines within  
16 twenty-four hours of placement in staff secure shelter  
17 care or detention that probable cause exists to  
18 believe that the child willfully violated the  
19 condition of the valid court order placing the child.  
20 If the child is held pursuant to an oral court order,  
21 the court shall enter a written order before the end  
22 of the next day confirming the oral order and  
23 indicating the reasons for the order. The child has  
24 the right to counsel in connection with all  
25 proceedings related to an alleged violation of a valid  
26 court order.

27 If the court determines that probable cause exists  
28 to believe that the child violated a valid court order  
29 placing the child, the child may be held in staff  
30 secure shelter care or detention pending a violation  
31 hearing which shall be held within seventy-two hours  
32 of placement in staff secure shelter care or  
33 detention, excluding nonjudicial days. The hearing  
34 shall be conducted in compliance with all applicable  
35 requirements of sections 232.90 through 232.94A and  
36 232.96.

37 Pursuant to the violation hearing, the court may  
38 order a child held in staff secure shelter care or  
39 detention if the court finds, by clear and  
40 satisfactory proof, all of the following:

41 a. That the child was willfully absent from the  
42 placement in violation of a valid court order.

43 b. That all applicable due process rights were  
44 afforded the child.

45 c. That no less restrictive alternative placement  
46 appropriate to the needs of the child and the  
47 community exists.

48 However, the court shall not order the child placed  
49 in the Iowa juvenile home or the state training  
50 school, and shall not place the child in detention for

**Page 3**

1 more than seven days and shall not place the child in  
2 staff secure shelter care for more than thirty days.””

3 3. By renumbering as necessary.

S-5697

1 Amend the amendment S-5506 to House File 2462, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 6, line 42, by inserting after the figure  
5 "28" the following: "and inserting the following:  
6 "Sec. \_\_\_\_ . NEW SECTION. 273.13 ADMINISTRATIVE  
7 EXPENDITURES.

8 During the budget year beginning July 1, 1989 and  
9 the three succeeding budget years, the board of  
10 directors of an area education agency in which the  
11 administrative expenditures as a percent of the area  
12 education agency's operating fund for a base year  
13 exceed eight percent shall reduce its administrative  
14 expenditures to eight percent of the area education  
15 agency's operating fund. During each of the four  
16 years, the board of directors shall reduce  
17 administrative expenditures by twenty-five percent of  
18 the reduction in administrative expenditure required  
19 by this section. Thereafter, the administrative  
20 expenditures shall not exceed eight percent of the  
21 operating fund. Annually, the board of directors  
22 shall certify to the department of public instruction  
23 the amounts of the area education agency's  
24 expenditures and its operating fund. Base year and  
25 budget year mean base year and budget year as defined  
26 in section 442.6. For the purposes of this section,  
27 "administrative expenditures" means expenditures for  
28 executive administration."

WALLY HORN  
JOY CORNING

S-5698

1 Amend House File 2476 as amended, passed, and  
2 reprinted by the House as follows:

DIVISION S-5698A

3 1. Page 2, line 11, by striking the word "Grant"  
4 and inserting the words "Maximum grant".  
5 2. Page 2, line 23, by striking the word "Grant"  
6 and inserting the words "Maximum grant".  
7 3. Page 2, line 33, by striking the word "Grant"  
8 and inserting the words "Maximum grant".

9 4. Page 3, line 8, by striking the word "Grant"  
10 and inserting the words "Maximum grant".

## DIVISION S-5698B

11 5. Page 3, by striking line 25 and inserting the  
12 following: "the contribution limits for total  
13 contributions, and total political action committee  
14 contributions in proportion to which those  
15 contributions were to the total contributions, and the  
16 cost of campaign supplies still".

## DIVISION S-5698C

17 6. Page 5, line 9, by inserting after the word  
18 "billboards," the words "yard signs,".

## DIVISION S-5698D

19 7. Page 5, line 15, by inserting after the word  
20 "expenses" the words "incurred prior to the election".

## DIVISION S-5698C (cont'd.)

21 8. Page 5, by inserting after line 15 the  
22 following: "A candidate's committee of a candidate  
23 receiving a grant under this section is limited to not  
24 more than fifty yard signs if the candidate seeks the  
25 office of state senator and twenty-five yard signs if  
26 the candidate seeks the office of state  
27 representative."

## DIVISION S-5698A (cont'd.)

28 9. Page 5, line 19, by striking the word "a" and  
29 inserting the words "an individual's".  
30 10. Page 5, line 21, by striking the words "a  
31 contribution" and inserting the words "an individual's  
32 contribution".

## DIVISION S-5698D (cont'd.)

33 11. Page 6, line 13, by inserting after the word  
34 "election." the words "The funds retained by the  
35 candidate's committee shall be used for subsequent  
36 campaigns of the candidate or to contributions to  
37 other candidates or to a political committee which is  
38 not a political action committee."

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2178

S-5699

1 Amend the Senate amendment H-5592 to House File  
2 2178 as amended, passed, and reprinted by the House as  
3 follows:  
4 1. Page 1, by inserting after line 12, the  
5 following:  
6 "\_\_\_ . Page 1, by striking lines 17 and 18, and  
7 inserting the following: "selling works of fine art,  
8 in a shop or gallery devoted in the majority to works  
9 of fine art, other than a person engaged in the  
10 business of selling goods of general merchandise or at  
11 a public auction."

S-5700

1 Amend House Concurrent Resolution 122 as amended,  
2 passed, and reprinted by the House as follows:  
3 1. Page 2, line 25, by striking the figure  
4 "1986." and inserting the following: "1986; and".  
5 2. Page 2, by inserting after line 25 the  
6 following:  
7 "BE IT FURTHER RESOLVED, That if Governor Branstad  
8 decides that it would be beneficial or desirable to  
9 permit Iowa National Guard units to train in Central  
10 America, then the training should be limited to  
11 locations in Panama."

DON E. GETTINGS

S-5701

1 Amend House File 2462 as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 3, by inserting after line 8 the  
4 following:  
5 "This section does not apply to a parent or  
6 guardian residing in a school district in which an  
7 agreement for any sharing eligible for supplementary  
8 weighting pursuant to section 442.39 with another  
9 school district was in effect for the school year  
10 beginning July 1, 1986 or an agreement which was in

11 effect for the school year beginning July 1, 1986 and  
12 is subsequently renewed or renegotiated.”

RAY TAYLOR

S-5702

1 Amend Senate File 2291 as follows:  
2 1. Page 2, line 29, by inserting after the figure  
3 “175” the following: “shall be made”.

DOUGLAS RITSEMA

S-5703

1 Amend Senate File 2287 as follows:  
2 1. Page 1, line 24, by inserting after the word  
3 “state” the words “or the employees of the legislative  
4 service bureau, legislative fiscal bureau, computer  
5 support bureau, office of the citizens’ aide or  
6 administrative rules review committee.”  
7 2. Page 1, by striking lines 25 through 29 and  
8 inserting the following:  
9 “Sec. 2. This Act takes effect January 1, 1987.”  
10 3. Title page, line 1, by striking the word  
11 “employees” and inserting the words “certain employees  
12 of the legislative branch and”.

ROBERT CARR

S-5704

1 Amend House File 2462, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, line 19, by inserting after the figure  
4 “442.6.” the following: “For the purposes of this  
5 section, “administrative expenditures” means  
6 expenditures for executive administration.”

WALLY E. HORN  
JOY CORNING

S-5705

1 Amend the amendment, S-5582, to House File 2412 as  
2 amended, passed and reprinted by the House as follows:  
3 1. Page 1, line 8, by striking the words “six”

- 4 million ~~ninety-two~~" and inserting the following:  
5 "five million ninety-two one hundred".
- 6 2. Page 1, line 13, by striking the word "five"  
7 and inserting the following: "six".
- 8 3. Page 1, line 25, by striking the words  
9 "paragraphs a and c, are" and inserting the following:  
10 "paragraph a, is".
- 11 4. Page 1, by striking lines 48 through 50.
- 12 5. Page 2, by striking lines 2 through 22 and  
13 inserting the following: "subsection 3, paragraph d,  
14 is amended by striking the paragraph."
- 15 6. Page 2, by striking lines 39 through 41 and  
16 inserting the following: "college or university of  
17 the state. The Iowa development commission shall  
18 allocate for the fiscal year beginning July 1, 1985  
19 the first one million (1,000,000) dollars, for the  
20 fiscal year beginning July 1, 1986, the first four  
21 million (4,000,000) dollars, and for the fiscal year  
22 beginning July 1, 1987 and for each succeeding  
23 fiscal".
- 24 7. Page 4, by striking lines 35 through 38.
- 25 8. Page 5, lines 27 and 28, by striking the words  
26 "two hundred fifty thousand" and inserting the  
27 following: "two hundred fifty thousand".
- 28 9. Page 5, line 41, by striking the words "eight  
29 million one hundred" and inserting the following:  
30 "seven million".
- 31 10. Page 5, lines 44 and 45, by striking the  
32 words "twelve million three" and inserting the  
33 following: "eleven million eight".
- 34 11. Page 6, line 3, by striking the following:  
35 " , b,".
- 36 12. Page 6, by striking lines 10 through 14.
- 37 13. Page 6, by striking lines 17 through 21 and  
38 inserting the following: "paragraphs "d" and  
39 paragraph "e" of this Act."
- 40 14. Page 6, by inserting after line 21 the  
41 following:  
42 "Sec. \_\_\_\_ . 1985 Iowa Acts, chapter 33, section  
43 302, subsection 3, is amended by adding the following  
44 new lettered paragraph:  
45 NEW LETTERED PARAGRAPH. e. For the fiscal year  
46 beginning July 1, 1986 only, the sum of two hundred  
47 thousand (200,000) dollars for the targeted small  
48 business loan guarantee program established pursuant  
49 to Senate File 2175 of the Seventy-first General  
50 Assembly."

## Page 2

1 15. Page 6, line 31, by striking the words  
 2 "paragraphs "b" and" and inserting the following:  
 3 "~~paragraphs "b" and paragraph~~".  
 4 16. Page 9, line 11, by inserting after the word  
 5 "basis." the following: "Revenues transferred to the  
 6 Iowa plan fund during July of a fiscal year shall be  
 7 considered revenues transferred during the previous  
 8 fiscal year for purposes of the allotments made to and  
 9 appropriations made from the separate accounts in the  
 10 Iowa plan fund for that previous fiscal year."

ARTHUR A. SMALL, Jr.

## S-5706

1 Amend the amendment S-5582 to House File 2412 as  
 2 amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. Page 8, by striking lines 7 through 9 and  
 5 inserting the following: "(450,000) dollars for the  
 6 initial development and possible purchase of computer  
 7 equipment, and for staff, office space, computer  
 8 software, supplies and other needs to establish a  
 9 child support recovery central clearinghouse,  
 10 following review of a study completed by the  
 11 department by August 1, 1986 on a central  
 12 clearinghouse for support payments and authorization  
 13 from the legislative council to release the funds."

CHARLES BRUNER

## S-5707

1 Amend House File 2476 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 6, by inserting after line 34 the  
 4 following:  
 5 "Sec. 3. **NEW SECTION.** 56.35 CONTRIBUTION TAX.  
 6 1. This section applies to candidates and their  
 7 candidate's committees for the offices of United  
 8 States senator, United States representative,  
 9 governor, lieutenant governor, treasurer of state,  
 10 secretary of state, auditor of state, secretary of  
 11 agriculture, attorney general, state senator, and  
 12 state representative which receive contributions, make  
 13 expenditures or incur indebtedness in excess of two

14 hundred fifty dollars in a calendar year.  
 15 2. There is imposed a four percent tax on all  
 16 contributions to a candidate's committee subject to  
 17 this section with the following exceptions:  
 18 a. No tax is imposed on the first twenty-five  
 19 dollars contributed by an individual or a political  
 20 action committee.  
 21 b. No tax is imposed on a grant from the political  
 22 candidates fund made under section 56.33.  
 23 c. If the contributions result from a fundraising  
 24 event, the four percent tax shall be imposed on the  
 25 net proceeds of the event and the twenty-five dollar  
 26 exclusion of paragraph "a" shall not apply to the  
 27 individual contributions.  
 28 3. The tax imposed by this section shall be paid  
 29 with the disclosure reports required under this  
 30 chapter for the contributions received by the  
 31 candidate's committee during the period covered by the  
 32 report. The tax shall be paid to the commission which  
 33 shall remit it to the treasurer of state for deposit  
 34 in the political candidates fund established under  
 35 section 56.33.  
 36 4. If a candidate's committee fails to fully pay  
 37 the amount of tax when due, a penalty of five percent  
 38 is assessed on the amount of tax with interest at the  
 39 rate in effect under section 421.7 from the date the  
 40 tax was due until paid."  
 41 2. Title page, line 1, by inserting after the  
 42 word "campaigns" the words ", imposing a tax,".

LARRY MURPHY  
 CHARLES BRUNER  
 BEVERLY HANNON  
 JIM RIORDAN

S-5708

1 Amend House File 2473 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 3, by inserting after line 23 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 172C.1, Code 1985, is amended  
 6 by adding the following new subsections:  
 7 NEW SUBSECTION. 18. "Commercial cattle feedlot"  
 8 means a high capacity confinement feeding facility  
 9 utilized for the fattening and finishing of feeder  
 10 cattle, which has a one-time feedlot designed capacity  
 11 of not in excess of ten thousand head of cattle. A  
 12 commercial cattle feedlot excludes typical farming

13 operations and the production of grain or other cash  
 14 crops. However, commercial cattle feedlots may  
 15 include the production of silage or hay roughage to be  
 16 utilized as cattle feed in the commercial feedlot  
 17 cattle rations.

18 **NEW SUBSECTION.** 19. "One-time feedlot designed  
 19 capacity" means the maximum number of feeder cattle a  
 20 commercial cattle feedlot is designed to contain at  
 21 any one time.

22 Sec. 2. Section 172C.4, Code 1985, is amended by  
 23 adding the following new subsection:

24 **NEW SUBSECTION.** 11A. Agricultural land which is  
 25 used for a commercial cattle feedlot. The maximum  
 26 number of acres of agricultural land which may be held  
 27 by a commercial cattle feedlot pursuant to this  
 28 exception is a number equal to twenty-five percent of  
 29 a one-time feedlot designed capacity of up to five  
 30 thousand head, and a number equal to twelve and one-  
 31 half percent of a one-time feedlot designed capacity  
 32 of over five thousand head and up to ten thousand  
 33 head. The land may be used for the confinement  
 34 facility, the production of silage and hay roughage,  
 35 and for the disposal of feedlot waste. However, a  
 36 corporation or a wholly or partially owned subsidiary  
 37 of a corporation engaged in the slaughter, processing,  
 38 distribution, or marketing of beef products shall not  
 39 fatten or finish feeder cattle owned by the  
 40 corporation or subsidiary in a commercial cattle  
 41 feedlot owned by the corporation or subsidiary."

42 2. Title page, line 7, by inserting after the  
 43 word "by" the words "certain commercial cattle  
 44 feedlots and".

ARNE WALDSTEIN

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2407

S-5709

1 Amend amendment H-5813 to House File 2407 as  
 2 amended, passed and reprinted by the House, as  
 3 follows:

4 1. Page 1, by striking lines 5 through 15 and  
 5 inserting the following: "shall pay out of the  
 6 revenue from a lease to the state of Iowa, and to the  
 7 city, school district and any other political  
 8 subdivision authorized to levy taxes, an amount as

9 determined by this section. The amount shall be  
 10 determined by applying the annual tax rate of the  
 11 taxing district to the assessed value of the portion  
 12 of the building leased, prorated for the term of the  
 13 lease during the appropriate taxing period. The  
 14 provisions of this section relating to the payment of  
 15 property tax because of leases shall only apply to  
 16 leases to private, for-profit, entities which lease a  
 17 portion of a school building for a period of thirty or  
 18 more consecutive days.””

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2405

S-5710

1 Amend the Senate amendment, H-5795, to House File  
 2 2405, as passed by the House, as follows:  
 3 1. Page 1, line 9, by striking the word  
 4 “attorney.” and inserting the following: “attorney on  
 5 a per diem basis to represent the board of trustees  
 6 when, in the opinion of the board of trustees, there  
 7 is a conflict of interest between the board of  
 8 trustees and the city council.””

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2344

S-5711

1 Amend the amendment H-5789 to House File 2344 as  
 2 amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by striking lines 14 through 45 and  
 5 inserting the following:  
 6 1. A hazardous waste technical research and  
 7 assistance program is created at Iowa state university  
 8 of science and technology. The program shall be  
 9 administered by the center for industrial research and  
 10 service which shall coordinate with and use the  
 11 services of the civil engineering department or other  
 12 university departments at Iowa state university for  
 13 the purposes set forth in this section.  
 14 2. The center for industrial research and service  
 15 may seek and receive grants, donations, gifts,  
 16 bequests, or other moneys from public and private

17 sources to be used for the purposes set forth in this  
18 section.

19 3. The hazardous waste technical research and  
20 assistance program is created specifically for and  
21 authorized to do all of the following, upon the  
22 request of a business, firm, or corporation located  
23 within Iowa or the state or a political subdivision of  
24 the state:

25 a. Conduct research into new techniques, methods,  
26 and applications for the proper and safe treatment or  
27 disposal of hazardous wastes.

28 b. Provide advice and consultation on the proper,  
29 safe, and cost effective methods, techniques, and  
30 applications for the treatment, storage, or disposal  
31 of hazardous wastes.

32 c. Provide other technical or financial assistance  
33 to aid in the proper, safe, and cost effective  
34 treatment or disposal of hazardous wastes.

35 4. In carrying out its responsibilities under this  
36 section, the hazardous waste technical research and  
37 assistance program shall give priority to providing  
38 research and assistance on hazardous waste sites which  
39 impair the future economic development of a particular  
40 area including but not limited to the development of  
41 infrastructure, highways, sewers, industrial sites,  
42 educational facilities, and other assets essential for  
43 the development of a city.

44 5. The center for industrial research and service  
45 shall report to the general assembly annually on  
46 receipt and disbursement of funds and activities  
47 conducted by the hazardous waste technical research  
48 and assistance program pursuant to this section.

49 6. This section shall not be construed to do any  
50 of the following:

**Page 2**

1 a. Relieve any person receiving assistance under  
2 this section of any duties or liabilities otherwise  
3 created or imposed upon the person by law.

4 b. Transfer to the state, Iowa state university of  
5 science and technology, or any employee of the state  
6 or the university, any duty or liability otherwise  
7 imposed by law on a person receiving assistance under  
8 this section.

9 c. Create any liability to the state, Iowa state  
10 university of science and technology, or any employee  
11 of the state or the university for any act or omission  
12 arising from the providing of assistance or advice in  
13 cleaning up, handling, or disposal of hazardous waste.

14 However, an individual may be liable if the act or  
 15 omission results from intentional wrong doing or gross  
 16 negligence.

S-5712

1 Amend Senate File 2293 as follows:  
 2 1. By striking page 1, line 20 through page 3,  
 3 line 1.  
 4 2. Page 3, by striking lines 7 through 19.  
 5 3. By striking page 4, line 10 through page 8,  
 6 line 31, and inserting the following:  
 7 "Sec. \_\_\_\_ . Section 297.5, unnumbered paragraph 1,  
 8 Code 1985, is amended to read as follows:  
 9 The directors in a ~~high school district maintaining~~  
 10 ~~a program kindergarten through grade twelve~~ may, by  
 11 March 15 of each year certify an amount not exceeding  
 12 ~~twenty-seven fifty-four~~ cents per thousand dollars of  
 13 assessed value for a capital projects and equipment  
 14 levy to the board of supervisors, who shall levy the  
 15 amount ~~so~~ certified, and the revenues from the tax so  
 16 levied shall be placed in the schoolhouse fund to be  
 17 used for the any of the following purposes:  
 18 1. The purchase and improvement of sites or for  
 19 major building repairs.  
 20 2. Major building repairs.  
 21 3. Purchase of transportation equipment for  
 22 transporting students.  
 23 4. Lease-purchase option agreements for school  
 24 buildings.  
 25 5. Purchase of textbooks.  
 26 6. Public educational and recreational purposes  
 27 authorized in chapter 300.  
 28 7. Community education purposes authorized in  
 29 chapter 276.  
 30 Any funds Funds expended by a school district for new  
 31 construction of school buildings or school  
 32 administration buildings must first be approved by the  
 33 voters of the district."  
 34 4. By striking page 9, line 33 through page 10,  
 35 line 16.  
 36 5. Page 13, by striking line 34, and inserting  
 37 the following:  
 38 "Sec. \_\_\_\_ . Section 298.7, Code 1985, is".

39 6. By numbering and renumbering sections as  
40 necessary.

WILLIAM W. DIELEMAN  
LEE W. HOLT  
JACK W. HESTER

S-5713

1 Amend the House amendment, S-5684, to Senate File  
2 2265 as amended, passed, and reprinted by the Senate,  
3 as follows:

DIVISION S-5713B

4 1. Page 1, line 17, by striking the words "or  
5 private".

DIVISION S-5713C

6 2. Page 4, by inserting after line 26, the  
7 following:

8 "Sec. \_\_\_\_ . Section 123.49, subsection 1, Code  
9 Supplement 1985, is amended to read as follows:

10 1. A person shall not sell, dispense, or give to  
11 ~~any an~~ intoxicated person, or one simulating  
12 intoxication, any alcoholic liquor, wine, or beer.

13 a. A person other than a person required to hold a  
14 license or permit under this chapter who dispenses or  
15 gives an alcoholic beverage, wine, or beer in  
16 violation of this subsection is not civilly liable to  
17 an injured person or the estate of a person for  
18 injuries inflicted on that person as a result of  
19 intoxication by the consumer of the alcoholic  
20 beverage, wine, or beer.

21 b. The general assembly declares that this  
22 subsection shall be interpreted so that the holding of  
23 Clark v. Mincks, 364 N.W.2d, 226 (Iowa 1985) is  
24 abrogated in favor of prior judicial interpretation  
25 finding the consumption of alcoholic beverages, wine,  
26 or beer rather than the serving of alcoholic  
27 beverages, wine, or beer as the proximate cause of  
28 injury inflicted upon another by an intoxicated  
29 person."

## DIVISION S-5713B (cont'd.)

- 30 3. Page 4, line 39, by striking the words "or  
31 sold and delivered".
- 32 4. Page 5, by striking lines 5 through 12.
- 33 5. Page 10, line 34, by striking the word  
34 "DISCLOSURE" and inserting the words "COLLECTION AND  
35 ANALYSIS".
- 36 6. Page 10, line 36, by striking the word "shall"  
37 and inserting the word "may".
- 38 7. Page 10, line 37, by inserting after the word  
39 "of" the words "necessary additional".
- 40 8. Page 10, line 46, by inserting after the  
41 figure "507D.3." the following:  
42 "The commissioner shall provide for the analysis of  
43 such information gathered pursuant to this or any  
44 other section and shall make such analysis available  
45 to the general assembly on an annual basis."
- 46 9. Page 11, line 48, by striking the word  
47 "section" and inserting the words and figure "sections  
48 507D.2 and".
- 49 10. Page 12, by striking lines 33 through 45.
- 50 11. By striking page 12, line 46, through page

**Page 2**

## DIVISION S-5713B (cont'd.)

- 1 13, line 2.

## DIVISION S-5713A (cont'd.)

- 2 12. By striking page 13, line 35, through page  
3 14, line 4.
- 4 13. Page 15, by striking lines 13 through 25.

## DIVISION S-5713B (cont'd.)

- 5 14. Page 15, by striking lines 42 and 43, and  
6 inserting the following: "counterclaim or cross-  
7 petition. However, a party filing the petition,  
8 original notice, counterclaim, or cross-petition shall  
9 certify to the court that the action meets applicable  
10 jurisdictional requirements for amount in  
11 controversy."
- 12 15. Page 16, line 30, by striking the words "for  
13 future damages".
- 14 16. Page 16, line 33, by striking the word  
15 "shall" and inserting the word "may".
- 16 17. Page 16, lines 34 and 35, by striking the

17 words "for future damages".

18 18. By striking page 17, line 43, through page  
19 18, line 19.

#### DIVISION S-5713D

20 19. By striking page 18, line 20, through page  
21 20, line 44, and inserting the following:

22 "Sec. \_\_\_\_ . NEW SECTION. 668A.1 PUNITIVE OR  
23 EXEMPLARY AWARDS.

24 1. In a trial of a claim involving the request for  
25 punitive or exemplary damages, the court shall  
26 instruct the jury to answer special interrogatories  
27 or, if there is no jury, shall make findings,  
28 indicating all of the following:

29 a. Whether the conduct of the defendant from which  
30 the claim arose constituted willful and wanton  
31 disregard for the rights or safety of another.

32 b. Whether the conduct of the defendant was  
33 directed specifically at the claimant, or at the  
34 person from which the claimant's claim is derived.

35 2. An award for punitive or exemplary damages  
36 shall not be made unless the answer or finding  
37 pursuant to subsection 1, paragraph "a", is  
38 affirmative. If such answer or finding is  
39 affirmative, the jury, or court if there is no jury,  
40 shall fix the amount of punitive or exemplary damages  
41 to be awarded, and such damages shall be ordered paid  
42 as follows:

43 a. If the answer or finding pursuant to subsection  
44 1, paragraph "b", is affirmative, the full amount of  
45 the punitive or exemplary damages awarded shall be  
46 paid to the claimant.

47 b. If the answer or finding pursuant to subsection  
48 1, paragraph "b", is negative, after payment of all  
49 applicable costs and fees, an amount not to exceed  
50 twenty-five percent of the punitive or exemplary

**Page 3**

#### DIVISION S-5713D (cont'd.)

1 damages awarded may be ordered paid to the claimant,  
2 with the remainder of the award to be ordered paid  
3 into a civil reparations trust fund administered by  
4 the state court administrator. Funds placed in the  
5 civil reparations trust shall be under the control and  
6 supervision of the executive council, and shall be  
7 disbursed only for purposes of indigent civil  
8 litigation programs or insurance assistance programs.

9 3. The mere allegation or assertion of a claim for  
10 punitive damages shall not form the basis for  
11 discovery of the wealth or ability to respond in  
12 damages on behalf of the party from whom punitive  
13 damages are claimed until such time as the claimant  
14 has established that sufficient admissible evidence  
15 exists to support a prima facie case establishing the  
16 requirements of subsection 1, paragraph "a."

## DIVISION S-5713E

17 20. Page 21, by inserting before line 27 the  
18 following:  
19 "Sec. \_\_\_\_ . 1986 Iowa Acts, House File 2442, is  
20 amended by adding the following new section:  
21 Sec. 2. This Act takes effect July 1, 1987."

## DIVISION S-5713B (cont'd.)

22 21. Page 21, line 30, by striking the word  
23 "sixteen" and inserting the words "twelve voting  
24 members and two ex officio".  
25 22. Page 21, line 32, by striking the word  
26 "Three" and inserting the word "Two".  
27 23. Page 21, line 34, by striking the word  
28 "Three" and inserting the word "Two".  
29 24. Page 21, line 49, by inserting after the word  
30 "designee" the words ", who shall be an ex officio  
31 member".  
32 25. Page 22, line 1, by inserting after the word  
33 "designee" the words ", who shall be an ex officio  
34 member".  
35 26. Page 22, line 21, by striking the word  
36 "litigation" and inserting the word "litigating".  
37 27. Page 22, by striking lines 38 through 44.  
38 28. Page 22, line 47, by inserting after the word  
39 "council" the following: "shall authorize the  
40 legislative fiscal bureau and the legislative service  
41 bureau to provide assistance to the study commission  
42 and".  
43 29. Page 23, by striking lines 20 through 47.  
44 30. By numbering, renumbering, and relettering as  
45 necessary.

WILLIAM PALMER  
ARTHUR SMALL, Jr.  
DONALD V. DOYLE  
TOM MANN, Jr.

S-5714

- 1 Amend Senate File 2294 as follows:  
2 1. Page 5, by striking line 12 and inserting the  
3 following: “sections 55 to 58, except section  
4 57(a)(8), of”.  
5 2. By striking page 5, line 31, through page 6,  
6 line 1.

JOE WELSH

S-5715

- 1 Amend Senate File 2289 as follows:  
2 1. Page 5, by inserting after line 17 the  
3 following:  
4 “Sec. 11. Section 14.13, subsections 2 and 3, Code  
5 Supplement 1985, are amended to read as follows:  
6 2. The Code editor or designee, in carrying out  
7 the duties specified in this chapter relating to  
8 publication of the Code and the Iowa administrative  
9 code, shall edit ~~the Code them~~ in order that words  
10 which designate one gender will be changed to reflect  
11 both genders when the provisions of law apply to  
12 persons of both genders. The Code editor or designee  
13 shall not make any substantive changes to the Code or  
14 Iowa administrative code while performing the  
15 editorial work. The Code editor or designee shall  
16 seek direction from the senate committee on judiciary  
17 and the house committee on judiciary and law  
18 enforcement when making any Code changes, and from the  
19 administrative rules review committee and the  
20 administrative rules coordinator when making Iowa  
21 administrative code changes, which appear to require  
22 substantial editing and which might otherwise be  
23 interpreted to exceed the scope of the Code editor’s  
24 authority. The Code editor or designee shall maintain  
25 a record of the changes made under this subsection.  
26 The record shall be available to the public.  
27 3. The effective date of all editorial changes in  
28 an edition of the Code or supplement to the Code is  
29 the date the legislative council approves the printing  
30 contract for publication of that edition or  
31 supplement. The effective date of all editorial  
32 changes for the Iowa administrative code is the date

33 those changes are published in the Iowa administrative  
34 code."

BERL E. PRIEBE

S-5716

1 Amend House File 2404 as passed by the House as  
2 follows:  
3 1. Page 1, by striking lines 1 through 19.

COMMITTEE ON APPROPRIATIONS  
JOE WELSH, Chairperson

S-5717

1 Amend the House amendment, S-5684, to Senate File  
2 2265, as amended, passed and reprinted by the Senate,  
3 as follows:  
4 1. Page 22, by inserting after line 20, the  
5 following:  
6 "(5) Review and report on the advisability of  
7 implementing a claims-made form of insurance  
8 practice."

JULIA GENTLEMAN

S-5718

1 Amend Senate File 2293 as follows:  
2 1. By striking page 3, line 20 through page 4,  
3 line 7.  
4 2. Page 8, by striking line 25.

WILLIAM W. DIELEMAN

S-5719

1 Amend the House amendment S-5684 to Senate File  
2 2265 as amended, passed and reprinted by the Senate  
3 as follows:  
4 1. By striking page 20, line 45 through page 21,  
5 line 26 and inserting the following:  
6 "Sec. \_\_\_\_ . Section 321.445, Code 1985, as amended by  
7 1986 Iowa Acts, Senate File 499, section 2, is amended  
8 by adding the following new subsection:  
9 NEW SUBSECTION. Except as provided under section

10 321.446, the nonuse of a safety belt or safety harness by  
11 a person when not required to wear a safety belt or  
12 safety harness under subsection 2 or by a person in a  
13 cause of action prior to July 1, 1986, shall not  
14 be admissible or material as evidence in a civil action  
15 brought for damages.”

RICHARD DRAKE

S-5720

1 Amend the House amendment S-5684 to Senate File  
2 2265 as amended, passed and reprinted by the Senate  
3 as follows:  
4 1. Page 13, line 43, by striking the words “actual  
5 malice” and inserting in lieu thereof the words “gross  
6 negligence”.  
7 2. Page 14, line 3, by striking the words “actual  
8 malice” and inserting in lieu thereof the words “gross  
9 negligence”.

MICHAEL E. GRONSTAL

S-5721

1 Amend the House amendment, H-5684, to Senate File  
2 2265, as amended, passed and reprinted by the Senate,  
3 as follows:  
4 1. Page 24, by inserting after line 14, the  
5 following:  
6 “— . By striking title page 1, line 1 through  
7 title page 2, line 8, and inserting the following:  
8 “An Act relating to liability and liability insurance,  
9 providing penalties, and providing for publication and  
10 effective dates.””

TOM MANN, Jr.

HOUSE AMENDMENT TO  
SENATE FILE 293

S-5722

1 Amend Senate File 293 as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 2, line 24, by striking the words “, with  
4 the approval of the state board of regents” and

5 inserting the following: “, or the president’s  
6 designee”.

7 2. Page 3, by striking lines 12 through 18.

S-5723

1 Amend House Concurrent Resolution 122 as amended,  
2 passed, and reprinted by the House as follows:

3 1. By striking page 1, line 12 through page 2,  
4 line 25 and inserting the following:

5 “A House Concurrent Resolution requesting a report to  
6 be provided to the Legislative Council from the  
7 investigation team going to Honduras to investigate  
8 the circumstances of Iowa National Guard units going  
9 to Honduras on training missions.

10 WHEREAS, there are currently plans to send an Iowa  
11 National Guard unit on a training mission to Honduras  
12 in the spring or summer of 1986; and

13 WHEREAS, there has been considerable legislative  
14 and public debate regarding the safety and  
15 desirability of permitting the Iowa National Guard  
16 unit to make the trip; and

17 WHEREAS, the safety of members of the Iowa National  
18 Guard is of the utmost concern in light of warfare  
19 taking place in or near Honduras; and

20 WHEREAS, Governor Terry E. Branstad has stated that  
21 he will send an investigation team to Honduras to  
22 investigate the circumstances of the proposed training  
23 mission prior to authorizing the trip; NOW THEREFORE,

24 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE  
25 SENATE CONCURRING, That the investigation team sent to  
26 Honduras shall file a written report with the  
27 Legislative Council and any other member of the  
28 General Assembly who requests a copy of the report;  
29 and

30 BE IT FURTHER RESOLVED, That the report shall  
31 detail the investigation team’s findings regarding the  
32 circumstances of the Iowa National Guard unit’s  
33 participation in the training mission in Honduras  
34 including, but not limited to, the purpose of the  
35 training mission, the role that Iowa National Guard  
36 unit would be asked to assume, the location of the  
37 training mission in relationship to areas where there  
38 are hostile military confrontations or activities,  
39 measures that will be taken to assure the safety of  
40 members of the Iowa National Guard and to protect them  
41 from hostile actions, and the relationship of the  
42 training mission to providing material or logistical

43 support to military groups operating within or out of  
44 Honduran territory.”

DON GETTINGS

S-5724

1 Amend the House amendment, S-5684, to Senate File  
2 2265, as amended, passed and reprinted by the Senate,  
3 as follows:  
4 1. Page 22, line 31, by inserting after the word  
5 “property.” the following: “Legislation enacted  
6 during the second session of the Seventy-first General  
7 Assembly which creates a statute of repose relating to  
8 improvements to real property shall have no judicial  
9 force or effect until such time as this review and  
10 report is received.”

TOM MANN, Jr.

S-5725

1 Amend the House amendment S-5684, to Senate File  
2 2265, as amended, passed, and reprinted by the Senate,  
3 as follows:

DIVISION S-5725A

4 1. Page 21, line 8, by inserting after the word  
5 “fault” the following: “under section 668.3,  
6 subsection 1, Code 1985”.

DIVISION S-5725B

7 2. Page 21, line 24, by striking the word “five”  
8 and inserting the word “fifteen”.

RICHARD F. DRAKE

S-5726

1 Amend the House amendment S-5684 to Senate File  
2 2265 as amended, passed and reprinted by the Senate  
3 as follows:  
4 1. Page 13, by striking lines 42 through 44, and  
5 inserting in lieu thereof the following: “license or  
6 permit was issued, unless the officer or employee com-

7 mitted a criminal offense, or knew of the danger to be  
 8 apprehended, and knew that there was a high probability  
 9 that persons would be injured if the condition were not  
 10 remedied, and still willfully failed to act to have the  
 11 condition remedied.”

12 2. Page 14, by striking lines 2 through 4, and in-  
 13 serting in lieu thereof the following: “municipality,  
 14 license or permit was issued, unless the officer or  
 15 employee committed a criminal offense, or knew of the  
 16 danger to be apprehended, and knew that there was a high  
 17 probability that persons would be injured if the condition  
 18 were not remedied, and still willfully failed to act to  
 19 have the condition remedied.”

ARTHUR SMALL, JR.

S-5727

1 Amend Senate File 2293 as follows:

- 2 1. Page 1, line 7, by striking the word “levy”  
 3 and inserting the following: “budget”.
- 4 2. Page 1, line 30, by striking the word “levy”  
 5 and inserting the following: “budget”.
- 6 3. Page 3, line 6, by striking the word “levy”  
 7 and inserting the following: “budget”.
- 8 4. Page 4, line 20, by striking the word “levy”  
 9 and inserting the following: “budget”.
- 10 5. Page 4, line 28, by striking the word “levy”  
 11 and inserting the following: “budget”.
- 12 6. Page 5, line 5, by striking the word “levy”  
 13 and inserting the following: “budget”.
- 14 7. By striking page 5, line 20, through page 7,  
 15 line 13.
- 16 8. Page 7, line 15, by striking the word “LEVY”  
 17 and inserting the following: “BUDGET”.
- 18 9. Page 7, by striking lines 16 through 23 and  
 19 inserting the following:  
 20 “The board of directors of a school district shall  
 21 adopt a budget for the purposes specified in this  
 22 section and transmit the budget to the appropriate  
 23 county board of supervisors and city councils pursuant  
 24 to section 298.4. The amount of the budget shall not  
 25 exceed the revenue that would be received if a tax  
 26 levy of one dollar and eight cents per thousand  
 27 dollars of assessed valuation were levied on all of  
 28 the property in the school district. The amount paid  
 29 pursuant to a loan agreement continued under section  
 30 297.35 shall be subtracted when determining the total  
 31 budget allowed under this section.”

32 10. Page 7, line 24, by striking the words "from  
33 the tax" and inserting the following: "received from  
34 the cities and county for the capital projects and  
35 equipment budget".

36 11. Page 8, line 32, by striking the word "LEVY"  
37 and inserting the following: "BUDGET".

38 12. By striking page 8, line 33 through page 9,  
39 line 1, and inserting the following:

40 "The board of directors of a school district shall  
41 adopt a budget for the purposes specified in this  
42 section and transmit the budget to the appropriate  
43 county board of supervisors and city councils pursuant  
44 to section 298.4. The revenue received from the  
45 cities and county for the liability budget shall be  
46 placed in the general".

47 13. Page 9, by inserting after line 10 the  
48 following:

49 "Sec. \_\_\_\_ . NEW SECTION. LEVIES BY COUNTIES AND  
50 CITIES.

**Page 2**

1 The board of directors of each school district  
2 shall determine the total amount to be raised for the  
3 sum of its liability budget and its capital projects  
4 and equipment budget under this chapter. It shall  
5 determine, on the basis of the percent of the  
6 population of the school district residing in  
7 unincorporated areas of the county and the percent  
8 that resides in each city located wholly or partially  
9 within the school district compared to the total  
10 population of the school district, the percent of the  
11 total cost to be paid by each constituent unit. The  
12 board of directors shall transmit the portion of its  
13 budget estimate in dollars to each affected county  
14 board of supervisors and city council. The  
15 unincorporated part of each county shall be considered  
16 as a separate unit. Each county board of supervisors  
17 shall review the budget estimate for the  
18 unincorporated portion of the county and appropriate  
19 for school district purposes its share in the county  
20 rural services fund budget. Each city council shall  
21 review the budget estimate for the city and  
22 appropriate for school district purposes its share in  
23 the city general fund budget. Each city and county  
24 shall contribute its share from taxation on an  
25 equitable basis by population. With approval of a  
26 city council, the county treasurer may withhold the  
27 city's portion of the taxes collected for a city to  
28 meet the city's contribution for school district

29 purposes under this section and deliver a receipt to  
30 the city clerk for the amount withheld.”

31 14. Page 9, line 15, by striking the word “levy”  
32 and inserting the following: “budget”.

33 15. Page 9, by inserting after line 15 the  
34 following:

35 “Sec. \_\_\_\_ . Section 331.424, subsection 2, Code  
36 1985, is amended by adding the following new lettered  
37 paragraph:

38 NEW LETTERED PARAGRAPH. c. For capital projects  
39 and equipment and liability purposes of school  
40 districts under chapter 298.

41 Sec. \_\_\_\_ . Section 384.12, Code 1985, is amended by  
42 adding the following new subsection:

43 NEW SUBSECTION. 20. A tax sufficient to pay for  
44 the capital projects and equipment and liability  
45 purposes of school districts.”

46 16. Page 9, line 23, by striking the figure  
47 “298.3” and inserting the following: “298.4”.

48 17. Page 13, line 1, by striking the word “levy”  
49 and inserting the following: “budget”.

50 18. Page 13, line 33, by striking the word “levy”

### Page 3

1 and inserting the following: “budget”.

2 19. Page 13, line 34, by inserting after the  
3 figure “297.5” the following: “297.36”.

RAY TAYLOR

### HOUSE AMENDMENT TO SENATE FILE 2097

S-5728

1 Amend Senate File 2097 as passed by the Senate as  
2 follows:

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

5 “Section 1. It is the intent of the General  
6 Assembly that the position of farmers market manager,  
7 who would work on organizing, developing, and  
8 operating a full-time metropolitan farmers market in  
9 Iowa, and the position of farmers market specialist,  
10 who would provide assistance in areas around the state  
11 which desire to upgrade or develop a local farmers  
12 market, be established, and that support staff be  
13 provided for a farmers market development program

14 within the horticulture division of the department of  
15 agriculture. Any funds available to the program may  
16 also be utilized to obtain matching federal grants.

17 It is the intent of the General Assembly that two  
18 agricultural economic development specialist  
19 positions, who would work within the community  
20 structure in developing and coordinating the overall  
21 local centralized facilities plan, assist in pulling  
22 together financing mechanisms for the capital  
23 investments necessary for centralized facility  
24 development, and work with localized grower groups to  
25 establish and expand their markets, be established,  
26 and that support staff be provided for a centralized  
27 facilities development program within the horticulture  
28 division of the department of agriculture. Any funds  
29 available to the program may be utilized to obtain  
30 matching federal grants.

31 It is the intent of the General Assembly that the  
32 position of horticultural market specialist be  
33 retained and the electronic marketing program in the  
34 horticulture division of the department of agriculture  
35 be continued and expanded to develop working  
36 relationships with contacts at regional terminal  
37 markets, to integrate in-state market trading prices,  
38 to develop hook-ups at centralized marketing fa-  
39 cilities within Iowa, and to update and expand the  
40 existing data base on buyers, growers, and market  
41 prices. Any funds available to the program may be  
42 utilized to obtain matching federal grants.

43 It is the intent of the General Assembly that the  
44 position of agricultural diversification administrator  
45 and the alternative agricultural products market  
46 evaluation program be maintained in the horticulture  
47 division of the department of agriculture and that the  
48 administrator work with other departments of  
49 agriculture, other state departments, universities,  
50 and individual entrepreneurs in order to identify

## Page 2

1 market outlets, market demand, and potential areas for  
2 future economic growth, and to identify constraints  
3 that need to be overcome in order for Iowa producers  
4 to participate in the market. Any funds available to  
5 the program may be utilized to obtain matching federal  
6 grants.

7 It is the intent of the General Assembly that the  
8 horticulture division of the department of agriculture  
9 undertake a marketing promotions program to work with  
10 other state departments and with businesses and

11 producers on promotional and consumer awareness  
12 activities, encouraging the purchase of Iowa grown  
13 products encompassed in the agricultural diversifi-  
14 cation program. Any funds available to the program  
15 may be utilized to obtain matching federal grants.”  
16 2. Title page, lines 1 and 2, by striking the  
17 words “by making an appropriation”.

S-5729

1 Amend House File 2476 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 5, by striking lines 5 and 6 and inserting  
4 in lieu thereof the following:  
5 “7. Whether or not a candidate receives a grant un-  
6 der this section or a restricted campaign exists, a  
7 candidate’s committee for an eligible office”.  
8 2. Page 6, line 23, by striking the figure “1.”.  
9 3. Page 6, by striking lines 28 through 30.

DOUGLAS RITSEMA

S-5730

1 Amend House File 102 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 1, by striking lines 16 and 17, and insert-  
4 ing in lieu thereof the words “floor space, and other  
5 commercial establishments;”.

ARTHUR SMALL, JR.

S-5731

1 Amend House File 102 as amended, passed and re-  
2 printed by the House as follows:

DIVISION S-5731A

3 1. Page 1, line 11, by striking the words “or ser-  
4 ving as a place of work”.  
5 2. Page 1, line 21, by striking the words “indoor  
6 arenas, and meeting rooms” and inserting in lieu thereof  
7 words “and indoor arenas”.

## DIVISION S-5731B

8 3. Page 1, lines 22 and 23, by striking the words  
9 "occupied exclusively by smokers".

## DIVISION S-5731C

10 4. Page 1, by striking lines 27 through 30, and in-  
11 serting in lieu thereof the words "facility or hospital."

## DIVISION S-5731D

12 5. Page 2, by striking lines 13 through 19, and in-  
13 serting in lieu thereof the following: "hall is used  
14 for a private social function."

DOUGLAS RITSEMA

## S-5732

1 Amend House File 102 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 2, line 26, by inserting after the word  
4 "areas." the following: "The department of health  
5 shall adopt rules necessary to determine the maximum  
6 level of toxic effect allowable for no-smoking areas  
7 specified in this section."

JACK RIFE

## S-5733

1 Amend Senate Joint Resolution 2005 as follows:  
2 1. Page 1, line 20, by inserting after the word  
3 "same." the words "The laws providing for the  
4 nomination of candidates for governor shall require  
5 that a nominated candidate for governor must select  
6 the candidate for lieutenant governor who will appear  
7 with the candidate for governor on the ballot."  
8 2. Page 3, line 17, by inserting after the figure  
9 "19." the words "In the case of the death,  
10 impeachment, resignation, removal from the office or  
11 other disability of the lieutenant governor, the  
12 governor shall appoint a lieutenant governor who shall  
13 take office upon confirmation by two-thirds of the  
14 members of the senate and serve the balance of the  
15 term."

16 3. Page 3, line 34, by striking the words "and  
17 lieutenant governor".

## HURLEY HALL

S-5734

1 Amend House File 102 as amended, passed and reprinted  
2 by the House as follows:  
3 1. Page 1, by striking lines 13 through 16 and in-  
4 serting in lieu thereof the following: "thirty-two or  
5 more persons, all retail stores, and other commercial  
6 establishments; public".  
7 2. Page 1, by striking lines 22 and 23, and inserting  
8 in lieu thereof the following: "include a private,  
9 enclosed office, a".

C. JOSEPH COLEMAN

S-5735

1 Amend Senate Joint Resolution 2005 as follows:  
2 1. Page 1, by striking line 1 through page 3,  
3 line 35 and inserting the following:  
4 "Section 1. The following amendment to the  
5 Constitution of the State of Iowa is proposed:  
6 1. Section 3 of Article IV as amended by amendment  
7 number 1 of the Amendments of 1972 is repealed and the  
8 following adopted in lieu thereof:  
9 RETURNS OF ELECTIONS. SEC. 3. In voting for  
10 governor, the electors shall designate for whom they  
11 vote as governor. The returns of every election for  
12 governor shall be sealed up and transmitted to the  
13 seat of government of the state, directed to the  
14 speaker of the house of representatives, who shall  
15 open and publish them in the presence of both houses  
16 of the general assembly.  
17 2. Section 4 of Article IV as amended by amendment  
18 number 1 of the Amendments of 1952 is repealed and the  
19 following adopted in lieu thereof:  
20 ELECTION BY GENERAL ASSEMBLY. SEC. 4. The person  
21 having the highest number of votes for governor shall  
22 be declared duly elected; but in case two or more  
23 persons have an equal and the highest number of votes  
24 for the office, the general assembly shall, by joint  
25 vote, forthwith proceed to elect one of the persons  
26 governor.  
27 If, upon the completion of the canvass of votes for

28 governor by the general assembly, it appears that the  
29 person who received the highest number of votes for  
30 governor has since died, resigned, is unable to  
31 qualify, fails to qualify, or for any other reason is  
32 unable to assume the duties of the office of governor  
33 for the ensuing term, the powers and duties of the  
34 office shall devolve upon the president of the senate  
35 until the disability is removed and, upon  
36 inauguration, the president of the senate shall assume  
37 the powers and duties of governor.

38 3. Section 5 of Article IV is repealed and the  
39 following adopted in lieu thereof:

40 CONTESTED ELECTIONS. SEC. 5. Contested elections  
41 for governor shall be determined by the general  
42 assembly in the manner prescribed by law.

43 4. Section 6 of Article IV is repealed and the  
44 following adopted in lieu thereof:

45 ELIGIBILITY. SEC. 6. A person is not eligible for  
46 the office of governor who has not been a citizen of  
47 the United States, and a resident of the state, two  
48 years next preceding the election, and attained the  
49 age of thirty years at the time of that election.

50 5. Section 14 of Article IV is repealed and the

**Page 2**

1 following adopted in lieu thereof:

2 DISQUALIFICATION. SEC. 14. A person, while  
3 holding any office under the authority of the United  
4 States or this state, shall not execute the office of  
5 governor, except as expressly provided in this  
6 article.

7 6. Section 15 of Article IV as amended by  
8 amendment number 1 of the Amendments of 1972 is  
9 repealed and the following adopted in lieu thereof:

10 TERMS -- COMPENSATION OF LIEUTENANT GOVERNOR. SEC.

11 15. The official term of the governor commences on  
12 the second Monday of January next after the election,  
13 and continues until the successor is elected and  
14 qualified.

15 7. Section 17 of Article IV is repealed and the  
16 following adopted in lieu thereof:

17 PRESIDENT OF THE SENATE TO ACT AS GOVERNOR. SEC.

18 17. In case of the death, impeachment, resignation,  
19 removal from office, or other disability of the  
20 governor, the powers and duties of the office for the  
21 residue of the term, or until the governor is  
22 acquitted, or the disability removed, devolve upon the  
23 president of the senate.

24 8. Section 18 of Article IV is repealed.

25 9. Section 19 of Article IV as amended by  
 26 amendment number 2 of the Amendments of 1952 is  
 27 repealed and the following adopted in lieu thereof:  
 28 GUBERNATORIAL SUCCESSION. SEC. 19. If there is a  
 29 vacancy in the office of governor, the president of  
 30 the senate shall act as governor until the vacancy is  
 31 filled or the disability removed; and if the president  
 32 of the senate, for any of the causes in section 17, is  
 33 incapable of performing the duties pertaining to the  
 34 office of governor the duties shall devolve upon the  
 35 speaker of the house of representatives; and if the  
 36 speaker of the house of representatives, for any of  
 37 the causes in section 17, is incapable of performing  
 38 the duties of the office of governor, the justices of  
 39 the supreme court shall convene the general assembly  
 40 by proclamation and the general assembly shall  
 41 organize by the election of a president by the senate  
 42 and a speaker by the house of representatives. The  
 43 general assembly shall thereupon immediately proceed  
 44 to the election of a governor in joint convention.”  
 45 2. Title page, line 2, by striking the words  
 46 “offices of the governor and” and inserting the  
 47 following: “office of the”.

EDGAR HOLDEN

S-5736

- 1 Amend Senate File 2296 as follows:  
 2 1. By striking page 2, line 12 through page 3,  
 3 line 15.

EDGAR H. HOLDEN  
 JIM RIORDAN  
 LEE W. HOLT  
 HURLEY W. HALL  
 WILLIAM DIELEMAN  
 JACK W. HESTER

S-5737

- 1 Amend Senate File 2297 as follows:  
 2 1. Page 1, line 11, by striking the words “the  
 3 current” and inserting the following: “all current  
 4 and proposed”.  
 5 2. Page 1, line 17, by striking the word “a” and  
 6 inserting the following: “an ad hoc”.  
 7 3. Page 2, by inserting after line 6 the  
 8 following:

9 "It is the intent of the general assembly that this  
10 report be used as the basis for development of  
11 additional legislative initiatives in this area."

JIM RIORDAN  
LARRY MURPHY  
JOE WELSH

S-5738

1 Amend amendment S-5449 to House File 102 as amended  
2 passed and reprinted by the House as follows:  
3 1. Page 1, line 5, by striking the words "retail  
4 stores and".

C. JOSEPH COLEMAN

S-5739

1 Amend House File 2476 as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 2, line 31, by striking the word "five"  
4 and inserting the word "four".  
5 2. Page 3, line 6, by striking the word "five"  
6 and inserting the word "two".  
7 3. Page 5, line 17, by striking the word "twice".

ARNE WALDSTEIN

S-5740

1 Amend Senate File 2301 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 422.43, subsection 1, Code  
5 Supplement 1985, is amended to read as follows:  
6 1. There is imposed a tax of four percent upon the  
7 gross receipts from all sales of tangible personal  
8 property, consisting of goods, wares, or merchandise,  
9 except as otherwise provided in this division, sold at  
10 retail in the state to consumers or users; a like rate  
11 of tax upon the gross receipts from the sales,  
12 furnishing or service of gas, electricity, water,  
13 heat, and communication service, including the gross  
14 receipts from such sales by any municipal corporation  
15 furnishing gas, electricity, water, heat, and  
16 communication service to the public in its proprietary

17 capacity, except as otherwise provided in this  
 18 division, when sold at retail in the state to  
 19 consumers or users; a like rate of tax upon the gross  
 20 receipts from all sales of tickets or admissions to  
 21 places of amusement, ~~fairs~~, and athletic events except  
 22 those of elementary and secondary educational  
 23 institutions; and a like rate of tax upon that part of  
 24 private club membership fees or charges paid for the  
 25 privilege of participating in any athletic sports  
 26 provided club members.

27 Sec. 2. Section 422.45, Code Supplement 1985, is  
 28 amended by adding the following new subsection:  
 29 NEW SUBSECTION. The gross receipts from sales of  
 30 general admissions for entry onto the premises or  
 31 grounds of any fair. For purposes of this subsection,  
 32 "fair" means a bona fide exhibition of agricultural,  
 33 dairy, and kindred products, livestock, and farm  
 34 implements."  
 35 2. Title page, by striking lines 2 and 3 and  
 36 inserting the following: "and use tax of the gross  
 37 receipts from sales of general admissions for entry  
 38 onto the premises or grounds of any fair."

EDGAR H. HOLDEN

S-5741

1 Amend House File 2471, as amended and passed by the  
 2 House, as follows:

3 1. Page 15, by striking lines 6 through 32 and  
 4 inserting the following:

5 "Sec. \_\_\_\_ . Section 422.28, Code 1985, as amended  
 6 by House File 764, enacted by the Seventy-first  
 7 General Assembly, 1986 Session, is amended to read as  
 8 follows:

9 422.28 REVISION OF TAX.

10 A taxpayer may appeal to the director for revision  
 11 of the tax, interest or penalties assessed at any time  
 12 within ~~thirty ninety~~ days from the date of the notice  
 13 of the assessment of tax, additional tax, interest or  
 14 penalties. The director shall grant a hearing and if,  
 15 upon the hearing, the director determines that the  
 16 tax, interest or penalties are excessive or incorrect,  
 17 the director shall revise them according to the law  
 18 and the facts and adjust the computation of the tax,  
 19 interest or penalties accordingly. The director shall  
 20 notify the taxpayer by ~~registered~~ mail of the result  
 21 of the hearing and shall refund to the taxpayer the  
 22 amount, if any, paid in excess of the tax, interest or

23 penalties found by the director to be due, with  
24 interest after sixty days from the date of payment by  
25 the taxpayer at the rate in effect under section 421.7  
26 for each month or a fraction of a month. The director  
27 may, on the director's own motion at any time, abate  
28 any portion of tax, interest or penalties which the  
29 director determines is excessive in amount, or  
30 erroneously or illegally assessed. The director shall  
31 prepare quarterly reports, which shall be included in  
32 the annual statistical reports required under section  
33 422.75, summarizing each case in which an abatement of  
34 tax, interest or penalties was made under this  
35 section, but a report shall not disclose the identity  
36 of the taxpayer."

EDGAR H. HOLDEN

S-5742

1 Amend House File 2471, as amended and passed by the  
2 House, as follows:  
3 1. Page 16, by inserting after line 29 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 422.45, subsection 27,  
6 paragraph a, subparagraph (1), Code Supplement 1985,  
7 is amended to read as follows:  
8 (1) "Insurance company" means an insurer organized  
9 or operating under chapters 508, 514, 515, 518, 519,  
10 520 or authorized to do business in Iowa as an insurer  
11 and having fifty or more persons employed in this  
12 state excluding licensed insurance agents."  
13 2. Renumber sections and correct internal  
14 references as necessary in accordance with this  
15 amendment.

EDGAR H. HOLDEN

S-5743

1 Amend House File 2475 as passed by the House as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 422.16, subsection 1, Code  
6 1985, is amended to read as follows:  
7 1. Every withholding agent and every employer as  
8 defined in this chapter and further defined in the  
9 Internal Revenue Code of 1954, with respect to income

10 tax collected at source, making payment of wages to  
11 either a resident employee or employees, or a  
12 nonresident employee or employees, working in Iowa,  
13 shall deduct and withhold from the wages an amount  
14 which will approximate the employee's annual tax  
15 liability on a calendar year basis, calculated on the  
16 basis of tables to be prepared by the department and  
17 schedules or percentage rates, based on the wages, to  
18 be prescribed by the department. However, if the  
19 employer is an Iowa-based employer, the employer is  
20 not required to withhold from wages paid to a  
21 nonresident employee any amount for the employee's tax  
22 liability if the employer notifies the employee that  
23 the employer is not making any withholding and that  
24 the employee must make a declaration and payments as  
25 provided in section 422.17. The employer shall also  
26 notify the department of the fact that the employer is  
27 not withholding any amounts from wages paid to the  
28 employee. Every employee or other person shall  
29 declare to the employer or withholding agent the  
30 number of the employee's personal exemptions and  
31 dependency exemptions or credits to be used in  
32 applying the tables and schedules or percentage rates,  
33 provided that no more personal or dependency  
34 exemptions or credits may be declared by the employee  
35 or other person than the number to which the employee  
36 or other person is entitled except as allowed under  
37 section 3204(m)(1) of the Internal Revenue Code of  
38 1954. The claiming of exemptions or credits in excess  
39 of entitlement is a serious misdemeanor."  
40 2. Title page, line 2, by inserting after the  
41 word "production" the following: "and certain Iowa-  
42 based employers employing nonresidents".

EDGAR H. HOLDEN

S-5744

- 1 Amend amendment S-5741 to House File 2471 as
- 2 amended and passed by the House as follows:
- 3 1. Page 1, line 12, by striking the word
- 4 "ninety" and inserting the word "sixty".

CHARLES BRUNER  
EDGAR H. HOLDEN

S-5745

1 Amend House File 2472 as passed by the House as  
2 follows:

3 1. Page 6, by inserting before line 6 the following:  
4 "Sec. \_\_\_\_ . A return for a tax period ending on or  
5 before December 31, 1985, filed pursuant to section  
6 422.21 on or before October 31, 1986, is deemed to be  
7 filed on or before the due date of the return. However,  
8 nothing in this provision is intended to prevent assess-  
9 ment of penalty or interest or guilt of any criminal  
10 charge as otherwise provided by law."

TOM MANN, JR.

S-5746

1 Amend Senate File 2298 as follows:

DIVISION S-5746A

2 1. Page 1, by striking lines 14 through 26 and  
3 inserting the following:  
4 "Sec. 2. Section 422.9, subsection 2, paragraph b,  
5 Code 1985, is amended by striking the paragraph and  
6 inserting in lieu thereof the following:

7 b. Add the amount of fifty percent of federal  
8 income taxes paid or accrued as the case may be,  
9 during the tax year, adjusted by any federal income  
10 tax refunds, subject to the following transitional  
11 provisions:

12 (1) For tax years beginning on or after January 1,  
13 1986 but before January 1, 1987 the amount added  
14 equals seventy-five percent of the federal income  
15 taxes paid or accrued as the case may be, during the  
16 tax year for that tax year.

17 (2) For tax years beginning on or after January 1,  
18 1986 but before January 1, 1987, add the amount of  
19 federal income tax paid during the tax year for the  
20 previous tax year to the extent that the federal  
21 income tax paid was not the result of an adjustment to  
22 the return for the previous tax year.

23 (3) For tax years beginning on or after January 1,  
24 1987 but before January 1, 1988, add seventy-five  
25 percent of the amount of federal income tax paid  
26 during the tax year for the previous tax year to the  
27 extent that the federal income tax paid was not the  
28 result of an adjustment to the return for the previous

29 tax year.

30 (4) For tax years beginning on or after January 1,  
31 1987, add the amount of federal income tax paid during  
32 the tax year which is the result of an adjustment to a  
33 federal return for a tax year beginning prior to  
34 January 1, 1987 except in the case of an adjustment to  
35 a federal return for a tax year beginning on or after  
36 January 1, 1986 but before January 1, 1987, the amount  
37 added equals seventy-five percent.

38 (5) Subtract the amount of federal income tax  
39 refund received during the tax year to the extent that  
40 the federal income tax that was refunded had been  
41 deducted.

42 Married persons who have filed a joint federal  
43 income tax return and who filed separate returns shall  
44 divide the federal income tax paid or the federal  
45 income tax refund between them in the ratio of the  
46 federal adjusted gross income of each spouse to the  
47 adjusted gross income of both spouses for the tax year  
48 which resulted in the income tax payment or the income  
49 tax refund."

DIVISION S-5746B

50 2. Page 1, line 34, by striking the words "and

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DIVISION S-5746B (cont'd.)

1 commercial" and inserting the following: "commercial,  
2 and certain railroad".

3 3. Page 2, line 6, by inserting after the word  
4 "property" the following: "and property subject to  
5 the provisions of the Railroad Revitalization and  
6 Regulatory Reform Act of 1976, 49 U.S.C. Sec. 11503".

7 4. Page 2, line 11, by striking the words "and  
8 commercial" and inserting the following: "commercial,  
9 and such railroad".

CHARLES BRUNER

S-5747

1 Amend Senate File 2303 as follows:

2 1. Page 21, line 21, by striking the words

3 “account of the department” and inserting the  
4 following: “general fund of the state”.

JIM LIND

S-5748

1 Amend Senate File 2304 as follows:  
2 1. Page 5, line 8, by striking the word  
3 “hypertension” and inserting the following:  
4 “fluoridation”.

MILO COLTON

S-5749

1 Amend Senate File 2298 as follows:  
2 1. Page 3, by inserting after line 1 the  
3 following:  
4 “DIVISION I  
5 INTRODUCTORY PROVISIONS  
6 Sec. 101. NEW SECTION. 442A.1 INTRODUCTION.  
7 There is established a state school finance plan to  
8 provide moneys to school districts and area education  
9 agencies for operation of their educational programs  
10 and to maximize the opportunities of the children of  
11 this state. The plan includes allocating the  
12 expenditures of school districts into three categories  
13 with provision for payment of state aid and for  
14 levying of property taxes to provide funding. It also  
15 provides for payment of special education costs and  
16 for funding for special education support services,  
17 media services, and educational services of area  
18 education agencies.  
19 Sec. 102. NEW SECTION. 442A.2 DEFINITIONS.  
20 As used in this chapter unless the context  
21 otherwise requires:  
22 1. “School district” means a school district as  
23 constituted under chapter 274.  
24 2. “Board” means the board of directors of a  
25 school district.  
26 3. “Committee” means the school budget review  
27 committee established in section 442A.19.  
28 4. “Base year” means the school year ending during  
29 the calendar year in which a budget is certified.  
30 5. “Budget year” means the school year beginning  
31 during the calendar year in which a budget is  
32 certified.

33 6. "Department" means the department of public  
34 instruction.

35 7. "State board" means the state board of public  
36 instruction.

37 DIVISION II

38 SCHOOL DISTRICT INSTRUCTIONAL EXPENDITURES

39 Sec. 103. NEW SECTION. 442A.3 DUTIES OF BOARD.

40 For the budget year beginning July 1, 1988 and  
41 succeeding budget years, the board shall establish a  
42 budget for instructional expenditures for the budget  
43 year. Instructional expenditures include the costs of  
44 salaries and benefits of employees of the school  
45 district and supplies in the areas of general  
46 education, career education, skill development,  
47 cocurricular athletic programs, continuing education,  
48 community services, attendance services, guidance  
49 services, health, other student services, library,  
50 audiovisual services, other instructional support, and

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1 building administration, except those expenditures  
2 specifically assigned to infrastructure expenditures.  
3 Instructional expenditures also include the costs of  
4 special education instructional programs and the  
5 categorical programs for talented and gifted children  
6 and non-English-speaking children as provided in this  
7 chapter.

8 Funding for instructional expenditures shall be  
9 provided under this chapter. Additional moneys needed  
10 for instructional expenditures shall be included in  
11 the property tax levy for the infrastructure  
12 expenditures as provided in section 442A.10,  
13 subsection 22.

14 Sec. 104. NEW SECTION. 442A.4 FOUNDATION  
15 PROPERTY TAX -- LIVESTOCK CREDIT.

16 1. Each school district shall cause to be levied  
17 each year, for the instructional expenditures budget,  
18 a uniform property tax of three dollars per thousand  
19 dollars of assessed valuation on all taxable property  
20 in the district. For the purpose of this chapter, a  
21 school district is defined as a school corporation  
22 organized under chapter 274.

23 2. The amount paid to each school district for the  
24 tax credit for livestock under section 427.17 shall be  
25 regarded as uniform property tax. The portion of the  
26 payment which is uniform property tax shall be  
27 determined by applying the uniform property tax rate  
28 to the taxable value of livestock assessed for  
29 taxation in the district as of January 1, 1973,

30 determined pursuant to section 427.17, and adjusted to  
31 actual value as provided in Acts of the Sixty-fifth  
32 General Assembly, chapter 1231, section 174. A school  
33 district may levy a tax on all of the taxable property  
34 within the district in an amount equal to the  
35 difference between the amount due to a school district  
36 from the personal property tax replacement fund for  
37 the preceding year and the amount actually received  
38 during the preceding fiscal year from the personal  
39 property tax replacement fund.

40 3. The amount paid to each school district from  
41 the personal property tax replacement fund established  
42 by sections 427A.9 to 427A.14 shall be regarded as  
43 property tax. For budget years beginning after the  
44 year in which the ninth increase in the additional  
45 personal property tax credit becomes effective as  
46 provided in those sections, the portion of the payment  
47 which is uniform property tax shall be determined by  
48 applying the uniform property tax rate to the total  
49 actual value of all personal property assessed for  
50 taxation in the district as of January 1, 1973,

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1 excluding livestock, but including other personal  
2 property eligible for tax credits granted by sections  
3 427A.9 to 427A.14. For budget years to and including  
4 the year in which the ninth increase in the additional  
5 personal property tax credit becomes effective as  
6 provided in the sections, the portion of the payment  
7 which is uniform property tax shall be determined by  
8 the state comptroller pursuant to uniform methods  
9 established by the comptroller.

10 4. For purposes of this chapter, the "amount per  
11 pupil of uniform property tax" and the "money raised  
12 by the uniform property tax" do not include the tax  
13 levied under subsection 1 on the property of a railway  
14 corporation or its trustee which corporation has been  
15 declared bankrupt or is in bankruptcy proceedings.

16 Sec. 105. NEW SECTION. 442A.5 ENROLLMENT.

17 1. Basic enrollment for the budget year beginning  
18 July 1, 1988 and succeeding budget years is determined  
19 by adding the resident pupils who were enrolled on the  
20 second Friday of September in the base year in public  
21 elementary and secondary schools of the district and  
22 in public elementary and secondary schools enrolled in  
23 another district or state for which tuition is paid by  
24 the district. However, resident pupils enrolled in  
25 kindergarten programs are included in basic enrollment  
26 in the proportion that the time for which they are

27 enrolled or receive instruction for the school year is  
28 to the time that full-time pupils carrying a normal  
29 course schedule in the same school district, for the  
30 same school year, are enrolled and receive  
31 instruction.

32 Resident pupils of high school age for which the  
33 district pays tuition to attend an Iowa area school  
34 are included in basic enrollment on a full-time  
35 equivalent basis.

36 Shared-time and part-time pupils of school age,  
37 irrespective of the districts in which the pupils  
38 reside, are included in basic enrollment as of the  
39 fourth Friday of September in the base year for the  
40 budget year in the proportion that the time for which  
41 they are enrolled or receive instruction for the  
42 school year is to the time that full-time pupils  
43 carrying a normal course schedule, at the same grade  
44 level, in the same school district, for the same  
45 school year, are enrolled and receive instruction.

46 Pupils attending a university laboratory school are  
47 not counted in any district's basic enrollment, but  
48 the laboratory school shall report them directly to  
49 the department of public instruction.

50 A school district shall certify its basic

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1 enrollment to the department of public instruction by  
2 September 25 of each year, and the department shall  
3 promptly forward the information to the state  
4 comptroller.

5 2. Weighted enrollment for the budget year begin-  
6 ning July 1, 1988 and succeeding budget years is  
7 determined by adding the district's additional  
8 enrollment because of special education and  
9 categorical programs to the district's basic  
10 enrollment for the budget year. A district's addi-  
11 tional enrollment because of special education and  
12 categorical programs is determined on December 1 of  
13 the base year by multiplying the weighting for each  
14 category of special education and categorical program  
15 under sections 280.18, 280.19, and 281.9 by the number  
16 of children in each category totaled for all  
17 categories and subtracting from this total the basic  
18 enrollment for the budget year.

19 Weighted enrollment is basic enrollment as modified  
20 by the application of the special education and  
21 categorical programs weighting plans.

22 3. A school district's certification of basic and  
23 weighted enrollment is subject to audit in accordance

24 with procedures adopted by rule by the state board  
 25 pursuant to chapter 17A.  
 26 4. "Enrollment served" means the basic enrollment  
 27 plus the number of pupils in approved nonpublic  
 28 schools served with services of the area education  
 29 agency except that if a nonpublic school pupil  
 30 receives services through an area other than the area  
 31 of the pupil's residence, the pupil shall be deemed to  
 32 be served by the area of the pupil's residence, which  
 33 shall by contractual arrangement reimburse the area  
 34 through which the pupil actually receives services.  
 35 Each school district shall include in the second  
 36 Friday in September enrollment report the number of  
 37 pupils in approved nonpublic schools within each  
 38 school district served by the area.  
 39 Sec. 106. NEW SECTION. 442A.6 STATE PERCENT OF  
 40 GROWTH -- ALLOWABLE GROWTH.  
 41 1. For the budget year beginning July 1, 1988, and  
 42 succeeding budget years, a state percent of growth for  
 43 the budget year shall be computed by the state  
 44 comptroller prior to September 15 in the base year and  
 45 forwarded to the commissioner of public instruction.  
 46 The state percent of growth shall be an average of the  
 47 following four percentages of growth except as  
 48 otherwise provided in paragraph "c" of this  
 49 subsection:  
 50 a. The difference in the receipts of state general

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1 fund revenues computed or estimated as follows:  
 2 (1) The percentage of change between the revenues  
 3 received during the second year preceding the base  
 4 year and the revenues received during the year  
 5 preceding the base year.  
 6 (2) The percentage of change between the revenues  
 7 received during the year preceding the base year and  
 8 the revenues received during the base year.  
 9 b. The difference in the gross national product  
 10 implicit price deflator published by the bureau of  
 11 economic analysis, United States department of  
 12 commerce, computed or estimated as a percentage of  
 13 change for the following:  
 14 (1) From the value for the quarter ending December  
 15 31 eighteen months prior to the beginning of the base  
 16 year to the value for the quarter ending December 31  
 17 six months prior to the beginning of the base year.  
 18 (2) From the value for the quarter ending December  
 19 31 six months prior to the beginning of the base year  
 20 to the value for the quarter ending December 31 six

21 months prior to the beginning of the budget year.  
22 The computation of the percentage change in the  
23 gross national product implicit price deflator shall  
24 be based, to the extent possible, on the latest  
25 available values for these deflators published by the  
26 bureau of economic analysis.

27 c. If the average of the percentages computed or  
28 estimated under paragraph "b" of this subsection  
29 exceeds the average of the percentages computed or  
30 estimated under paragraph "a" of this subsection, the  
31 state percent of growth shall be the average of the  
32 two percentages of growth computed or estimated under  
33 paragraph "a" of this subsection.

34 2. If the state percent of growth so computed is  
35 negative, that percentage shall not be used and the  
36 state percent of growth shall be zero.

37 3. Each year prior to September 15 the state  
38 comptroller shall recompute the state percent of  
39 growth for the previous year using adjusted estimates  
40 and the actual figures available. The difference  
41 between the recomputed state percent of growth for the  
42 base year and the original computation shall be added  
43 to or subtracted from the state percent of growth for  
44 the budget year, as applicable.

45 With regard to values of gross national product  
46 implicit price deflators, the recomputation of the  
47 state percent of growth for the previous year shall be  
48 made only with respect to the value of the deflator  
49 for the quarter which occurred subsequent to the  
50 calculation of the state percent of growth for the

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1 previous year. If subsection 1, paragraph "c" is used  
2 in the calculation of the state percent of growth for  
3 the previous year, the calculation made in subsection  
4 1, paragraph "b" shall not be used in the  
5 recomputation of the state percent of growth for the  
6 previous year.

7 4. The basic allowable growth per pupil for the  
8 budget year shall be computed by multiplying the state  
9 cost per pupil for the base year times the state  
10 percent of growth for the budget year.

11 5. The allowable growth per pupil for each school  
12 district is the basic allowable growth per pupil for  
13 the budget year modified by the school budget review  
14 committee.

15 Sec. 107. NEW SECTION. 442A.7 STATE COST PER  
16 PUPIL.

17 For the budget year beginning July 1, 1988 and

18 succeeding budget years, the state comptroller shall  
 19 determine the state cost per pupil pursuant to this  
 20 section. The state comptroller shall add together the  
 21 district costs for all school districts for the base  
 22 year beginning July 1, 1987 as defined in section  
 23 442.9, Code 1985, and divide that total by the  
 24 weighted enrollment in the state for the base year  
 25 determined under section 442A.5 to determine the state  
 26 cost per pupil for the base year. The state cost per  
 27 pupil for the base year plus the total of the basic  
 28 allowable growth per pupil for the budget year and one  
 29 hundred sixty dollars is the state cost per pupil for  
 30 the budget year beginning July 1, 1988. For the  
 31 budget year beginning July 1, 1989 and succeeding  
 32 budget years, the state cost per pupil shall be  
 33 recalculated each year in the same manner as the base  
 34 year beginning July 1, 1988 except that one hundred  
 35 sixty dollars will not be added.

36 The state comptroller shall compute the applicable  
 37 amount of allowable growth to be added to the state  
 38 cost per pupil for each school year.

39 Sec. 108. NEW SECTION. 442A.8 DISTRICT COST PER  
 40 PUPIL -- STATE AID.

41 For the budget year beginning July 1, 1988, the  
 42 district cost per pupil of a school district is an  
 43 amount equal to seventy-seven percent of the district  
 44 cost per pupil for the base year plus the sum of the  
 45 total of the allowable growth for the budget year and  
 46 one hundred sixty dollars. Thereafter, the district  
 47 cost per pupil for the budget year is the district  
 48 cost per pupil for the base year plus the allowable  
 49 growth.

50 The district cost for the budget year is equal to

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1 the district cost per pupil for the budget year  
 2 multiplied by the weighted enrollment for the budget  
 3 year. There is appropriated to the state comptroller  
 4 for each budget year an amount sufficient to pay to  
 5 each school district an amount equal to its district  
 6 cost less the amount raised by the uniform levy.  
 7 Payment shall be made pursuant to section 442A.18.

8 DIVISION III  
 9 INFRASTRUCTURE EXPENDITURES

10 Sec. 109. NEW SECTION. 442A.9 DUTIES OF BOARD.

11 For the budget year beginning July 1, 1988 and  
 12 succeeding budget years, the board shall establish a  
 13 budget for infrastructure expenditures for the budget  
 14 year and certify the infrastructure expenditures

15 budget for property tax levy, to the school budget  
16 review committee and the state comptroller. The state  
17 comptroller shall determine the amount of the  
18 infrastructure property tax levy to be made on all  
19 taxable property in the district based upon the budget  
20 submitted and shall transmit the rate of the levy to  
21 the appropriate county auditor and county board of  
22 supervisors.

23 Sec. 110. NEW SECTION. 442A.10 INFRASTRUCTURE  
24 EXPENDITURES.

25 Expenditures for the following are infrastructure  
26 expenditures and may be included in the infrastructure  
27 expenditures budget:

- 28 1. Public educational and recreational purposes
- 29 authorized in chapter 300.
- 30 2. Community education purposes pursuant to
- 31 chapter 276.
- 32 3. Transportation of public school pupils to and
- 33 from school and other school activities, including
- 34 purchase and maintenance of transportation equipment,
- 35 vehicle operation and maintenance, and salaries and
- 36 benefits of operational and maintenance personnel.
- 37 4. The purchase and improvement of grounds.
- 38 5. Opening roads to schoolhouses or buildings.
- 39 6. The purchase of buildings or equipment for
- 40 buildings or schoolhouses.
- 41 7. The payment of debts contracted for the
- 42 erection or construction of schoolhouses or buildings,
- 43 including interest on the debts, but not including
- 44 interest on bonds.
- 45 8. Procuring or acquisition of libraries.
- 46 9. Repairing, remodeling, reconstructing,
- 47 improving, or expanding the schoolhouse or buildings.
- 48 10. Operation and maintenance of school district
- 49 buildings and facilities.
- 50 11. Moneys to provide a necessary cash reserve.

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- 1 12. The rental of facilities under chapter 28E.
- 2 13. Lease-purchase option agreements for school
- 3 buildings.
- 4 14. The actual costs of removal or encapsulation
- 5 of asbestos existing in buildings.
- 6 15. Equipment, vehicles, vehicle operation and
- 7 maintenance for driver education.
- 8 16. Costs associated with the operation of a
- 9 nonprofit food service to children in attendance as
- 10 provided in chapter 283A.
- 11 17. Community services which include services

12 which are not directly related to the educational  
 13 programs of the district which include, but are not  
 14 limited to, civic activities, public libraries, and  
 15 nonpublic school services except for the costs of  
 16 transportation for nonpublic school pupils.

17 18. The costs of unemployment benefits under  
 18 chapter 96.

19 19. An amount sufficient for payment of judgments  
 20 or settlements together with interest accruing on them  
 21 to the expected date of payment under section 613A.2  
 22 or 613A.8.

23 20. Operation of the office of the board of  
 24 education of the district, including compensation,  
 25 travel and materials for board members.

26 21. Costs of school district general  
 27 administration, executive administration, business  
 28 administration, fiscal services, and staff services,  
 29 but not including the costs of school administration.

30 22. Other costs of school districts that are in-  
 31 cluded but are not funded under instructional  
 32 expenditures funding.

33 23. Other necessary expenditures of school  
 34 districts not included in instructional expenditures.

35 Sec. 111. NEW SECTION. 442A.11 PUBLIC HEARING.

36 The board shall present the budget for  
 37 infrastructure expenditures separately during the  
 38 public hearing required in section 24.9 and shall list  
 39 the budget for each subsection under section 442A.10  
 40 separately.

#### 41 DIVISION IV

#### 42 AREA EDUCATION AGENCIES

43 Sec. 112. NEW SECTION. 442A.12 SPECIAL EDUCATION  
 44 SUPPORT.

45 The state comptroller shall multiply the amount  
 46 added to state cost per pupil for special education  
 47 support services for the school year beginning July 1,  
 48 1987 by the weighted enrollment for that year and  
 49 divide the result by the enrollment served for that  
 50 year to obtain a state special education support

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1 services cost per pupil for the base year. The state  
 2 comptroller shall then compute the special education  
 3 allowable growth amount for the budget year by  
 4 multiplying the state percent of growth for the budget  
 5 year by the state special education support services  
 6 cost per pupil for the base year. That allowable  
 7 growth amount added to state special education support  
 8 services cost per pupil for the base year is the state

9 special education support services cost for the budget  
10 year.

11 The special education support services budget for  
12 an area education agency shall be determined under  
13 this section. For the base year beginning July 1,  
14 1987, the state comptroller shall multiply the amount  
15 included in district cost per pupil for special  
16 education support services for an area education  
17 agency for that year by the weighted enrollment in the  
18 area education agency for that year and divide the  
19 result by the enrollment served in the area education  
20 agency for that year to determine the area special  
21 education support services cost per pupil for the base  
22 year. The area special education support services  
23 cost per pupil for the budget year is the area special  
24 education support services cost per pupil for the base  
25 year plus the special education allowable growth  
26 amount. The area special education support services  
27 cost per pupil for the budget year multiplied by the  
28 enrollment served for the budget year in the area  
29 provides the area special education support services  
30 cost for an area education agency for the budget year.

31 Sec. 113. NEW SECTION. 442A.13 FUNDING FOR  
32 SPECIAL EDUCATION SUPPORT SERVICES.

33 There is appropriated from the general fund of the  
34 state to the state comptroller an amount sufficient to  
35 pay eighty percent of the area special education  
36 support services cost for an area education agency for  
37 each budget year.

38 The remainder of the area special education support  
39 services cost for an area education agency for a  
40 budget year shall be allocated to each school district  
41 in the area education agency based upon the district's  
42 proportion of the enrollment served compared to the  
43 total enrollment served in the area, and shall be  
44 added to the infrastructure cost of the district.

45 Sec. 114. NEW SECTION. 442A.14 MEDIA SERVICES.

46 For the school year beginning July 1, 1982 and  
47 succeeding school years, the total amount funded in  
48 each area for media services in the budget year shall  
49 be computed as provided in this subsection. For the  
50 school year beginning July 1, 1982, the total amount

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1 funded in each area for media services in the base  
2 year, including the cost for media resource material  
3 which shall only be used for the purchase or  
4 replacement of material required in section 273.6,  
5 subsection 1, paragraphs "a", "b" and "c", shall be

6 divided by the enrollment served in the base year to  
7 provide an area media services cost per pupil in the  
8 base year, and the state comptroller shall compute the  
9 state media services cost per pupil in the base year  
10 which is equal to the average of the area media  
11 services costs per pupil in the base year. For the  
12 year beginning July 1, 1982 and succeeding school  
13 years, the state comptroller shall compute the  
14 allowable growth for media services in the budget year  
15 by multiplying the state media services cost per pupil  
16 in the base year times the state percent of growth for  
17 the budget year, and the total amount funded in each  
18 area for media services cost in the budget year equals  
19 the area media services cost per pupil in the base  
20 year plus the allowable growth for media services in  
21 the budget year times the enrollment served in the  
22 budget year. The total amount for a district shall be  
23 added to the infrastructure cost of the district.  
24 Funds shall be paid to area education agencies as  
25 provided in section 442A.16.

26 Sec. 115. NEW SECTION. 442A.15 EDUCATIONAL  
27 SERVICES.

28 For the school year beginning July 1, 1982 and  
29 succeeding school years, the total amount funded in  
30 each area for educational services in the budget year  
31 shall be computed as provided in this subsection. For  
32 the school year beginning July 1, 1982, the total  
33 amount funded in each area for educational services in  
34 the base year shall be divided by the enrollment  
35 served in the area in the base year to provide an area  
36 educational services cost per pupil in the base year,  
37 and the state comptroller shall compute the state  
38 educational services cost per pupil in the base year,  
39 which is equal to the average of the area educational  
40 services costs per pupil in the base year. For the  
41 year beginning July 1, 1982 and succeeding school  
42 years, the state comptroller shall compute the  
43 allowable growth for educational services by  
44 multiplying the state educational services cost per  
45 pupil in the base year times the state percent of  
46 growth for the budget year, and the total amount  
47 funded in each area for educational services for the  
48 budget year equals the area educational services cost  
49 per pupil for the base year plus the allowable growth  
50 for educational services in the budget year times the

1 enrollment served in the area in the budget year. The  
2 total amount for a district shall be added to the  
3 infrastructure cost of the district. Funds shall be  
4 paid to area education agencies as provided in section  
5 442A.16.

6 Sec. 116. NEW SECTION. 442A.16 AREA EDUCATION  
7 AGENCY PAYMENTS.

8 The state comptroller shall deduct the amounts  
9 calculated for special education support services,  
10 media services, and educational services for each  
11 school district from the state aid due to the district  
12 pursuant to this chapter and shall pay the amounts to  
13 the respective area education agencies on a quarterly  
14 basis during each school year. The state comptroller  
15 shall notify each school district of the amount of  
16 state aid deducted for these purposes and the balance  
17 of state aid shall be paid to the district. If a  
18 district does not qualify for state aid under this  
19 chapter in an amount sufficient to cover its amount  
20 due to the area education agency as calculated by the  
21 state comptroller, the school district shall pay the  
22 deficiency to the area education agency from other  
23 moneys received by the district, on a quarterly basis  
24 during each school year.

25 DIVISION V  
26 GENERAL PROVISIONS

27 Sec. 117. NEW SECTION. 442A.17 FUNDS.

28 A general fund and a schoolhouse fund are  
29 established for each school district. The general  
30 fund shall include three separate accounts. The  
31 moneys received for instructional expenditures plus  
32 the portion of the property tax revenue received under  
33 sections 442A.9 and 442A.10, for subsection 22, shall  
34 be placed in an instructional account and may be used  
35 only for those purposes. The property tax revenue  
36 received for infrastructure expenditures listed in  
37 section 442A.10, except for subsection 22, shall be  
38 credited to the infrastructure account and may be used  
39 only for those purposes. The moneys collected for the  
40 operation of the area education agency shall be  
41 deposited in an area education agency account and then  
42 transmitted to the appropriate area education agency.  
43 The treasurer of the school district shall keep a  
44 separate record of each account in the general fund.  
45 Other moneys received by a school district for a  
46 specific purpose shall be credited to the appropriate  
47 account in the general fund. Moneys received by a  
48 school district for which a purpose is not specified

49 and interest earned on the investment of school  
50 district moneys shall be credited to either the

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1 instructional or infrastructure accounts at the  
2 discretion of the board.

3 The schoolhouse fund shall include deposits of  
4 moneys from the proceeds of the sale of bonds  
5 authorized by law and the proceeds of a tax estimated  
6 and certified by the board for the purpose of paying  
7 interest on lawful bonded indebtedness. Moneys  
8 deposited in the schoolhouse fund shall be used only  
9 for these purposes.

10 Sec. 118. NEW SECTION. 442A.18 PAYMENT OF STATE  
11 AID.

12 In making computations for payment of state aid,  
13 the state comptroller shall round amounts to the  
14 nearest whole dollar.

15 State aid paid under sections 442A.8 and 442A.13  
16 shall be paid in monthly installments beginning on  
17 September 15 of a budget year and ending on June 15 of  
18 the budget year and the installments shall be as  
19 nearly equal as possible as determined by the state  
20 comptroller, taking into consideration the relative  
21 budget and cash position of the state resources.

22 Sec. 119. NEW SECTION. 442A.19 SCHOOL BUDGET  
23 REVIEW COMMITTEE.

24 A five-member school budget review committee is  
25 established, consisting of the commissioner of public  
26 instruction, the state comptroller and three members  
27 appointed to represent the public by the governor  
28 subject to confirmation by the senate in accordance  
29 with section 2.32.

30 No more than two of the appointed members shall  
31 belong to the same political party. The appointed  
32 members shall serve three-year staggered terms which  
33 begin and end as provided in section 69.19. The  
34 governor shall fill a vacancy in the same manner as an  
35 original appointment under the procedures of section  
36 2.32.

37 The committee shall meet and hold hearings each  
38 year and shall continue in session until it has  
39 reviewed budgets of school districts. It may call in  
40 school board members and employees as necessary for  
41 the hearings. Members of the general assembly shall  
42 be notified of hearings concerning school districts in  
43 their constituencies.

44 The committee shall adopt its own rules of  
45 procedure. The commissioner of public instruction

46 shall serve as chairperson, and the state comptroller  
47 shall serve as secretary. The committee members  
48 representing the public and the members of the general  
49 assembly are entitled to receive a per diem of forty  
50 dollars, and their actual expenses while engaged in

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1 their official duties. Per diem and expense payments  
2 for members representing the public shall be made from  
3 appropriations to the department of public  
4 instruction.

5 Sec. 120. NEW SECTION. 442A.20 DUTIES OF THE  
6 COMMITTEE.

7 1. The school budget review committee may  
8 recommend the revision of any rules, directives, or  
9 forms relating to school district budgeting and  
10 accounting, confer with local school boards or their  
11 representatives and make recommendations relating to  
12 any budgeting or accounting matters, and may direct  
13 the commissioner of public instruction or the state  
14 comptroller to make studies and investigations of  
15 school costs in any school district.

16 2. The committee shall report to each session of  
17 the general assembly, which report shall include any  
18 recommended changes in laws relating to school  
19 districts, and shall specify the number of hearings  
20 held annually, the reasons for the committee's  
21 recommendations, information about the amounts of  
22 property tax levies, and state aid paid to school  
23 districts, and other information the committee deems  
24 advisable.

25 3. The committee shall review the recommendations  
26 of the commissioner of public instruction relating to  
27 special education and categorical programs and shall  
28 establish the weighting for special education and  
29 categorical programs and report the weights to the  
30 state comptroller.

31 4. The committee shall review the certified budget  
32 of each school district, and may make recommendations  
33 to the school district and to the state comptroller.  
34 The committee may make decisions affecting budgets to  
35 the extent provided in this chapter. The costs and  
36 computations referred to in this section relate to the  
37 budget year unless otherwise expressly stated.

38 5. The committee shall review for each school  
39 district the amount of the infrastructure property tax  
40 levy. If in the committee's judgment, the levy is  
41 unreasonably high, the committee shall instruct the  
42 state comptroller to reduce the district's

43 infrastructure tax levy for the following budget year  
44 by the amount deemed excessive.

45 6. Decisions by the committee under this chapter  
46 shall be made in accordance with reasonable and  
47 uniform policies which shall be consistent with this  
48 chapter. Policies of general application shall be  
49 stated in rules adopted under chapter 17A.

50 7. Failure by a school district to provide

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1 information or appear before the committee as  
2 requested for the accomplishment of review or hearing  
3 is justification for the committee to instruct the  
4 state comptroller to withhold state instructional  
5 support to that district until the committee's  
6 inquiries are satisfied completely.

7 Sec. 121. BUDGET YEAR BEGINNING JULY 1, 1987.

8 1. Notwithstanding section 442.2, for the budget  
9 year beginning July 1, 1987, each school district  
10 shall cause to be levied for the school general fund a  
11 foundation property tax of four dollars and twenty  
12 cents per thousand dollars of assessed valuation on  
13 all taxable property in the district.

14 2. For the budget year beginning July 1, 1987,  
15 there is appropriated from the salary improvement fund  
16 to the state comptroller an amount sufficient to pay  
17 to each school district an amount equal to ninety-nine  
18 dollars multiplied by the basic enrollment of the  
19 district for the budget year. The amount received by  
20 a school district under this subsection is mis-  
21 cellaneous income for purposes of chapter 442 and  
22 shall be expended for purposes of increasing teacher  
23 salaries.

24 3. Except as otherwise provided in this  
25 subsection, for the budget year beginning July 1,  
26 1987, a contract issued by boards of directors of a  
27 school district under section 279.13 shall provide for  
28 an annual salary for a full-time teacher of at least  
29 seventeen thousand dollars. The minimum salary  
30 specified in this subsection shall be prorated for a  
31 teacher employed on less than a full-time basis.

32 There is appropriated from the general fund of the  
33 state to the state comptroller the amount of five  
34 million (5,000,000) dollars, or as much thereof as may  
35 be necessary, to pay to each school district an amount  
36 equal to the difference between salaries of teachers  
37 earning less than seventeen thousand dollars on the  
38 salary schedule in effect for that year and the total  
39 of seventeen thousand dollars for each such teacher.

40 If the amount appropriated in this subsection is  
41 insufficient to make the required payments, the state  
42 comptroller shall prorate the payments.  
43 Sec. 122. NEW SECTION. 294.22 MINIMUM SALARY.  
44 Effective for the school year beginning July 1,  
45 1988 and succeeding school years, contracts issued by  
46 boards of directors of school districts and area  
47 education agencies under section 279.13 shall provide  
48 for employment of not less than two hundred working  
49 days and annual salaries at least equal to the  
50 salaries specified in this section.

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1 For the school year beginning July 1, 1988, the  
2 minimum salaries for full-time teachers are as  
3 follows:  
4 1. For teachers possessing a baccalaureate degree,  
5 eighteen thousand dollars.  
6 2. For teachers possessing a baccalaureate degree  
7 plus at least fifteen graduate hours, twenty-two  
8 thousand five hundred dollars.  
9 3. For teachers possessing a baccalaureate degree  
10 plus at least thirty graduate hours or a master's  
11 degree, twenty-six thousand dollars.  
12 4. For teachers possessing a master's degree plus  
13 at least fifteen graduate hours beyond the master's  
14 degree, twenty-eight thousand dollars.  
15 The salary a teacher will receive on the salary  
16 schedule adopted by the board of directors for a year  
17 does not include the costs of fringe benefits nor does  
18 it include supplemental pay earned by a teacher for  
19 performance of additional duties beyond teaching  
20 duties.  
21 For the purposes of this section and section  
22 294.23, "teacher" means a teacher employed by a school  
23 district or area education agency under a contract  
24 executed pursuant to section 279.13. A teacher  
25 jointly employed by two or more districts or area  
26 education agencies whose employment is on a full-time  
27 equivalent basis is a full-time teacher. The minimum  
28 salaries specified in this section may be prorated for  
29 teachers employed on less than a full-time basis.  
30 Salaries in excess of the minimums specified in  
31 this section shall be based upon experience,  
32 education, and performance. They shall be negotiated  
33 under chapter 20 if an employee organization had been  
34 certified under chapter 20 or shall be determined by  
35 the board of directors if there is no employee  
36 organization certified under chapter 20.

37 Sec. 123. NEW SECTION. 294.23 EXTENDED CONTRACT.

38 A contract of at least two hundred days duration  
39 offered by the board of directors of a school district  
40 or area education agency under section 294.22 shall  
41 provide that in addition to regular teaching duties,  
42 the teacher participate in curriculum development;  
43 community education projects; special programs offered  
44 by the school district, city, or county; recreation  
45 programs; staff development activities; or other  
46 similar activities.

47 Sec. 124. Section 11.21, unnumbered paragraph 1,  
48 Code 1985, is amended to read as follows:

49 Upon payment by the state of the salary and  
50 expenses, the auditor of state shall file with the

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1 warrant-issuing officer of the county, municipality or  
2 school, whose offices were examined, a sworn statement  
3 consisting of the itemized expenses paid and prorated  
4 salary costs paid under section 11.20. Upon audit and  
5 approval by the board of supervisors, council or  
6 school board, the warrant-issuing officer shall draw a  
7 warrant for the amount on the county, or on the  
8 general fund of the municipality or general fund of  
9 the school and charged against the infrastructure  
10 account in favor of the auditor of state, which  
11 warrant shall be placed to the credit of the general  
12 fund of the state. In the event of the disapproval of  
13 ~~any~~ items of ~~said~~ ~~the~~ statement by the county,  
14 municipality, or school authorities, written  
15 objections shall be filed with the auditor of state  
16 within thirty days from the filing ~~thereof~~.  
17 Disapproved items of the statement shall be paid the  
18 auditor of state upon receiving final decisions  
19 emanating from public hearing established by the  
20 auditor of state.

21 Sec. 125. Section 79.9, Code 1985, is amended to  
22 read as follows:

23 79.9 CHARGE FOR USE OF AUTOMOBILE BY OTHER THAN  
24 STATE OFFICER OR EMPLOYEE.

25 When a public officer or employee, other than a  
26 state officer or employee or a school district or area  
27 education agency officer or employee, is entitled to  
28 be paid for expenses in performing a public duty, a  
29 charge shall be made, allowed and paid for the use of  
30 an automobile, as determined by the local governing  
31 body, in an amount not exceeding twenty-two cents per  
32 mile for actual and necessary travel effective July 1,  
33 1981, and in an amount not exceeding twenty-four cents

34 per mile effective July 1, 1982. A statutory  
35 provision stipulating necessary mileage, travel, or  
36 actual reimbursement to a local public officer or  
37 employee falls within the mileage reimbursement  
38 limitation specified in this section unless  
39 specifically provided otherwise. A political  
40 subdivision may authorize the use of private vehicles  
41 for the conduct of official business of the political  
42 subdivision at an annual amount in lieu of actual and  
43 necessary travel expense reimbursement provided in  
44 this section. A peace officer, other than a state  
45 officer or employee, as defined in section 801.4 who  
46 is required to use a private vehicle in the  
47 performance of official duties shall receive  
48 reimbursement for mileage expense at the rate  
49 specified in this section.  
50 A school district or area education agency officer

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1 or employee shall be paid for the use of an automobile  
2 at the rate specified in section 18.117.

3 Sec. 126. Section 96.31, Code 1985, is amended to  
4 read as follows:

5 96.31 TAX FOR BENEFITS.

6 Political subdivisions may levy a tax outside their  
7 general fund levy limits to pay the cost of  
8 unemployment benefits. For school districts the cost  
9 of unemployment benefits shall be included in the  
10 infrastructure levy pursuant to section 442A.10.

11 Sec. 127. Section 258.5, unnumbered paragraph 1,  
12 Code 1985, is amended to read as follows:

13 Whenever a school corporation maintains an approved  
14 vocational school, department, or classes in  
15 accordance with the rules ~~and regulations~~ established  
16 by the state board and the state plan for vocational  
17 education, adopted by that board and approved by the  
18 United States ~~office department~~ of education or other  
19 ~~federal agency to which its functions are assigned,~~  
20 the state board shall reimburse ~~such~~ the school  
21 corporation at the end of the fiscal year for its  
22 expenditures for salaries and authorized travel of  
23 vocational teachers from federal and state funds:  
24 ~~Provided, that no. However,~~ a school corporation  
25 shall not receive from federal and state funds a  
26 larger amount than one-half the sum which has been  
27 expended by the school corporation for that particular  
28 type of program; further, provided that in the event  
29 federal and state funds are not sufficient to make  
30 ~~such~~ the reimbursement to the extent ~~herein~~ provided

31 in this section, the state board shall prorate the  
 32 respective amounts available to the corporations  
 33 entitled to ~~such~~ reimbursement. Moneys received by a  
 34 school district pursuant to this section shall be  
 35 deposited in the general fund and credited to the  
 36 instructional account.

37 Sec. 128. Section 265.6, Code 1985, is amended to  
 38 read as follows:

39 265.6 STATE AID APPLICABLE.

40 If the state board of regents has established a  
 41 laboratory school, it shall receive state aid pursuant  
 42 to chapters 281 and ~~442~~ 442A for each pupil enrolled  
 43 in the laboratory school in the same amount as the  
 44 public school district in which the pupil resides  
 45 would receive aid for that pupil and shall transmit  
 46 the amount received to the institution of higher  
 47 education at which the laboratory school has been  
 48 established. If the board of a school district  
 49 terminates a contract with the state board of regents  
 50 for attendance of pupils in a laboratory school, the

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1 school district shall inform the state comptroller of  
 2 the number of these pupils who are enrolled in the  
 3 district on the second Friday of the following  
 4 September. The state comptroller shall pay to the  
 5 school district, from funds appropriated in section  
 6 ~~442:26~~ 442A.8, an amount equal to the amount of state  
 7 aid paid for each pupil in that school district for  
 8 that school year in payments made as provided in  
 9 section ~~442:26~~ 442A.18. ~~However, payments shall not~~  
 10 ~~be made for pupils for which an advance is received by~~  
 11 ~~the district under section 442:28.~~

12 Sec. 129. Section 274.37, unnumbered paragraph 2,  
 13 Code 1985, is amended to read as follows:

14 The boards in the respective districts, the  
 15 boundaries of which have been changed under this  
 16 section, complete in all respects; except for the  
 17 passage of time prior to the effective date of the  
 18 change, and when ~~all~~ the right of appeal of the change  
 19 has expired, may enter into joint contracts for the  
 20 construction of buildings for the benefit of the  
 21 corporations whose boundaries have been changed, using  
 22 funds accumulated ~~under section 278.1, subsection 7 in~~  
 23 the infrastructure account of the school general fund.  
 24 The district in which the building is to be located  
 25 may use any funds authorized in accordance with  
 26 chapter 75. ~~Nothing in this section shall be~~  
 27 ~~construed to~~ This section does not permit the changed

28 districts to expend any funds jointly which they are  
29 not entitled to expend acting individually.

30 Sec. 130. Section 275.12, subsection 5, Code 1985,  
31 is amended by striking the subsection.

32 Sec. 131. Section 275.14, unnumbered paragraph 1,  
33 Code Supplement 1985, is amended to read as follows:

34 275.14 OBJECTION -- TIME OF FILING -- NOTICE.

35 Within ten days after the petition is filed, the  
36 area education agency administrator shall fix a final  
37 date for filing objections to the petition which shall  
38 be not more than sixty days after the petition is  
39 filed and shall fix the date for a hearing on the  
40 objections to the petition. Objections shall be filed  
41 in the office of the administrator who shall give  
42 notice at least ten days prior to the final day for  
43 filing objections, by one publication in a newspaper  
44 published within the territory described in the  
45 petition, or if none is published therein, in a  
46 newspaper published in the county where the petition  
47 is filed, and of general circulation in the territory  
48 described. The notice shall also list the date, time,  
49 and location for the hearing on the petition as  
50 provided in section 275.15. The cost of publication

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1 shall be assessed to each district whose territory is  
2 involved in the ratio that the number of pupils in  
3 basic enrollment, as defined in section ~~442.4~~ 442A.5  
4 in each district bears to the total number of pupils  
5 in basic enrollment in the total area involved.

6 Objections shall be in writing in the form of an  
7 affidavit and may be made by any person residing or  
8 owning land within the territory described in the  
9 petition, or who would be injuriously affected by the  
10 change petitioned for and shall be on file not later  
11 than twelve o'clock noon of the final day fixed for  
12 filing objections.

13 Sec. 132. Section 275.20, Code 1985, is amended to  
14 read as follows:

15 275.20 SEPARATE VOTE IN EXISTING DISTRICTS.

16 The voters shall vote separately in each existing  
17 school district affected ~~and voters residing in the~~  
18 ~~entire existing district are eligible to vote both~~  
19 upon the proposition to create a new school  
20 corporation ~~and the proposition to levy the~~  
21 ~~schoolhouse tax under section 278.1, subsection 7, if~~  
22 ~~the petition included a provision for a vote to levy~~  
23 ~~the schoolhouse tax. If a the proposition receives a~~  
24 majority of the votes cast in each of at least

25 seventy-five percent of the districts, and also a  
 26 majority of the total number of votes cast in all of  
 27 the districts, the proposition is carried.  
 28 Sec. 133. Section 275.26, unnumbered paragraph 3,  
 29 Code 1985, is amended to read as follows:  
 30 The respective boards to which such expenses are  
 31 certified shall audit and order the same paid from the  
 32 general fund and charged against the infrastructure  
 33 account. In the event of failure of ~~any~~ a board to ~~so~~  
 34 audit and pay the expenses certified to it, the area  
 35 education agency administrator shall certify the  
 36 expenses to the county auditor in the same manner as  
 37 is provided for tuition claims in section 282.21 and  
 38 the funds shall be transferred by the county treasurer  
 39 from the debtor district to the agency board for  
 40 payment of ~~said~~ the expenses.

41 Sec. 134. Section 275.32, Code 1985, is amended to  
 42 read as follows:  
 43 275.32 SCHOOL BUILDINGS -- TAX LEVY.  
 44 The board of any school corporation shall establish  
 45 attendance centers and provide suitable buildings for  
 46 each school in the district, and may at the regular or  
 47 a special meeting call a special election to submit to  
 48 the qualified electors of the district the question of  
 49 ~~voting a tax or~~ authorizing the board to issue bonds;  
 50 ~~or both~~, for any or all of the following purposes:

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- 1 1. To secure sites, build, purchase, or equip
- 2 school buildings.
- 3 2. To build or purchase a superintendent's or
- 4 teacher's house or houses.
- 5 3. To repair or improve any school building or
- 6 grounds, or superintendent's or teacher's house or
- 7 houses, when the cost will exceed five thousand
- 8 dollars.
- 9 All moneys received for such purposes shall be
- 10 placed in the schoolhouse fund credited to the
- 11 infrastructure account of ~~said~~ the corporation and
- 12 shall be used only for the purpose for which voted.
- 13 Sec. 135. Section 275.33, subsection 2, unnumbered
- 14 paragraph 1, Code Supplement 1985, is amended to read
- 15 as follows:
- 16 The collective bargaining agreement of the district
- 17 with the largest basic enrollment, as defined in
- 18 section ~~442.4~~ 442A.5, in the new district shall serve
- 19 as the base agreement and the employees of the other
- 20 districts involved in the formation of the new
- 21 district shall automatically be accreted to the

22 bargaining unit of that collective bargaining  
23 agreement for purposes of negotiating the contract for  
24 the following year without further action by the  
25 public employment relations board. If only one  
26 collective bargaining agreement is in effect among the  
27 districts which are party to the reorganization, then  
28 that agreement shall serve as the base agreement, and  
29 the employees of the other districts involved in the  
30 formation of the new district shall automatically be  
31 accreted to the bargaining unit of that collective  
32 bargaining agreement for purposes of negotiating the  
33 contract for the following year without further action  
34 by the public employment relations board. The board  
35 of the newly formed district, using the base agreement  
36 as its existing contract, shall bargain with the  
37 combined employees of the existing districts for the  
38 school year beginning with the effective date of the  
39 reorganization. The bargaining shall be completed by  
40 March 15 prior to the school year in which the  
41 reorganization becomes effective or within one hundred  
42 twenty days after the organization of the new board,  
43 whichever is later. If a bargaining agreement was  
44 already concluded by the board and employees of the  
45 existing district with the contract serving as the  
46 base agreement for the school year beginning with the  
47 effective date of the reorganization, that agreement  
48 shall be void. However, if the base agreement  
49 contains multiyear provisions affecting school years  
50 subsequent to the effective date of the

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1 reorganization, the base agreement shall remain in  
2 effect as specified in the agreement.  
3 Sec. 136. Section 276.11, Code 1985, is amended by  
4 striking the section and inserting in lieu thereof the  
5 following:  
6 276.11 FUNDING OF COMMUNITY EDUCATION.  
7 Moneys received from the infrastructure levy may be  
8 expended for community education purposes.  
9 Sec. 137. Section 277.2, Code 1985, is amended to  
10 read as follows:  
11 277.2 SPECIAL ELECTION.  
12 The board of directors in ~~any~~ a school corporation  
13 may call a special election at which ~~election~~ the  
14 voters shall have the powers exercised at the regular  
15 election with reference to the sale of school property  
16 and the application to be made of the proceeds, the  
17 authorization of seven members on the board of  
18 directors, the authorization to establish or change

19 the boundaries of director districts, and the  
20 authorization of ~~a schoolhouse tax~~ or indebtedness, as  
21 provided by law.

22 Sec. 138. Section 278.1, subsections 2 and 7, Code  
23 1985, are amended by striking the subsection.

24 Sec. 139. Section 278.1, unnumbered paragraphs 2  
25 and 3, Code 1985, are amended to read as follows:

26 The board may, ~~with approval of sixty percent of~~  
27 ~~the voters, voting in a regular or special election in~~  
28 ~~the school district,~~ make extended time contracts not  
29 to exceed twenty years in duration for rental of  
30 buildings to supplement existing schoolhouse  
31 facilities; and ~~where~~ if it is deemed advisable for  
32 buildings to be constructed or placed on real estate  
33 owned by the school district, ~~such the~~ contracts may  
34 include lease-purchase option ~~agreements,~~ ~~such~~  
35 contracts, with the amounts to be paid out of the  
36 schoolhouse fund and charged against the  
37 infrastructure account.

38 Before entering into a rental or lease-purchase  
39 option contract, ~~authorized by the electors,~~ the board  
40 shall first adopt plans and specifications for a  
41 ~~building or buildings~~ which it considers suitable for  
42 the intended use and also adopt a form of rental or  
43 lease-purchase option contract.

44 Sec. 140. Section 278.1, unnumbered paragraph 4,  
45 Code 1985, is amended by striking the unnumbered  
46 paragraph.

47 Sec. 141. Section 279.12, unnumbered paragraph 1,  
48 Code 1985, is amended to read as follows:

49 The board shall carry into effect ~~any~~ instruction  
50 from the regular election upon matters within the

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1 control of the voters, and shall elect ~~all~~ teachers  
2 and make ~~all~~ contracts necessary or proper for  
3 exercising the powers granted and performing the  
4 duties required by law, and may establish and pay all  
5 or any part ~~thereof from school district funds of the~~  
6 cost of group health insurance plans, nonprofit group  
7 hospital service plans, nonprofit group medical  
8 service plans and group life insurance plans adopted  
9 by the board for the benefit of employees of the  
10 school district ~~from the general fund of the school~~  
11 district and charged against the appropriate account,  
12 but the board may authorize any subdirector to employ  
13 teachers for the school in the subdirector's  
14 subdistrict; ~~but no such employment.~~ Employment by a  
15 subdirector ~~shall does not~~ authorize a contract, the

16 entire period of which is wholly beyond the  
17 subdirector's term of office.

18 Sec. 142. Section 279.26, Code 1985, is amended to  
19 read as follows:

20 279.26 LEASE ARRANGEMENTS.

21 The board of directors of a local school district  
22 ~~for which a schoolhouse tax has been voted pursuant to~~  
23 ~~section 278.1, subsection 7,~~ may enter into a rental  
24 or lease arrangement; ~~consistent with the purposes for~~  
25 ~~which the schoolhouse tax has been voted;~~ for a period  
26 not exceeding ten years ~~and not exceeding the period~~  
27 ~~for which the schoolhouse tax has been authorized by~~  
28 ~~the voters using revenues from the infrastructure~~  
29 ~~levy.~~

30 Sec. 143. Section 279.28, Code 1985, is amended to  
31 read as follows:

32 279.28 INSURANCE -- SUPPLIES -- TEXTBOOKS.

33 It may provide and pay ~~out of from~~ the general fund  
34 ~~of the school district and charge against the~~  
35 ~~infrastructure account~~ to insure school property such  
36 sum as may be necessary; ~~and may purchase~~  
37 ~~dictionaries, library books, including books for the~~  
38 ~~purpose of teaching vocal music, maps, charts, and~~  
39 ~~apparatus for the use of the schools thereof as deemed~~  
40 ~~necessary by the board of directors for each school~~  
41 ~~building under its charge; and. The board~~ may furnish  
42 schoolbooks to indigent children ~~when they are likely~~  
43 ~~to be deprived of the proper benefits of the school~~  
44 ~~unless so aided.~~

45 Sec. 144. Section 279.41, Code 1985, is amended to  
46 read as follows:

47 279.41 SCHOOLHOUSES AND SITES SOLD -- FUNDS.

48 ~~Any fund Moneys~~ received from the condemnation,  
49 sale, or other disposition for public purposes of  
50 schoolhouses, school sites or both schoolhouses and

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1 school sites ~~may shall~~ be deposited in the ~~schoolhouse~~  
2 ~~general fund of the school district and credited to~~  
3 ~~the infrastructure account~~ and may ~~without a vote of~~  
4 ~~the electorate~~ be used for the purchase of school  
5 sites or the erection or repair of schoolhouses or  
6 both as ordered by the board of directors of ~~such the~~  
7 school district; ~~provided, however, that, However,~~  
8 the board shall comply with section 297.7.

9 Sec. 145. Section 279.42, Code 1985, is amended to  
10 read as follows:

11 279.42 GIFTS TO SCHOOLS.

12 The board of directors of any school district which

13 receives funds through gifts, devises and bequests may  
 14 utilize ~~the same them~~, unless limited by the terms of  
 15 the grant. The gift, devise, or bequest shall be  
 16 deposited in the general or schoolhouse fund  
 17 expenditures and credited to the appropriate account  
 18 pursuant to section 442A.17.

19 Sec. 146. Section 279.43, subsection 1, Code  
 20 Supplement 1985, is amended to read as follows:

21 1. The board of directors may pay the actual cost  
 22 of removal or encapsulation of asbestos existing in  
 23 its school buildings from any funds in the general  
 24 fund of the district, funds received from the  
 25 ~~schoolhouse tax authorized under section 278.1,~~  
 26 ~~subsection 7, funds from the tax levy certified under~~  
 27 ~~section 297.5~~ infrastructure levy, or moneys obtained  
 28 through a federal asbestos loan program, to be repaid  
 29 from any of the funds specified in this subsection.

30 Sec. 147. Section 280.4, subsections 1 through 3,  
 31 Code 1985, are amended by striking the subsections.

32 Sec. 148. Section 280.7, Code 1985, is amended to  
 33 read as follows:

34 280.7 DENTAL CLINICS.

35 Boards of directors in all public school districts  
 36 may establish and maintain dental clinics for children  
 37 and offer courses of instruction on mouth hygiene.  
 38 The boards may employ ~~such~~ legally qualified dentists  
 39 and dental hygienists ~~as may be necessary~~ to  
 40 accomplish the purpose of this section. The cost of  
 41 the dental clinic shall be paid from the general fund  
 42 of the school district and charged against the  
 43 instructional account.

44 Sec. 149. Section 280.10, unnumbered paragraph 3,  
 45 Code 1985, is amended to read as follows:

46 The board of directors of each local public school  
 47 district and the authorities in charge of each  
 48 nonpublic school shall provide the safety devices  
 49 required herein. Such devices ~~may~~ shall be paid for  
 50 from the general fund of the school district and

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1 charged against the instructional account, but the  
 2 board may require students and teachers to pay for the  
 3 safety devices and shall make them available to  
 4 students and teachers at no more than the actual cost  
 5 to the district or school.

6 Sec. 150. Section 280.11, unnumbered paragraph 3,  
 7 Code 1985, is amended to read as follows:

8 The board of directors of each local public school  
 9 district and the authorities in charge of each

10 nonpublic school shall provide the safety devices  
11 required herein. Such devices may shall be paid for  
12 from the general fund of the school district and  
13 charged against the instructional account, but the  
14 board may require students and teachers to pay for the  
15 safety devices and shall make them available to  
16 students and teachers at no more than the actual cost  
17 to the district or school.

18 Sec. 151. **NEW SECTION. 280.18 NON-ENGLISH-**  
19 **SPEAKING STUDENT PROGRAMS.**

20 1. In order to provide funds for the excess costs  
21 of instruction for non-English-speaking students above  
22 the cost of instruction of pupils in a regular  
23 curriculum, a plan of weighting for determining  
24 enrollment in each school district is provided. Non-  
25 English-speaking students may receive instruction as  
26 provided in section 280.4. Pupils in a regular  
27 curriculum are assigned a weighting of one. For the  
28 school year beginning July 1, 1988, non-English-  
29 speaking students are assigned a weighting of one and  
30 four-tenths.

31 2. The state board of public instruction shall  
32 adopt rules relating to the identification of non-  
33 English-speaking students who require special  
34 instruction under section 280.4. Non-English-speaking  
35 students shall be counted in the weighted enrollment  
36 as of December 1 of the base year for purposes of  
37 chapter 442A. Moneys received as a result of the  
38 weighting for non-English-speaking students shall be  
39 expended only for non-English-speaking student  
40 programs.

41 3. On December 1, 1988, and no later than December  
42 1 every two years thereafter, for the school year  
43 commencing the following July 1, the commissioner of  
44 public instruction shall report to the school budget  
45 review committee the average costs of providing  
46 instruction for non-English-speaking students, and the  
47 state board of public instruction shall make  
48 recommendations to the school budget review committee  
49 for adjustment of the weighting for subsequent school  
50 years. The school budget review committee shall

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1 establish the weight for each subsequent school year  
2 and shall report the weight to the commissioner of  
3 public instruction.

4 4. The department of public instruction shall  
5 require that school districts submit program plans for  
6 non-English-speaking programs and shall review the

7 plans and the identification of students qualifying  
 8 for weighting.  
 9 Sec. 152. **NEW SECTION. 280.19 TALENTED AND**  
 10 **GIFTED CHILDREN PROGRAMS.**  
 11 1. In order to provide funds for the excess costs  
 12 of instruction for talented and gifted children  
 13 programs approved by the department, a plan of  
 14 weighting for determining enrollment in each school  
 15 district for talented and gifted children enrolled in  
 16 an approved talented and gifted children program is  
 17 provided.  
 18 "Talented and gifted children" are those identified  
 19 as possessing outstanding abilities who are capable of  
 20 high performance. Talented and gifted children are  
 21 children who require appropriate instruction and  
 22 educational services commensurate with their abilities  
 23 and needs beyond those provided by the regular school  
 24 program.  
 25 Talented and gifted children include those children  
 26 with demonstrated achievement or potential ability, or  
 27 both, in any of the following areas or in combination:  
 28 a. General intellectual ability.  
 29 b. Creative thinking.  
 30 c. Leadership ability.  
 31 d. Visual and performing arts ability.  
 32 e. Specific ability aptitude.  
 33 Boards of school districts, individually or jointly  
 34 with the boards of other school districts, shall  
 35 annually submit program plans for talented and gifted  
 36 children programs to the department of public  
 37 instruction.  
 38 The department of public instruction shall adopt  
 39 rules under chapter 17A relating to the identification  
 40 of talented and gifted children, and the format of  
 41 program plans. Pupils in a regular curriculum are  
 42 assigned a weighting of one. For the school year be-  
 43 ginning July 1, 1988, talented and gifted children are  
 44 assigned a weighting of one and four-tenths.  
 45 2. The board of directors shall submit  
 46 applications for approval for the programs to the  
 47 department not later than November 1 preceding the  
 48 fiscal year during which the program will be offered.  
 49 The department shall review the program plans and  
 50 shall prior to January 15 either grant approval for

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1 the program or return the request for approval with  
 2 comments of the department included. Any unapproved  
 3 request for a program may be resubmitted with

4 modifications to the department not later than  
5 February 1. Not later than February 15 the department  
6 shall notify the state comptroller of the names of the  
7 school districts for which talented and gifted  
8 children programs have been approved and the number of  
9 each school district's students identified as talented  
10 and gifted, not to exceed three percent of the  
11 district's enrollment for weighting purposes, for the  
12 approved program for the budget year. Talented and  
13 gifted children shall be counted in the weighted  
14 enrollment as of December 1 of the base year for  
15 purposes of chapter 442A. Moneys received as a result  
16 of weighting for talented and gifted children shall be  
17 expended only for talented and gifted children  
18 programs.

19 3. On December 1, 1988, and not later than  
20 December 1 every two years thereafter, for the school  
21 year commencing the following July 1, the commissioner  
22 of public instruction shall report to the school  
23 budget review committee the average costs of providing  
24 instruction for talented and gifted children, and the  
25 state board of public instruction shall make  
26 recommendations to the school budget review committee  
27 for adjustment of the weighting for subsequent school  
28 years. The school budget review committee shall  
29 establish the weight for each subsequent school year  
30 and shall report the weight to the commissioner of  
31 public instruction.

32 Sec. 153. Section 281.2, subsection 2, unnumbered  
33 paragraphs 4 and 5, Code 1985, are amended to read as  
34 follows:

35 Every child requiring special education shall, if  
36 reasonably possible, receive a level of education  
37 commensurate with the level provided each child who  
38 does not require special education. The cost of  
39 providing such an education shall be paid as provided  
40 in section 273.9, this chapter and chapter ~~442~~ 442A.  
41 It ~~shall be~~ is the primary responsibility of each  
42 school district to provide special education to  
43 children who reside in that district if the children  
44 requiring special education are properly identified,  
45 the educational program or service has been approved,  
46 the teacher or instructor has been certified, the  
47 number of children requiring special education needing  
48 that educational program or service is sufficient to  
49 make offering the program or service feasible, and the  
50 program or service cannot more economically and

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1 equably be obtained from the area education agency,  
2 another school district, another group of school  
3 districts, a qualified private agency, or in co-  
4 operation with one or more other districts.  
5 ~~Any funds~~ Funds received by ~~the a~~ school district  
6 of the child's residence for the child's education,  
7 derived from funds received through chapter ~~442~~ 442A,  
8 this chapter and section 273.9 shall be paid by the  
9 school district of the child's residence to the  
10 appropriate education agency, private agency, or other  
11 school district providing special education for the  
12 child pursuant to contractual arrangements as provided  
13 in section 273.3, subsections 5 and 7.

14 Sec. 154. Section 281.8, unnumbered paragraph 1,  
15 Code 1985, is amended to read as follows:

16 It shall not be incumbent upon the school districts  
17 to keep a child requiring special education in regular  
18 instruction when the child cannot sufficiently profit  
19 from the work of the regular classroom, nor to keep  
20 ~~such the~~ child requiring special education in the  
21 special class or instruction for children requiring  
22 special education when it is determined by the  
23 director of special education of an area education  
24 agency that the child can no longer benefit from the  
25 instruction or needs more specialized instruction  
26 available in special schools. However, the school  
27 district shall ~~count~~ include the child requiring  
28 special education in the basic enrollment as provided  
29 in sections 273.9, 281.9 and ~~442.4~~ 442A.5 and shall  
30 ~~insure~~ ensure that appropriate educational provisions  
31 are made for the child requiring special education  
32 within the limits of funds available under ~~the~~  
33 provisions of this chapter and chapters 273 and ~~442~~  
34 442A.

35 Sec. 155. Section 282.3, subsection 1, Code 1985,  
36 is amended to read as follows:

37 1. The board may exclude from school children  
38 under the age of six years when in its judgment such  
39 children are not sufficiently mature to be benefited  
40 by regular instruction, or any incorrigible child or  
41 any child who in its judgment is so abnormal that  
42 regular instruction would be of no substantial  
43 benefit, or any child whose presence in school may be  
44 injurious to the health or morals of other pupils or  
45 to the welfare of such school. However, the board  
46 shall provide special education programs and services  
47 under the provisions of chapters 273, 281, and ~~442~~  
48 442A for all children requiring special education.

49 Sec. 156. Section 282.8, Code 1985, is amended to  
50 read as follows:

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1 282.8 ATTENDING SCHOOL OUTSIDE STATE.  
2 The boards of directors of school districts located  
3 near the state boundaries may designate schools of  
4 equivalent standing across the state line for  
5 attendance of both elementary and high school pupils  
6 when the public school in the adjoining state is  
7 nearer than any appropriate public school in a pupil's  
8 district of residence or in Iowa. Distance shall be  
9 measured by the nearest traveled public road.  
10 Arrangements shall be subject to reciprocal agreements  
11 made between the chief state school officers of the  
12 respective states. Notwithstanding section 282.1,  
13 arrangements between districts pursuant to the  
14 reciprocal agreements made under this section shall  
15 establish tuition and transportation fees in an amount  
16 acceptable to the affected boards, but the tuition and  
17 transportation fees shall not be less than the lower  
18 average cost per pupil for the previous school year of  
19 the two affected school districts. For the purpose of  
20 this section average cost per pupil for the previous  
21 school year is determined by dividing the district's  
22 ~~operating~~ instructional expenditures for the previous  
23 school year by the number of children enrolled in the  
24 district on the ~~second~~ third Friday of September of  
25 the previous school year. A person attending school  
26 in another state shall continue to be treated as a  
27 pupil of the district of residence in the  
28 apportionment of the current school fund and the  
29 payment of state aid.

30 Sec. 157. Section 282.19, Code Supplement 1985, is  
31 amended to read as follows:

32 282.19 CHILD LIVING IN FOSTER CARE FACILITY.

33 A child who is living in a licensed child foster  
34 care facility as defined in section 237.1 in this  
35 state which is located in a school district other than  
36 the school district in which the child resided before  
37 receiving foster care may enroll in and attend an  
38 approved school in the school district in which the  
39 child is living. If a child does not require special  
40 education and was not counted in the basic enrollment  
41 of a school district for a budget year under section  
42 ~~442.4~~ 442A.5, the tuition and transportation, when  
43 required by law, shall be paid by the treasurer of  
44 state from funds in the state treasury not otherwise  
45 appropriated, and upon warrants drawn by the state

46 comptroller upon requisition of the commissioner of  
 47 public instruction.  
 48 Sec. 158. Section 282.20, unnumbered paragraph 1,  
 49 Code 1985, is amended to read as follows:  
 50 The school corporation in which the student resides

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1 shall pay from the general fund to the secretary of  
 2 the corporation in which the student is permitted to  
 3 enroll, a tuition fee as prescribed in section 282.24.  
 4 The amount shall be charged against the instructional  
 5 account.

6 Sec. 159. Section 282.24, subsection 1, unnumbered  
 7 paragraph 1, Code 1985, is amended to read as follows:

8 There is established a maximum tuition fee that may  
 9 be charged for elementary and high school students  
 10 residing within another school district or corporation  
 11 except students attending school in another district  
 12 under section 282.7, subsection 1. That fee is the  
 13 district cost per pupil of the receiving district as  
 14 computed in section ~~442.9~~, subsection 1, paragraph  
 15 "a".

16 Sec. 160. Section 282.27, Code Supplement 1985, is  
 17 amended to read as follows:

18 282.27 PAYMENT FOR CERTAIN CHILDREN.

19 When a child requiring special education is living  
 20 in a state-supported institution, charitable  
 21 institution, or licensed boarding home as defined in  
 22 this chapter which does not maintain a school and the  
 23 residence of the child requiring special education is  
 24 in a school district other than the school district in  
 25 which the state-supported institution, charitable  
 26 institution, or licensed boarding home is located, the  
 27 child is eligible for special education programs and  
 28 services provided for children requiring special  
 29 education who are residents of the school district in  
 30 which the institution or boarding home is located.  
 31 The special education instructional costs shall be  
 32 computed by means of weighted enrollment for that  
 33 child under ~~the provisions of chapters 273, 281, and~~  
 34 ~~442~~ 442A as if that child were a resident of the  
 35 school district in which the institution or boarding  
 36 home is located but the child shall be included in the  
 37 enrollment count in the district of residence in the  
 38 manner provided in sections 281.9 and ~~442.4~~ 442A.5.  
 39 The costs as computed shall be paid by the district of  
 40 residence. ~~No~~ A child requiring special education  
 41 shall not be denied special education programs and  
 42 services because of a dispute over determination of

43 residence of that child. If there is a dispute over  
 44 the residence of the child, the state board of public  
 45 instruction shall determine the residence of the  
 46 child. However, if the special education  
 47 instructional costs incurred on behalf of the child  
 48 exceed the amount which would be allowed if the child  
 49 were provided the programs and services in the  
 50 district of residence, the treasurer of the school

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1 district of residence shall make payment at the  
 2 maximum amount allowed in that district for a child  
 3 requiring special education who is similarly  
 4 handicapped. If the child requiring special education  
 5 is not counted in the weighted enrollment of any  
 6 district under section 281.9, and payment is not made  
 7 by any district, the district in which the institution  
 8 or boarding home is located may certify the special  
 9 education instructional costs to the commissioner of  
 10 public instruction not later than September 1 of each  
 11 year for the preceding fiscal year. The state board  
 12 of public instruction shall review the costs and  
 13 submit a requisition to the state comptroller. The  
 14 amount due shall be paid by the treasurer of state to  
 15 the district in which the institution or licensed  
 16 boarding home is located from any funds in the general  
 17 fund of the state not otherwise appropriated upon  
 18 warrants drawn and signed by the state comptroller.  
 19 For the purposes of this section, the term "district  
 20 of residence of the child" means the residence of the  
 21 parent or legal guardian, or the location of the  
 22 district court if the district court is the legal  
 23 guardian, of the child.

24 Sec. 161. Section 283A.9, Code 1985, is amended to  
 25 read as follows:

26 283A.9 BUILDING FOR SCHOOL LUNCH FACILITY.

27 School districts are authorized to purchase, erect,  
 28 or otherwise acquire a building for use as a school  
 29 lunch facility, and to equip ~~such a~~ the building for  
 30 ~~such use~~, and pay for ~~same~~ expenditures from  
 31 unencumbered funds ~~on hand~~ in the schoolhouse fund  
 32 ~~derived from taxes voted under authority of section~~  
 33 ~~278.1, subsection 7, or 275.32, subject to the terms~~  
 34 ~~of this section~~, or may pay for ~~same~~ the building from  
 35 the proceeds of the sale of school property sold under  
 36 section 297.22, or from surplus remaining in the  
 37 schoolhouse fund after retirement of a bond issue; ~~or~~  
 38 ~~from a tax voted for said purposes~~. Payments made  
 39 under this section from the general fund shall be

40 charged against the infrastructure account.

41 Sec. 162. Section 285.2, unnumbered paragraph 3,  
42 Code 1985, is amended to read as follows:

43 The costs of providing transportation to nonpublic  
44 school pupils as provided in section 285.1 shall ~~not~~  
45 be included in the computation of district cost under  
46 chapter 442, but shall be shown in the budget as ~~an~~  
47 expense from miscellaneous income a separate expense.  
48 Any transportation reimbursements received by a local  
49 school district for transporting nonpublic school  
50 pupils shall ~~not affect district cost limitations of~~

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1 chapter 442 be recorded as a separate nonpublic  
2 transportation account in the general fund and be used  
3 only for expenses relating to nonpublic pupil  
4 transportation. The reimbursements provided in this  
5 section are miscellaneous income as defined in section  
6 442.5.

7 Sec. 163. Section 285.10, subsection 7, paragraph  
8 a, Code 1985, is amended to read as follows:

9 a. From such funds as may be available in the  
10 general fund and charged against the infrastructure  
11 account.

12 Sec. 164. Section 291.15, Code Supplement 1985, is  
13 amended to read as follows:

14 291.15 ANNUAL REPORT.

15 The treasurer shall make an annual report to the  
16 board at its regular July meeting, which shall show  
17 the amount of each account in the general fund and the  
18 schoolhouse fund and the amounts held over, received,  
19 paid out, and on hand, the several funds accounts to  
20 be separately stated, and the treasurer shall  
21 immediately file a copy of this report with the  
22 commissioner of public instruction and a copy with the  
23 county treasurer.

24 Sec. 165. Section 294.9, subsection 2, Code 1985,  
25 is amended to read as follows:

26 2. From the proceeds of an annual tax levy general  
27 fund and charged against the appropriate account.

28 Sec. 166. Section 297.9, Code 1985, is amended to  
29 read as follows:

30 297.9 USE FOR OTHER THAN SCHOOL PURPOSES.

31 The board of directors of any school district may  
32 authorize the use of any schoolhouse and its grounds  
33 within ~~such the~~ district for the purpose of meetings  
34 of granges, lodges, agricultural societies, and  
35 similar societies, for parent-teacher associations,  
36 for community recreational activities, community

37 education programs, election purposes, other meetings  
38 of public interest, public forums and similar  
39 community purposes; ~~provided that such.~~ However, the  
40 use shall ~~in no way not~~ interfere with school  
41 activities; ~~such.~~ The use to be for such shall  
42 include compensation, and upon such terms, and  
43 conditions as may be ~~fixed~~ determined by ~~said the~~  
44 board for the proper protection of the schoolhouse and  
45 the property ~~belonging therein,~~ including that of  
46 pupils; ~~except that.~~ However, in the case of  
47 community education programs, any compensation  
48 necessary for programs provided specifically by  
49 community education and not those provided through  
50 community education by other agencies or organizations

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1 shall be compensated from the ~~funding provided for~~  
2 ~~community education programs~~ general fund and charged  
3 against the infrastructure account.

4 Sec. 167. Section 297.10, Code 1985, is amended to  
5 read as follows:

6 297.10 COMPENSATION.

7 Any compensation for such use shall be paid into  
8 the general fund and credited to the infrastructure  
9 account and be expended in the upkeep and repair of  
10 such school property, and in purchasing supplies  
11 therefor for the property.

12 Sec. 168. Section 297.22, unnumbered paragraphs 1,  
13 2, and 7, Code Supplement 1985, are amended to read as  
14 follows:

15 The board of directors of a school district may  
16 sell, lease, or dispose of, in whole or in part, a  
17 schoolhouse, site, or other property belonging to the  
18 district ~~for which the appraised value does not exceed~~  
19 ~~twenty-five thousand dollars. If the appraised value~~  
20 ~~exceeds twenty-five thousand dollars, the board shall~~  
21 ~~submit the question at an election under section~~  
22 ~~278.1, subsection 2, to authorize the sale, lease or~~  
23 ~~disposal.~~

24 Proceeds from the sale, lease or disposition of  
25 real property ~~shall be placed in the schoolhouse fund,~~  
26 and proceeds from the sale, lease or disposition of  
27 property other than real property, shall be placed in  
28 the general fund and credited to the infrastructure  
29 account.

30 The board of directors of a school corporation may  
31 lease a portion of an existing school building in  
32 which the remaining portion of the building will be  
33 used for school purposes for a period of not to exceed

34 five years. The lease may be renewed at the option of  
 35 the board. Sections 297.15 to 297.20, sections 297.23  
 36 and 297.24, and ~~the property value limitations and~~  
 37 appraisal requirements of this section do not apply to  
 38 the lease of a portion of an existing school building.  
 39 Sec. 169. NEW SECTION. 297.35 CONTINUATION OF  
 40 LOAN AGREEMENT.  
 41 A loan agreement between a school district and a  
 42 bank, investment banker, trust company, insurance  
 43 company, or insurance group that was made under  
 44 section 297.36, Code 1985, in order to make  
 45 immediately available proceeds of the schoolhouse tax  
 46 approved by the voters prior to July 1, 1986 shall  
 47 continue in effect for the duration of the loan  
 48 agreement.  
 49 Sec. 170. Section 297.36, Code 1985, is amended to  
 50 read as follows:

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1 297.36 LOAN AGREEMENTS.  
 2 In order to make immediately available proceeds of  
 3 ~~the schoolhouse tax which has been approved by the~~  
 4 ~~voters as provided in section 278.1; subsection 7 up~~  
 5 ~~to sixty-seven and one-half cents of the~~  
 6 ~~infrastructure levy,~~ the board of directors may, with  
 7 or without notice, borrow money and enter into loan  
 8 agreements ~~of not to exceed ten years in duration~~ in  
 9 anticipation of the collection of the tax with a bank,  
 10 investment banker, trust company, insurance company,  
 11 or insurance group.  
 12 By resolution, the board shall provide for an  
 13 annual levy which is within the limits ~~of the tax~~  
 14 ~~approved by the voters provided in this section~~ to pay  
 15 for the amount of the principal and interest due each  
 16 year until maturity. The board shall file a certified  
 17 copy of the resolution with the auditor of each county  
 18 in which the district is located. The filing of the  
 19 resolution with the auditor ~~shall make~~ makes it the  
 20 duty of the auditor to annually levy the amount  
 21 certified for collection until funds are realized to  
 22 repay the loan and interest on, the loan in full.  
 23 The loan must mature within the ~~ten-year~~ ten-year period ~~of~~  
 24 ~~time authorized by the voters~~ and shall bear interest  
 25 at a rate which does not exceed the limits ~~provided~~  
 26 under chapter 74A. A loan agreement entered into  
 27 pursuant to this section shall be in a form as the  
 28 board of directors shall by resolution provide and the  
 29 loan shall be payable as to both principal and  
 30 interest from the proceeds of the annual levy of the

31 ~~voted tax pursuant to section 278.1, subsection 7~~  
 32 ~~infrastructure levy~~, or so much thereof as will be  
 33 sufficient to pay the loan and interest on the loan.  
 34 The proceeds of a loan must be deposited in a fund  
 35 which is separate from other district funds. Warrants  
 36 paid from this fund must be for purposes authorized by  
 37 ~~the voters as provided in section 278.1, subsection 7~~  
 38 ~~for the infrastructure levy~~.  
 39 This section does not limit the authority of the  
 40 board of directors to levy the full ~~amount of the~~  
 41 ~~voted tax sixty-seven and one-half cents levy~~, but if  
 42 and to whatever extent the tax is levied in any year  
 43 in excess of the amount of principal and interest  
 44 falling due in that year under a loan agreement, the  
 45 first available proceeds, to an amount sufficient to  
 46 meet maturing installments of principal and interest  
 47 under the loan agreement, shall be paid into the  
 48 sinking fund for the loan before the taxes are  
 49 otherwise made available to the school corporation for  
 50 other school purposes, and the amount required to be

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1 annually set aside to pay principal of and interest on  
 2 the money borrowed under the loan agreement ~~shall~~  
 3 ~~constitute~~ constitutes a first charge upon the  
 4 proceeds of the ~~special voted tax infrastructure levy~~,  
 5 which tax shall be pledged to pay the loan and the  
 6 interest on the loan.

7 This section is supplemental and in addition to  
 8 existing statutory authority to finance the purposes  
 9 specified in section 278.1, ~~subsection 7 442A.10~~, and  
 10 for the borrowing of money and execution of loan  
 11 agreements in connection with that section ~~and~~  
 12 ~~subsection~~, and is not subject to any other law. The  
 13 fact that a school corporation may have previously  
 14 borrowed money and entered into loan agreements under  
 15 authority of this section does not prevent the school  
 16 corporation from borrowing additional money and  
 17 entering into further loan agreements if the aggregate  
 18 of the amount payable under all of the loan agreements  
 19 does not exceed the proceeds of the ~~voted tax~~  
 20 infrastructure levy.

21 Sec. 171. Section 298.1, Code 1985, is amended to  
 22 read as follows:

23 298.1 SCHOOL TAXES.

24 The board of each school district shall estimate  
 25 the amount of the proposed expenditures and proposed  
 26 receipts for ~~the general~~ school purposes at a time and  
 27 in a manner to effectuate the provisions of chapter

28 ~~442~~ 442A and sections 281.9 and 281.11. Compliance  
 29 with chapter 24 shall be observed.  
 30 Sec. 172. Section 298.7, Code 1985, is amended to  
 31 read as follows:  
 32 298.7 CONTRACT FOR USE OF LIBRARY.  
 33 The board of directors of a school corporation in  
 34 which there is no free public library may contract  
 35 with a free public library for the free use of the  
 36 library by the residents of the school district, and  
 37 pay the library the amount agreed upon for the use of  
 38 the library as provided by law. During the existence  
 39 of the contract, the board shall ~~certify annually a~~  
 40 ~~tax sufficient to pay the library the consideration~~  
 41 ~~agreed upon, not exceeding twenty cents per thousand~~  
 42 ~~dollars of assessed value of the taxable property of~~  
 43 ~~the district include the cost as an instructional~~  
 44 ~~expenditure pursuant to chapter 442A.~~ During the  
 45 existence of the contract, the school corporation is  
 46 relieved from the requirement that the school  
 47 treasurer withhold funds for library purposes. This  
 48 section does not apply in townships where a contract  
 49 for other library facilities is in existence.  
 50 Sec. 173. Section 300.2, Code 1985, is amended by

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1 striking the section and inserting in lieu thereof the  
 2 following:  
 3 300.2 TAX LEVY.  
 4 The board of directors of a school district may use  
 5 moneys from the infrastructure levy for public  
 6 educational and recreational activities authorized  
 7 under this chapter.  
 8 Sec. 174. Section 301.1, Code 1985, is amended to  
 9 read as follows:  
 10 301.1 ADOPTION -- PURCHASE AND SALE.  
 11 The board of directors of ~~each and every a~~ school  
 12 district is ~~hereby authorized and empowered to may~~  
 13 ~~adopt textbooks for the teaching of all branches that~~  
 14 ~~are now or may hereafter be authorized to be taught in~~  
 15 ~~the public schools of the state, and to may~~ contract  
 16 for and ~~buy said purchase the~~ books and ~~any and all~~  
 17 other necessary school supplies ~~at said contract~~  
 18 ~~prices, and to may~~ sell the ~~same books~~ to the pupils  
 19 of their respective districts at cost, loan ~~such the~~  
 20 textbooks to ~~such~~ pupils free, or rent them to ~~such~~  
 21 pupils at ~~such a~~ reasonable fee as the board shall ~~fix~~  
 22 ~~determine~~, and ~~said the~~ money ~~so~~ received shall be  
 23 returned to the general fund ~~and credited to the~~  
 24 instructional fund.

25 Textbooks adopted and purchased by a school  
26 district may, and shall to the extent funds are  
27 appropriated by the general assembly, be made  
28 available to pupils attending nonpublic schools upon  
29 request of the pupil or the pupil's parent or guardian  
30 under comparable terms as made available to pupils  
31 attending public schools.

32 Sec. 175. Section 331.512, subsection 12, Code  
33 1985, is amended to read as follows:

34 12. Carry out duties relating to levy of school  
35 taxes as provided in chapter ~~442~~ 442A.

36 Sec. 176. Section 422.100, Code 1985, is amended  
37 to read as follows:

38 422.100 ALLOCATION TO MONEYS AND CREDITS  
39 REPLACEMENT FUND IN EACH COUNTY.

40 There is created a permanent fund in the office of  
41 the treasurer of state to be known as the "moneys and  
42 credits replacement fund". The director shall  
43 determine the percentage which the aggregate taxable  
44 value for the year 1965 of the property described in  
45 and subject to taxation under section 429.2, Code  
46 1966, owned or held by individuals, administrators,  
47 executors, guardians, conservators, trustees or an  
48 agent or nominee thereof, and the aggregate taxable  
49 value for the year 1965 of the property described in  
50 and subject to taxation under section 431.1, Code

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1 1966, for the year 1965 but not subject to taxation  
2 under that section for the year 1966, in each county  
3 bears to the total aggregate taxable value of such  
4 property reported from all of the counties in the  
5 state and shall certify the percentage for each county  
6 to the state comptroller prior to January 1, 1967. In  
7 July of each year, the state comptroller shall apply  
8 that percentage to the money in the moneys and credits  
9 tax replacement fund prior to that July and determine  
10 the amount due to each county. The state comptroller  
11 shall draw warrants on the moneys and credits tax  
12 replacement fund in such amounts payable to the county  
13 treasurer of each county and transmit them. The  
14 county treasurer shall apportion these amounts as  
15 follows: For the amounts received in January 1972,  
16 and all previously collected amounts, twenty percent  
17 to the county general fund, fifty percent to the  
18 school general fund and credited to the instructional  
19 account, and the remaining thirty percent to cities  
20 and towns in the proportion that the taxable values  
21 for each city and town for 1965 of property subject to

22 taxation in 1965 under sections 429.2, Code 1966, and  
 23 431.1, Code 1966, is to the total of such taxable  
 24 values for all cities and towns within the county; for  
 25 the amounts received in January 1973, and all  
 26 subsequently collected amounts, forty percent to the  
 27 county, and the remaining sixty percent to cities and  
 28 towns in the proportion that the taxable values for  
 29 each city and town for the year 1965 under sections  
 30 429.2 and 431.1, Code 1966, is to the total of such  
 31 taxable values for all the cities and towns within the  
 32 county.

33 Sec. 177. Section 467B.14, unnumbered paragraph 1,  
 34 Code 1985, is amended to read as follows:

35 Sixty-five percent of any such payments or payment  
 36 received from the federal government shall be  
 37 distributed to the general fund of the school  
 38 districts of the county and credited to the  
 39 infrastructure account after the county auditor has  
 40 determined the districts which are principally  
 41 affected by the federal flood control project involved  
 42 in an amount deemed to be the equitable share of each  
 43 such district and the amount allocated to each school  
 44 district shall be paid over to the treasurer of such  
 45 school district.

46 Sec. 178. Chapter 260A, Code 1985 and chapter 442,  
 47 Code 1985 and Code Supplement 1985, are repealed.  
 48 Sections 276.11, 276.12, 291.13, 297.5, 298.9, 298.10,  
 49 298.16, 298.17, 300.3, 300.4, 301.4, 301.24, and  
 50 301.27, Code 1985, and section 279.43, Code Supplement

### Page 37

1 1985, are repealed.”

2 2. Page 3, by striking lines 2 through 6.

3 3. Page 3, line 8, by inserting after the word  
 4 “date.” the following: “Sections 101 through 178 of  
 5 this Act take effect for computations and procedures  
 6 needed for the school year beginning July 1, 1988,  
 7 except that section 121 takes effect for computations  
 8 and procedures needed for the school year beginning  
 9 July 1, 1987.”

COMMITTEE ON EDUCATION  
 LARRY MURPHY, Chairperson

S-5750

1 Amend Senate File 2298 as follows:

2 1. By striking page 1, line 1 through page 2,

3 line 11, and inserting the following:

4 "Section 1. Section 422.43, subsections 1, 2, 6,  
5 and 10, Code Supplement 1985, are amended to read as  
6 follows:

7 1. There is imposed a tax of ~~four~~ five percent  
8 upon the gross receipts from all sales of tangible  
9 personal property, consisting of goods, wares, or  
10 merchandise, except as otherwise provided in this  
11 division, sold at retail in the state to consumers or  
12 users; a like rate of tax upon the gross receipts from  
13 the sales, furnishing or service of gas, electricity,  
14 water, heat, and communication service, including the  
15 gross receipts from such sales by any municipal  
16 corporation furnishing gas, electricity, water, heat,  
17 and communication service to the public in its  
18 proprietary capacity, except as otherwise provided in  
19 this division, when sold at retail in the state to  
20 consumers or users; a like rate of tax upon the gross  
21 receipts from all sales of tickets or admissions to  
22 places of amusement, fairs, and athletic events except  
23 those of elementary and secondary educational  
24 institutions; and a like rate of tax upon that part of  
25 private club membership fees or charges paid for the  
26 privilege of participating in any athletic sports  
27 provided club members.

28 2. There is imposed a ~~tax of four percent~~ like  
29 rate of tax upon the gross receipts derived from the  
30 operation of all forms of amusement devices and games  
31 of skill, games of chance, raffles, and bingo games as  
32 defined in chapter 99B, operated or conducted within  
33 the state of Iowa, the tax to be collected from the  
34 operator in the same manner as is provided for the  
35 collection of taxes upon the gross receipts of tickets  
36 or admission fees as provided in this section. The  
37 tax shall also be imposed upon the gross receipts  
38 derived from the sale of lottery tickets or shares  
39 pursuant to chapter 99E. The tax on the lottery  
40 tickets or shares shall be included in the sales price  
41 and distributed to the general fund as provided in  
42 section 99E.10.

43 6. There is imposed a ~~tax of four percent~~ like  
44 rate of tax upon the gross receipts from the sales of  
45 optional service or warranty contracts which provide  
46 for the furnishing of labor and materials and require  
47 the furnishing of any taxable service enumerated under  
48 this section. The gross receipts are subject to tax  
49 even if some of the services furnished are not  
50 enumerated under this section. For the purpose of

## Page 2

1 this division, the sale of an optional service or  
2 warranty contract is a sale of tangible personal  
3 property. Additional sales, services, or use tax  
4 shall not be levied on services, parts, or labor  
5 provided under optional service or warranty contracts  
6 which are subject to tax under this section.

7 10. There is imposed a tax of ~~four~~ five percent  
8 upon the gross receipts from the rendering,  
9 furnishing, or performing of services as defined in  
10 section 422.42.

11 Sec. 2. Section 422.47, Code 1985, is amended by  
12 adding the following new subsection:

13 NEW SUBSECTION. Construction contractors may make  
14 application to the department for a refund of the  
15 additional one percent tax paid under this division or  
16 the additional one percent tax paid under chapter 423  
17 by reason of the increase in the tax from four to five  
18 percent for taxes paid on goods, wares, or merchandise  
19 under the following conditions:

20 a. The goods, wares, or merchandise are  
21 incorporated into an improvement to real estate in  
22 fulfillment of a written contract fully executed prior  
23 to July 1, 1986. The refund shall not apply to  
24 equipment transferred in fulfillment of a mixed  
25 construction contract.

26 b. The contractor has paid to the department or to  
27 a retailer the full five percent tax.

28 c. The claim is filed on forms provided by the  
29 department and is filed within one year of the date  
30 the tax is paid.

31 A contractor who makes an erroneous application for  
32 refund is liable for payment of the excess refund paid  
33 plus interest at the rate in effect under section  
34 421.7. In addition, a contractor who willfully makes  
35 a false application for refund is guilty of a simple  
36 misdemeanor and is liable for a penalty equal to  
37 seventy-five percent of the excess refund claimed.  
38 Excess refunds, penalties, and interest due under this  
39 subsection may be enforced and collected in the same  
40 manner as the tax imposed by this division.

41 Sec. 3. Section 423.2, Code 1985, is amended to  
42 read as follows:

43 423.2 IMPOSITION OF TAX.

44 An excise tax is imposed on the use in this state  
45 of tangible personal property purchased for use in  
46 this state, at the rate of ~~four~~ five percent of the  
47 purchase price of the property. The excise tax is  
48 imposed upon every person using the property within

49 this state until the tax has been paid directly to the  
50 county treasurer or the state department of

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1 transportation, to a retailer, or to the department.  
2 An excise tax is imposed on the use in this state of  
3 services enumerated in section 422.43 at the rate of  
4 ~~four~~ five percent. This tax is applicable ~~where~~ if  
5 services are rendered, furnished, or performed in this  
6 state or ~~where~~ if the product or result of the service  
7 is used in this state. This tax is imposed on every  
8 person using the services or the product of the  
9 services in this state until the user has paid the tax  
10 either to an Iowa use tax permit holder or to the  
11 department of revenue.

12 Sec. 4. Section 442.3, Code 1985, is amended by  
13 striking the section and inserting the following:

14 442.3 STATE FOUNDATION BASE.

15 The state foundation base for the school year  
16 beginning July 1, 1986 is eighty-two percent of the  
17 state cost per pupil. The district foundation base is  
18 the larger of the state foundation base or the amount  
19 per pupil which the district will receive from  
20 foundation property tax and state school foundation  
21 aid."

22 2. Page 2, by striking lines 22 through 27 and  
23 inserting the following: "state to the salary  
24 improvement fund for each of the fiscal years  
25 beginning July 1, 1986, July 1, 1987, and July 1, 1988  
26 the sum of twenty million (20,000,000) dollars."

27 3. Page 3, by striking lines 2 through 8.

28 4. Title page, by striking lines 1 through 5 and  
29 inserting the following: "An Act relating to state  
30 revenues by increasing the state sales, services, and  
31 use tax and by using the increase in revenues to  
32 increase state aid to local school districts and to  
33 provide appropriations to a salary adjustment fund for  
34 use for education purposes only."

ARTHUR L. GRATIAS

S-5751

1 Amend Senate File 2293 as follows:

2 1. Page 1, by striking lines 8 through 19.

3 2. Page 1, line 30, by inserting after the word  
4 "levy" the following: "if the levy has been voted".

5 3. Page 2, line 2, by inserting after the word

6 “subsection” the following: “and inserting in lieu  
7 thereof the following:

8 5. The petition may also include a provision that  
9 the capital projects and equipment levy provided in  
10 section 298.2 will be voted upon at the election  
11 conducted under section 275.18.”

12 4. Page 2, line 8, by striking the word “~~both~~”  
13 and inserting the following: “both”.

14 5. Page 2, by striking line 9 and inserting the  
15 following: “create a new school corporation and the  
16 proposition to levy”.

17 6. Page 2, line 10, by striking the words “if  
18 ~~the~~” and inserting the following: “the capital  
19 projects and equipment levy under section 298.2 if  
20 the”.

21 7. Page 2, by striking line 11 and inserting the  
22 following: “petition included a provision for a vote  
23 to levy the”.

24 8. Page 2, line 12, by inserting after the word  
25 “~~tax~~” the following: “capital projects and equipment  
26 levy”.

27 9. Page 3, line 6, by inserting after the word  
28 “levy” the following: “, if one is voted.”.

29 10. Page 3, line 17, by striking the word “~~or~~”  
30 and inserting the following: “capital projects and  
31 equipment levy or”.

32 11. Page 4, line 13, by striking the words “~~for~~  
33 ~~which~~” and inserting the following: “for which”.

34 12. Page 4, line 15, by inserting after the  
35 figure “7, the following: “the capital projects and  
36 equipment levy has been voted pursuant to section  
37 298.2”.

38 13. Page 4, by striking lines 19 and 20 and  
39 inserting the following: “authorized by the voters.”

40 14. Page 4, line 28, by inserting after the word  
41 “levy” the following: “if voted”.

42 15. Page 5, line 5, by inserting after the word  
43 “levy” the following: “if voted”.

44 16. Page 5, line 26, by striking the words  
45 “authorized in” and inserting the following: “if  
46 authorized under”.

47 17. Page 6, line 15, by inserting after the word  
48 “levy” the following: “if voted”.

49 18. Page 6, line 24, by inserting after the word  
50 “levy” the following: “if voted”.

**Page 2**

- 1 19. Page 6, line 35, by inserting after the word  
 2 "levy" the following: "if voted".
- 3 20. Page 7, line 13, by inserting after the word  
 4 "levy" the following: "if voted".
- 5 21. Page 7, by striking lines 16 through 19 and  
 6 inserting the following:  
 7 "The board of directors of a school district, with  
 8 approval of a majority of the voters, voting in a  
 9 regular or special election in a school district, may  
 10 certify for levy on all taxable property in the school  
 11 district a capital projects and equipment levy. The  
 12 proposition shall state the period of years, not to  
 13 exceed ten, for which the levy is authorized. The  
 14 amount certified shall not exceed one".
- 15 22. Page 9, line 15, by inserting after the word  
 16 "levy" the following: "if voted".
- 17 23. Page 10, line 7, by inserting after the  
 18 figure "298.2" the following: "if voted".
- 19 24. By striking page 10, line 17, through page  
 20 12, line 22.

BERL E. PRIEBE  
 EMIL J. HUSAK  
 CALVIN O. HULTMAN  
 DALE L. TIEDEN  
 EUGENE FRAISE  
 JOHN E. SOORHOLTZ  
 EDGAR H. HOLDEN

## S-5752

- 1 Amend Senate File 2303 as follows:
- 2 1. By striking page 26, line 5 through page 27,  
 3 line 13.
- 4 2. Page 38, by striking lines 25 through 30.

ROBERT CARR

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2349

## S-5753

- 1 Amend the amendment, H-5732, to House File 2349 as  
 2 amended, passed, and reprinted by the House as

3 follows:

4 1. Page 1, line 30, by inserting after the words  
5 "national organization" the following: "and the  
6 national organization is a tax-exempt organization  
7 under one of the provisions enumerated in section  
8 99B.7, subsection 1, paragraph "m,"".

9 2. Page 1, line 32, by striking the word "two"  
10 and inserting the following: "five".

11 3. Page 2, line 24, by striking the word  
12 "awarded" and inserting the following: "offered".

13 4. By striking page 2, line 40 through page 3,  
14 line 1.

15 5. Page 3, line 25, by striking the words "at a  
16 bingo occasion" and inserting the following: "by a  
17 qualified organization during any twenty-four hour  
18 period".

19 6. Page 3, by striking lines 37 and 38 and  
20 inserting the following: "limited license bingo, no  
21 more than three bingo occasions per".

22 7. Page 4, line 12, by inserting after the word  
23 "bingo" the following: "and raffles".

24 8. Page 4, by striking lines 22 through 36.

25 9. Page 4, by inserting after line 36 the  
26 following:

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

29 "Sec. \_\_\_\_ . NEW SECTION. 99B.21 TAX ON PRIZES.

30 All prizes awarded are Iowa earned income and are  
31 subject to state and federal income tax laws. A  
32 person conducting a game of skill, game of chance, or  
33 a raffle shall deduct state income taxes from a cash  
34 prize awarded to an individual in excess of six  
35 hundred dollars. An amount deducted from the prize  
36 for payment of a state tax shall be remitted to the  
37 state department of revenue on behalf of the prize  
38 winner.

39 Sec. \_\_\_\_ . Section 422.45, Code Supplement 1985, is  
40 amended by adding the following new subsection:

41 NEW SUBSECTION. 32. Gross sale from the sale of  
42 raffle tickets for a raffle licensed pursuant to  
43 section 99B.5."

44 10. Page 4, by striking lines 37 through 43.

45 11. Renumber as necessary.

HOUSE AMENDMENT TO  
SENATE JOINT RESOLUTION 2002

S-5754

1 Amend Senate Joint Resolution 2002 as follows:

2 1. Page 1, line 7, by inserting before the word

- 3 "representation" the words "and gender".  
4 2. Title page, line 2, by inserting after the  
5 word "affiliation" the words "and gender".  
6 3. By renumbering, relettering, or redesignating  
7 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2457

S-5755

- 1 Amend the Senate amendment, H-5855, to House File  
2 2457 as amended, passed and reprinted by the House, as  
3 follows:  
4 1. Page 1, by striking lines 3 through 6 and  
5 inserting the following:  
6 "1. Page 2, line 33, by inserting after the word  
7 "charge" the following: "during presidential election  
8 years and at a charge not greater than that made for  
9 its use by other groups during other years."  
10 2. Page 1, by striking lines 7 through 19.  
11 3. Page 1, by striking lines 20 and 21.

S-5756

- 1 Amend House File 2476 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 6, by inserting after line 30 the  
4 following:  
5 "Sec. 3. Section 56.2, subsection 6, Code 1985, is  
6 amended to read as follows:  
7 6. "Political committee" means a committee, but  
8 not a candidate's committee, which accepts  
9 contributions, makes expenditures, or incurs  
10 indebtedness in the aggregate of more than two hundred  
11 fifty dollars in any one calendar year for the purpose  
12 of supporting or opposing a candidate for public  
13 office or ballot issue, or an association, lodge,  
14 society, cooperative, union, fraternity, sorority,  
15 educational institution, civic organization, labor  
16 organization, religious organization, or professional  
17 organization which makes contributions in the  
18 aggregate of more than two hundred fifty dollars in  
19 any one calendar year for the purpose of supporting or  
20 opposing a candidate for public office or a ballot

21 issue. The term "political committee" also includes  
 22 any organization which exists for the purpose of  
 23 educating voters and which accepts contributions and  
 24 makes expenditures, in the aggregate of more than two  
 25 hundred fifty dollars in any one calendar year, to or  
 26 on behalf of a political committee or candidate's  
 27 committee or person working under the auspices of a  
 28 political committee or candidate's committee."

29 2. Page 6, line 31, by striking the word "This"  
 30 and inserting the words "Sections 1 and 2 of this".

RICHARD DRAKE

S-5757

1 Amend Senate File 2084, 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. 551.12 PRICE  
 6 DISCRIMINATION -- SALE OR LEASE OF MOTOR VEHICLES.

7 1. As used in this section, unless the context  
 8 otherwise requires:

9 a. "Motor vehicle" means a motor vehicle subject  
 10 to registration under chapter 321 with a gross vehicle  
 11 weight rating as defined in 49 C.F.R. 567.4(g)(3) of  
 12 less than nine thousand pounds, but does not include a  
 13 motor vehicle which is not a completed motor vehicle  
 14 as defined in section 322.2, subsection 21, or a motor  
 15 vehicle chassis, either of which is sold to a  
 16 manufacturer and does not include a motor vehicle  
 17 which is defined as a motor home in section 321.1,  
 18 subsection 68, paragraph "d".

19 b. "Fleet buyer" means any person, except a rental  
 20 company, which purchases and registers or leases ten  
 21 or more new motor vehicles during any twelve-month  
 22 period for use in the person's business.

23 c. "Rental company" means any person, except a  
 24 dealer or dealer affiliated leasing company, in the  
 25 primary business of the rental, retail lease or retail  
 26 sale of motor vehicles.

27 d. "Retail buyer" means a person who buys a motor  
 28 vehicle but does not include a fleet buyer, a rental  
 29 company, or a dealer.

30 e. "Retail lease" means a contract for the use of  
 31 a motor vehicle by any person for a term of more than  
 32 sixty days but does not include sales or leases to a  
 33 fleet buyer.

34 f. "Rental" means a contract for the use of a

35 motor vehicle by any person for a period of sixty days  
36 or less.

37 g. "Dealer" means a motor vehicle dealer licensed  
38 under chapter 322.

39 h. "Manufacturer" means a manufacturer,  
40 distributor, or wholesaler licensed under chapter 322.

41 i. "Incentive" means a discount, rebate, interest  
42 assistance, option, assistance pass through, and any  
43 other benefit provided to a dealer with respect to the  
44 acquisition, sale, or lease of a motor vehicle or to a  
45 motor vehicle purchaser by a manufacturer.

46 j. "Price" means the dollar purchase price of a  
47 motor vehicle, including incentives.

48 2. A manufacturer shall not knowingly discriminate  
49 in price against Iowa purchasers or lessees of motor  
50 vehicles by selling or leasing a new motor vehicle to

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1 any dealer at a price lower than the lowest price at  
2 which the manufacturer offers to sell or lease any new  
3 motor vehicle of the same make and model similarly  
4 equipped to any other dealer.

5 This section does not apply to sales by  
6 manufacturers to dealers for resale to employees,  
7 retirees, officers or directors of a manufacturer or  
8 its affiliated companies, to any unit of government,  
9 to any charitable organization, or for any driver  
10 education program.

11 This section shall not be construed to prohibit a  
12 manufacturer from offering incentives to its dealers,  
13 dealer-affiliated leasing companies, fleet buyers or  
14 to retail buyers so long as the same or equivalent  
15 incentives are available to all dealers of the same  
16 line make on a nondiscriminatory basis. If the  
17 manufacturer makes any incentive available to a dealer  
18 for resale or re-lease to a rental company, the same  
19 or equivalent incentive must be made available to  
20 dealers for resale to retail buyers.

21 3. A person shall not knowingly provide, induce or  
22 receive a discrimination in price which is prohibited  
23 by this section.

24 4. If the attorney general determines that a  
25 person has engaged in, is engaging in, or is about to  
26 engage in any practice in violation of this section,  
27 the attorney general may:

28 a. Require the person to file on forms as the  
29 attorney general may prescribe a statement or report  
30 in writing under oath or otherwise, as to all the  
31 facts and circumstances concerning prohibited

32 practices by the person, and any other information the  
33 attorney general may deem necessary.

34 b. Examine under oath any person in connection  
35 with the prohibited activity.

36 c. Examine any record, book, document, account, or  
37 paper or motor vehicle as the attorney general may  
38 deem necessary.

39 d. Pursuant to an order of a district court,  
40 impound any record, book, document, account, paper, or  
41 motor vehicle that is produced in accordance with this  
42 section, and retain possession of same until  
43 completion of all proceedings in connection with which  
44 the same are produced.

45 5. a. To accomplish the objectives and to carry  
46 out the duties prescribed by this section, the  
47 attorney general, in addition to other powers  
48 conferred, may issue subpoenas to any person,  
49 administer an oath or affirmation to any person,  
50 conduct hearings in aid of any investigation or

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1 inquiry, prescribe forms and adopt rules as may be  
2 necessary.

3 b. Information or evidence provided the attorney  
4 general by a person pursuant to subsections 3 and 4  
5 shall not be admitted in evidence, or used in any  
6 criminal prosecution. If a criminal prosecution under  
7 this section is initiated in a state court against a  
8 person who has provided information pursuant to  
9 subsections 4 and 5, the state shall have the burden  
10 of proof that the information so provided was not used  
11 in any manner to further the criminal investigation or  
12 prosecution.

13 c. In any civil action brought under this section,  
14 the attorney general shall have the right to require  
15 any defendant to give testimony, and no criminal  
16 prosecution based upon transactions or acts about  
17 which the defendant is questioned and required to give  
18 testimony shall be brought against the defendant.

19 6. Service by the attorney general of any notice  
20 requiring a person to file a statement or report, or  
21 of a subpoena upon any person, shall be made  
22 personally within this state, but if it cannot be  
23 obtained, substituted service may be made in the  
24 following manner:

25 a. Personal service outside this state.

26 b. The mailing by registered mail to the last  
27 known place of business, residence, or abode within or  
28 without this state of the person for whom the same is

29 intended.

30 c. As to any person other than a natural person,  
31 in the manner provided in the rules of civil procedure  
32 as if a petition had been filed.

33 d. The service as a district court may direct in  
34 lieu of personal service within this state.

35 7. If any person fails or refuses to file any  
36 statement or report, or obey any subpoena issued by  
37 the attorney general, the attorney general may, after  
38 notice, apply to a district court and, after hearing,  
39 and upon meeting customary legal standards for  
40 obtaining relief, request an order:

41 a. Granting injunctive relief, restraining the  
42 sale of any motor vehicle by the person.

43 b. Dissolving a corporation created by or under  
44 the laws of this state or revoking or suspending the  
45 certificate of authority to do business in this state  
46 of a foreign corporation or revoking or suspending any  
47 other licenses, permits, or certificates issued  
48 pursuant to law to such person which are used to  
49 further the allegedly unlawful practice.

50 c. Granting any other relief as may be required

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1 until the person files the statement or report, or  
2 obeys the subpoena.

3 8. Whenever it appears to the attorney general  
4 that a person has engaged in, is engaging in or is  
5 about to engage in any practice declared to be  
6 unlawful by this section, and the proceedings would be  
7 in the public interest, the attorney general may seek  
8 and obtain in an action in a district court an  
9 injunction prohibiting the person from continuing the  
10 practices or engaging in or doing any unlawful acts  
11 upon meeting customary legal standards for obtaining  
12 relief.

13 9. In any action brought under this section, the  
14 attorney general is entitled to recover costs for the  
15 use of this state.

16 10. A person who is injured or threatened with  
17 injury by conduct prohibited under this section may  
18 bring suit to:

19 a. Prevent or restrain the conduct and remove the  
20 conduct's effect by injunction or other equitable  
21 relief.

22 b. Recover actual damages resulting from the  
23 conduct.

24 c. Recover, at the court's discretion, exemplary  
25 damages which do not exceed twice the actual damages

26 awarded under paragraph "b" of this subsection if the  
27 trier of fact determines that the prohibited conduct  
28 is willful or flagrant.

29 d. Recover the necessary costs of bringing suit,  
30 including a reasonable attorney fee."

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 123

S-5758

1 Amend the Senate amendment, H-5749, to House File  
2 123, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. By striking page 1, line 5 through page 2,  
5 line 11, and inserting the following:

6 ""Sec. 711. Section 321.166, subsection 6, Code  
7 1985, is amended to read as follows:

8 6. Registration plates issued a disabled veteran  
9 under the provisions of section 321.105, shall display  
10 the alphabetical characters "DV"; which shall be of  
11 the same size as the characters in the registration  
12 plate number and shall precede the registration plate  
13 number. The plates may also display a handicapped  
14 identification sticker if issued to the disabled  
15 veteran by the department under section 601E.6.

16 Sec. 712. Section 601E.6, subsection 1, Code 1985,  
17 is amended to read as follows:

18 1. A handicapped identification device may be  
19 displayed in a motor vehicle being used by a  
20 handicapped person, either as operator or passenger.  
21 The devices shall be of uniform design and fabricated  
22 of durable material, suitable for display from within  
23 the passenger compartment of a motor vehicle, and  
24 readily transferable from one vehicle to another.  
25 They shall be acquired by the department and sold at  
26 cost, not to exceed five dollars, to handicapped  
27 persons upon application on forms prescribed by the  
28 department. Before delivering a handicapped  
29 identification device to a purchaser, the department  
30 shall permanently affix to the device a unique number  
31 which may be used by the department to identify that  
32 individual purchaser.

33 A handicapped person who has been issued  
34 registration plates as a seriously disabled veteran  
35 under the provisions of section 321.105 may apply to  
36 the department for handicapped identification stickers  
37 to be affixed to the plates. The handicapped

38 identification stickers shall bear the international  
39 symbol of accessibility. The handicapped  
40 identification stickers shall be acquired by the  
41 department and sold at cost, not to exceed five  
42 dollars, to eligible handicapped persons upon  
43 application on forms prescribed by the department.  
44 PARAGRAPH DIVIDED. A handicapped identification  
45 sticker affixed to a registration plate issued to a  
46 disabled veteran under section 321.166, subsection 6,  
47 and a handicapped registration plate issued under  
48 section 321.34, subsection 7, is ~~are~~ also a valid  
49 handicapped identification ~~device devices~~.”  
50 2. Page 1, line 35, by inserting after the word

**Page 2**

1 “device” the words “or sticker”.  
2 3. Page 2, by inserting after line 8 the  
3 following:  
4 “Sec. 713. Section 601E.6, subsection 3, paragraph  
5 a, Code 1985, is amended to read as follows:  
6 a. Establishing procedure for applying to the  
7 department for issuance of a permanent or temporary  
8 handicapped identification device and handicapped  
9 identification stickers under this section.  
10 Sec. 714. Section 601E.6, subsection 3, paragraph  
11 b, Code 1985, is amended to read as follows:  
12 b. Requiring persons who seek permanent  
13 handicapped identification devices or handicapped  
14 identification stickers to furnish evidence upon  
15 initial application that they are permanently  
16 handicapped; and requiring persons who seek temporary  
17 handicapped identification devices to furnish evidence  
18 upon initial application that they are physically  
19 handicapped and, in addition, to furnish evidence at  
20 ~~six-month~~ three-month intervals that they remain  
21 physically handicapped.  
22 Sec. 715. Section 601E.6, subsection 3, paragraph  
23 c, Code 1985, is amended to read as follows:  
24 c. Governing the manner in which handicapped  
25 identification devices and stickers are to be  
26 displayed in or on motor vehicles parked in spaces  
27 designated under subsection 2.”  
28 2. Page 2, line 12, by striking the words and  
29 figure “713 apply to”.  
30 3. Page 2, by striking lines 13 through 16 and  
31 inserting the following: “712 take effect January 1,  
32 1987. Section 714 takes effect July 1, 1986, and with  
33 regard to the interval for persons to furnish evidence  
34 of their physical handicap applies to temporary

35 handicapped identification devices issued on or after  
 36 July 1, 1986.””  
 37 4. Page 2, by inserting after line 16 the  
 38 following:  
 39 “\_\_\_ . Title page, by striking line 2 and  
 40 inserting the following: “identification devices and  
 41 stickers and providing effective dates.””

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2167

S-5759

1 Amend the Senate amendment, H--5767, to House File  
 2 2167 as amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. Page 1, by striking lines 29 and 30 and  
 5 inserting the following: “agreement for purposes of  
 6 negotiating the ~~contract~~ contracts for the following  
 7 year years without further action by the”.  
 8 2. Page 1, by striking lines 38 and 39 and  
 9 inserting the following: “bargaining agreement for  
 10 purposes of negotiating the ~~contract~~ contracts for the  
 11 following year years without further action”.

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2462

S-5760

1 Amend the Senate amendment, H-5860, to House File  
 2 2462 as amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. Page 2, by inserting after line 28 the  
 5 following:  
 6 “\_\_\_ . Page 2, line 10, by striking the word  
 7 “eight” and inserting the following: “five.”  
 8 2. Page 2, by striking line 39 and inserting the  
 9 following:  
 10 “\_\_\_ . Page 3, by striking lines 9 through 30 and  
 11 inserting the following:  
 12 “Sec. \_\_\_ . Section 442.2, subsection 1, Code 1985,  
 13 is amended by adding the following new unnumbered  
 14 paragraphs:  
 15 NEW UNNUMBERED PARAGRAPH. However, commencing with  
 16 the budget year beginning July 1, 1987, a reorganized

17 school district shall cause a foundation property tax  
 18 of four dollars and forty cents per thousand dollars  
 19 of assessed valuation to be levied on all taxable  
 20 property which, in the year preceding the  
 21 reorganization, was within a school district affected  
 22 by the reorganization as defined in section 275.1 and  
 23 which had a certified enrollment of less than six  
 24 hundred. In succeeding school years, the foundation  
 25 property tax levy on that portion shall be increased  
 26 twenty cents per year until it reaches the rate of  
 27 five dollars and forty cents per thousand dollars of  
 28 assessed valuation.

29 NEW UNNUMBERED PARAGRAPH. For purposes of this  
 30 section, a reorganized school district is one in which  
 31 reorganization was approved in an election pursuant to  
 32 sections 275.18 and 275.20 and will take effect on or  
 33 after July 1, 1986.”

34 3. By striking page 3, line 44 through page 4,  
 35 line 26.

36 4. Page 7, line 22, by striking the word “eight”  
 37 and inserting the word “five”.

38 5. Page 7, line 34, by inserting after the figure  
 39 “442.6.” the following: “For the purposes of this  
 40 section, “administrative expenditures” means  
 41 expenditures for executive administration.”

42 6. Page 7, by striking lines 35 through 43.

43 7. By renumbering, relettering, or redesignating  
 44 and correcting internal references as necessary.

S-5761

1 Amend the House amendment, S-5757, to Senate File  
 2 2084, as amended, passed, and reprinted by the Senate,  
 3 as follows:

4 1. By striking page 1, line 48 through page 2,  
 5 line 20 and inserting the following:

6 “2. It is unlawful for any manufacturer or  
 7 distributor to:

8 a. Offer to sell or to sell any new motor vehicle  
 9 at a lower actual price than the actual price offered  
 10 to any other motor vehicle dealer for the same model  
 11 vehicle similarly equipped or utilize any device  
 12 including, but not limited to, sales promotion plans  
 13 or programs, rebates, interest assistance, or  
 14 assistance pass throughs which result in a lesser  
 15 actual price. However, this paragraph shall not apply  
 16 to sales to a motor vehicle dealer for resale to any  
 17 unit of government, charitable organization or  
 18 employee of a manufacturer or distributor, nor to

19 sales to a motor vehicle dealer or any motor vehicle  
 20 ultimately sold, donated, or used by such dealer in a  
 21 driver education program. This paragraph shall not  
 22 apply so long as a manufacturer or distributor makes  
 23 such incentives available to all motor vehicle dealers  
 24 on a nondiscriminatory basis.

25 b. Offer, sell, or lease any new motor vehicle to  
 26 any person, except a distributor, at a lower actual  
 27 price than the actual price offered and charged a  
 28 motor vehicle dealer for the same model vehicle  
 29 similarly equipped or utilize any device which results  
 30 in such less actual price. However, this paragraph  
 31 shall not apply to sales to a motor vehicle dealer for  
 32 resale to any unit of government, charitable  
 33 organization or employee of a manufacturer or  
 34 distributor, to sales made directly to a unit of  
 35 government, charitable organization or employee of a  
 36 manufacturer or distributor, nor to sales to a motor  
 37 vehicle dealer or any motor vehicle ultimately sold,  
 38 donated, or used by the dealer in a driver education  
 39 program.”

40 2. Page 4, by striking lines 13 through 30 and  
 41 inserting the following:

42 “9. This section shall not bar any claim of a  
 43 person who suffers damages as a result of violations  
 44 of this Act against such person committing the  
 45 violation or making the violation. The court in its  
 46 discretion may award actual damages or any other  
 47 relief the court deems proper. In any action brought  
 48 by a person under this section, the court may award  
 49 reasonable attorneys’ fees and costs to the prevailing  
 50 party. However, the state may not recover any

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1 attorneys’ fees or costs.”

2 3. Renumber sections and correct internal  
 3 references as necessary in accordance with this  
 4 amendment.

WILLIAM D. PALMER

S-5762

1 Amend the House amendment, S-5757, to Senate File  
 2 2084, as amended, passed and reprinted by the Senate,  
 3 as follows:

4 1. Page 4, by inserting after line 30 the  
 5 following new section:

6 "Sec. \_\_\_\_ . Section 322.3, subsection 9, Code 1985,  
7 is amended by striking the subsection."  
8 2. Renumber sections and correct internal  
9 references as necessary in accordance with this  
10 amendment.

MILO COLTON

S-5763

1 Amend the amendment, S-5749, to Senate File 2298 as  
2 follows:  
3 1. Page 7, line 15, by striking the words "for  
4 property tax levy,".  
5 2. Page 7, by striking lines 17 through 22 and  
6 inserting the following: "comptroller shall  
7 determine, on the basis of the percent of the  
8 population of each school district residing in  
9 unincorporated areas of the county and the percent  
10 that resides in each city located wholly or partially  
11 within the school district compared to the total  
12 population of the school district, the percent of the  
13 total cost of each district's infrastructure budget to  
14 be paid by each constituent unit. The state  
15 comptroller shall transmit the portion of each  
16 district's budget estimate in dollars to each affected  
17 county board of supervisors and each city council.  
18 The unincorporated part of each county shall be  
19 considered as a separate unit. Each county board of  
20 supervisors shall review the budget estimate for the  
21 unincorporated portion of the county and appropriate  
22 for school district purposes its share in the county  
23 rural services fund budget. Each city council shall  
24 review the budget estimate for the city and  
25 appropriate for school district purposes its share in  
26 the city general fund budget. Each city and county  
27 shall contribute its share from taxation on an  
28 equitable basis by population. With approval of a  
29 city council, the county treasurer may withhold the  
30 city's portion of the taxes collected for a city to  
31 meet the city's contribution for school district  
32 purposes under this section and deliver a receipt to  
33 the city clerk for the amount withheld."  
34 3. Page 13, by striking lines 39 and 40 and  
35 inserting the following: "district the amount of the  
36 infrastructure budget. If in the committee's  
37 judgment, the budget is".  
38 4. Page 13, line 43, by striking the words "tax  
39 levy" and inserting the following: "budget".

- 40 5. Page 17, line 10, by striking the word "levy"  
 41 and inserting the following: "budget".  
 42 6. Page 22, line 29, by striking the word "levy"  
 43 and inserting the following: "budget".  
 44 7. Page 23, line 24, by striking the words  
 45 "received from the" and inserting the following:  
 46 "received from the".  
 47 8. Page 23, line 27, by striking the words  
 48 "infrastructure levy" and inserting the following:  
 49 "in the infrastructure account".  
 50 9. By striking page 32, line 49, through page 34,

**Page 2**

- 1 line 20.  
 2 10. Page 35, line 5, by striking the word "levy"  
 3 and inserting the word "budget".  
 4 11. Page 35, by inserting after line 31 the  
 5 following:  
 6 "Sec. \_\_\_\_ . Section 331.424, subsection 2, Code  
 7 1985, is amended by adding the following new lettered  
 8 paragraph:  
 9 NEW LETTERED PARAGRAPH. c. For capital projects  
 10 and equipment and liability purposes of school  
 11 districts under chapter 298.  
 12 Sec. \_\_\_\_ . Section 384.12, Code 1985, is amended by  
 13 adding the following new subsection:  
 14 NEW SUBSECTION. 20. A tax sufficient to pay for  
 15 the capital projects and equipment and liability  
 16 purposes of school districts."

RAY TAYLOR

S-5764

- 1 Amend House File 2484 as amended, passed and re-  
 2 printed by the House as follows:  
 3 1. Page 142, by inserting after line 11, the  
 4 following:  
 5 "Sec. \_\_\_\_ . SPECIAL EMPLOYMENT SECURITY CONTINGENCY  
 6 FUND EXPENDITURES.  
 7 1. Notwithstanding the provisions of section  
 8 96.13, subsection 3, which restrict the use of moneys  
 9 in the special employment security contingency fund,  
 10 moneys in the fund on June 30, 1986, shall not be  
 11 transferred by the treasurer of state to either the  
 12 temporary emergency surcharge fund or to the  
 13 unemployment compensation fund, but shall be available  
 14 to the department of job service, for the fiscal year

15 beginning July 1, 1986, and ending June 30, 1987, for  
16 expenditure under subsection 2.

17 2. The department of job service shall only expend  
18 moneys, which are credited to the special employment  
19 security contingency fund during the fiscal year  
20 beginning July 1, 1986, and ending June 30, 1987,  
21 including moneys which are available to the department  
22 of job service under subsection 1, in accordance with  
23 the following restrictions:

24 a. The department may expend up to fifty thousand  
25 (50,000) dollars from the fund for the purchase and  
26 installation of an electrical transformer for its  
27 state administrative office building.

28 b. The department may expend up to two hundred  
29 thousand (200,000) dollars from the fund for the  
30 support of county labor survey economic development  
31 teams.

32 c. Any balance of moneys in the special employment  
33 security contingency fund shall be deposited in a  
34 separate account in the state treasury to be known as  
35 the department approved training fund.  
36 Notwithstanding section 453.7, interest and earnings  
37 from moneys deposited in the department approved  
38 training fund shall be credited to the fund. The  
39 department shall use moneys from the fund only to pay  
40 the instructional costs of training, relating to  
41 tuition and course fees, approved by the department  
42 pursuant to section 96.4 and 370 I.A.C. § 4.39, § 4.40,  
43 for individuals who demonstrate, to the department's  
44 satisfaction, that they are financially incapable of  
45 paying the instructional costs of the approved  
46 training. However, the department may expend up to  
47 thirty thousand (30,000) dollars from the fund for  
48 administrative costs related to payments for  
49 department approved training.

50 The payments shall not be made to the individual

**Page 2**

1 receiving approved training but shall be made directly  
2 to the institution or person providing the approved  
3 training. Payments shall not exceed one thousand  
4 dollars per individual trainee in any two-year period.

5 The department shall distribute information on the  
6 qualification requirements for and availability of  
7 payment for department approved training to  
8 individuals filing claims for benefits or receiving  
9 benefits under chapter 96."

TOM MANN, JR.

S-5765

1 Amend House File 2476 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 1, by striking lines 22 and 23 and  
4 inserting the following: "campaign. A restricted  
5 campaign exists if at least two".  
6 2. Page 1, by striking lines 29 and 30 and  
7 inserting the following: "subject to the following  
8 limits on".  
9 3. Page 2, by striking line 11.  
10 4. Page 2, by striking line 23.  
11 5. Page 2, by striking line 33.  
12 6. Page 3, by striking line 8.  
13 7. Page 4, by striking line 19 through page 6,  
14 line 18.  
15 8. Page 6, line 26, by striking the words  
16 "political candidates fund" and inserting the words  
17 "general fund of the state".

RAY TAYLOR

S-5766

1 Amend House File 2476 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 1, line 35, by inserting after the word  
4 "candidate," the words "candidate's spouse or a family  
5 member,".

JULIA GENTLEMAN

S-5767

1 Amend Senate File 2300 as follows:  
2 1. Page 2, line 5, by inserting after the word  
3 "fuel" the following: "including electricity and  
4 gas".  
5 2. Page 2, line 7, by inserting after the word  
6 "livestock" the following: "or domesticated fowl".  
7 3. Page 2, by striking lines 8 and 9 and  
8 inserting the following: "current, or ~~be consumed in~~  
9 ~~self-propelled implements of husbandry engaged for use~~  
10 in agricultural production; for market; or the  
11 property".

12 4. Page 2, line 20, by inserting after the words  
13 "service of" the following: "fuel, steam,".

BERL E. PRIEBE

S-5768

1 Amend House File 2484 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 107, by inserting after line 33 the  
4 following:  
5 "Pursuant to section 602.1304, the amount  
6 appropriated by this section includes all interest  
7 income collected from lawyers' trust accounts."

RAY TAYLOR

HOUSE AMENDMENT TO  
SENATE FILE 2210

S-5769

1 Amend Senate File 2210 as passed by the Senate as  
2 follows:  
3 1. Page 1, line 17, by striking the figure "1986"  
4 and inserting the figure "1987".  
5 2. Page 1, by inserting after line 25 the  
6 following:  
7 "In making the determination on the amount of  
8 reduction of automobile liability insurance premiums  
9 which takes effect July 1, 1987, the commissioner may  
10 employ or contract with actuarial consultants as  
11 necessary in making the determination. The reasonable  
12 fees and expenses of an actuarial consultant employed  
13 or contracted by the commissioner for the purpose of  
14 determining the amount of the July 1, 1987 reduction  
15 shall be assessed against and paid by the affected  
16 insurance companies."  
17 3. By renumbering, relettering, or redesignating  
18 and correcting internal references as necessary.

S-5770

1 Amend House File 2484 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 125, line 11, by striking the figure

- 4 "2276" and inserting in lieu thereof the figure
- 5 "2488".

LEONARD BOSWELL

S-5771

- 1 Amend House File 2484 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 37, by striking line 30 through page 38,
- 4 line 1.

JOHN JENSEN

S-5772

- 1 Amend House File 2484 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 3, by striking lines 3 and 4.
- 4 2. Page 31, line 15, by striking the figure
- 5 "\$10,224,403" and inserting in lieu thereof the figure
- 6 "\$10,453,403".
- 7 3. Page 31, by striking lines 29 through 32.

JOHN JENSEN  
JOHN A. PETERSON  
JACK W. HESTER  
JOY CORNING

S-5773

- 1 Amend the House amendment, S-5757, to Senate File
- 2 2084, as amended, passed and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, lines 19 and 20, by striking the words
- 5 " , except a rental company, which" and inserting the
- 6 word "who".
- 7 2. Page 1, lines 23 and 24, by striking the words
- 8 " , except a dealer or dealer affiliated leasing
- 9 company,".
- 10 3. Page 2, lines 12 and 13, by striking the words
- 11 "dealers, dealer-affiliated leasing companies" and
- 12 inserting the following: "dealers for sale or lease
- 13 to dealer-affiliated leasing companies, rental
- 14 companies".
- 15 4. Page 2, by striking lines 16 through 20 and
- 16 inserting the words "line make on a nondiscriminatory

17 basis. A manufacturer shall not knowingly make an  
18 incentive available with respect to any motor vehicle  
19 that is to be sold to a fleet buyer for the purpose of  
20 entering into a retail lease unless the same or  
21 equivalent incentives are available to dealers for  
22 retail sales transactions; provided however, that a  
23 manufacturer may make incentives available to dealers  
24 or dealer-affiliated leasing companies in connection  
25 with their retail leases without having to grant the  
26 same or equivalent incentives to dealers for retail  
27 sales.”

MICHAEL E. GRONSTAL  
ARNE WALDSTEIN  
GEORGE R. KINLEY  
RICHARD VANDE HOEF

S-5774

1 Amend House File 2484, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 67, line 15, by striking the word  
4 “twenty-four” and inserting the word “twenty-seven”.  
5 2. Page 67, line 18, by striking the figure  
6 “762,129” and inserting the figure “841,883”.

THOMAS MANN, Jr.

S-5775

1 Amend House File 2484 as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 88, by striking lines 30 and 31.  
4 2. Page 98, line 1, by striking the figure  
5 “225C.22” and inserting the following: “145.7”.  
6 3. Page 98, line 9, by striking the word  
7 “director” and inserting the following: “health data  
8 commission”.  
9 4. Page 98, line 12, by inserting after the word  
10 “department” the following: “of human services”.  
11 5. Page 98, line 14, by striking the word  
12 “director” and inserting the following: “health data  
13 commission”.  
14 6. Page 98, line 17, by striking the word  
15 “director” and inserting the following: “health data  
16 commission”.

RICHARD VANDE HOEF

HOUSE AMENDMENT TO  
SENATE FILE 97

S-5776

- 1 Amend Senate File 97 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 5 and 6 and
- 4 inserting the following:
- 5 "Sec. 2. A person who was born on or before
- 6 September 1, 1967, may continue to purchase and
- 7 consume alcoholic beverages and shall be treated as a
- 8 person who is 21 years old for that purpose."

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2471

S-5777

- 1 Amend Senate amendment H-6033 to House File 2471 as
- 2 passed by the House as follows:
- 3 1. Page 1, by inserting after line 46 the
- 4 following:
- 5 " \_\_\_\_ . Page 24, lines 30 and 31, by striking the
- 6 words "if the person resides in the county where the
- 7 land is situated," and inserting the words "~~if the~~
- 8 ~~person resides in the county where the land is~~
- 9 ~~situated,~~".
- 10 \_\_\_\_ . Page 25, line 8, by striking the word
- 11 "housing" and inserting the word "~~housing~~".
- 12 \_\_\_\_ . Page 25, lines 14 through 18, by striking
- 13 the words "or assignee of record, whether resident or
- 14 nonresident of the county, if the mortgagee's or
- 15 assignee's address is disclosed by the recorded
- 16 instrument or by a certificate showing the address of
- 17 the mortgagee or assignee duly filed with the
- 18 recorder, or" and inserting the words "~~or assignee of~~
- 19 ~~record, whether resident or nonresident of the county,~~
- 20 ~~if the mortgagee's or assignee's address is disclosed~~
- 21 ~~by the recorded instrument or by a certificate showing~~
- 22 ~~the address of the mortgagee or assignee duly filed~~
- 23 ~~with the recorder, or having a lien upon the real~~
- 24 ~~estate, a vendor of the real estate under a recorded~~
- 25 ~~contract of sale, a lessor who has a recorded lease or~~
- 26 ~~memorandum of a recorded lease, and any other person~~
- 27 ~~who has an interest of record, at the person's last~~
- 28 ~~known address, and on"."~~

S-5778

- 1 Amend House File 2484 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 68, line 12, by inserting after the word
- 4 "two" the following: "and eight-tenths".
- 5 2. Page 68, line 15, by striking the figure
- 6 "68,222" and inserting the figure "93,937".

MILO COLTON  
DAVID READINGER

S-5779

- 1 Amend House File 2484, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 35, by striking lines 5 through 8 and
- 4 inserting the following: "If the applicant is
- 5 eligible for".
- 6 2. Page 35, by striking lines 11 and 12 and
- 7 inserting the following: "by a maternal and child
- 8 health program, the".

MILO COLTON

S-5780

- 1 Amend House File 2484 as amended, passed and re-
- 2 printed by the House as follows:

DIVISION S-5780A

- 3 1. Page 5, lines 14 and 15, by striking the words
- 4 and figure "eight hundred twenty-five thousand four
- 5 hundred ten (825,410) dollars" and inserting in lieu
- 6 thereof the following: "seven hundred forty-five
- 7 thousand six hundred fifty-six (745,656) dollars".

DIVISION S-5780B

- 8 2. Page 67, line 15, by striking the word "twenty-
- 9 four" and inserting the word "twenty-seven".
- 10 3. Page 67, line 18, by striking the figure "762,129"
- 11 and inserting the figure "841,883".

TOM MANN

S-5781

- 1 Amend House File 2065 as passed by the House as  
2 follows:  
3 1. Page 16, line 22, by striking the words and  
4 figure "and 327F.38" and inserting in lieu thereof the  
5 words and figure ", 327F.38, and 601H.5".

CHARLES BRUNER

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2454

S-5782

- 1 Amend the amendment, H-5838, to House File 2454, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 2, by striking lines 3 and 4 and  
5 inserting the following: "the interests of the  
6 chronic runaway."  
7 2. Page 2, line 25, by striking the words "or  
8 detention".  
9 3. Page 2, lines 36 and 37, by striking the words  
10 "or detention".  
11 4. Page 2, line 40, by striking the words "or  
12 detention".  
13 5. Page 3, line 3, by striking the words "or  
14 detention".  
15 6. Page 3, lines 5 and 6, by striking the words  
16 "or detention".  
17 7. Page 3, lines 11 and 12, by striking the words  
18 "or detention".  
19 8. Page 3, lines 19 and 20, by striking the words  
20 "and the community".  
21 9. Page 3, lines 23 and 24, by striking the words  
22 "for more than seven days".  
23 10. By renumbering, relettering, or redesignating  
24 and correcting internal references as necessary.

S-5783

- 1 Amend House File 2484 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 155, by striking lines 9 and 10 and  
4 inserting the following: "127.8, subsection 1, and

5 offer for sale and deliver such intoxicating liquors  
6 and wine for sale through the state liquor stores to  
7 class "E".

8 2. Page 157, line 27, by inserting after the word  
9 "licensees" the following: "without regard for the  
10 quantity of purchase or the distance for delivery".

11 3. Page 158, line 31, by striking the words "at  
12 least equal" and inserting the words "of up".

13 4. Page 158, line 34, by striking the word  
14 "reduce" and inserting the word "increase".

15 5. Page 159, line 2, by striking the words  
16 "equals or exceeds" and inserting the words "does not  
17 exceed".

18 6. Page 160, line 15, by inserting after the word  
19 "chapter." the following: "The department shall  
20 deliver alcoholic liquor purchased by class "E" liquor  
21 control licensees. Class "E" liquor control licensees  
22 may deliver alcoholic liquor purchased by class "A",  
23 "B", or "C" liquor control licensees, and class "A",  
24 "B", or "C" liquor control licensees may transport  
25 alcoholic liquor purchased from class "E" liquor  
26 control licensees."

27 7. Page 160, line 29, by striking the words "a  
28 class "E"".

29 8. Page 161, line 31, by inserting after the word  
30 "'A'" the following: "or "B"".

31 9. Page 162, line 5, by inserting after the word  
32 "'A'" the following: "or "B"".

33 10. Page 162, line 16, by inserting after the  
34 word "'A'" the following: "or "B"".

35 11. Page 162, line 23, by inserting after the  
36 word "'A'" the following: "or "B"".

37 12. Page 163, line 31, by inserting after the  
38 word "sum" the following: "of not less than seven  
39 hundred and fifty dollars, and not more than seven  
40 thousand five hundred dollars as".

41 13. Page 168, line 33, by inserting before the  
42 word "beer" the following: "or "C"".

43 14. Page 171, line 3, by inserting after the  
44 figure "1987." the following: "The provisions of the  
45 Code concerning the operation of state liquor stores  
46 shall remain in effect to the extent applicable in the  
47 form as they existed prior to the effective date of  
48 this Act and they shall so remain in effect until the  
49 division ceases operation of any liquor stores."

S-5784

- 1 Amend House File 2484 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 12, by striking lines 18 through 28.

ARTHUR GRATIAS

S-5785

- 1 Amend House File 2484 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 121, line 12, by inserting after the word
- 4 "assembly." the following: "Of the amount appropriated
- 5 under this paragraph, fifty thousand (50,000) dollars
- 6 shall be used as matching funds to make emergency repairs
- 7 on the dam on the Little Sioux river located at Linn
- 8 Grove."

ARNE WALDSTEIN

S-5786

- 1 Amend the House amendment S-5776 to Senate File 97
- 2 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by inserting after line 2, the
- 5 following:
- 6 "\_\_\_ . Page 1, by inserting before line 1, the
- 7 following:
- 8 "Section 1. Chapter 123, Code 1985, is amended by
- 9 adding the following new section:
- 10 NEW SECTION. 123.47A PERSONS AGE NINETEEN AND
- 11 TWENTY.
- 12 A person shall not sell, give, or otherwise supply
- 13 alcoholic liquor, wine, or beer to any person knowing
- 14 or having reasonable cause to believe that the person
- 15 is age nineteen or twenty. A person age nineteen or
- 16 twenty shall not purchase or possess alcoholic liquor,
- 17 wine, or beer. However, a person age nineteen or
- 18 twenty may possess alcoholic liquor, wine, or beer
- 19 given to the person within a private home with the
- 20 knowledge and consent of the person's parent or
- 21 guardian, and a person age nineteen or twenty may
- 22 handle alcoholic liquor, wine, and beer during the
- 23 course of the person's employment by a liquor control
- 24 licensee, or wine or beer permittee. A person, other

25 than a licensee or permittee, who violates this  
26 section is guilty of a simple misdemeanor punishable  
27 by a fine of ten dollars. A licensee or permittee who  
28 violates this section is guilty of a simple  
29 misdemeanor punishable by a fine of twenty-five  
30 dollars. The penalty provided under this section  
31 against a licensee or permittee who violates this  
32 section is the only penalty which shall be imposed  
33 against a licensee or permittee who violates this  
34 section.  
35 Sec. 2. Section 1 of this Act does not apply to  
36 persons born on or before September 15, 1967.”

TOM MANN, JR.

S-5787

1 Amend House File 2484 as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking page 168, line 13 through page  
4 169, line 1.

MICHAEL E. GRONSTAL

S-5788

1 Amend House File 2484 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 171, by inserting after line 3 the  
4 following:  
5 “Sec. \_\_\_\_ . Notwithstanding section 741 of this Act  
6 which creates a new lettered paragraph “e” to section  
7 123.30, subsection 3, Code Supplement 1985, a person  
8 operating an agency store may obtain a class “E”  
9 liquor control license for the premises designated as  
10 an agency store despite the fact that gasoline is also  
11 sold on the premises.”

MICHAEL E. GRONSTAL

S-5789

1 Amend House File 2484 as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 170, lines 10 and 11, by striking the  
4 following: “sections 123.23 and 123.96” and inserting  
5 the following: “section 123.23”.

- 6 2. Page 170, by inserting after line 11 the  
 7 following:  
 8 "Sec. \_\_\_\_ . Section 123.96, Code Supplement 1985,  
 9 is repealed."  
 10 3. Page 171, by inserting after line 3 the  
 11 following:  
 12 "Sec. \_\_\_\_ . Effective July 1, 1986 the division  
 13 shall cease offering for sale and selling wine at  
 14 wholesale to liquor control licensees and class "B"  
 15 wine permittees. The state may continue to sell wine  
 16 at retail to purchasers at state liquor stores as  
 17 provided by this Act."

MICHAEL E. GRONSTAL

S-5790

- 1 Amend Senate File 2305 as follows:  
 2 1. Page 3, by striking lines 5 through 8 and  
 3 inserting the following: "management, who shall serve  
 4 as the council's chairperson, the administrator of the  
 5 division of community action agencies of the  
 6 department of human rights, the administrator of the  
 7 energy and".

CHARLES BRUNER

S-5791

- 1 Amend House File 2484, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 12, by striking the figure  
 4 "2,789,691" and inserting the figure "3,300,000".  
 5 2. Page 2, by inserting after line 6 the  
 6 following:  
 7 "The department shall actively pursue the  
 8 acquisition of the Grant Wood Gothic House in Eldon,  
 9 Iowa. The department shall cooperate with the  
 10 historical division of the department of cultural  
 11 affairs to acquire and maintain the Grant Wood Gothic  
 12 House and to promote the property as a tourist  
 13 attraction."  
 14 3. Page 2, line 10, by striking the figure  
 15 "1,000,000" and inserting the figure "500,000".  
 16 4. Page 2, line 13, by striking the words "and  
 17 to" and inserting the words "to be used by the  
 18 department to".  
 19 5. Page 2, line 22, by inserting after the word

20 "program." the words "The department shall secure the  
21 necessary private participation from groups and  
22 organizations most appropriate for any particular  
23 function. In-kind expenditures from the private  
24 sector may be considered as a portion of the dollar  
25 for dollar match. The department shall give attention  
26 to using a portion of these funds to contract and  
27 coordinate with international programs at Iowa  
28 colleges and universities to develop a network of  
29 trade contacts overseas through the use of alumni from  
30 Iowa colleges and universities."

31 6. Page 2, by inserting after line 22 the follow-  
32 ing:

33 "The department shall establish this program on or  
34 after January 1, 1987."

35 7. Page 2, line 24, by striking the word "Japan"  
36 and inserting the word "Asian".

37 8. Page 2, line 26, by striking the word "Japan"  
38 and inserting the word "Asia".

39 9. Page 2, line 27, by striking the word  
40 "Japanese" and inserting the word "Asian".

41 10. Page 2, line 29, by striking the words  
42 "Japanese market" and inserting the words "Asian  
43 market".

44 11. Page 2, line 29, by striking the words  
45 "encourage Japanese" and inserting the words  
46 "encourage Asian".

47 12. Page 2, line 32, by striking the figure  
48 "1,000,000" and inserting the figure "500,000".

49 13. Page 3, by striking lines 3 and 4.

50 14. Page 3, line 22, by striking the figure

## Page 2

1 "11,700" and inserting the figure "15,000".

2 15. Page 3, line 31, by striking the figure  
3 "832,709" and inserting the figure "330,000".

4 16. Page 3, by inserting after line 31 the  
5 following:

6 "13. For additional and supplemental  
7 funding for the child care services pro-  
8 gram and the displaced homemakers program  
9 in connection and coordination with the  
10 federal Job Training Partnership Act of  
11 1982 and funding for a child care grants  
12 program to provide grants of up to ten  
13 thousand dollars for start-up funding for  
14 before and after school programs using  
15 school facilities, infant care programs,  
16 child care information and referral cen-

17 ters, and on-site employer day care. An  
18 application for a grant under the child  
19 care grants program shall include a study  
20 documenting a need for the service or  
21 program for which the grant is sought and  
22 a plan for implementation of the service  
23 or program which plan includes a listing  
24 of other sources of income, the staff to  
25 be employed, and the method to make the  
26 service or program self-supporting within  
27 three years . . . . . \$ 1,000,000”  
28 17. Page 4, line 25, by striking the figure  
29 “15,605,770” and inserting the figure “16,770,770”.  
30 18. Page 4, line 34, by striking the figure  
31 “127,230” and inserting the figure “270,230”.  
32 19. Page 5, by inserting after line 9 the follow-  
33 ing:  
34 “For salaries, support, and mainte-  
35 nance of the elder law education program . . . . . \$ 95,000”  
36 20. Page 5, line 12, by striking the words  
37 “department of revenue and finance” and inserting the  
38 words “college aid commission”.  
39 21. Page 5, lines 14 and 15, by striking the  
40 words and figure “eight hundred twenty-five thousand  
41 four hundred ten (825,410)” and inserting the words  
42 and figure “four hundred twenty-five thousand four  
43 hundred ten (425,410)”.  
44 22. Page 5, by striking lines 16 through 29 and  
45 inserting the following: “be paid for Iowa resident  
46 students at the college of osteopathic medicine and  
47 surgery. These funds shall be used to reduce Iowa  
48 resident student tuition. These funds are only to be  
49 used for students enrolled in each of the final three  
50 years of classes in the college of osteopathic

Page 3

1 medicine and surgery.”  
2 23. Page 6, by striking lines 22 through 35.  
3 24. Page 7, line 12, by striking the figure  
4 “14,623,482” and inserting the figure “15,581,482  
5 25. Page 8, line 4, by striking the figure  
6 “128,532,126” and inserting the figure “128,247,126  
7 26. Page 8, by striking lines 19 through 22 and  
8 inserting the following:  
9 “\_\_\_ . For area garages for the  
10 Tama-Toledo area, Dubuque and Centerville . . . . . \$ 1,344,000”  
11 27. Page 9, by inserting after line 4 the  
12 following:  
13 “Sec. \_\_\_ . The state department of transportation

14 shall operate a commercial vehicle permit issuing  
 15 center utilizing existing field facilities near the  
 16 location of the intersection of Iowa highways 151, 61  
 17 and 52.”

18 28. By striking page 10, line 35 through page 11,  
 19 line 24.

20 29. By striking page 12, line 29 through page 14,  
 21 line 13.

22 30. Page 14, line 31, by striking the words  
 23 “general fund of the state” and inserting the words  
 24 “~~general fund of the state~~ road use tax fund”.

25 31. Page 14, lines 32 and 33, by striking the  
 26 words and figure “eighty-six thousand five hundred  
 27 thirty-five (86,535)” and inserting the words and  
 28 figure “one hundred seven thousand (107,000)”.

29 32. Page 15, line 4, by striking the words  
 30 “general fund of the state” and inserting the words  
 31 “~~general fund of the state~~ road use tax fund”.

32 33. Page 15, by inserting after line 6 the  
 33 following:

34 “Sec. \_\_\_\_ . Section 423.1, subsection 1, Code  
 35 Supplement 1985, is amended to read as follows:

36 1. “Use” means and includes the exercise by any  
 37 person of any right or power over tangible personal  
 38 property incident to the ownership of that property,  
 39 except that it shall not include processing, or the  
 40 sale of that property in the regular course of  
 41 business. Property used in “processing” within the  
 42 meaning of this subsection shall mean and include (a)  
 43 any tangible personal property including containers  
 44 which it is intended shall, by means of fabrication,  
 45 compounding, manufacturing, or germination, become an  
 46 integral part of other tangible personal property  
 47 intended to be sold ultimately at retail, and  
 48 containers used in the collection, recovery or return  
 49 of empty beverage containers subject to chapter 455C,  
 50 or (b) fuel which is consumed in creating power, heat,

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1 or steam for processing or for generating electric  
 2 current, or (c) chemicals, solvents, sorbents, or  
 3 reagents, which are directly used and are consumed,  
 4 dissipated, or depleted in processing personal  
 5 property, which is intended to be sold ultimately at  
 6 retail, and which may not become a component or  
 7 integral part of the finished product. The  
 8 distribution to the public of free newspapers or  
 9 shoppers guides shall be deemed a retail sale for  
 10 purposes of the processing exemption.”

- 11 34. Page 15, by inserting after line 25 the  
 12 following:  
 13 "Notwithstanding 1985 Iowa Acts, chapter 33,  
 14 section 301, subsection 3, paragraph "e", the lottery  
 15 moneys allocated to the office for planning and  
 16 programming shall be reallocated to the arts division  
 17 of the department of cultural affairs for the fiscal  
 18 year beginning July 1, 1986 and ending June 30, 1987  
 19 for any of the following arts projects: For the  
 20 Herbert Hoover memorial in West Branch, for the Cedar  
 21 Rapids science station for development, for the  
 22 Ottumwa arts council, for the Dubuque great rivers  
 23 hall of fame for capital improvements, for the Amana  
 24 art guild-folk art show for the folk art showcase, for  
 25 the Clinton riverboat theater for rehabilitation, for  
 26 the Davenport river development project for capital  
 27 improvements, and for general promotion of the arts."  
 28 35. Page 15, line 35, by striking the figure  
 29 "997,576" and inserting the figure "1,088,693".  
 30 36. Page 16, line 15, by striking the figure  
 31 "127,792" and inserting the figure "137,792".  
 32 37. By striking page 16, line 19 through page 17,  
 33 line 9.  
 34 38. Page 17, line 20, by striking the figure  
 35 "41,700" and inserting the figure "30,000".  
 36 39. Page 17, line 24, by striking the figure  
 37 "30,000" and inserting the figure "20,000".  
 38 40. By striking page 17, line 25 through page 18,  
 39 line 6.  
 40 41. Page 18, line 31, by striking the figure  
 41 "4,148,910" and inserting the figure "4,238,910".  
 42 42. Page 19, by inserting after line 12 the  
 43 following:  
 44 "It is further the intent of the general assembly  
 45 to consider any supplemental requests which may occur  
 46 in the department of education due to a reduction in  
 47 federal funds."  
 48 43. Page 19, line 13, by striking the figure  
 49 "140,377" and inserting the figure "190,377".  
 50 44. Page 19, lines 15 and 16, by striking the

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- 1 words and figure "sixty thousand (60,000)" and  
 2 inserting the words and figure "one hundred fifty  
 3 thousand (150,000)".  
 4 45. Page 19, line 18, by inserting after the word  
 5 "process" the words "and to provide increased  
 6 compensation to individuals employed by the department  
 7 in consultant positions in order to bring their

8 compensation up to a level that is more competitive  
9 with compensation received by individuals employed in  
10 other professional positions that have similar  
11 education requirements”.

12 46. Page 21, line 4, by striking the figure “  
13 10,000” and inserting the figure “210,000”.

14 47. Page 21, by inserting after line 4 the  
15 following:

16 “Of the funds appropriated by this subsection, two  
17 hundred thousand (200,000) dollars may be expended as  
18 supplemental aid pursuant to section 286A.14.”

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

21 “Sec. \_\_\_\_ . There is appropriated from the general  
22 fund of the state to the first in the nation in  
23 education, an education foundation, for the fiscal  
24 year beginning July 1, 1986 and ending June 30, 1987,  
25 the sum of one hundred thousand (100,000) dollars, or  
26 so much thereof as is necessary, to be used for  
27 support and maintenance.”

28 49. Page 26, by striking lines 20 through 27 and  
29 inserting the following: “appropriated in this  
30 paragraph so that each institution receives a portion  
31 of the appropriation equal to the percent that  
32 eligible full-time equivalent faculty, professional,  
33 and scientific employees at the institution bears to  
34 the total full-time equivalent faculty, professional,  
35 and scientific employees at all institutions. The  
36 funds distributed by the university of northern Iowa  
37 for organized faculty shall be distributed either  
38 through the collective bargaining agreement in force  
39 for the fiscal year beginning July 1, 1986, or  
40 according to a different procedure that is acceptable  
41 to the collective bargaining representatives for the  
42 faculty at the university of northern Iowa and for the  
43 university of northern Iowa.”

44 50. By striking page 28, line 17 through page 29,  
45 line 9 and inserting the following:

46 “It is the intent of the general assembly that  
47 university hospitals shall not perform heart, liver,  
48 artificial heart, or heart/lung transplantations on  
49 indigent patients referred under chapter 255 unless  
50 the patient meets criteria developed by the national

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1 heart, lung and blood institute's special advisory  
2 group for heart recipients, or the 1983 national  
3 institute of health's concensus conference on liver  
4 transplants for liver recipients. The total amount of

5 state funds expended for heart, liver, artificial  
6 heart, or heart/lung transplantations shall not exceed  
7 nine-tenths of one percent of the total state funds  
8 received by the university hospitals for the fiscal  
9 year beginning July 1, 1986 and ending June 30, 1987.”

10 51. Page 29, line 13, by striking the words  
11 “state comptroller” and inserting the words  
12 “department of management”.

13 52. Page 31, line 15, by striking the figure  
14 “10,224,403” and inserting the figure “10,453,403”.

15 53. Page 31, by striking lines 16 through 28.

16 54. Page 31, line 30, by striking the figure  
17 “189,000” and inserting the figure “90,000”.

18 55. Page 31, by inserting after line 30 the  
19 following:

20 “These funds shall be matched by private  
21 contributions.”

22 56. Page 31, by striking lines 31 and 32 and  
23 inserting the following:

24 “d. Center for industrial research  
25 and services

26 (1) For hazardous waste and  
27 cleanup project . . . . . \$ 50,000”

28 57. Page 37, by striking lines 17 through 29.

29 58. Page 38, line 1, by striking the figure  
30 “1987” and inserting the figure “1988”.

31 59. By striking page 38, line 19 through page 39,  
32 line 28.

33 60. Page 40, by striking lines 12 through 18.

34 61. By striking page 40, line 19 through page 41,  
35 line 11.

36 62. Page 45, line 26, by striking the word “An”  
37 and inserting the words “Commencing July 1, 1987, an”.

38 63. Page 45, lines 33 and 34, by striking the  
39 words “state board of public instruction” and  
40 inserting the words “department of education”.

41 64. Page 46, line 18, by striking the words  
42 “state comptroller” and inserting the words “state  
43 comptroller department of revenue and finance”.

44 65. Page 47, line 21, by striking the words  
45 “state comptroller” and inserting the words “state  
46 comptroller department of revenue and finance”.

47 66. Page 49, line 13, by striking the words  
48 “state board of public instruction” and inserting the  
49 words “state board of public instruction education”.

50 67. By striking page 53, line 20 through page 54,

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- 1 line 22.
- 2 68. By striking page 54, line 32 through page 55,
- 3 line 10.
- 4 69. Page 56, lines 3 and 4, by striking the words
- 5 “the total amounts paid under those sections for the
- 6 school year beginning July 1, 1985” and inserting the
- 7 words and figure “one million (1,000,000) dollars”.
- 8 70. Page 56, line 8, by striking the words “state
- 9 comptroller” and inserting the words “department of
- 10 revenue and finance”.
- 11 71. Page 56, by striking lines 12 through 20.
- 12 72. Page 56, line 31, by inserting after the word
- 13 “allocations.” the words “However, an area school
- 14 shall be allocated an amount at least equal to the
- 15 state general aid allocated for the base year unless
- 16 the formula is fully funded under this chapter.”
- 17 73. Page 64, line 19, by inserting after the word
- 18 “hours.” the words “The department of education shall
- 19 calculate the difference between the amount of state
- 20 general aid each area school that has fewer than one
- 21 million contact hours would receive if a foundation
- 22 support level of seventy percent were used in lieu of
- 23 the sixty-five percent specified in this chapter and
- 24 the amount the area school would receive under this
- 25 chapter. The area school shall receive that
- 26 difference in lieu of the fifty thousand dollars
- 27 granted under this subsection if the difference is
- 28 greater than fifty thousand dollars.”
- 29 74. Page 65, line 11, by striking the words
- 30 “public instruction” and inserting the word
- 31 “education”.
- 32 75. Page 66, by striking line 30 and inserting
- 33 the words and figure “1985, are repealed.”
- 34 76. Page 69, line 18, by striking the word
- 35 “division” and inserting the word “department”.
- 36 77. Page 71, line 3, by striking the word
- 37 “thirteen” and inserting the word “twelve”.
- 38 78. Page 71, line 6, by striking the figure
- 39 “479,884” and inserting the figure “412,745”.
- 40 79. Page 71, line 12, by striking the figure
- 41 “98,393” and inserting the figure “96,093”.
- 42 80. Page 71, line 19, by striking the figure
- 43 “587,035” and inserting the figure “574,876”.
- 44 81. Page 71, line 27, by striking the figure
- 45 “517,947” and inserting the figure “506,774”.
- 46 82. Page 71, line 33, by striking the figure
- 47 “330,248” and inserting the figure “323,019”.
- 48 83. Page 80, by inserting after line 32, the

49 following:

50 "Sec. \_\_\_\_ . It is the intent of the general

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1 assembly that the department of public health initiate  
2 a demonstration waiver project to encourage the  
3 development of residential care facilities which have  
4 five or fewer residents for persons specified in  
5 section 225C.26. The project shall be exempt from  
6 section 135.63 through June 30, 1988.

7 A provider may apply for a demonstration waiver  
8 from the department. Before the waiver is granted,  
9 the provider shall meet all of the requirements:

10 1. Compliance with program requirements pursuant  
11 to chapter 135C and administrative rules relating to  
12 residential care facilities adopted by the state board  
13 of health or standards adopted by the accreditation  
14 council for services for persons with mental  
15 retardation and other developmental disabilities. The  
16 program shall emphasize age appropriate and least  
17 restrictive programs.

18 2. The proposed facility shall be housing located  
19 in areas zoned for single or multiple-family housing,  
20 shall have been constructed after 1950, shall meet  
21 local housing codes and fire safety requirements in  
22 accordance with minimum procedures and subsequent  
23 rules promulgated by the state fire marshal that are  
24 in accordance with the concepts of least restriction  
25 and the applicable sections of the appendix of chapter  
26 21 of the national fire protection association, fire  
27 safety code of 1985.

28 3. The proposed facility shall have appropriate  
29 accessibility for the disabilities of the proposed  
30 residents.

31 4. Written plans shall demonstrate that the  
32 proposed facility meets the needs of the proposed  
33 residents pursuant to individual program plans meeting  
34 age appropriate and least restrictive program  
35 requirements.

36 5. Written plans shall demonstrate that proposed  
37 residents will have reasonable access to employment or  
38 job-related training, education, generic community  
39 resources, and integrated opportunities to promote  
40 community interaction.

41 The director of the department of public health  
42 shall appoint a temporary waiver committee not to  
43 exceed nine members, to provide monitoring of program  
44 progress and initial project approval recommendations  
45 which are subject to final approval by the director.

46 The committee shall include but not be limited to  
47 representatives from the following interested  
48 organizations, designated by the respective  
49 organizations and appointed by the director: the  
50 association for retarded citizens of Iowa, the Iowa

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1 association of rehabilitation and residential  
2 facilities, the developmental disabilities council,  
3 the mental health and mental retardation commission of  
4 the department of human services, the mental health  
5 association of Iowa, and the Iowa state association of  
6 counties. The state fire marshal or the fire  
7 marshal's designee shall also be a member of the  
8 committee.

9 The housing developed under the demonstration  
10 waiver project pursuant to this section shall be  
11 eligible for funding utilized by licensed residential  
12 care facilities for the mentally retarded, including  
13 but not limited to, the social services block grant  
14 funds, state supplementary assistance funds, state  
15 community mental health and mental retardation  
16 services funds, and county funds.

17 The allocation of waiver sites shall be based upon  
18 equitable distribution within the districts of the  
19 department of human services. The total number of  
20 waivers approved shall not exceed a capacity for more  
21 than two hundred twenty-five residents before July 1,  
22 1987, unless otherwise changed by rules adopted by the  
23 state board of health to no more than four hundred by  
24 July 1, 1987. Total waiver approval for housing shall  
25 not exceed approval for more than a total of eight  
26 hundred residents before July 1, 1988.

27 Prior to July 1, 1988 the waiver committee shall be  
28 responsible for recommending the appropriate licensure  
29 standards to the state board of health for  
30 continuation of the project on and after July 1, 1988.

31 The waiver committee may recommend to the general  
32 assembly the number of full-time equivalent employees  
33 needed within the office of the state fire marshal to  
34 conduct the health and fire safety inspections of  
35 housing developed under the demonstration waiver  
36 project pursuant to this section during the fiscal  
37 year ending June 30, 1987.

38 Sec. \_\_\_\_ . There is appropriated from the general  
39 fund of the state to the department of public health  
40 for each year of the fiscal biennium beginning July 1,  
41 1986 and ending June 30, 1988, one hundred ten  
42 thousand (110,000) dollars, or so much thereof as is

43 necessary, for three full-time equivalent positions  
44 specifically designated to provide staff support for  
45 the demonstration waiver project.”

46 84. Page 82, by inserting after line 25 the  
47 following:

48 “If the state of Minnesota receives approval of its  
49 federal waiver request involving self-employed  
50 individuals, the department shall analyze the impact

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1 of such a waiver request for Iowa’s program and report  
2 the impact to the general assembly by January 15,  
3 1987. The department shall work with other states in  
4 seeking to develop a federal waiver request for self-  
5 employed individuals.”

6 85. Page 83, line 13, by striking the figure  
7 “126,500,000” and inserting the following:  
8 “128,000,000”.

9 86. Page 84, by inserting after line 26 the  
10 following:

11 “The department may expend up to forty thousand  
12 (40,000) dollars of the appropriation made under this  
13 subsection to expand the state’s drug utilization  
14 review program.

15 The department shall seek a federal waiver to  
16 eliminate the co-payment requirements for generic  
17 drugs.”

18 87. Page 85, line 28, by striking the figure  
19 “5,119,000” and inserting the following: “5,219,000”.

20 88. Page 85, line 35, by striking the word “one”  
21 and inserting the following: “two”.

22 89. Page 86, line 1, by striking the figure  
23 “191,450” and inserting the following: “291,450”.

24 90. Page 86, line 8, by striking the figure  
25 “26,900,000” and inserting the following:  
26 “24,200,000”.

27 91. Page 86, by striking lines 29 through 34 and  
28 inserting the following: “director of human resources  
29 shall consult with the bill of rights advisory  
30 committee, the bill of rights interim study committee  
31 and other oversight personnel in the establishment of  
32 the contract. The director shall appoint an oversight  
33 committee to provide ongoing assistance in the  
34 monitoring and oversight of the contract regarding  
35 fiscal and programmatic decisions. The oversight  
36 committee shall include but not be limited to  
37 representatives of the developmental disabilities  
38 council, the association for retarded citizens of  
39 Iowa, the Iowa association of rehabilitation and

40 residential facilities, the mental health association  
41 of Iowa, and the Iowa state association of counties,  
42 all of whom shall be selected from names submitted by  
43 their respective organizations.  
44 e. The department shall review the contract at  
45 least quarterly relating to the expenditure of funds  
46 appropriated by this subsection. If the department  
47 determines that a surplus exists in funds appropriated  
48 by this subsection, the department shall use the  
49 surplus funds to restore, in whole or in part, the  
50 reductions in reimbursement rates made by section 309,

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1 subsections 2 and 3, and the department may transfer  
2 funds appropriated by this subsection to accomplish  
3 the reimbursement rate restorations.”

4 92. Page 86, by inserting before line 35 the  
5 following:

6 “f. Of the funds appropriated by this subsection,  
7 the department may expend up to thirty thousand  
8 (30,000) dollars to contract with universities to  
9 provide ongoing research assistance into programs  
10 operated or supervised by the department involving  
11 foster care. Such contracts shall make maximum use of  
12 any matching resources from the universities with  
13 which the department contracts.”

14 93. Page 88, by inserting after line 31 the  
15 following:

16 “12. As a condition of the appropriations made for  
17 aid to families with dependent children, medical  
18 assistance, state supplementary assistance, and foster  
19 care under subsections 1, 2, 5, and 8, the following  
20 shall apply:

21 a. Notwithstanding section 8.39, and except as  
22 provided in subsection 2 for the women, infants, and  
23 children program, in subsection 4 for child support  
24 recoveries, and in subsection 8, paragraph “e” for  
25 foster care, funds appropriated for aid to families  
26 with dependent children, medical assistance, state  
27 supplementary assistance, and foster care shall not be  
28 subject to transfer. Department of human services’  
29 programs shall not be modified for the purpose of  
30 transferring other funds appropriated to the  
31 department of human services into the aid to families  
32 with dependent children, medical assistance, state  
33 supplementary assistance, and foster care accounts.

34 b. Except as provided in paragraph “c”, the  
35 director of human services shall not modify programs  
36 funded under the aid to families with dependent

37 children, medical assistance, state supplementary  
38 assistance, and foster care appropriations in order to  
39 meet any projected budget shortfalls, but shall  
40 request supplemental appropriations from the general  
41 assembly to meet those shortfalls.  
42 c. Notwithstanding the concept of allotments in  
43 section 8.31, for the purpose of any across-the-board  
44 budget reductions ordered by the governor, the appro-  
45 priations for the aid to families with dependent  
46 children, medical assistance, state supplementary  
47 assistance, and foster care shall be deemed to include  
48 amounts needed to operate the programs for the entire  
49 fiscal year beginning July 1, 1986, under the July  
50 1986 program guidelines and mandated subsequent

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1 changes. The across-the-board budget reductions shall  
2 be applied to the appropriations, and the estimate of  
3 revenues needed to balance the state's budget shall be  
4 made so as to operate the July 1, 1986 programs, as  
5 modified by mandated changes for the entire fiscal  
6 year.  
7 d. Notwithstanding section 8.31, for deficit  
8 appropriations, the department shall apply the across-  
9 the-board budget reductions to the aid to families  
10 with dependent children, medical assistance, state  
11 supplementary assistance, and foster care  
12 appropriations, and to additional anticipated needs  
13 according to the July 1, 1986 guidelines and mandated  
14 subsequent changes. For surplus appropriations, the  
15 across-the-board budget reductions shall be applied  
16 first to the surplus appropriations and then to  
17 amounts needed to maintain the July 1, 1986 programs  
18 and any mandated subsequent changes."  
19 94. Page 94, by striking lines 16 through 19 and  
20 inserting the following:  
21 "c. For the fiscal year beginning July 1, 1986,  
22 the incentive and inflation factors shall be  
23 reinstated as in place on July 1, 1985. Beginning  
24 July 1, 1986, the basis for establishing the maximum  
25 medical".  
26 95. Page 94, line 21, by striking the word  
27 "fiftieth" and inserting the following: "fifty-  
28 fifth".  
29 96. Page 94, line 22, by striking the word and  
30 figure "December 31" and inserting the following:  
31 "June 30".  
32 97. By striking page 96, line 27 through page 97,  
33 line 15 and inserting the following:

34 "Sec. \_\_\_\_ . ADMINISTRATIVE RULES INTERIM STUDY --  
35 DEPARTMENT OF HUMAN SERVICES, DEPARTMENT OF PUBLIC  
36 HEALTH, AND DIVISION OF VOCATIONAL REHABILITATION OF  
37 THE DEPARTMENT OF EDUCATION. It is the intent of the  
38 general assembly that the legislative council create  
39 an interim study committee, or charge an interim study  
40 committee, to review the administrative rules of the  
41 department of human services, the department of public  
42 health, and the division of vocational rehabilitation  
43 of the department of education relating to the  
44 purchase of service methodologies and licensure,  
45 certification, and accreditation, and other program  
46 rules under the state supplementary assistance  
47 program, the foster care program, the purchase of  
48 local services program funded with federal social  
49 services block grant funds, and the vocational  
50 rehabilitation program. The review shall also include

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1 the federal and Iowa licensure rules for intermediate  
2 care facilities for the mentally retarded. The  
3 committee shall be composed of two senators, one  
4 appointed by the majority leader of the senate and one  
5 appointed by the minority leader of the senate, two  
6 representatives, one appointed by the speaker of the  
7 house of representatives and one appointed by the  
8 minority leader of the house of representatives, the  
9 administrative rules coordinator, two representatives  
10 of the department of human services appointed by the  
11 director of the department, two representatives of the  
12 department of public health appointed by the director  
13 of the department, two representatives of the division  
14 of vocational rehabilitation of the department of  
15 education appointed by the director of the department,  
16 and representatives of the Iowa association of  
17 rehabilitation and residential facilities, the  
18 coalition for family and children's services in Iowa,  
19 the provider advisory committee to the department of  
20 human services, and other provider representatives  
21 appointed by the legislative council, which are  
22 regulated or reimbursed in some manner by the  
23 department of human services, the department of public  
24 health, or the division of vocational rehabilitation.  
25 The committee shall identify administrative rules  
26 which are alleged to be burdensome, duplicative, or  
27 cost-inefficient. After weighing the impact of the  
28 rules on the delivery of services to clients and the  
29 impact of the rules on the providers of the services,  
30 the committee shall make recommendations concerning

31 the retention, modification, or rescission of the  
32 departments' or division's administrative rules."

33 98. Page 97, by striking lines 16 through 24.

34 99. Page 98, by inserting after line 18, the  
35 following:

36 "Sec. \_\_\_\_ . BILL OF RIGHTS INTERIM STUDY. It is  
37 the intent of the general assembly that the  
38 legislative interim study committee on the bill of  
39 rights for the mentally retarded, developmentally  
40 disabled and chronically mentally ill coordinate a  
41 study to assess the existing framework of service  
42 delivery, planning, coordination, and funding in order  
43 to determine the appropriateness of the framework and  
44 the modifications necessary to create an efficient and  
45 quality system for implementation of section 225C.28.  
46 The study shall include an opportunity for  
47 participation and recommendations by targeted  
48 constituencies, including eligible consumers,  
49 advocates of persons with disabilities eligible under  
50 the bill of rights, providers of community-based

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1 services, members of county boards of supervisors,  
2 state and district level representatives of affected  
3 governmental agencies, and others whose perspective  
4 would benefit the comprehensive evaluation of the  
5 system.

6 The study shall include all of the following:

7 1. Review and evaluation of funding, service  
8 coordination, and models which effectively respond to  
9 the needs of clients eligible under the bill of  
10 rights.

11 2. An assessment of the impact of coordinating  
12 inter- and intragovernmental resources.

13 3. The identification of targeted constituencies  
14 whose involvement in planning, services delivery, and  
15 support may enhance systemic coordination and service  
16 provision.

17 4. An assessment of a regionalized system and its  
18 effectiveness in maximizing revenue sources directed  
19 to, or available for, the appropriate implementation  
20 of the intent embodied within the bill of rights."

21 100. Page 98, by inserting before line 19 the  
22 following:

23 "Sec. \_\_\_\_ . Chapter 252B, Code 1985, is amended by  
24 adding the following new sections:

25 **NEW SECTION. 252B.13 COLLECTION SERVICES CENTER.**

26 The department shall establish within the unit a  
27 collection services center for the receipt and

28 disbursement of all support payments as defined in  
29 section 598.1. The judicial department and the  
30 department of human services shall cooperate in the  
31 establishment of the center which will receive and  
32 disburse support payments.

33 NEW SECTION. 252B.14 SUPPORT PAYMENTS -- CLERK OF  
34 COURT -- COLLECTION SERVICES CENTER -- DEFAULTS --  
35 SECURITY.

36 Sections 252B.13 through 252B.17 apply to all  
37 initial or modified orders for support entered under  
38 this chapter, chapter 234, 252A, 252C, 675, or any  
39 other chapter of the Code. All orders or judgments  
40 for support entered on or before March 31, 1987, shall  
41 direct the payment of such sums to the clerk of the  
42 district court for the use of the person for whom the  
43 payments have been awarded. All orders or judgments  
44 for support entered on or after April 1, 1987, shall  
45 direct the payment of such sums to the collection  
46 services center established pursuant to section  
47 252B.13. Payments to persons other than the clerk of  
48 the district court and the collection services center  
49 do not satisfy the support obligations created by such  
50 orders or judgments, except as provided for trusts in

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1 section 252D.1, 598.22, 598.23 or for tax refunds or  
2 rebates in section 602.8102, subsection 47.

3 NEW SECTION. 252B.15 TRANSFER OF INFORMATION AND  
4 SUPPORT ORDERS.

5 The clerks of the district court shall transmit  
6 information regarding any order of support which is  
7 entered or modified on or after April 1, 1987 and a  
8 copy of the support order, if appropriate, to the  
9 collection services center no later than ten days  
10 after the order is entered. Where possible the  
11 transmission of data between the courts and the center  
12 shall be accomplished by electronic data transmission.  
13 Otherwise the transmission shall be accomplished by  
14 the transfer of notices, abstracts of orders and other  
15 documents. The form and content of the transmissions  
16 shall be prescribed by the department of human  
17 services after consultation with the judicial  
18 department.

19 NEW SECTION. 252B.16 CONVERSION -- PROCESSING OF  
20 SUPPORT PAYMENTS.

21 For existing orders of support entered before April  
22 1, 1987, which direct the payments of support to the  
23 clerk of the district court, the following procedure  
24 shall be implemented to convert the processing of

25 those payments to the collection services center on or  
26 before April 1, 1988:

27 1. The department of human services and the  
28 judicial department shall establish a mutually agreed  
29 effective date, between April 1, 1987 and April 1,  
30 1988, to effectuate the transfer of these functions  
31 from each clerk of the district court to the  
32 collection services center. The department shall  
33 cause to be published in the administrative bulletin a  
34 cumulative list of effective dates by county, once  
35 agreed upon and determined, which list shall be final  
36 and inclusive of all counties on the next date of  
37 publication subsequent to April 1, 1988.

38 2. In addition, for orders of support entered  
39 before April 1, 1987, the judicial department or the  
40 child support recovery unit shall notify the payee and  
41 the obligor that the obligor will be directed to pay  
42 future support payments to the collection services  
43 center as of the date provided in the notice. The  
44 notice to the obligor shall be equivalent of a court  
45 order directing the payment of the sums to the  
46 collection services center.

47 3. The notice of the change in the direction of  
48 payments shall be sent by ordinary mail to the payee's  
49 and the obligor's last known addresses or the persons  
50 shall be personally served with the notice in the

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1 manner provided for service of an original notice at  
2 least fifteen days prior to the date provided in the  
3 notice for the redirection of the payments. The  
4 notice shall include the following:

- 5 a. The name of the payee and, if different in  
6 whole or part, the names of the persons to whom the  
7 obligation of support is owed by the obligor.
- 8 b. The name of the obligor.
- 9 c. The amount of the periodic support payment, the  
10 due dates of the payments and any arrearages, and
- 11 d. The beginning date for sending payments to the  
12 collection services center.

13 4. Sixty days prior to the mutually agreed  
14 effective date in subsection 1, the clerk of the  
15 district court shall transfer to the collection  
16 services center information regarding all existing  
17 orders of support which direct the payment of support  
18 to the clerk of the district court. The form and  
19 content of the transfer shall be prescribed by the  
20 department after consultation with the judicial  
21 department but at a minimum shall include the data

22 elements required for the notice in subsection 3.  
23 5. On or after the mutually agreed effective date  
24 in subsection 1, but in any event not later than April  
25 1, 1988, any payments received by the clerk of the  
26 district court for support or for the satisfaction of  
27 arrearages shall be sent by the clerk to the address  
28 specified by the collection services center within 10  
29 days of receipt of the payments.

30 NEW SECTION. 252B.17 ADMISSIBILITY AND  
31 IDENTIFICATION OF SUPPORT PAYMENT RECORDS.

32 Copies of support payment records maintained by the  
33 collection services center, when certified over the  
34 signature of a designated employee of the center,  
35 shall be considered to be satisfactorily identified  
36 and shall be admitted in any proceeding as prima facie  
37 evidence of the transactions. Additional proof of the  
38 official character of the person certifying the record  
39 or the authenticity of the person's signature shall  
40 not be required. Whenever an employee of the  
41 collection services center is served with a summons,  
42 subpoena, subpoena duces tecum, or order directing  
43 that person to produce such records, the employee may  
44 comply by transmitting a copy of the payment records  
45 certified as described above to the clerk of the  
46 district court.

47 Sec. 316A. Section 252D.1, subsection 2, Code  
48 Supplement 1985, is amended by striking the  
49 subsection.

50 Sec. \_\_\_\_ . NEW SECTION. 252D.6 ADMINISTRATION OF

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1 WAGE WITHHOLDING PROCEDURES.

2 The collection services center, established  
3 pursuant to section 252B.13, is designated as the  
4 public agency of the state to administer wage  
5 withholding in accordance with procedure specified for  
6 keeping adequate records to document, track and  
7 monitor support payments in accordance with Title IV-D  
8 of the United States Social Security Act.

9 Sec. \_\_\_\_ . Section 598.22, unnumbered paragraph 1,  
10 Code Supplement 1985, is amended by striking the  
11 paragraph and inserting the following:

12 This section applies to all initial or modified  
13 orders for support entered under this chapter, chapter  
14 234, 252A, 252C, 675, or any other chapter of the  
15 Code. All orders or judgments for support entered on  
16 or before March 31, 1987, shall direct the payment of  
17 those sums to the clerk of the district court for the  
18 use of the person for whom the payments have been

19 awarded. All orders or judgments for support entered  
20 on or after April 1, 1987, shall direct the payment of  
21 those sums to the collection services center  
22 established pursuant to section 252B.13. Payments to  
23 persons other than the clerk of the district court and  
24 the collection services center do not satisfy the  
25 support obligations created by the orders or  
26 judgments, except as provided for trusts in section  
27 252D.1, 598.23, or this section or for tax refunds or  
28 rebates in section 602.8102, subsection 47.  
29 Sec. \_\_\_\_ . Section 598.22, unnumbered paragraphs 2,  
30 3, and 4, Code Supplement 1985, are amended to read as  
31 follows:

32 Upon a finding of previous failure to pay child  
33 support, the court may order the person obligated for  
34 permanent child support to make an assignment of  
35 periodic earnings or trust income to the clerk of  
36 court or the collection services center established  
37 pursuant to section 252B.13 for the use of the person  
38 for whom the assignment is ordered. The assignment of  
39 earnings ordered by the court shall not exceed the  
40 amounts set forth in 15 U.S.C. §1673(b)(1982). **The**  
41 **assignment is binding on the employer, trustee, or**  
42 **other payor of the funds two weeks after service upon**  
43 **that person of notice that the assignment has been**  
44 **made. The payor shall withhold from the earnings or**  
45 **trust income payable to the person obligated the**  
46 **amount specified in the assignment and shall transmit**  
47 **the payments to the clerk or the collection services**  
48 **center, as appropriate.** However, for trusts governed  
49 by the federal Retirement Equity Act of 1984, Pub. L.  
50 No. 98-397, the payor shall transmit the payments to

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1 the alternate payee in accordance with the federal  
2 Act. The payor may deduct from each payment a sum not  
3 exceeding two dollars as a reimbursement for costs.  
4 *An employer who dismisses an employee due to the entry*  
5 *of an assignment order commits a simple misdemeanor.*  
6 An order or judgment entered by the court for  
7 temporary or permanent support or for an assignment  
8 shall be filed with the clerk. The orders have the  
9 same force and effect as judgments when entered in the  
10 judgment docket and lien index and are records open to  
11 the public. The clerk or the collection services  
12 center, as appropriate, shall disburse the payments  
13 received pursuant to the orders or judgments within  
14 ten working days of the receipt of the payments. All  
15 moneys received or disbursed under this section shall

16 be entered in a record book kept by the clerk, or the  
17 collection services center, as appropriate, which  
18 shall be open to the public. The clerk or the  
19 collection services center shall not enter any moneys  
20 paid in the record book if not paid directly to the  
21 clerk or the center, as appropriate, except as  
22 provided for trusts in section 252D.1, 598.23 or this  
23 section or for tax refunds or rebates in section  
24 602.8102, subsection 47.

25 If the sums ordered to be paid in a support payment  
26 order are not paid to the clerk or the collection  
27 services center, as appropriate, at the time provided  
28 in the order or judgment, the clerk or the collection  
29 services center, as appropriate, shall certify a  
30 default to the court which may, on its own motion,  
31 proceed as provided in section 598.23.”

32 101. Page 98, by inserting after line 29 the  
33 following:

34 “Sec. \_\_\_\_ . Section 316A of this Act is effective  
35 April 1, 1988.”

36 102. Page 103, line 4, by striking the figure  
37 “933,006” and inserting the figure “833,006”.

38 103. Page 105, lines 14 and 15, by striking the  
39 words and figure “four hundred seventy-eight thousand  
40 one hundred three (16,478,103)” and inserting the  
41 words and figure “four hundred ninety-five thousand  
42 nine hundred ten (16,495,910)”.

43 104. Page 107, line 33, by striking the figure  
44 “51,545,266” and inserting the figure “51,445,266”.

45 105. Page 110, by inserting after line 29 the  
46 following:

47 “The division of criminal investigation of the  
48 department of public safety shall be the state agency  
49 that is responsible for conducting all criminal  
50 investigations involving the operations of the Iowa

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1 lottery agency, including but not limited to  
2 investigations of stolen lottery tickets. The  
3 security staff employed by the Iowa lottery agency  
4 shall not exceed a director of security.”

5 106. Page 111, by striking lines 24 through 26.

6 107. Page 112, by striking line 10 and inserting  
7 the following:

8 “coordinator, provided that an amount  
9 not to exceed twenty thousand dollars  
10 shall be spent upon expenses related  
11 to administering federal funds for  
12 highway safety, and provided that the

13 governor authorizes the commissioner of  
 14 public safety, pursuant to section 7.15,  
 15 to accept and expend funds provided by  
 16 any Act of Congress for highway safety,  
 17 and designates the department of public  
 18 safety to administer these funds . . . . . \$ 17,174,415”

19 108. Page 113, line 13, by striking the word  
 20 “candidate”.

21 109. Page 113, by inserting after line 17 the  
 22 following:

23 “Sec. \_\_\_\_ . There is appropriated from the general  
 24 fund of the state to the Iowa law enforcement academy  
 25 for the fiscal year beginning July 1, 1986 and ending  
 26 June 30, 1987 the sum of twenty-three thousand five  
 27 hundred eighty-six (23,586) dollars, or so much  
 28 thereof as is necessary, for jailer training and  
 29 technical assistance.”

30 110. Page 117, line 10, by striking the figure  
 31 “3,391,635” and inserting the figure “3,440,635”.

32 111. Page 117, by inserting after line 10 the  
 33 following:

34 “\_\_\_\_ . INDEMNITY FUND AND ESCROW.

35 From the general fund of the state  
 36 as an advance for administration of the  
 37 indemnity fund and escrow provision  
 38 created by the 1986 Iowa Acts, Senate  
 39 File 2116, for not more than five full-  
 40 time equivalent positions . . . . . \$ 100,000

41 It is a condition of the funds appropriated by this  
 42 subsection that the general fund be reimbursed from  
 43 the interest accruing to the indemnity fund, no later  
 44 than June 30, 1987, for the advance made by this  
 45 subsection. Notwithstanding 1986 Iowa Acts, Senate  
 46 File 2116, section 33, only interest accruing to the  
 47 indemnity fund may be used for administration costs of  
 48 the indemnity fund. In addition, interest accruing to  
 49 the indemnity fund may be used for the expenses of  
 50 administration of the escrow provision, subject to the

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1 approval of the Iowa grain indemnity fund board, not  
 2 withstanding 1986 Iowa Acts, Senate File 2116, section  
 3 33.”

4 112. Page 117, line 30, by striking the words and  
 5 figure “sixty thousand (60,000)” and inserting the  
 6 words and figure “seventy-four thousand two hundred  
 7 fifty (74,250)”.

8 113. Page 118, by inserting after line 34 the  
 9 following:

10 "Sec. \_\_\_\_ . There is appropriated to the department  
11 of agriculture and land stewardship for the fiscal  
12 year beginning July 1, 1986 and ending June 30, 1987  
13 from the funds available under section 99D.13 the sum  
14 of seventy-eight thousand one hundred seventy-five  
15 (78,175) dollars, or as much thereof as necessary, for  
16 volunteer assistance and not more than two full-time  
17 equivalent positions for the administration of section  
18 99D.22."

19 114. Page 119, by inserting after line 10 the  
20 following: "The department shall not authorize any  
21 funds appropriated by this subsection for expenditures  
22 under chapter 467D. Of the funds appropriated under  
23 this subsection, seventy thousand six hundred thirty  
24 (70,630) dollars that would have been used for  
25 conservancy district purposes shall be redirected to  
26 soil conservation district office operations."

27 115. Page 120, by inserting after line 20 the  
28 following:

29 "i. It is the intent of the general assembly to  
30 encourage greater use of no-till, strip cropping,  
31 contour, and other management practices rather than  
32 permanent structures thereby increasing participation  
33 in soil conservation."

34 116. Page 122, by striking lines 24 and 25 and  
35 inserting the following:

36 "of the elderly in conservation and  
37 outdoor recreation related fields  
38 to be known as the green thumb program  
39 in coordination with other agencies  
40 as provided by law . . . . . \$ 138,730"

41 117. Page 125, line 11, by striking the figure  
42 "2276" and inserting the figure "2488".

43 118. Page 125, by inserting after line 18 the  
44 following:

45 "Sec. \_\_\_\_ . Section 99D.13, subsection 2, Code  
46 1985, is amended to read as follows:

47 2. Winnings forfeited under subsection 1 shall  
48 escheat to the state and be paid over to the director  
49 of revenue and finance and to the extent appropriated  
50 by the general assembly shall be used for the benefit

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1 of the department of agriculture and land stewardship  
2 to the extent necessary to administer section 99D.22  
3 and the remainder shall be deposited as per provided  
4 in chapter 556."

5 119. Page 126, line 4, by striking the figure  
6 "17,500" and inserting the figure "42,000".

- 7 120. Page 126, line 18, by striking the figure
- 8 "61,913" and inserting the figure "138,000".
- 9 121. Page 126, line 23, by striking the figure
- 10 "119,056" and inserting the figure "146,000".
- 11 122. Page 127, line 23, by striking the figure
- 12 "350,000" and inserting the figure "1,650,000".
- 13 123. Page 127, by striking lines 31 through 34.
- 14 124. Page 128, line 5, by inserting after the
- 15 word "advocate" the words "to be used as startup
- 16 funding for the utilities division revolving fund".
- 17 125. Page 128, by inserting after line 5 the
- 18 following:
- 19 "\_\_\_ . ALCOHOL BEVERAGE CONTROL
- 20 DIVISION
- 21 For salaries, support, maintenance,
- 22 and other operational purposes . . . . . \$ 10,000,000
- 23 The state liquor inventory shall be placed on a
- 24 bailment system."
- 25 126. Page 128, line 16, by striking the figure
- 26 "1,793,877" and inserting the figure "1,943,000".
- 27 127. Page 128, line 26, by striking the figure
- 28 "2,561,948" and inserting the figure "2,664,790".
- 29 128. Page 129, line 4, by striking the figure
- 30 "24,523" and inserting the figure "47,000".
- 31 129. Page 129, line 8, by striking the figure
- 32 "1,007,086" and inserting the figure "1,079,000".
- 33 130. By striking page 129, line 22 through page
- 34 130, line 6.
- 35 131. Page 130, lines 31 and 32, by striking the
- 36 words and figure "three million six hundred fifty
- 37 thousand (3,650,000)" and inserting the words and
- 38 figure "three million nine hundred five thousand
- 39 (3,905,000)".
- 40 132. Page 131, lines 24 and 25, by striking the
- 41 words and figure "two million four hundred fifty
- 42 thousand (2,450,000)" and inserting the words and
- 43 figure "one million one hundred fifty thousand
- 44 (1,150,000)".
- 45 133. Page 132, lines 10 and 11, by striking the
- 46 words and figure "three million six hundred twenty-
- 47 five thousand (3,625,000)" and inserting the words and
- 48 figure "three million seven hundred eighty-nine
- 49 thousand four hundred (3,789,400)".
- 50 134. Page 132, lines 16 and 17, by striking the

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- 1 words and figure "eight hundred sixty-six thousand
- 2 (866,000)" and inserting the words and figure "eight
- 3 hundred ninety-two thousand (892,000)".

4 135. Page 132, line 19, by inserting after the  
5 word "office." the words "Of the funds deposited in  
6 the utilities trust fund, the treasurer of state shall  
7 transfer from the fund and credit to the general fund  
8 of the state the sum of seven hundred twenty-five  
9 thousand (725,000) dollars for the fiscal year  
10 beginning July 1, 1986 and ending June 30, 1987 to  
11 reimburse the general fund of the state for startup  
12 funding provided for the utilities trust fund from the  
13 general fund of the state."

14 136. Page 133, line 24, by inserting after the  
15 word "basis." the words "Assessments may be made  
16 quarterly based upon estimates of the utility  
17 division's and the consumer advocate's expenditures  
18 for the fiscal year. Beginning with the fiscal year  
19 beginning July 1, 1987, the first assessment for any  
20 fiscal year may be made by the utility division by May  
21 15 of the preceding fiscal year and shall be paid by  
22 the utility on or before the following July 1. Within  
23 ninety days of the close of the fiscal year, the  
24 utilities division shall conform the amount of the  
25 prior year's assessments to the requirements of this  
26 section."

27 137. Page 134, line 25, by striking the words  
28 "The utilities" and inserting the words "Subject to  
29 section 476.10, the utilities".

30 138. Page 134, by striking lines 29 through 31  
31 and inserting the words "division. No part of the  
32 funds held by the treasurer".

33 139. Page 134, by striking lines 33 through 35  
34 and inserting the words "fund of the state or any  
35 other fund. The funds held by".

36 140. Page 135, line 21, by striking the word  
37 "The".

38 141. By striking page 135, line 22 through page  
39 136, line 16 and inserting the following: "However,  
40 fees paid for the inspection or examination of an  
41 insurer or other entity subject to regulation by the  
42 department shall be deposited in a special trust fund.  
43 The treasurer of state shall hold these funds in an  
44 account that shall be established in the name of the  
45 commissioner for the payment of the inspection and  
46 examination expenses of the department upon  
47 appropriation by the general assembly. This fund is  
48 subject at all times to the warrant of the department  
49 of revenue, drawn upon written requisition of the  
50 commissioner or the commissioner's designated

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1 representative, for the payment of all salaries and  
2 other expenses necessary to carry out the inspection  
3 or examination duties of the insurance department.  
4 The commissioner may keep on hand with the treasurer  
5 of state funds in excess of the current needs of the  
6 department. Transfers shall not be made from the  
7 general fund of the state or any other fund for the  
8 payment of the inspection and examination expenses of  
9 the department. No part of the funds held by the  
10 treasurer of state for the account of the commissioner  
11 shall be transferred to the general fund of the state  
12 or any other fund. The funds held by the treasurer of  
13 state for the account of the commissioner shall be  
14 invested by the treasurer of state and the income  
15 derived from these investments shall be credited to  
16 the general fund of the state.  
17 The commissioner shall account for receipts and  
18 disbursements according to the separate inspection and  
19 examination duties imposed upon the commissioner by  
20 the laws of this state and each separate inspection  
21 and examination duty shall be fiscally self-  
22 sustaining.”

23 142. Page 140, line 29, by striking the words  
24 “department of job service” and inserting the words  
25 “job services division of the department of employment  
26 services”.

27 143. Page 143, line 1, by striking the figure  
28 “675,712” and inserting the figure “643,650”.

29 144. Page 143, line 3, by striking the figure  
30 “5,607” and inserting the figure “5,439”.

31 145. Page 143, line 7, by striking the figure  
32 “58,482” and inserting the figure “56,728”.

33 146. Page 143, line 22, by striking the figure  
34 “17,134” and inserting the figure “15,706”.

35 147. Page 143, line 26, by striking the figure  
36 “60,187” and inserting the figure “58,053”.

37 148. Page 145, line 6, by striking the figure  
38 “4,437,424” and inserting the figure “4,590,964”.

39 149. Page 145, by inserting after line 6 the  
40 following:

41 “It is the intent of the general assembly that the  
42 department of general services insure that each state  
43 agency and department obtains the lowest cost possible  
44 in procuring computer equipment and computer equipment  
45 maintenance services. All contracts for computer  
46 equipment, whether new or used, and all contracts for  
47 computer maintenance, whether with the original  
48 manufacturer or a third party vendor, should be let in

49 accordance with competitive bidding practices.”  
50 150. Page 148, line 2, by striking the words “and

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1 banquet”.  
2 151. Page 149, line 4, by striking the figure  
3 “5,295,236” and inserting the figure “3,195,236”.  
4 152. Page 149, by inserting after line 4 the  
5 following:  
6 “Sec. \_\_\_\_ . The treasurer of state shall apportion  
7 all moneys in the county indemnification fund to the  
8 county treasurers of the respective counties. The  
9 moneys in the fund, including interest income received  
10 by the fund, shall be allocated to each county in the  
11 same proportion that the county contributed to the  
12 fund. The treasurer of state shall apportion and  
13 remit the funds on or before July 15, 1986.”  
14 153. Page 149, line 22, by striking the figure  
15 “44,099,400” and inserting the figure “44,597,000”.  
16 Sec. \_\_\_\_ .  
17 1. All salary ranges currently in effect for  
18 public officials or their successors shall be  
19 applicable to all fiscal year 1987 positions except  
20 the department directors’ salary ranges in section 759  
21 of this Act.  
22 2. 1985 Iowa Acts, chapter 253, section 1, is  
23 repealed.  
24 Sec. \_\_\_\_ .  
25 1. The following department directors’ salary  
26 ranges are effective for the fiscal year beginning  
27 July 1, 1986 and shall remain in effect until  
28 otherwise provided by law.  
29 a. Department director’s salary range 1 - \$33,000-  
30 \$44,000  
31 b. Department director’s salary range 2 - \$42,400-  
32 \$56,600  
33 c. Department director’s salary range 3 - \$48,700-  
34 \$63,900  
35 2. The following are department director salary  
36 range 1 positions: department of elder affairs,  
37 department of inspections and appeals, department of  
38 human rights, full-time board of parole members, civil  
39 rights commission, law enforcement academy, and  
40 chairperson and members of the public employment  
41 relations board.  
42 3. The following are department director range 2  
43 positions: department of cultural affairs, department  
44 of general services, department of public safety,  
45 department of public health, department of personnel,

46 department of corrections, department of commerce, and  
 47 department of employment services.  
 48 4. The following are department director range 3  
 49 positions: department of education, department of  
 50 revenue and finance, department of economic

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1 development, department of human services, department  
 2 of transportation, department of management,  
 3 department of natural resources, and the executive  
 4 secretary of the state board of regents.  
 5 5. All statutory salaries established by the  
 6 governor or as otherwise provided shall be paid from  
 7 the appropriations made to the departments.”  
 8 154. Page 150, lines 8 and 9, by striking the  
 9 words and figure “sixteen million six hundred sixty-  
 10 seven thousand nine hundred forty (16,667,940)” and  
 11 inserting the words and figure “seventeen million six  
 12 hundred sixty-seven thousand nine hundred forty  
 13 (17,667,940)”.  
 14 155. Page 150, line 26, by striking the figure  
 15 “2,928,227” and inserting the figure “2,977,981”.  
 16 156. Page 170, line 33, by striking the figure  
 17 “1986” and inserting the figure “1987”.  
 18 157. Page 170, line 35, by striking the words  
 19 “However, the division shall not operate a state”.  
 20 158. Page 171, line 1, by striking the words  
 21 “liquor store after December 31, 1986.”  
 22 159. Page 171, line 13, by striking the figure  
 23 “3,067,210” and inserting the figure “3,191,828”.  
 24 160. By striking page 171, line 23 through page  
 25 177, line 4.  
 26 161. Page 177, by inserting before line 5 the  
 27 following:  
 28 “Sec. \_\_\_\_ . Section 29A.9, unnumbered paragraph 2,  
 29 Code 1985, is amended to read as follows:  
 30 The governor shall also provide for the  
 31 participation of the national guard, or any part of  
 32 it, in training at such times and places as ~~designated~~  
 33 by the secretary of defense necessary to insure  
 34 readiness for public defense or federal service  
 35 162. Page 178, by inserting after line 24 the  
 36 following:  
 37 “Sec. \_\_\_\_ . Section 331.404, Code 1985, is  
 38 repealed.  
 39 Sec. \_\_\_\_ . Sections 723 through 742, 744 through  
 40 749, 752, 754, 755, and 756 of this Act take effect  
 41 March 1, 1987.”  
 42 163. Renumber sections and correct internal

43 references as necessary in accordance with this  
44 amendment.

COMMITTEE ON APPROPRIATIONS  
JOE J. WELSH, Chairperson

S-5792

- 1 Amend House File 2484, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 32, line 31, by striking the figure
- 4 "1986" and inserting the following: "1987".
- 5 2. Page 32, line 34, by striking the figure
- 6 "1986" and inserting the following: "1987".
- 7 3. Page 33, line 1, by striking the figure "1986"
- 8 and inserting the following: "1987".

WALLY HORN

S-5793

- 1 Amend House File 2473 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 22, by striking the word "thirty"
- 4 and inserting the word "sixty".
- 5 2. Page 1, by inserting after line 24 the
- 6 following:
- 7 "Prior to the awarding of the contract under this
- 8 section, potential legal services providers shall
- 9 submit to the coordinator a working plan for the
- 10 accomplishment of the objectives of this Act. The
- 11 plan shall establish priorities and procedures and set
- 12 forth its annual operating budget for the first fiscal
- 13 year, including projected salaries and all anticipated
- 14 expenses. This budget shall set forth the maximum
- 15 obligation of financial aid proposed for payment by
- 16 the state and the availability of any additional funds
- 17 or resources from the federal government and other
- 18 sources to meet such expenses of operation."
- 19 3. Page 3, by striking lines 6 through 9, and
- 20 inserting the following: "shall submit to the
- 21 coordinator at least thirty days before the end of
- 22 each fiscal year its annual operating".
- 23 4. Page 3, line 10, by inserting before the word
- 24 "fiscal" the word "next".

DOUGLAS RITSEMA

S-5794

1 Amend the House amendment, S-5776, to Senate File  
2 97 as amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 1, line 8, by inserting after the word  
5 "purpose" the following: "and a person who was born  
6 after September 1, 1967 and who is age nineteen or  
7 twenty shall be treated as a person who is age twenty-  
8 one or older for the purpose of determining whether a  
9 licensee or permittee has violated section 123.49,  
10 subsection 2, paragraph "h" or whether a person has  
11 violated section 123.47. A person born after September  
12 1, 1967 who is age nineteen or twenty who purchases or  
13 possesses alcoholic liquor, wine or beer is guilty of  
14 a simple misdemeanor punishable by a fine of ten  
15 dollars, and a person who sells, gives, or otherwise  
16 supplies alcoholic liquor, wine, or beer to such a  
17 person is guilty of a simple misdemeanor punishable by  
18 a fine of twenty-five dollars".

TOM MANN, Jr.

S-5795

1 Amend House File 2459 as passed by the House as  
2 follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. NEW SECTION. 455E.1 LEGISLATIVE  
6 FINDINGS -- PURPOSE.  
7 The general assembly finds as follows:  
8 1. The establishment of the authority is in all  
9 respects for the benefit of the people of the state of  
10 Iowa, for the improvement of their health and welfare,  
11 and for the promotion of the economy, which are public  
12 purposes.  
13 2. The authority will be performing an essential  
14 governmental function in the exercise of the powers  
15 and duties conferred upon it by this chapter.  
16 3. There is a need to have adequate facilities in  
17 the state to abate or prevent pollution of the air,  
18 water, and land of the state.  
19 4. There is a need to assure adequate availability  
20 of financing with reasonable rates and terms for the  
21 development of environmental protection facilities.  
22 Sec. 2. NEW SECTION. 455E.2 DEFINITIONS.  
23 As used in this chapter, unless the context

24 otherwise requires:

25 1. "Authority" means the Iowa environmental  
26 improvement authority.

27 2. "Disposal of solid waste or hazardous waste"  
28 means the entire process of storage, collection,  
29 transportation, processing, and disposal of solid  
30 wastes or hazardous wastes.

31 3. "Hazardous waste" means as defined in section  
32 455B.411, subsection 3.

33 4. "Pollution" means the placing of any toxic  
34 substance in the air or waters or on the lands of this  
35 state in sufficient quantity and of such amounts,  
36 characteristics, and duration as to injure or harm the  
37 public health or welfare, animal life, or property.

38 5. "Project" means a facility, which may include  
39 land, disposal areas, incinerators, buildings,  
40 fixtures, machinery, and equipment acquired or  
41 constructed, or to be acquired or constructed by the  
42 authority for the purpose of disposal of solid waste  
43 or hazardous waste, preventing or reducing pollution.

44 6. "Solid waste" means garbage, refuse, discarded  
45 materials, and undesirable solid and semisolid  
46 residual matter resulting from industrial, commercial,  
47 agricultural, or community activities in such amounts,  
48 characteristics, and duration as to injure or harm the  
49 public health or welfare or animal life or property.

50 Sec. 3. NEW SECTION. 455E.3 ESTABLISHMENT OF

**Page 2**

**1 AUTHORITY.**

2 1. The Iowa environmental improvement authority is  
3 established as a public instrumentality and agency of  
4 the state exercising public and essential governmental  
5 functions. The authority is established to provide  
6 for the conservation of the air, land, and water  
7 resources of the state by preventing or reducing the  
8 pollution of the resources and proper methods of  
9 disposal of solid waste or hazardous waste; to further  
10 programs the authority is authorized to acquire and  
11 construct; and to finance projects and issue bonds and  
12 notes as provided in this chapter to pay the costs of  
13 the projects. Projects shall be developed to attain  
14 compliance with applicable federal and state standards  
15 and regulations.

16 2. The powers of the authority are vested in and  
17 exercised by a five-member board. Members shall be  
18 appointed by the governor, subject to confirmation of  
19 the senate. No more than three members shall belong  
20 to the same political party. All members shall be

21 residents of the state. At least one member shall be  
22 a representative of an environmental organization, at  
23 least one member shall be a representative of business  
24 and industry, and at least one member shall be a  
25 representative of the landfill or waste recovery  
26 industry. The term of each member shall begin and end  
27 as provided in section 69.19. A vacancy shall be  
28 filled as provided in section 2.32. The members shall  
29 serve terms of three years. A person appointed to  
30 fill a vacancy shall serve only for the unexpired  
31 portion of the term. A member is eligible for  
32 reappointment. A member of the authority may be  
33 removed from office by the governor for misfeasance,  
34 malfeasance, willful neglect of duty, or other just  
35 cause but only after notice and hearing, unless the  
36 notice and hearing is expressly waived in writing.

37 3. Three members are a quorum and the affirmative  
38 vote of three members is necessary for substantive  
39 action to be taken by the authority. A required  
40 majority shall not include a member who has a conflict  
41 of interest and a statement by a member of a conflict  
42 of interest is conclusive for this purpose. A vacancy  
43 in the membership does not impair the right of a  
44 quorum to exercise all rights and perform all duties  
45 of the authority.

46 4. The members are entitled to receive forty  
47 dollars per diem for each day spent in performance of  
48 duties as members, and shall be reimbursed for all  
49 actual and necessary expenses incurred in the  
50 performance of duties as members.

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1 5. The members of the authority and the executive  
2 director shall give bond as required for public  
3 officers in chapter 64.

4 6. Meetings of the authority shall be held at the  
5 call of the chairperson or when two members so  
6 request.

7 7. The members shall elect a chairperson and vice  
8 chairperson annually, and other officers as they  
9 determine, but the executive director, appointed  
10 pursuant to section 455E.4, is a nonvoting ex officio  
11 member of the board and shall serve as secretary to  
12 the authority.

13 8. The net earnings of the authority, beyond those  
14 necessary for retirement of its notes, bonds, or other  
15 obligations, or to implement the authorized public  
16 purposes and programs, shall not inure to the benefit  
17 of any person other than the state. Upon termination

18 of the existence of the authority, title to all  
19 property owned by the authority, including any such  
20 net earnings of the authority, vests in the state.  
21 Sec. 4. NEW SECTION. 455E.4 EXECUTIVE DIRECTOR -  
22 -STAFF.  
23 1. The governor shall appoint, subject to  
24 confirmation by the senate, an executive director of  
25 the authority, to serve a four-year term at the  
26 pleasure of the governor. The term begins and ends as  
27 provided in section 69.19. The executive director  
28 shall be selected primarily for administrative ability  
29 and knowledge in the field, without regard to  
30 political affiliation. The executive director shall  
31 not, directly or indirectly, exert influence to induce  
32 other officers or employees of the state to adopt a  
33 political view, or to favor a political candidate for  
34 office.  
35 2. The executive director is a nonvoting ex  
36 officio member of the board, and shall advise the  
37 authority on matters relating to finance, carry out  
38 all directives from the authority, and hire and  
39 supervise the authority's staff pursuant to its  
40 directions and under chapter 19A, except that  
41 principal administrative assistants with  
42 responsibilities in loan programs, accounting, and  
43 processing of applications for loans are exempt from  
44 that chapter.  
45 3. The executive director, as secretary of the  
46 authority, is custodian of all books, documents, and  
47 papers filed with the authority and of its minute book  
48 and seal. The executive director may cause copies to  
49 be made of all minutes and other records and documents  
50 of the authority and give certificates under the seal

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1 of the authority to the effect that the copies are  
2 true copies and all persons dealing with the authority  
3 may rely upon the certificates.  
4 Sec. 5. NEW SECTION. 455E.5 POWERS.  
5 The authority has all of the general powers needed  
6 to carry out its purposes and duties, and to exercise  
7 its specific powers, including but not limited to the  
8 power to:  
9 1. Sue and be sued in its own name.  
10 2. Have and alter a corporate seal.  
11 3. Make and alter bylaws for its management  
12 consistent with this chapter.  
13 4. Make and execute agreements, contracts, and  
14 other instruments, with any public or private entity,

15 including but not limited to any federal governmental  
16 agency or instrumentality. The authority may make and  
17 execute contracts with a firm of independent certified  
18 public accountants to prepare an annual report on  
19 behalf of the authority. All political subdivisions,  
20 other public agencies, and state agencies may enter  
21 into contracts and otherwise cooperate with the  
22 authority. The authority may also enter into  
23 contracts with other states with the purpose of  
24 achieving interstate cooperation of the disposal of  
25 hazardous waste.

26 5. Procure insurance against any loss in  
27 connection with its operations.

28 6. Accept appropriations, gifts, grants, loans, or  
29 other aid from public or private entities. A record  
30 of all gifts or grants, stating the type, amount, and  
31 donor, shall be clearly set out in the authority's  
32 annual report along with the record of other receipts.

33 7. Provide to public and private entities  
34 technical assistance and counseling related to the  
35 authority's purposes.

36 8. Contract with attorneys, accountants, finance  
37 experts, and other advisors or enter into contracts or  
38 agreements for these services with local, state, or  
39 federal governmental agencies.

40 9. Issue its negotiable bonds, notes, debentures,  
41 capital stock, or other obligations as provided in  
42 this chapter in an amount not to exceed twenty million  
43 (20,000,000) dollars in order to directly or  
44 indirectly finance its programs.

45 10. Fix and collect fees and charges for its  
46 services.

47 11. Subject to agreements with holders of its  
48 obligations, invest or deposit moneys of the authority  
49 in a manner determined by the authority by rule,  
50 notwithstanding chapter 452 or 453.

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1 12. Make, alter, and repeal rules consistent with  
2 this chapter and subject to chapter 17A.

3 13. Acquire, own, construct, reconstruct, enlarge,  
4 improve, furnish, equip, maintain, repair, operate,  
5 lease, finance, and sell projects and lease projects  
6 to any private person or to any public body. A lease  
7 may provide for the construction of the project by the  
8 lessee.

9 14. Engage in research and development with  
10 respect to pollution control facilities and solid  
11 waste or hazardous waste disposal facilities.

12 15. Sell at private sale any of its property or  
13 projects to any person on terms it deems advisable,  
14 including the right to receive for the sale notes of  
15 the person to whom the sale is made. The sale shall  
16 provide for payments adequate to pay the principal of  
17 and interest and premiums, if any, on the bonds or  
18 notes issued to finance the project or a portion of  
19 the project. The sale may provide for the  
20 construction of the project by the purchaser of the  
21 project.

22 16. Make, purchase, or participate in the purchase  
23 of loans to finance the development and marketing of  
24 facilities to prevent or abate pollution.

25 Sec. 6. NEW SECTION. 455E.6 ANNUAL REPORT.

26 The authority shall submit to the governor and to  
27 the members of the general assembly who request it,  
28 not later than January 15 of each year, a complete and  
29 economically designed and reproduced report setting  
30 forth:

31 1. Its operations and accomplishments.

32 2. Its receipts and expenditures during the fiscal  
33 year, in accordance with the classifications it  
34 establishes for its operating and capital accounts.

35 3. Its assets and liabilities at the end of its  
36 fiscal year and the status of reserve, special, and  
37 other funds.

38 4. A statement of its proposed and projected  
39 activities.

40 5. Recommendations to the general assembly, as it  
41 deems necessary.

42 6. An analysis of the need for environmental  
43 protection projects.

44 7. A schedule of its obligations outstanding at  
45 the end of its fiscal year, together with a statement  
46 of the amounts redeemed and issued during its fiscal  
47 year.

48 Sec. 7. NEW SECTION. 455E.7 OBLIGATIONS ISSUED  
49 BY THE AUTHORITY.

50 1. The authority may issue its negotiable

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1 obligations in principal amounts as, in the opinion of  
2 the authority, are necessary to provide sufficient  
3 funds for achievement of its corporate purposes, the  
4 payment of interest on its obligations, the  
5 establishment of reserves to secure its obligations,  
6 and all other expenditures of the authority incident  
7 to and necessary or convenient to carry out its  
8 purposes and powers. The obligations shall be deemed

9 to be investment securities and negotiable instruments  
10 within the meaning of and for all purposes of chapter  
11 554, the uniform commercial code.

12 2. Obligations issued by the authority are payable  
13 solely and only out of the moneys, assets, or revenues  
14 of the authority, and as provided in agreements with  
15 holders of its obligations pledging any particular  
16 moneys, assets, or revenues. Taxes or appropriations  
17 shall not be pledged for the payment of the  
18 obligations. Obligations are not an obligation of  
19 this state or any political subdivision of this state  
20 other than the authority within the meaning of any  
21 constitutional or statutory debt limitations, but are  
22 special obligations of the authority payable solely  
23 and only from the sources provided in this chapter,  
24 and the authority shall not pledge the general credit  
25 or taxing power of this state or any political  
26 subdivision of this state other than the authority, or  
27 make its debts payable out of any moneys except those  
28 of the authority.

29 3. Obligations must be authorized by a resolution  
30 of the authority. However, a resolution authorizing  
31 the issuance of obligations may delegate to an officer  
32 of the authority the power to negotiate and fix the  
33 details of an issue of bonds or notes by an  
34 appropriate certificate of the authorized officer.

35 4. Obligations shall:

36 a. State the date and series of the issue, be  
37 consecutively numbered, and state on their face that  
38 they are payable both as to principal and interest  
39 solely out of the assets of the authority and do not  
40 constitute an indebtedness of this state or any  
41 political subdivision of this state other than the  
42 authority within the meaning of any constitutional or  
43 statutory debt limit.

44 b. Be registered, issued in denominations as the  
45 authority prescribes, fully negotiable instruments  
46 under the laws of this state, signed on behalf of the  
47 authority with the manual or facsimile signature of  
48 the chairperson or vice chairperson, attested by the  
49 manual or facsimile signature of the secretary, and  
50 have impressed or imprinted on them the seal of the

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1 authority or a facsimile of it. Obligations shall be  
2 payable as to interest at rates and at times as the  
3 authority determines, be payable as to principal at  
4 times over a period not to exceed thirty years from  
5 the date of issuance, at places, and with reserved

6 rights of prior redemption, as the authority  
7 prescribes, and be sold at prices, at public or  
8 private sale, and in a manner as the authority  
9 prescribes. The authority may pay all expenses,  
10 premiums, and commissions which it deems necessary or  
11 advantageous in connection with the issuance and sale.  
12 Obligations may be issued under and subject to terms,  
13 conditions, and covenants providing for the payment of  
14 the principal, redemption premiums if any, and  
15 interest, and other terms, conditions, covenants, and  
16 protective provisions safeguarding payment, not  
17 inconsistent with this chapter, as are found to be  
18 necessary by the authority for the most advantageous  
19 sale. The terms may include, but are not limited to,  
20 covenants with the holders of the obligations as to:  
21 (1) Pledging or creating a lien, to the extent  
22 provided by the resolution, on moneys or property of  
23 the authority or moneys held in trust or otherwise by  
24 others to secure the payment of the obligations.  
25 (2) Providing for the custody, collection,  
26 securing, investment, and payment of any moneys of or  
27 due to the authority.  
28 (3) The setting aside of reserves or sinking funds  
29 and the regulation or disposition of them.  
30 (4) Limitations on the purpose to which the  
31 proceeds of sale of an issue of obligations then or  
32 thereafter to be issued may be applied.  
33 (5) Limitations on the issuance of additional  
34 obligations and on the refunding of outstanding or  
35 other obligations.  
36 (6) The procedure by which the terms of a contract  
37 with the holders of obligations may be amended or  
38 abrogated, the amount of obligations the holders of  
39 which must consent to the contract, and the manner in  
40 which consent may be given.  
41 (7) The creation of special funds into which  
42 moneys of the authority may be deposited.  
43 (8) Vesting in a trustee properties, rights,  
44 powers, and duties in trust as the authority  
45 determines, which may include the rights, powers, and  
46 duties of the trustee appointed for the holders of any  
47 issue of obligations pursuant to section 455E.8, in  
48 which event the provisions of that section authorizing  
49 appointment of a trustee by the holders of obligations  
50 shall not apply, or limiting or abrogating the right

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1 of the holders of obligations to appoint a trustee  
2 under that section, or limiting the rights, duties,  
3 and powers of the trustee.  
4 (9) Defining the acts or omissions which  
5 constitute a default in the obligations and duties of  
6 the authority and providing for the rights and  
7 remedies of the holders of obligations in the event of  
8 a default. However, rights and remedies shall be  
9 consistent with the laws of this state.  
10 (10) Any other matters which affect the security  
11 and protection of the obligations and the rights of  
12 the holders or which the authority deems necessary and  
13 advisable in furtherance of its purposes.  
14 c. Include other information and be subject to  
15 other terms and conditions as the authority deems  
16 necessary and provides by rule.  
17 5. The authority may issue its obligations for the  
18 purpose of refunding any obligations of the authority  
19 then outstanding, including the payment of any  
20 redemption premiums on the obligations and any  
21 interest accrued or to accrue to the date of  
22 redemption of the outstanding obligations. Until the  
23 proceeds of obligations issued for the purpose of  
24 refunding outstanding obligations are applied to the  
25 purchase or retirement of outstanding obligations or  
26 the redemption of outstanding obligations, the  
27 proceeds may be placed in escrow and be invested and  
28 reinvested in accordance with this chapter. The  
29 interest, income, and profits earned or realized on an  
30 investment may also be applied to the payment of the  
31 outstanding obligations to be refunded by purchase,  
32 retirement, or redemption. After the terms of the  
33 escrow have been fully satisfied and carried out, any  
34 balance of proceeds and interest earned or realized on  
35 the investments may be returned to the authority for  
36 use by it in any lawful manner. All refunding  
37 obligations shall be issued and secured and subject to  
38 this chapter in the same manner and to the same extent  
39 as other obligations issued pursuant to this chapter.  
40 6. The authority may issue negotiable obligation  
41 anticipation notes and may renew them from time to  
42 time but the maximum maturity of the notes, including  
43 renewals, shall not exceed ten years from the date of  
44 issue of the original notes. Notes are payable from  
45 any available moneys of the authority not otherwise  
46 pledged, or from the proceeds of the sale of  
47 obligations of the authority in anticipation of which  
48 the notes were issued. Notes may be issued for any

49 corporate purpose of the authority. Notes shall be  
50 issued in the same manner as other obligations, and

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1 the resolution authorizing them may contain any  
2 provisions, conditions, or limitations, not  
3 inconsistent with this subsection, which the  
4 obligation or a resolution of the authority may  
5 contain. Notes may be sold at public or private sale.  
6 In case of default on its notes or violation of any  
7 obligations of the authority to the noteholders, the  
8 noteholders have all the remedies provided in this  
9 chapter for holders of its obligations. Notes are as  
10 fully negotiable as other obligations of the  
11 authority.

12 7. A copy of each pledge agreement by or to the  
13 authority, including without limitation each  
14 obligation resolution, indenture of trust, or similar  
15 agreement, or any revisions or supplements to it shall  
16 be filed with the secretary of state and no further  
17 filing or other action under article 9 of the uniform  
18 commercial code, or any other law of the state is  
19 required to perfect the security interest in the  
20 collateral or any additions to it or substitutions for  
21 it, and the lien and trust so created is binding from  
22 and after the time made against all parties having  
23 claims of any kind in tort, contract, or otherwise  
24 against the pledgor.

25 8. Neither the members of the authority nor any  
26 person executing its obligations are liable personally  
27 on the obligations or are subject to any personal  
28 liability or accountability by reason of the issuance  
29 of the authority's obligations.

30 9. The authority may create and establish one or  
31 more special funds, to be known as "reserve funds",  
32 and shall pay into each reserve fund any proceeds of  
33 sale of obligations to the extent provided in the  
34 resolutions of the authority authorizing their  
35 issuance, and any other moneys which may be available  
36 to the authority for the purpose of the fund from any  
37 other sources. All moneys held in a reserve fund,  
38 except as otherwise provided in this chapter, shall be  
39 used as required solely for the payment of the  
40 principal of obligations secured in whole or in part  
41 by the fund or of the sinking fund payments with  
42 respect to the obligations, the purchase or redemption  
43 of the obligations, the payment of interest on the  
44 obligations, or the payments of any redemption premium  
45 required to be paid when the obligations are redeemed

46 prior to maturity.

47 Sec. 8. NEW SECTION. 455E.8 REMEDIES OF HOLDERS  
48 OF OBLIGATIONS.

49 1. If the authority defaults in the payment of  
50 principal or interest on an issue of obligations after

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1 they become due, whether at maturity or upon call for  
2 redemption, and the default continues for a period of  
3 thirty days, or if the authority fails or refuses to  
4 comply with this chapter, or defaults in an agreement  
5 made with the holders of an issue of obligations, the  
6 holders of twenty-five percent in aggregate principal  
7 amount of obligations of the issue then outstanding  
8 may appoint a trustee to represent the holders of the  
9 obligations for the purposes provided in this section  
10 by filing an instrument in the office of the clerk of  
11 the county in which the principal office of the  
12 authority is located. The instrument shall be proved  
13 or acknowledged in the same manner as a deed to be  
14 recorded.

15 2. The authority or any trustee appointed under  
16 the indenture under which the obligations are issued  
17 may, and upon written request of the holders of  
18 twenty-five percent in aggregate principal amount of  
19 the issue of obligations then outstanding shall:

20 a. Enforce all rights of the holders of the  
21 obligations, including the right to require the  
22 authority to carry out its agreements with the holders  
23 and to perform its duties under this chapter.

24 b. Bring suit upon the obligations.

25 c. By action require the authority to account as  
26 if it were the trustee of an express trust for the  
27 holders.

28 d. By action enjoin any acts or things which are  
29 unlawful or in violation of the rights of the holders.

30 e. Declare all the obligations due and payable and  
31 if all defaults are made good then with the consent of  
32 the holders of twenty-five percent of the aggregate  
33 principal amount of the issue of obligations then  
34 outstanding, annul the declaration and its  
35 consequences.

36 The holders of obligations, to the extent provided  
37 in the resolution by which the obligations were issued  
38 or in their agreement with the authority, may enforce  
39 any of the remedies in paragraphs "a" to "e" or the  
40 remedies provided in those agreements for and on their  
41 own behalf.

42 3. The trustee also has all powers necessary or

43 appropriate for the exercise of functions specifically  
44 set forth or incident to the general representation of  
45 the holders of obligations in the enforcement and  
46 protection of their rights.

47 4. Before declaring the principal of obligations  
48 due and payable, the trustee shall give thirty days'  
49 notice in writing to the governor, to the authority,  
50 and to the attorney general of the state.

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1 5. The district court has jurisdiction of any  
2 action by the trustee on behalf of the holders of  
3 obligations. The venue of the action shall be in the  
4 county in which the principal office of the authority  
5 is located.

6 Sec. 9. NEW SECTION. 455E.9 OBLIGATIONS AS LEGAL  
7 INVESTMENTS.

8 Obligations of the authority are securities in  
9 which public officers, state departments and agencies,  
10 political subdivisions, insurance companies, and other  
11 persons carrying on an insurance business, banks,  
12 trust companies, savings and loan associations,  
13 savings banks, investment companies, and other persons  
14 carrying on a banking business, administrators,  
15 executors, guardians, conservators, trustees, and  
16 other fiduciaries, and other persons authorized to  
17 invest in bonds or other obligations of this state,  
18 may properly and legally invest funds including  
19 capital in their control or belonging to them. The  
20 obligations are also securities which may be deposited  
21 with and may be received by public officers, state  
22 departments and agencies, and political subdivisions,  
23 for any purpose for which the deposit of bonds or  
24 other obligations of this state is authorized.

25 Sec. 10. NEW SECTION. 455.10 NOTICE --LIMITATION  
26 OF ACTION.

27 The authority may publish a notice of its intention  
28 to issue obligations in a newspaper published in and  
29 with general circulation in the state. The notice  
30 shall include a statement of the maximum amount of  
31 obligations proposed to be issued, and in general,  
32 what funds or revenues will be pledged to pay the  
33 obligations and interest on the obligations. An  
34 action which questions the legality of obligations or  
35 the power of the authority to issue the obligations or  
36 the effectiveness of any proceedings adopted for the  
37 authorization or issuance of the obligations shall not  
38 be brought after sixty days from the date of  
39 publication of the notice.

40 Sec. 11. NEW SECTION. 455E.11 MONEYS OF THE  
41 AUTHORITY.

42 1. Moneys of the authority shall be paid to the  
43 authority and shall be deposited in a bank or other  
44 financial institution designated by the authority.  
45 The moneys shall be withdrawn on the order of the  
46 person authorized by the authority. Deposits shall be  
47 secured in the manner determined by the authority.  
48 The auditor of state or the auditor's legally  
49 authorized representatives may periodically examine  
50 the accounts and books of the authority, including its

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1 receipts, disbursements, contracts, leases,  
2 investments, and other records and papers relating to  
3 its financial standing, and the authority shall not be  
4 required to pay a fee for the examination.

5 2. The authority shall submit to the governor, the  
6 auditor of state, and the state comptroller, within  
7 thirty days of its receipt, a copy of the report of  
8 every external examination of the books and accounts  
9 of the authority other than copies of the reports of  
10 examinations made by the auditor of state.

11 Sec. 12. NEW SECTION. 455E.12 LIMITATION OF  
12 LIABILITY.

13 Members of the authority and persons acting in its  
14 behalf, while acting within the scope of their  
15 employment or agency, are not subject to personal  
16 liability resulting from carrying out the powers and  
17 duties given in this chapter.

18 Sec. 13. NEW SECTION. 455E.13 ASSISTANCE BY  
19 STATE OFFICERS, AGENCIES AND DEPARTMENTS.

20 State officers and state departments and agencies  
21 may render services to the authority within their  
22 respective functions as requested by the authority.

23 Sec. 14. NEW SECTION. 455E.14 CONFLICTS OF  
24 INTEREST.

25 1. If a member or employee other than the  
26 executive director of the authority has an interest,  
27 either direct or indirect, in a contract to which the  
28 authority is or is to be a party or in a lending  
29 institution participating in a project, the interest  
30 of the member or employee shall be disclosed to the  
31 authority in writing and shall be set forth in the  
32 minutes of the authority. The member or employee  
33 having the interest shall not participate in action by  
34 the authority with respect to that contract or lending  
35 institution.

36 2. This section does not limit the right of a

37 member, officer, or employee of the authority other  
38 than the executive director to have an interest in a  
39 bank or other financial institution in which the funds  
40 of the authority are deposited.

41 3. The executive director shall not have an  
42 interest in a bank or other financial institution in  
43 which the funds of the authority are deposited. The  
44 executive director shall not receive, in addition to  
45 fixed salary or compensation, money or anything  
46 valuable, either directly or indirectly, or through a  
47 substantial interest in another corporation or  
48 business unit, for negotiating, procuring,  
49 recommending, or aiding in a payment made by the  
50 authority under this chapter, nor shall the executive

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1 director be pecuniarily interested, either as  
2 principal, coprincipal, agent, or beneficiary, either  
3 directly or indirectly or through any substantial  
4 interest in another corporation or business unit, in a  
5 payment made by the authority under this chapter.

6 Sec. 15. NEW SECTION. 455E.15 EXEMPTION FROM  
7 COMPETITIVE BID LAWS.

8 The authority and contracts made by it in carrying  
9 out its public and essential governmental functions  
10 are exempt from the laws of the state which provide  
11 for competitive bids in connection with the contracts.

12 Sec. 16. NEW SECTION. 455E.16 PROJECTS SUBJECT  
13 TO TAXATION.

14 Projects acquired, constructed, reconstructed,  
15 enlarged, improved, furnished, equipped, maintained,  
16 repaired, operated, leased, financed, or sold by the  
17 authority pursuant to this chapter are subject to all  
18 real and tangible personal property taxes and  
19 assessments of the state, or any governmental  
20 subdivision of the state.

21 Sec. 17. NEW SECTION. 455E.17 TERMINATION OR  
22 DISSOLUTION, PROPERTY TO PASS TO STATE.

23 Upon termination or dissolution of the authority,  
24 all rights and properties of the authority shall pass  
25 to and be vested in the state, subject to the rights  
26 of noteholders, bondholders, and other creditors.

27 Sec. 18. NEW SECTION. 455E.18 PROPOSED  
28 EXPENDITURE OF FEDERAL FUNDS.

29 On or before January 15 of each year, if the  
30 authority desires to receive and expend moneys from  
31 the federal government in the next fiscal year of the  
32 state, the authority shall submit to the  
33 appropriations committees of the senate and house of

34 representatives an itemization of all federal funds to  
 35 be received, including the federal source of the funds  
 36 and plans including the expenditure of the funds.

37 Sec. 19. NEW SECTION. 455E.19 LOANS FOR  
 38 ENVIRONMENTAL IMPROVEMENT.

39 1. A loan authorized under this chapter shall be  
 40 made only upon determination by the authority that  
 41 loans are not otherwise available, either wholly or in  
 42 part, from private lenders upon reasonably equivalent  
 43 terms and conditions. A commitment for a loan shall  
 44 not be made unless all plans for development have been  
 45 completed and submitted to and found to be  
 46 satisfactory by the authority.

47 2. The authority shall charge a reasonable fee on  
 48 all loans not federally insured to insure such loans.  
 49 The proceeds of the fees shall be deposited in a  
 50 separate fund of the general fund to be known as the

**Page 14**

1 "environmental improvement insured loan fund". Money  
 2 in this fund shall not be transferred and placed to  
 3 the credit of general revenue. Moneys shall not be  
 4 withdrawn from the fund unless it is to be used for  
 5 the purchase of loan insurance or to pay for any  
 6 losses on the loans.

7 Sec. 20. NEW SECTION. 455E.20 INTEREST RATE ON  
 8 LOANS.

9 1. The authority may from time to time set the  
 10 interest rates at which it shall make loans, keeping  
 11 its interest rates at the lowest level consistent with  
 12 its cost of operation and its responsibilities to the  
 13 holders of its bonds, bond anticipation notes, and  
 14 other responsibilities.

15 2. The ratio of loan to project cost and the  
 16 amortization period of loans made by the authority  
 17 shall be determined in accordance with rules adopted  
 18 by the authority.

19 Sec. 21. Notwithstanding section 455E.3, the  
 20 governor shall appoint initial members of the board  
 21 for the authority established under that section to  
 22 staggered terms, one to end the year following  
 23 appointment, two to end two years following  
 24 appointment, and two to end three years following  
 25 appointment. The governor shall appoint initial  
 26 members in the same manner as vacancies are filled,  
 27 subject to section 2.32."

28 2. Title page, lines 1 and 2, by striking the  
29 words "and energy resources".

RICHARD F. DRAKE  
CALVIN O. HULTMAN

S-5796

1 Amend Senate File 2305 as follows:  
2 1. Page 8, by striking line 7 and inserting the  
3 following: "funded under section 4, subsections 1  
4 through 4 of this Act."

CHARLES BRUNER

S-5797

1 Amend House File 2484 as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 26, by inserting after line 27 the  
4 following:  
5 "d. It is the intent of the general assembly that  
6 the state board of regents require each college of  
7 education within the institutions of higher education  
8 under the control of the state board of regents to  
9 modify the existing program to develop an  
10 instructionally engaged program for teacher and  
11 administrator training. The program shall provide  
12 teacher and administrator training for university  
13 students to enable those students as teachers and  
14 administrators to make the maximum use of  
15 instructional time, to be aware of classroom  
16 management strategies, and to utilize research on  
17 effective teaching and administrating. The program  
18 shall also emphasize the need to reduce the use by  
19 entry-level students of remedial classes at the post  
20 secondary level by striving for more efficient use of  
21 academic learning time at the secondary level of  
22 education."

RAY TAYLOR  
LARRY MURPHY  
ARTHUR GRATIAS  
JOE BROWN

S-5798

1 Amend House File 2484, as amended, passed, and  
2 reprinted by the House, as follows:

DIVISION S-5798A

3 1. Page 40, line 18, by inserting after the word  
4 "states." the words "The board shall adopt rules  
5 requiring proper evidence of residency in Iowa's  
6 sister states."

DIVISION S-5798B

7 2. Page 69, by striking lines 12 and 13.

DIVISION S-5798C

8 3. By striking page 117, line 26 through page  
9 118, line 34.

DIVISION S-5798D

10 4. Page 120, by inserting after line 25 the  
11 following:  
12 "\_\_\_ . Public funds expended for voluntary  
13 permanent soil conservation practices shall become a  
14 lien upon the property upon which the funds are  
15 expended for a period of ten years. If the person who  
16 owns the property and received the public funds sells  
17 the property within ten years, the owner shall repay  
18 the amount of public funds received. If the owner  
19 does not sell the property within ten years, the lien  
20 is canceled by operation of law."

DIVISION S-5798E

21 5. Page 145, by inserting after line 26 the  
22 following:

23 "\_\_\_ . To provide a  
24 public employee salary  
25 list report for public  
26 distribution as provided by  
27 section 18.75 . . . . . \$ 4,000".

28 6. Page 152, by inserting after line 4 the  
29 following:

30 "Sec. \_\_\_ . Section 18.75, Code 1985, is amended by  
31 inserting the following new subsection after  
32 subsection 7:

33 NEW SUBSECTION. By September 1 of each year supply  
34 an inexpensively bound report which contains the name,  
35 residence, official title, salary received during the  
36 previous fiscal year, base salary as computed on July  
37 1 of the current fiscal year, and traveling and  
38 subsistence expense of the personnel of each of the  
39 departments, boards, and commissions of the state  
40 government except personnel who receive an annual  
41 salary of less than one thousand dollars. The number  
42 of the personnel and the total amount received by them  
43 shall be shown for each department in the report. All  
44 employees who have drawn salaries, fees, or expense  
45 allowances from more than one department or  
46 subdivision shall be listed separately under the  
47 proper departmental heading. On the request of the  
48 superintendent, the head of each department, board, or  
49 commission shall furnish the data covering that  
50 agency. The report shall be paid for out of moneys in

**Page 2**

DIVISION S-5798E (cont'd.)

1 the general fund not otherwise appropriated. The  
2 report shall be distributed upon request without  
3 charge to each member of the general assembly, elected  
4 state officer, and department head. Other persons may  
5 purchase a copy for a fee not less than the amount  
6 required to print the copy. All funds from the sale  
7 of the report shall be deposited in the general fund."

EDGAR H. HOLDEN

S-5799

1 Amend House File 2484 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 15, by inserting after line 6 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 324.65, unnumbered paragraph 1,  
6 Code 1985, is amended to read as follows:  
7 If a licensee or other person fails to remit at  
8 least ninety percent of the tax due with the filing of  
9 the return on or before the due date or pays less than  
10 ninety percent of any tax required to be shown on the  
11 return, there shall be added to the tax a penalty of  
12 five percent of the amount of the tax due. The  
13 penalty imposed under this section is not subject to  
14 waiver. The taxpayer shall also pay interest on the

15 tax or additional tax at the rate in effect under  
16 section 421.7 counting each fraction of a month as an  
17 entire month, computed from the date the return was  
18 required to be filed. If the amount of the tax as  
19 determined by the appropriate state agency is less  
20 than the amount paid, the excess shall be refunded  
21 with interest, the interest to begin to accrue on the  
22 first day of the third calendar month following the  
23 date of payment or the date the return was due to be  
24 filed or was filed, whichever is the latest, at the  
25 rate in effect under section 421.7 counting each  
26 fraction of a month as an entire month under the rules  
27 prescribed by the appropriate state agency. In lieu  
28 of a refund allowed under this section, the licensee  
29 may request that the department allow the refund to be  
30 held as a credit for the licensee.”  
31 2. Renumber sections and correct internal  
32 references as necessary in accordance with this  
33 amendment.

EDGAR H. HOLDEN

S-5800

1 Amend House File 2484 as amended, passed and  
2 reprinted by the House, as follows:  
3 1. Page 148, by inserting after line 2 the  
4 following:  
5 “Sec. \_\_\_\_ . The legislative oversight committee  
6 established to monitor the implementation of  
7 governmental reorganization shall be the legislative  
8 fiscal committee of the legislative council.”

JOE WELSH

S-5801

1 Amend amendment S-5791 to House File 2484 as amended,  
2 passed and reprinted by the House as follows:  
3 1. Page 4, line 46, by inserting after the word  
4 “education” the words “, or in any other department or  
5 division of state government.”.

DOUGLAS RITSEMA

S-5802

1 Amend House File 2484 as amended, passed and re-  
2 printed by the House as follows:

3 1. Page 69, by inserting after line 7 the following:

4 "The department may expend up to \$13,000 of the funds  
5 appropriated by this subsection for an older Iowans  
6 legislature."

7 2. Page 69, by striking lines 12 through 13.

8 3. Page 69, line 21, by striking the figure "70,000"  
9 and inserting in lieu thereof the figure "82,953".

DOUGLAS RITSEMA

S-5803

1 Amend House File 2484 as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 36, by striking line 21 and inserting the  
4 following: "be decentralized by July 1, 1988, to the  
5 fullest extent consistent with maintaining the health  
6 education programs of the university of Iowa and the  
7 economic viability of the university of Iowa hospitals  
8 and clinics, so".

9 2. Page 36, line 23, by inserting after the word  
10 "clinics." the following: "The decentralized program  
11 may provide for special arrangements for those  
12 counties served by existing prenatal clinics of the  
13 university hospitals."

14 3. Page 36, line 30, by inserting after the word  
15 "for" the following: "the care of those".

WALLY HORN

S-5804

1 Amend Senate File 2305 as follows:

2 1. Page 4, line 6, by inserting after the word  
3 "applicable." the following: "The council, after  
4 consultation with the attorney general, shall  
5 immediately approve the disbursement of moneys from  
6 the fund for projects which meet the strict guidelines  
7 of the five existing federal energy conservation  
8 programs specified in Pub. L. No. 97-377, § 155, 96  
9 Stat. 1830, 1919 (1982). The council shall approve  
10 the disbursement of moneys from the fund for other  
11 projects only if the projects meet one or more of the

12 following conditions:

- 13 a. The projects meet the guidelines for allowable  
 14 projects under a modification order entered by the  
 15 federal court in the case involving Exxon Corporation.  
 16 b. The projects meet the guidelines for allowable  
 17 projects under a directive order entered by the  
 18 federal court in the case involving Exxon Corporation.  
 19 c. The projects meet the guidelines for allowable  
 20 projects under regulations adopted or written  
 21 clarifications issued by the United States department  
 22 of energy.”

CHARLES BRUNER  
 RICHARD DRAKE

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2393

S-5805

- 1 Amend the Senate amendment, H-5857, to House File  
 2 2393 as passed by the House as follows:  
 3 1. Page 1, by striking lines 3 through 10.  
 4 2. Page 1, by inserting after line 21 the  
 5 following:  
 6 “\_\_\_ . Page 2, line 29, by inserting after the  
 7 word “fees.” the following: “If a person is found not  
 8 guilty of a municipal infraction or the action is  
 9 dismissed, the city is liable for the court costs and  
 10 court fees. Where the action is disposed of without  
 11 payment, or provision for assessment, of court costs,  
 12 the clerk shall at once enter judgment for costs  
 13 against the city.””  
 14 3. Page 1, by inserting after line 45 the  
 15 following:  
 16 “\_\_\_ . Page 5, line 12, by inserting after the  
 17 word “fees.” the following: “If a person is found not  
 18 guilty of a county infraction or the action is  
 19 dismissed, the county is liable for the court costs  
 20 and court fees. Where the action is disposed of  
 21 without payment, or provision for assessment, of court  
 22 costs, the clerk shall at once enter judgment for  
 23 costs against the county.””  
 24 4. By renumbering as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2270

S-5806

1 Amend Senate File 2270 as follows:

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

4 "Section 1. LEGISLATIVE FINDINGS.

5 The general assembly finds and declares as follows:

6 1. The state of Iowa is suffering from a financial  
7 crisis in agriculture that affects the entire economic  
8 health of this state.

9 2. This financial crisis has grown to include the  
10 business communities which, together with the  
11 agricultural producers, form the core of the state's  
12 economy.

13 3. A large number of producers and farm families  
14 are being forced to leave farming and make a new  
15 start.

16 4. It is deemed to be in the best interest of the  
17 state to protect the business communities and the  
18 dislocated farm families affected by the financial  
19 crisis in agriculture.

20 Sec. 2. Section 654.6, Code 1985, is amended by  
21 adding the following new unnumbered paragraphs:  
22 NEW UNNUMBERED PARAGRAPH. However, a deficiency  
23 judgment or general execution premised upon the  
24 deficiency judgment issued against the mortgagor shall  
25 not be enforceable until July 1, 1991 if all of the  
26 following apply:

27 1. The mortgaged property is agricultural land.

28 2. The mortgagor was actively engaged in farming  
29 the agricultural land upon the commencement of the  
30 action which resulted in a deficiency judgment.

31 3. The action was for the foreclosure of a first  
32 mortgage on the agricultural land or for the  
33 enforcement of an obligation secured by a first  
34 mortgage on the agricultural land.

35 4. The first mortgage secures a loan obligation,  
36 where a condition for the making of the loan was that  
37 the borrower purchase or own stock in the entity  
38 making the loan or in an entity related to the lending  
39 entity.

40 5. The mortgagor does not exercise the exemptions  
41 provided under section 627.6 in relation to the  
42 deficiency judgment or a general execution premised  
43 upon the deficiency judgment.

44 NEW UNNUMBERED PARAGRAPH. The running of time

45 periods affecting the enforceability of the deficiency  
46 judgment or general execution is suspended until July  
47 1, 1991. Assets of the mortgagor sufficient to  
48 satisfy the deficiency judgment shall be held by the  
49 mortgagor during the period of delay provided in this  
50 section. The court shall determine which assets shall

**Page 2**

1 be held, and a sale, disposition, or further  
2 encumbrance of these assets is not permitted without  
3 the consent of the court. The delay may not be waived  
4 before the issuance of the deficiency judgment. After  
5 the issuance of the deficiency judgment, the mortgagor  
6 may waive the delay by filing a waiver signed by the  
7 mortgagor with the court. This section applies to  
8 actions pending on the effective date of this Act and  
9 actions commenced on or after the effective date of  
10 this Act but before July 1, 1991.

11 Sec. 3. Section 627.6, subsection 5, Code 1985, is  
12 amended by striking the subsection.

13 Sec. 4. Section 627.6, subsection 10, Code 1985,  
14 is amended by striking the subsection and inserting in  
15 lieu thereof the following:

16 10. Any combination of the following, not to  
17 exceed a value of five thousand dollars in the  
18 aggregate:

19 a. Musical instruments, not including radios,  
20 television sets, or record or tape playing machines,  
21 held primarily for the personal, family, or household  
22 use of the debtor or a dependent of the debtor.

23 b. One motor vehicle.

24 c. In the event of a bankruptcy proceeding, the  
25 debtor's interest in accrued wages and in state and  
26 federal tax refunds as of the date of filing of the  
27 petition in bankruptcy, not to exceed one thousand  
28 dollars in the aggregate. This exemption is in  
29 addition to the limitations contained in sections  
30 642.21 and 537.5105.

31 Sec. 5. Section 627.6, Code 1985, is amended by  
32 adding the following new subsections:

33 NEW SUBSECTION. 11. If the debtor is engaged in  
34 any profession or occupation other than farming and  
35 does not exercise the homestead exemption under  
36 section 561.16, the proper implements, professional  
37 books, or tools of the trade of the debtor or a  
38 dependent of the debtor, not to exceed in value twenty  
39 thousand dollars in the aggregate.

40 NEW SUBSECTION. 12. If the debtor is engaged in  
41 farming and does not exercise the homestead exemption

42 under section 561.16 or the delay of the  
43 enforceability of a deficiency judgment or general  
44 execution under section 654.6 in relation to the  
45 execution under which the exemption is claimed, any  
46 combination of the following, not to exceed a value of  
47 twenty thousand dollars in the aggregate:  
48 a. Implements and equipment reasonably related to  
49 a normal farming operation. This exemption is in  
50 addition to a motor vehicle held exempt under

**Page 3**

1 subsection 10.  
2 b. Livestock and feed for the livestock reasonably  
3 related to a normal farming operation.  
4 **NEW SUBSECTION. 13.** If the debtor is engaged in  
5 farming the agricultural land upon the commencement of  
6 an action for the foreclosure of a mortgage on the  
7 agricultural land or for the enforcement of an  
8 obligation secured by a mortgage on the agricultural  
9 land, if a deficiency judgment is issued against the  
10 debtor, and if the debtor does not exercise the delay  
11 of the enforceability of the deficiency judgment or  
12 general execution under section 654.6 in relation to  
13 the execution under which the exemption is claimed,  
14 the disposable earnings of the debtor are exempt from  
15 garnishment to enforce the deficiency judgment after  
16 two years from the entry of the deficiency judgment,  
17 sections 642.21 and 642.22 notwithstanding. However,  
18 earnings paid to the debtor directly or indirectly by  
19 the debtor are not exempt.  
20 Sec. 6. Section 654.15, subsection 1, Code  
21 Supplement 1985, is amended by adding the following  
22 new unnumbered paragraph:  
23 **NEW UNNUMBERED PARAGRAPH.** An owner of a small  
24 business may apply for a continuance as provided in  
25 this subsection if the real estate subject to  
26 foreclosure is used for the small business. The court  
27 may continue the foreclosure proceeding if the court  
28 finds that the application is made in good faith and  
29 is supported by competent evidence showing that the  
30 default in payment or inability to pay is due to the  
31 economic condition of the customers of the small  
32 business, because the customers of the small business  
33 have been significantly economically distressed as a  
34 result of drought, flood, heat, hail, storm, or other  
35 climatic conditions or due to infestation of pests.  
36 The length of the continuance shall be determined by  
37 the court, but shall not exceed two years.  
38 Sec. 7. Section 654.15, subsection 2, Code

39 Supplement 1985, is amended to read as follows:

40 2. In all actions for the foreclosure of real  
41 estate mortgages, deeds of trust of real ~~property~~  
42 estate, and contracts for the purchase of real estate,  
43 an owner of real estate may apply for a moratorium as  
44 provided in this subsection if the governor declares a  
45 state of economic emergency. ~~The declaration by the~~  
46 ~~governor of a state of economic emergency shall be~~  
47 ~~valid for no more than one year for the purposes of~~  
48 ~~this subsection.~~ The governor shall state in the  
49 declaration whether the types of real estate eligible  
50 for a moratorium is applicable to continuance, which

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1 may include real estate used for farming; designated  
2 types of real estate not used for farming, including  
3 real estate used for small business; or all real  
4 estate. Only property of the a type specified in the  
5 declaration which is subject to a mortgage, deed of  
6 trust, or contract for purchase entered into before  
7 the date of the declaration is eligible for a  
8 moratorium. In an action for the foreclosure of a  
9 mortgage, deed of trust, or contract for purchase of  
10 real ~~property~~ estate eligible for a moratorium, the  
11 owner may apply for a continuation of the foreclosure  
12 if the owner has entered an appearance and filed an  
13 answer admitting some indebtedness and breach of the  
14 terms of the designated instrument. The admissions  
15 cannot be withdrawn or denied after a continuance is  
16 granted. Applications for continuance made pursuant  
17 to this subsection must be filed within one year of  
18 the governor's declaration of economic emergency.  
19 Upon the filing of an application as provided in this  
20 subsection, the court shall set a date for hearing and  
21 provide by order for notice to the parties of the time  
22 for the hearing. If the court finds that the  
23 application is made in good faith and the owner is  
24 unable to pay or perform, the court may continue the  
25 foreclosure proceeding as follows:  
26 a. If the application is made in regard to real  
27 estate used for farming, ~~and if the default or breach~~  
28 ~~of terms of the written instrument occurs on or before~~  
29 ~~the first day of March of the year in which the~~  
30 ~~governor declares a state of economic emergency, then~~  
31 the continuance shall terminate on the first day of  
32 March of the succeeding year two years from the date  
33 of the order. If the application is made in regard to  
34 real estate not used for farming, the continuance  
35 shall terminate one year from the date of the order.

36 b. Only one continuance shall be granted the  
37 applicant ~~or petitioner~~ for each written instrument or  
38 contract under each declaration. ~~Except as provided~~  
39 ~~in paragraph "a", the continuance shall not exceed one~~  
40 ~~year.~~

41 c. The court shall appoint a receiver to take  
42 charge of the property and to rent the property. The  
43 ~~owner or person in possession of the property~~  
44 applicant shall be given preference in the occupancy  
45 of the property. The receiver, who may be the ~~owner~~  
46 ~~or person in possession~~ applicant, shall collect the  
47 rents and income and distribute the proceeds as  
48 follows:

49 (1) For the payment of the costs of receivership,  
50 including the required interest on the written

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1 instrument and the costs of operation.

2 (2) For the payment of taxes due or becoming due  
3 during the period of receivership.

4 (3) For the payment of insurance deemed necessary  
5 by the court including but not limited to insurance on  
6 the buildings on the premises and liability insurance.

7 (4) The remaining balance shall be paid to the  
8 owner of the written instrument upon which the  
9 foreclosure was based, to be credited against the  
10 deferred interest and then against the principal due  
11 on the written instrument.

12 d. A continuance granted under this subsection may  
13 be terminated if the court finds, after notice and  
14 hearing, all of the following:

15 (1) The party seeking foreclosure has made  
16 reasonable efforts in good faith to work with the  
17 applicant to restructure the debt obligations of the  
18 applicant.

19 (2) The party seeking foreclosure has made  
20 reasonable efforts in good faith to work with the  
21 applicant to utilize state and federal programs  
22 designed and implemented to provide debtor relief  
23 options. For the purposes of subparagraph (1) and  
24 this subparagraph, the determination of reasonableness  
25 shall take into account the financial condition of the  
26 party seeking foreclosure, and the financial strength  
27 and the long-term financial survivorship potential of  
28 the applicant.

29 (3) The applicant has failed to pay interest due  
30 on the written instrument.

31 Sec. 8. Section 654.15, Code Supplement 1985, is  
32 amended by adding the following new subsection:

33 NEW SUBSECTION. 3. As used in this section,  
 34 "small business" means the same as defined in section  
 35 220.1.

36 Sec. 9. Notwithstanding section 654.15, subsection  
 37 2, the declaration of economic emergency made by the  
 38 governor on October 1, 1985, is in effect until March  
 39 30, 1987.

40 Sec. 10. Notwithstanding the provisions of the  
 41 declaration of economic emergency made by the governor  
 42 on October 1, 1985, real estate used for small  
 43 business is eligible for a moratorium continuance  
 44 after the effective date of this Act and through the  
 45 remaining effective period of the declaration.

46 Sec. 11. Section 2 of this Act is repealed  
 47 effective July 1, 1991.

48 Sec. 12. This Act, being deemed of immediate  
 49 importance, takes effect from and after its  
 50 publication in The Algona Upper Des Moines, a

**Page 6**

1 newspaper published in Algona, Iowa, and in the  
 2 Audubon News-Advocate, a newspaper published in  
 3 Audubon, Iowa."

4 2. Title page, by striking lines 1 through 10 and  
 5 inserting the following: "An Act relating to the  
 6 enforcement of certain debts and obligations, by  
 7 delaying the enforceability of certain delinquency  
 8 judgments or general executions related to obligations  
 9 secured by agricultural land, providing for certain  
 10 exemptions from execution and garnishment, providing  
 11 for the eligibility of certain types of real estate  
 12 for a foreclosure continuance, providing time limits  
 13 for applying for a foreclosure continuance and for the  
 14 term of a foreclosure continuance, providing immediate  
 15 foreclosure continuance eligibility to real estate  
 16 used for small business, providing an extension of  
 17 time under the current declaration of economic  
 18 emergency, and providing an effective date."

S-5807

1 Amend House File 2484, as amended, passed, and  
 2 reprinted by the House as follows:

3 1. Page 1, by striking lines 13 through 15.

DALE L. TIEDEN

S-5808

1 Amend the amendment, S-5791, to House File 2484 as  
2 amended, passed and reprinted by the House, as  
3 follows:

4 1. Page 3, by striking lines 20 and 21 and  
5 inserting the following:  
6 "\_\_\_\_. By striking page 12, line 29 through page  
7 14, line 13 and inserting the following:

8 "Sec. \_\_\_\_ . NEW SECTION. 307.39 CONSTRUCTION  
9 PROGRAM.

10 The department shall prepare and submit to the  
11 general assembly a proposed ten-year highway division  
12 building program including a current estimate of the  
13 cost to complete each building project included within  
14 the program. The program and cost estimates will be  
15 submitted no later than seven days after the convening  
16 of each regular annual session of the general  
17 assembly. The building program shall contain a list  
18 of the buildings and facilities which the department  
19 deems necessary. This list shall be revised annually,  
20 but a project shall not be eliminated from the list  
21 when funds have been previously obligated by the  
22 department to pay the cost of the project. The  
23 general assembly shall have the authority to reject or  
24 revise the ten-year highway division building program  
25 as submitted by the department.

26 Subject to and in accordance with this section, the  
27 department may undertake and carry out any project  
28 identified within the first year of the ten-year  
29 highway division building program as submitted to the  
30 general assembly. The costs of the projects shall be  
31 paid from the primary road fund and shall not exceed  
32 one million five hundred thousand dollars annually.  
33 All contracts for the construction, reconstruction,  
34 completion, equipment, improvement, repair, or  
35 remodeling of any building, additions, or facilities  
36 shall be let through competitive bidding. The title  
37 of all real estate acquired under this section and the  
38 improvements erected on the property shall be taken  
39 and held in the name of the state.

40 Highway division building needs in excess of the  
41 funds authorized in the preceding paragraph and other  
42 departmental building needs and appropriations shall  
43 be approved by the general assembly.""

S-5809

- 1 Amend amendment S-5791 to House File 2484 as amended,
- 2 passed and reprinted by the House as follows:
- 3 1. Page 1, by striking lines 14 and 15.
- 4 2. Page 1, by striking lines 31 through 34.
- 5 3. Page 1, by striking lines 47 and 48.

DALE TIEDEN

S-5810

- 1 Amend amendment S-5791 to House File 2484 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 18, by inserting after line 44, the
- 4 following:
- 5 "\_\_\_\_. Page 108, by striking line 26 and inserting
- 6 the following:
- 7 "tem, provided that an amount
- 8 not to exceed twenty thousand dollars
- 9 shall be spent upon expenses related
- 10 to administering federal funds for
- 11 highway safety, and provided that the
- 12 governor authorizes the commissioner of
- 13 public safety, pursuant to section 7.15,
- 14 to accept and expend funds provided by
- 15 any Act of Congress for highway safety,
- 16 and designates the department of public
- 17 safety to administer these funds ..... \$ 1,717,542"
- 18 2. Page 19, by striking lines 6 through 18.

JOHN JENSEN  
JIM LIND

S-5811

- 1 Amend the amendment, S-5791, to House File 2484, as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 22, line 22, by striking the word
- 5 "Within" and inserting the words "Not more than".
- 6 2. Page 22, line 23, by striking the words "of
- 7 the close" and inserting the words "following the
- 8 close".

9 3. Page 22, line 25, by inserting after the word  
10 "prior" the word "fiscal".

MICHAEL E. GRONSTAL

S-5812

1 Amend House File 2484 as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 165, by striking lines 6 through 8.

ROBERT M. CARR  
DALE TIEDEN  
DON GETTINGS  
JOHN E. SOORHOLTZ  
MICHAEL E. GRONSTAL  
CALVIN O. HULTMAN

S-5813

1 Amend the amendment, S-5791, to House File 2484, as  
2 amended, passed, and reprinted by the House as  
3 follows:  
4 1. Page 20, by striking lines 4 through 7.

JIM LIND  
JULIA GENTLEMAN  
EDGAR HOLDEN

S-5814

1 Amend the amendment, S-5791, to House File 2484, as  
2 amended, passed, and reprinted by the House as  
3 follows:  
4 1. Page 3, line 9, by inserting after the word  
5 "garages" the words "with wheels".

JIM LIND

S-5815

1 Amend the amendment, S-5791, to House File 2484, as  
2 amended, passed, and reprinted by the House as  
3 follows:  
4 1. Page 4, line 21, by striking the word  
5 "science" and inserting the word "service".

JIM LIND

S-5816

- 1 Amend the amendment, S-5791, to House File 2484, as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 6, line 30 by striking the figure "1988"
- 5 and inserting the figure "1992".

JIM LIND

S-5817

- 1 Amend the amendment, S-5791, to House File 2484, as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 4, by striking lines 48 and 49.

JIM LIND

S-5818

- 1 Amend House File 2484 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 107, by striking lines 7 through 10.

DOUGLAS RITSEMA

S-5819

- 1 Amend the amendment, S-5791, to House File 2484, as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 3, by striking line 2 and inserting the
- 5 following:
- 6 "\_\_\_ . Page 6, by striking lines 34 and 35."

RICHARD F. DRAKE

S-5820

- 1 Amend the amendment, S-5791, to House File 2484, as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 23, by striking lines 39 through 49.

RICHARD F. DRAKE

S-5821

1 Amend the amendment, S-5791, to House File 2484, as  
2 amended, passed, and reprinted by the House as  
3 follows:  
4 1. Page 23, line 49, by inserting after the word  
5 "practices," the words "Evaluation of bids may  
6 consider vendor experience, depth of training, problem  
7 determination equipment and parts supply and  
8 availability or service."

RICHARD F. DRAKE

S-5822

1 Amend House File 2484 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 15, by inserting after line 6 the  
4 following:  
5 "Sec. 35A. 1985 Iowa Acts, chapter 256, section  
6 11, is amended to read as follows:  
7 SEC. 11. There is appropriated from the general  
8 fund of the state to the Iowa development commission  
9 for the fiscal period beginning on the effective date  
10 of this Act and ending June 30, 1985 the sum of two  
11 hundred thousand (200,000) dollars, or so much thereof  
12 as is necessary, for its advertising and tourism  
13 budget. ~~The Iowa development commission shall~~  
14 ~~transfer from any other funds received for its~~  
15 ~~advertising and tourism budget an amount up to or~~  
16 ~~equal to two hundred thousand (200,000) dollars~~  
17 ~~received during the fiscal year beginning July 1, 1985~~  
18 ~~and ending June 30, 1986 which funds shall be~~  
19 ~~transferred to the general fund of the state not later~~  
20 ~~than June 30, 1986 to replace those funds received~~  
21 ~~under this section for the fiscal period beginning on~~  
22 ~~the effective date of this Act and ending June 30,~~  
23 ~~1985."~~  
24 2. Page 15, by inserting after line 11 the  
25 following:  
26 "Sec. \_\_\_\_ . Section 35A of this Act is retroactive  
27 to June 1, 1986."

DON GETTINGS

S-5823

- 1 Amend the amendment, S-5791, to House File 2484, as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 2, by striking lines 32 through 35.

JIM LIND  
DOUG RITSEMA

S-5824

- 1 Amend House File 2484, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. By striking page 117, line 26 through page
- 4 118, line 34.

JIM LIND  
JULIA GENTLEMAN  
EDGAR H. HOLDEN

S-5825

- 1 Amend the amendment, S-5791, to House File 2484, as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 8, line 3, by inserting after the word
- 5 "facilities" the following: ", which serve persons
- 6 with mental retardation, chronic mental illness, and
- 7 other developmental disabilities,".
- 8 2. Page 9, line 9, by inserting after the word
- 9 "housing" the following: "for persons with mental
- 10 retardation, chronic mental illness, and other
- 11 developmental disabilities,".
- 12 3. Page 13, line 2, by inserting after the word
- 13 "retarded" the following: ", residential care
- 14 facilities, residential facilities for the mentally
- 15 retarded, and residential care facilities for the
- 16 mentally ill; the accreditation rules for community
- 17 mental health centers; and the approval standards for
- 18 community, supervised apartment living arrangements".

LARRY MURPHY  
ROBERT M. CARR  
JOE WELSH

S-5826

1 Amend the amendment, S-5791, to House File 2484 as  
2 amended, passed and reprinted by the House, as  
3 follows:  
4 1. By striking page 2, line 39 through page 3,  
5 line 1.

BERL E. PRIEBE  
DALE TIEDEN  
EDGAR H. HOLDEN  
JOHN A. PETERSON

S-5827

1 Amend House File 2484, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 124, by inserting after line 17 the  
4 following:  
5 "Sec. 506. SCHOOL TAX PAYMENT. There is  
6 appropriated from the general fund of the state to the  
7 department of natural resources the amount sufficient  
8 to pay ninety percent of the school taxes for the  
9 fiscal year beginning July 1, 1986 on the lands  
10 acquired under the open spaces acquisition program,  
11 commenced in Acts of the Sixty-fifth General Assembly,  
12 1973 Session, chapter 74, and under the jobs now  
13 account of the Iowa plan fund under 1985 Iowa Acts,  
14 chapter 33, which would otherwise be subject to the  
15 levy of school taxes. The assessed value of the open  
16 spaces land shall be that determined pursuant to  
17 section 427.1, subsection 31, and the department may  
18 protest the assessed value in the manner provided by  
19 law for any property owner to protest an assessment.  
20 For the purposes of chapter 442, ninety percent of the  
21 assessed value of the open spaces land shall be  
22 included in the valuation base of the school district  
23 and the payments made pursuant to this section shall  
24 be considered as property tax revenues and not as  
25 miscellaneous income. The county treasurer shall  
26 certify the taxes due to the department."

JACK N. HESTER  
DALE L. TIEDEN  
EMIL J. HUSAK

S-5828

- 1 Amend the amendment, S-5791, to House File 2484 as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 5, by striking lines 19 through 27.
- 5 2. Page 6, by striking lines 31 and 32.
- 6 3. By striking page 6, line 50, through page 7,
- 7 line 1.
- 8 4. Page 7, by striking line 11.

RAY TAYLOR  
ARTHUR L. GRATIAS  
LARRY MURPHY  
JULIA GENTLEMAN

S-5829

- 1 Amend amendment S-5791 to House File 2484 as amended,
- 2 passed and reprinted by the House as follows:
- 3 1. By striking page 5, line 44 through page 6, line
- 4 9.

JULIA GENTLEMAN

S-5830

- 1 Amend the amendment, S-5791, to House File 2484, as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 4, by striking lines 38 and 39 and
- 5 inserting the following:
- 6 "\_\_\_\_. Page 17, by striking lines 25 through 30.
- 7 \_\_\_\_\_. By striking page 17, line 33 through page
- 8 18, line 3."

WALLY HORN  
EUGENE FRAISE

S-5831

- 1 Amend House File 2484, as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 170, by striking lines 21 through 27 and
- 4 inserting the following: "fill vacant positions
- 5 within the position."
- 6 2. Page 178, by inserting after line 24 the

7 following:

8 "Sec. \_\_\_\_ . If after exhausting the requirements of  
9 collective bargaining agreements a vacancy still  
10 exists in any other state department or agency, the  
11 other state department or agency shall give preference  
12 to qualified persons previously employed by the  
13 executive branch of state government whose jobs are  
14 terminated as a result of reorganization."

15 3. Renumber sections and correct internal  
16 references as necessary in accordance with this  
17 amendment.

WILLIAM W. DIELEMAN  
CHARLES H. BRUNER

S-5832

1 Amend the amendment, S-5791, to House File 2484, as  
2 amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 23, line 49, by inserting after the word  
5 "practices." the words "Evaluation of bids should also  
6 consider vendor experience, depth of training, problem  
7 determination equipment, parts supply and the ability  
8 of the vendor to meet the requirements of the state.  
9 The department of general services shall summarize in  
10 report form the bids received and accepted for the  
11 procurement of computer equipment and computer  
12 equipment maintenance services. The report shall  
13 cover the period May 1, 1986 through February 28, 1987  
14 and shall be submitted to the state government  
15 appropriations subcommittees of the senate and house  
16 on or before March 15, 1987."

WILLIAM D. DIELEMAN

S-5833

1 Amend House File 2484, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 12, by inserting after line 28 the  
4 following:

5 "Sec. \_\_\_\_ . Section 308.4, subsection 3, Code  
6 Supplement 1985, is amended by striking the  
7 subsection."

8 2. Renumber sections and correct internal  
9 references as necessary in accordance with the  
10 amendment.

DONALD E. GETTINGS

S-5834

- 1 Amend the amendment, S-5791, to House File 2484, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 6, by striking lines 22 through 27 and
- 5 inserting the following:
- 6 "\_\_\_\_. Page 31, line 32, by striking the figure
- 7 "30,000" and inserting the figure "50,000"."

JACK RIFE

S-5835

- 1 Amend amendment S-5791 to House File 2484 as amended,
- 2 passed and reprinted by the House as follows:
- 3 1. Page 6, line 15, by striking the figure "28." and
- 4 inserting the following: "28 and inserting the following:
- 5 "The cooperative extension service in agriculture
- 6 and home economics and the department of economic de-
- 7 velopment shall enter into an agreement under chapter
- 8 28E that provides a procedure for coordinating the econ-
- 9 omic development activities of the cooperative extension
- 10 service in agriculture and home economics with the econ-
- 11 omic development activities of the department of economic
- 12 development.""

CHARLES BRUNER

S-5836

- 1 Amend House File 2484 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 1, by striking lines 13 through 15.

WILLIAM PALMER

S-5837

- 1 Amend amendment S-5791 to House File 2484 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. By striking page 7, line 50 through page 9,
- 4 line 45.

JULIA GENTLEMAN

S-5838

- 1 Amend the amendment, S-5791, to House File 2484, as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 6, line 7, by inserting after the word
- 5 "state" the word "indigent".

BEVERLY A. HANNON

S-5839

- 1 Amend amendment S-5791 to House File 2484 as amended,
- 2 passed and reprinted by the House as follows:
- 3 1. By striking page 24, line 16 through page 25,
- 4 line 7.

JOE WELSH

S-5840

- 1 Amend the amendment, S-5798, to House File 2484, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 34, by inserting after the word
- 5 "name," the words "county of".

EDGAR H. HOLDEN

S-5841

- 1 Amend the amendment, S-5798, to House File 2484, as
- 2 amended, passed and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 27, by striking the figure
- 5 "4,000" and inserting the figure "6,500".

EDGAR H. HOLDEN

S-5842

- 1 Amend Senate File 2305 as follows:
- 2 1. Page 7, line 11, by striking the figure
- 3 "1,000,000" and inserting the following: "1,050,000".
- 4 2. Page 7, line 15, by striking the figure
- 5 "1,000,000" and inserting the following: "1,050,000".

- 6 . Page 7, line 24, by striking the figure  
 7 "650,000" and inserting the following: "700,000".  
 8 4. By striking page 7, line 35 through page 8,  
 9 line 2.

JIM LIND

S-5843

- 1 Amend House File 2484 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 170, by inserting after line 27 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 220.63, Code 1985, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. For the one-year period beginning  
 8 with the date that persons may first apply for a class  
 9 "E" liquor control license, the authority shall give  
 10 preference in providing assistance under the small  
 11 business loan program to individuals who work for or  
 12 have worked for within the last year the alcoholic  
 13 beverage control division of the department of  
 14 commerce in acquiring a class "E" liquor control  
 15 license and the real and personal property needed for  
 16 operating a liquor store."

LARRY MURPHY

S-5844

- 1 Amend House File 2484 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 119, line 10, by striking the figure  
 4 "3,385,315" and inserting the figure "3,445,315".  
 5 2. Page 119, line 18, by striking the figure  
 6 "303,436" and inserting the figure "243,436".

DALE TIEDEN

S-5845

- 1 Amend House File 2484, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 113, line 6, by striking the words "not  
 4 more than" and inserting the word "approximately".  
 5 2. Page 113, line 8, by striking the word "may"  
 6 and inserting the word "shall".

7 3. Page 113, line 12, by striking the word "may"  
8 and inserting the word "shall".

ARNE WALDSTEIN

S-5846

1 Amend the amendment, S-5791, to House File 2484, as  
2 amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 6, line 7, by striking the word "state"  
5 and inserting the following: "indigent patient".

JIM RIORDAN

S-5847

1 Amend House File 2484, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 38, by inserting after line 1 the  
4 following:

5 "Sec. \_\_\_\_ . The Iowa college aid commission shall  
6 notify eligible high school seniors in writing that  
7 the supplemental grant program established in sections  
8 261.61 through 261.63 has been retained by the general  
9 assembly and one million dollars is appropriated in  
10 section 261.63 for the payments. The letter shall  
11 include notification that it supersedes correspondence  
12 previously received by the student stating that the  
13 program was abolished."

WALLY HORN  
JOE BROWN  
ARTHUR A. SMALL, JR.  
LARRY MURPHY  
MILO COLTON  
BEVERLY A. HANNON  
JAMES RIORDAN  
JAMES WELLS

S-5848

1 Amend House File 2484 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 178, by inserting after line 24 the  
4 following:

5 "Sec. \_\_\_\_ . Notwithstanding section 8.39, the

6 governor may, at the request of the affected  
 7 departments, transfer funds from one appropriation to  
 8 another when it has been determined that substantial  
 9 fiscal difficulties have resulted due to the enactment  
 10 of reorganization under 1986 Iowa Acts, Senate File  
 11 2175.

12 Any transfers made under this section shall be  
 13 reported monthly to the oversight committee of the  
 14 general assembly."

15 2. Renumber sections and correct internal  
 16 references as necessary in accordance with this  
 17 amendment.

CALVIN O. HULTMAN

S-5849

1 Amend the amendment, S-5791, to House File 2484 as  
 2 amended, passed and reprinted by the House, as  
 3 follows:

4 1. Page 5, line 47, by inserting after the word  
 5 "liver," the following: "pancreas,".

6 2. Page 6, line 4, by inserting after the word  
 7 "recipients" the following: ", or unless the patient  
 8 meets nationally recognized criteria for pancreas  
 9 transplantations".

10 3. Page 6, line 5, by inserting after the word  
 11 "liver," the following: "pancreas,".

CHARLES BRUNER

S-5850

1 Amend the amendment, S-5791, to House File 2484, as  
 2 amended, passed, and reprinted by the House as  
 3 follows:

DIVISION S-5850A

4 1. Page 5, line 47, by inserting after the word  
 5 "liver," the following: "pancreas,".

DIVISION S-5850B

6 2. Page 10, line 28, by striking the word  
 7 "resources" and inserting the following: "services".

8 3. Page 10, line 43, by inserting after the word  
 9 "organizations." the following: "The director shall

10 provide periodic updates on the contract to the  
11 legislative council and the fiscal committee of the  
12 legislative council and shall provide a progress  
13 report making recommendations regarding the contract  
14 to the general assembly not later than February 1,  
15 1987.”

CHARLES BRUNER

S-5851

1 Amend House File 2484 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 170, by inserting after line 27 the  
4 following:  
5 “Sec. \_\_\_\_ . Section 220.63, Code 1985, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. For the one-year period beginning  
8 with the date that persons may first apply for a class  
9 “E” liquor control license, the authority shall give  
10 preference in providing assistance under the small  
11 business loan program to individuals who work for or  
12 have worked for within the last year the alcoholic  
13 beverage control division of the department of  
14 commerce in acquiring a class “E” liquor control  
15 license and the real and personal property needed for  
16 operating a liquor store.”

LARRY MURPHY

S-5852

1 Amend the amendment, S-5791, to House File 2484 as  
2 amended, passed and reprinted by the House, as  
3 follows:  
4 1. Page 21, by striking lines 3 and 4 and  
5 inserting the following: “and the remainder shall be  
6 deposited as per chapter 556 in the general fund of  
7 the state.”

BERL E. PRIEBE

S-5853

1 Amend House File 2484, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 10, by inserting after line 29 the

4 following:

5 "Sec. \_\_\_\_ . There is appropriated to the department  
6 of job service from the special employment security  
7 contingency fund for the fiscal year beginning July 1,  
8 1986 and ending June 30, 1987 the sum of ten thousand  
9 (10,000) dollars, or so much thereof as is necessary,  
10 for rent, utility costs, and other office expenses to  
11 local self-help employment placement agencies pursuant  
12 to an informal grant application process established  
13 by the department. The funds appropriated from the  
14 special employment security contingency fund under  
15 this section shall be in addition to the funds  
16 authorized to be expended from this fund under section  
17 96.13, subsection 3, paragraph "a."  
18 2. Renumber sections and correct internal  
19 references as necessary in accordance with this  
20 amendment.

LARRY MURPHY  
EDGAR H. HOLDEN

S-5854

1 Amend House File 2484 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 121, line 1, by striking the figure  
4 "9,122,655" and inserting the figure "9,097,655".  
5 2. Page 121, by inserting after line 1 the  
6 following:  
7 "It is a condition of the funds appropriated by  
8 this section that the department shall not negotiate  
9 consent decrees which provide for donations to the  
10 hazardous waste remedial fund in lieu of the payment  
11 of civil or criminal penalties by a person against  
12 whom administrative or legal proceedings have been  
13 instituted by the department."

JOE WELSH

S-5855

1 Amend the amendment, S-5791, to House File 2484 as  
2 amended, passed and reprinted by the House, as  
3 follows:  
4 1. Page 8, line 1, by striking the words "public  
5 health" and inserting the following: "inspections and  
6 appeals".  
7 2. Page 8, line 41, by striking the words "public

8 health" and inserting the following: "inspections and  
9 appeals".  
10 3. Page 9, line 39, by striking the words "public  
11 health" and inserting the following: "inspections and  
12 appeals".

JOE WELSH

S-5856

1 Amend House File 2484 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 9, line 34, by striking the words and  
4 figure "nine hundred thousand (900,000)" and inserting  
5 the words and figure "nine hundred fifty-seven  
6 thousand four hundred ninety-four (957,494)".  
7 2. Page 15, by inserting after line 6 the  
8 following:  
9 "Sec. \_\_\_\_ . Section 261.61, Code Supplement 1985  
10 and sections 261.62 and 261.63, Code 1985, are  
11 repealed effective January 1, 1988."  
12 3. Page 24, by striking lines 11 through 25.  
13 4. Renumber sections and correct internal  
14 references as necessary in accordance with this  
15 amendment.

DOUGLAS RITSEMA

S-5857

1 Amend the amendment S-5791 to House File 2484 as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 6, by inserting after line 30 the  
5 following:  
6 "\_\_\_\_ . Page 38, by inserting after line 1 the  
7 following:  
8 "Sec. 114A. Notwithstanding the procedures and  
9 appropriation specified in section 273.11, for the  
10 fiscal year beginning July 1, 1986 and ending June 30,  
11 1987, the director of the department of education may  
12 modify the amount due from an area education agency  
13 under section 273.11 and the director of the  
14 department of revenue and finance shall pay the amount  
15 due to an area education agency from moneys  
16 appropriated for state school foundation aid under  
17 section 114E of this Act.  
18 Sec. 114B. Notwithstanding the procedures and

19 appropriation specified in section 281.12, for the  
20 fiscal year beginning July 1, 1986 and ending June 30,  
21 1987, the director of the department of education may  
22 modify the amount due to a school district or agency  
23 providing a special education program under section  
24 281.12 and the director of the department of revenue  
25 and finance shall pay the amount due to a school  
26 district or agency providing a special education  
27 program from moneys appropriated for state school  
28 foundation aid under section 114E of this Act.  
29 Sec. 114C. Notwithstanding the procedures and  
30 appropriation specified in section 282.19, for the  
31 fiscal year beginning July 1, 1986 and ending June 30,  
32 1987, if the child does not require special education,  
33 the superintendent of the school district shall  
34 certify the costs of instruction under section 282.19  
35 to the director of the department of education not  
36 later than September 1 of each year for the preceding  
37 fiscal year. The director of the department of  
38 education shall review the costs of instruction and  
39 may modify them and submit a requisition to the  
40 department of revenue and finance. The amount due  
41 shall be paid by the department of revenue and finance  
42 to the school district from moneys appropriated for  
43 state school foundation aid under section 114E of this  
44 Act.  
45 For the purpose of this section, "costs of  
46 instruction" means the tuition fee of the school  
47 district in which the child is enrolled calculated  
48 under section 282.24 and multiplied by the portion of  
49 the school year in which the child was enrolled.  
50 Sec. 114D. Notwithstanding the procedures and

**Page 2**

1 appropriation specified in section 282.27, for the  
2 fiscal year beginning July 1, 1986 and ending June 30,  
3 1987, if a child requiring special education is not  
4 counted in the weighted enrollment of any district  
5 under section 281.9 and payment is not made by any  
6 district, the director of the department of education  
7 may modify the special education instructional costs  
8 certified to the director of the department of  
9 education under section 282.27 by a school district  
10 and the director of the department of revenue and  
11 finance shall pay the amount due from moneys  
12 appropriated for state school foundation aid under  
13 section 114E of this Act.  
14 Sec. 114E. Notwithstanding section 442.26, from  
15 moneys appropriated pursuant to section 442.26 for the

16 fiscal year beginning July 1, 1986 and ending June 30,  
17 1987, the department of revenue and finance shall  
18 deduct the total of the amounts due under sections  
19 114A through 114D, not to exceed the total amounts  
20 paid under sections 273.11, 281.12, 282.19, and  
21 282.27, for the fiscal year beginning July 1, 1985.  
22 If the total of the amounts due under this section is  
23 more than the total of the amounts paid for the fiscal  
24 year beginning July 1, 1985, the department of revenue  
25 and finance shall allocate an amount to be paid under  
26 each of sections 114A through 114D based upon the  
27 proportion the amount paid under each of sections  
28 273.11, 281.12, 282.19, and 282.27 for the fiscal year  
29 beginning July 1, 1985 bears to the total amount paid  
30 for that fiscal year. The payments to area education  
31 agencies under section 114A, to school districts or  
32 other agencies under section 114B, and to school  
33 districts under sections 114C and 114D, shall be  
34 prorated based upon the moneys allocated for the  
35 respective sections."

36 2. Page 6, by inserting after line 43 the  
37 following:

38 "\_\_\_ . Page 46, by striking lines 4 through 24."

39 3. Page 6, by striking lines 44 through 49 and  
40 inserting the following:

41 "\_\_\_ . By striking page 47, line 2 through page  
42 50, line 7."

43 4. Page 7, by striking lines 4 through 10 and  
44 inserting the following:

45 "\_\_\_ . By striking page 55, line 11 through page  
46 56, line 11."

WALLY HORN  
JOE WELSH

S-5858

1 Amend House File 2484 as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 15, by inserting after line 6 the  
4 following:

5 "Sec. \_\_\_ . Section 573.2, Code 1985, is amended to  
6 read as follows:

7 573.2 PUBLIC IMPROVEMENTS -- BOND AND CONDITIONS.

8 Contracts for the construction of a public  
9 improvement shall, when the contract price equals or  
10 exceeds twenty-five thousand dollars, be accompanied  
11 by a bond, with surety, conditioned for the faithful  
12 performance of the contract, and for the fulfillment

13 of other requirements as provided by law. The bond  
14 may also be required when the contract price does not  
15 equal that amount. However, if a contractor provides  
16 a bond as required by this section and subsequently  
17 after July 1, 1985 the surety company becomes  
18 insolvent and is no longer able to be a surety on the  
19 bond, then the contractor is relieved of the  
20 obligation of providing a new bond with surety."  
21 2. Renumber as necessary.

JOE WELSH

S-5859

1 Amend House File 2484, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 15, by inserting after line 30 the  
4 following:  
5 "Notwithstanding sections 18.12 and 18.16, the  
6 historical division may directly and independently  
7 enter into rental and lease agreements with private  
8 vendors for the purpose of selling mementos on the  
9 premises of property under the control of the  
10 division. All fees and income produced from the sales  
11 and rental or lease agreements shall be credited to  
12 the account of the division. Retail vendors will not  
13 be exempt from the sales and use tax under this  
14 provision."

WILLIAM W. DIELEMAN

S-5860

1 Amend House File 2484, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 15, by inserting after line 30 the  
4 following:  
5 "Notwithstanding section 303.9, subsection 1, all  
6 admission fees charged at the Montauk historical site  
7 shall be credited to the account of the historical  
8 division and are appropriated to the historical  
9 division to be invested and used exclusively for  
10 maintenance and improvement of the property and  
11 grounds of Montauk."

WILLIAM W. DIELEMAN

S-5861

1 Amend S-5791 to House File 2484 as amended, passed,  
2 and reprinted by the House, as follows:  
3 1. Page 21, lines 3 and 4, by striking the words  
4 "deposited as per provided in chapter 556." and  
5 inserting the following: "divided as per chapter 556  
6 in the following manner:  
7 a. One-quarter of the unclaimed winnings remaining  
8 shall be deposited in the state general fund.  
9 b. One-quarter of the unclaimed winnings remaining  
10 shall be divided among the tracks licensed under this  
11 chapter in proportion to the amount of unclaimed  
12 winnings collected from each track. The moneys shall  
13 be used for capital improvement.  
14 c. One-quarter of the unclaimed winnings remaining  
15 shall be divided among the counties in which a track  
16 licensed under this chapter is located. The division  
17 shall be in proportion to the amount of unclaimed  
18 winnings collected from each track.  
19 d. One-quarter of the unclaimed winnings remaining  
20 shall be divided among the cities in which a track  
21 licensed under this chapter is located. The division  
22 shall be in proportion to the amount of unclaimed  
23 winnings collected from each track. If a track is not  
24 located in a city, then the share that would have been  
25 distributed to a city would be divided evenly between  
26 the county in which the track is located and the  
27 track. The track's share shall be used for capital  
28 improvement."

JIM LIND

S-5862

1 Amend amendment S-5791 to House File 2484 as amended,  
2 passed and reprinted by the House as follows:  
3 1. Page 25, by striking lines 39 through 41.

JACK RIFE

S-5863

1 Amend House File 2484 as follows:  
2 1. Page 163, by inserting after line 27 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 123.36, subsection 6, Code

5 Supplement 1985, is amended to read as follows:

6 6. Any club, hotel, motel, or commercial  
7 establishment holding a liquor control license ~~for~~  
8 ~~whom the sale of goods and services other than~~  
9 ~~alcoholic liquor, wine, or beer constitutes fifty~~  
10 ~~percent or more of the gross receipts from the~~  
11 ~~licensed premises, subject to section 123.49,~~  
12 subsection 2, paragraph "b", may sell and dispense  
13 alcoholic liquor and wine to patrons on Sunday for  
14 consumption on the premises only, and beer for  
15 consumption on or off the premises between the hours  
16 of ten a.m. and twelve midnight on Sunday. For the  
17 privilege of selling beer, wine, and alcoholic liquor  
18 on the premises on Sunday the liquor control license  
19 fee of the applicant shall be increased by twenty  
20 percent of the regular fee prescribed for the license  
21 pursuant to this section, and the privilege shall be  
22 noted on the liquor control license. ~~The department~~  
23 ~~shall prescribe the nature and the character of the~~  
24 ~~evidence required of the applicant under this~~  
25 ~~subsection."~~

26 2. Page 169, by inserting after line 1 the  
27 following:

28 "Sec. \_\_\_\_ . Section 123.134, subsection 5, Code  
29 1985, is amended to read as follows:

30 5. Any club, hotel, motel, or commercial  
31 establishment holding a class "B" beer permit ~~for whom~~  
32 ~~the sale of goods and services other than beer~~  
33 ~~constitutes fifty percent or more of the gross~~  
34 ~~receipts from the licensed premises, subject to the~~  
35 ~~provisions of section 123.49, subsection 2, paragraph~~  
36 ~~"b", may sell and dispense beer to patrons on Sunday~~  
37 ~~for consumption on the premises and for consumption of~~  
38 ~~beer off the premises between the hours of ten a.m.~~  
39 ~~and twelve midnight on Sunday. Any class "C" beer~~  
40 ~~permittee may sell beer for consumption off the~~  
41 ~~premises between the hours of ten a.m. and twelve~~  
42 ~~midnight on Sunday. For the privilege of selling beer~~  
43 ~~on Sunday the beer permit fees of the applicant shall~~  
44 ~~be increased by twenty percent of the regular fees~~  
45 ~~prescribed for the permit pursuant to this section and~~  
46 ~~the privilege shall be noted on the beer permit. The~~  
47 ~~department shall prescribe the nature and character of~~  
48 ~~the evidence which shall be required of the applicant~~  
49 ~~under this subsection."~~

50 3. By renumbering as necessary.

MICHAEL E. GRONSTAL  
JOE WELSH

S-5864

1 Amend the amendment, S-5791, to House File 2484, as  
2 amended, passed, and reprinted by the House as  
3 follows:  
4 1. Page 24, by inserting after line 15 the  
5 following:  
6 "\_\_\_ . Page 150, by inserting after line 3 the  
7 following new sections:".

JOE WELSH

S-5865

1 Amend House File 2484, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 170, by striking lines 21 through 27 and  
4 inserting the following: "fill vacant positions  
5 within the division."  
6 2. Page 178, by inserting after line 24 the  
7 following:  
8 "Sec. \_\_\_ . If after exhausting the requirements of  
9 collective bargaining agreements a vacancy still  
10 exists in any other state department or agency, the  
11 other state department or agency shall give preference  
12 to qualified persons previously employed by the  
13 executive branch of state government whose jobs are  
14 terminated as a result of reorganization."  
15 3. Renumber sections and correct internal  
16 references as necessary in accordance with this  
17 amendment.

WILLIAM W. DIELEMAN  
CHARLES H. BRUNER

S-5866

1 Amend amendment S-5791 to House File 2484 as amended,  
2 passed and reprinted by the House as follows:  
3 1. Page 6, line 20, by striking the word "shall"  
4 and inserting in lieu thereof the word "may".

DALE TIEDEN  
JOE WELSH

S-5867

1 Amend House File 2484 as amended, passed and re-  
2 printed by the House as follows:

3 1. Page 2, by striking lines 39 through 43  
4 and inserting in lieu thereof the following:

5 “\_\_\_ . Page 5, lines 14 and 15, by striking the words  
6 and figure “eight hundred twenty-five thousand four  
7 hundred ten (825,410) dollars” and inserting in lieu  
8 thereof the following: “seven hundred forty-five  
9 thousand six hundred fifty-six (745,656) dollars”.”.

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

11 “\_\_\_ . Page 67, line 15, by striking the word “twenty-  
12 four” and inserting the word “twenty-seven”.

13 “\_\_\_ . Page 67, line 18, by striking the figure “762,129”  
14 and inserting the figure “841,883”.”

TOM MANN Jr.

S-5868

1 Amend House File 2484, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 67, by inserting after line 2 the follow-  
4 ing:

5 “Sec. \_\_\_ . Section 422.43, subsections 1, 2, 6,  
6 and 10, Code Supplement 1985, are amended to read as  
7 follows:

8 1. There is imposed a tax of ~~four~~ five percent  
9 upon the gross receipts from all sales of tangible  
10 personal property, consisting of goods, wares, or  
11 merchandise, except as otherwise provided in this  
12 division, sold at retail in the state to consumers or  
13 users; a like rate of tax upon the gross receipts from  
14 the sales, furnishing or service of gas, electricity,  
15 water, heat, and communication service, including the  
16 gross receipts from such sales by any municipal  
17 corporation furnishing gas, electricity, water, heat,  
18 and communication service to the public in its  
19 proprietary capacity, except as otherwise provided in  
20 this division, when sold at retail in the state to  
21 consumers or users; a like rate of tax upon the gross  
22 receipts from all sales of tickets or admissions to  
23 places of amusement, fairs, and athletic events except  
24 those of elementary and secondary educational  
25 institutions; and a like rate of tax upon that part of  
26 private club membership fees or charges paid for the  
27 privilege of participating in any athletic sports

28 provided club members.

29 2. There is imposed a ~~tax of four percent like~~  
30 rate of tax upon the gross receipts derived from the  
31 operation of all forms of amusement devices and games  
32 of skill, games of chance, raffles, and bingo games as  
33 defined in chapter 99B, operated or conducted within  
34 the state of Iowa, the tax to be collected from the  
35 operator in the same manner as is provided for the  
36 collection of taxes upon the gross receipts of tickets  
37 or admission fees as provided in this section. The  
38 tax shall also be imposed upon the gross receipts  
39 derived from the sale of lottery tickets or shares  
40 pursuant to chapter 99E. The tax on the lottery  
41 tickets or shares shall be included in the sales price  
42 and distributed to the general fund as provided in  
43 section 99E.10.

44 6. There is imposed a ~~tax of four percent like~~  
45 rate of tax upon the gross receipts from the sales of  
46 optional service or warranty contracts which provide  
47 for the furnishing of labor and materials and require  
48 the furnishing of any taxable service enumerated under  
49 this section. The gross receipts are subject to tax  
50 even if some of the services furnished are not

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1 enumerated under this section. For the purpose of  
2 this division, the sale of an optional service or  
3 warranty contract is a sale of tangible personal  
4 property. Additional sales, services, or use tax  
5 shall not be levied on services, parts, or labor  
6 provided under optional service or warranty contracts  
7 which are subject to tax under this section.

8 10. There is imposed a tax of ~~four~~ five percent  
9 upon the gross receipts from the rendering,  
10 furnishing, or performing of services as defined in  
11 section 422.42.

12 Sec. \_\_\_\_ . Section 422.47, Code 1985, is amended by  
13 adding the following new subsection:

14 NEW SUBSECTION. Construction contractors may make  
15 application to the department for a refund of the  
16 additional one percent tax paid under this division or  
17 the additional one percent tax paid under chapter 423  
18 by reason of the increase in the tax from four to five  
19 percent for taxes paid on goods, wares, or merchandise  
20 under the following conditions:

21 a. The goods, wares, or merchandise are  
22 incorporated into an improvement to real estate in  
23 fulfillment of a written contract fully executed prior  
24 to July 1, 1986. The refund shall not apply to

25 equipment transferred in fulfillment of a mixed  
26 construction contract.

27 b. The contractor has paid to the department or to  
28 a retailer the full five percent tax.

29 c. The claim is filed on forms provided by the  
30 department and is filed within one year of the date  
31 the tax is paid.

32 A contractor who makes an erroneous application for  
33 refund is liable for payment of the excess refund paid  
34 plus interest at the rate in effect under section  
35 421.7. In addition, a contractor who willfully makes  
36 a false application for refund is guilty of a simple  
37 misdemeanor and is liable for a penalty equal to  
38 seventy-five percent of the excess refund claimed.  
39 Excess refunds, penalties, and interest due under this  
40 subsection may be enforced and collected in the same  
41 manner as the tax imposed by this division.

42 Sec. \_\_\_\_ . Section 423.2, Code 1985, is amended to  
43 read as follows:

44 423.2 IMPOSITION OF TAX.

45 An excise tax is imposed on the use in this state  
46 of tangible personal property purchased for use in  
47 this state, at the rate of ~~four~~ five percent of the  
48 purchase price of the property. The excise tax is  
49 imposed upon every person using the property within  
50 this state until the tax has been paid directly to the

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1 county treasurer or the state department of  
2 transportation, to a retailer, or to the department.  
3 An excise tax is imposed on the use in this state of  
4 services enumerated in section 422.43 at the rate of  
5 ~~four~~ five percent. This tax is applicable ~~where~~ if  
6 services are rendered, furnished, or performed in this  
7 state or ~~where~~ if the product or result of the service  
8 is used in this state. This tax is imposed on every  
9 person using the services or the product of the  
10 services in this state until the user has paid the tax  
11 either to an Iowa use tax permit holder or to the  
12 department of revenue.

### 13 DIVISION I

### 14 INTRODUCTORY PROVISIONS

15 Sec. 101. NEW SECTION. 442A.1 INTRODUCTION.

16 There is established a state school finance plan to  
17 provide moneys to school districts and area education  
18 agencies for operation of their educational programs  
19 and to maximize the opportunities of the children of  
20 this state. The plan includes allocating the  
21 expenditures of school districts into three categories

22 with provision for payment of state aid and for  
 23 levying of property taxes to provide funding. It also  
 24 provides for payment of special education costs and  
 25 for funding for special education support services,  
 26 media services, and educational services of area  
 27 education agencies.

28 Sec. 102. NEW SECTION. 442A.2 DEFINITIONS.

29 As used in this chapter unless the context  
 30 otherwise requires:

31 1. "School district" means a school district as  
 32 constituted under chapter 274.

33 2. "Board" means the board of directors of a  
 34 school district.

35 3. "Committee" means the school budget review  
 36 committee established in section 442A.19.

37 4. "Base year" means the school year ending during  
 38 the calendar year in which a budget is certified.

39 5. "Budget year" means the school year beginning  
 40 during the calendar year in which a budget is  
 41 certified.

42 6. "Department" means the department of public  
 43 instruction.

44 7. "State board" means the state board of public  
 45 instruction.

#### 46 DIVISION II

#### 47 SCHOOL DISTRICT INSTRUCTIONAL EXPENDITURES

48 Sec. 103. NEW SECTION. 442A.3 DUTIES OF BOARD.

49 For the budget year beginning July 1, 1988 and  
 50 succeeding budget years, the board shall establish a

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1 budget for instructional expenditures for the budget  
 2 year. Instructional expenditures include the costs of  
 3 salaries and benefits of employees of the school  
 4 district and supplies in the areas of general  
 5 education, career education, skill development,  
 6 cocurricular athletic programs, continuing education,  
 7 community services, attendance services, guidance  
 8 services, health, other student services, library,  
 9 audiovisual services, other instructional support, and  
 10 building administration, except those expenditures  
 11 specifically assigned to infrastructure expenditures.  
 12 Instructional expenditures also include the costs of  
 13 special education instructional programs and the  
 14 categorical programs for talented and gifted children  
 15 and non-English-speaking children as provided in this  
 16 chapter.  
 17 Funding for instructional expenditures shall be  
 18 provided under this chapter. Additional moneys needed

19 for instructional expenditures shall be included in  
 20 the property tax levy for the infrastructure  
 21 expenditures as provided in section 442A.10,  
 22 subsection 22.

23 Sec. 104. NEW SECTION. 442A.4 FOUNDATION  
 24 PROPERTY TAX -- LIVESTOCK CREDIT.

25 1. For the budget year beginning July 1, 1988,  
 26 each school district shall cause to be levied each  
 27 year, for the instructional expenditures budget, a  
 28 uniform property tax of four dollars and fifty cents  
 29 per thousand dollars of assessed valuation on all  
 30 taxable property in the district. For the purpose of  
 31 this chapter, a school district is defined as a school  
 32 corporation organized under chapter 274. For each of  
 33 the next ten fiscal years, the uniform property tax  
 34 levy under this section shall be decreased by forty-  
 35 five cents per thousand dollars of assessed valuation  
 36 for each fiscal year. For fiscal years beginning on  
 37 or after July 1, 1998, a foundation property tax shall  
 38 not be levied under this section.

39 2. The amount paid to each school district for the  
 40 tax credit for livestock under section 427.17 shall be  
 41 regarded as uniform property tax. The portion of the  
 42 payment which is uniform property tax shall be  
 43 determined by applying the uniform property tax rate  
 44 to the taxable value of livestock assessed for  
 45 taxation in the district as of January 1, 1973,  
 46 determined pursuant to section 427.17, and adjusted to  
 47 actual value as provided in Acts of the Sixty-fifth  
 48 General Assembly, chapter 1231, section 174. A school  
 49 district may levy a tax on all of the taxable property  
 50 within the district in an amount equal to the

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1 difference between the amount due to a school district  
 2 from the personal property tax replacement fund for  
 3 the preceding year and the amount actually received  
 4 during the preceding fiscal year from the personal  
 5 property tax replacement fund.

6 3. The amount paid to each school district from  
 7 the personal property tax replacement fund established  
 8 by sections 427A.9 to 427A.14 shall be regarded as  
 9 property tax. For budget years beginning after the  
 10 year in which the ninth increase in the additional  
 11 personal property tax credit becomes effective as  
 12 provided in those sections, the portion of the payment  
 13 which is uniform property tax shall be determined by  
 14 applying the uniform property tax rate to the total  
 15 actual value of all personal property assessed for

16 taxation in the district as of January 1, 1973,  
17 excluding livestock, but including other personal  
18 property eligible for tax credits granted by sections  
19 427A.9 to 427A.14. For budget years to and including  
20 the year in which the ninth increase in the additional  
21 personal property tax credit becomes effective as  
22 provided in the sections, the portion of the payment  
23 which is uniform property tax shall be determined by  
24 the state comptroller pursuant to uniform methods  
25 established by the comptroller.

26 4. For purposes of this chapter, the "amount per  
27 pupil of uniform property tax" and the "money raised  
28 by the uniform property tax" do not include the tax  
29 levied under subsection 1 on the property of a railway  
30 corporation or its trustee which corporation has been  
31 declared bankrupt or is in bankruptcy proceedings.

32 Sec. 105. NEW SECTION. 442A.5 ENROLLMENT.

33 1. Basic enrollment for the budget year beginning  
34 July 1, 1988 and succeeding budget years is determined  
35 by adding the resident pupils who were enrolled on the  
36 second Friday of September in the base year in public  
37 elementary and secondary schools of the district and  
38 in public elementary and secondary schools enrolled in  
39 another district or state for which tuition is paid by  
40 the district. However, resident pupils enrolled in  
41 kindergarten programs are included in basic enrollment  
42 in the proportion that the time for which they are  
43 enrolled or receive instruction for the school year is  
44 to the time that full-time pupils carrying a normal  
45 course schedule in the same school district, for the  
46 same school year, are enrolled and receive  
47 instruction.

48 Resident pupils of high school age for which the  
49 district pays tuition to attend an Iowa area school  
50 are included in basic enrollment on a full-time

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1 equivalent basis.

2 Shared-time and part-time pupils of school age,  
3 irrespective of the districts in which the pupils  
4 reside, are included in basic enrollment as of the  
5 fourth Friday of September in the base year for the  
6 budget year in the proportion that the time for which  
7 they are enrolled or receive instruction for the  
8 school year is to the time that full-time pupils  
9 carrying a normal course schedule, at the same grade  
10 level, in the same school district, for the same  
11 school year, are enrolled and receive instruction.

12 Pupils attending a university laboratory school are

13 not counted in any district's basic enrollment, but  
 14 the laboratory school shall report them directly to  
 15 the department of public instruction.

16 A school district shall certify its basic  
 17 enrollment to the department of public instruction by  
 18 September 25 of each year, and the department shall  
 19 promptly forward the information to the state  
 20 comptroller.

21 2. Weighted enrollment for the budget year begin-  
 22 ning July 1, 1988 and succeeding budget years is  
 23 determined by adding the district's additional  
 24 enrollment because of special education and  
 25 categorical programs to the district's basic  
 26 enrollment for the budget year. A district's addi-  
 27 tional enrollment because of special education and  
 28 categorical programs is determined on December 1 of  
 29 the base year by multiplying the weighting for each  
 30 category of special education and categorical program  
 31 under sections 280.18, 280.19, and 281.9 by the number  
 32 of children in each category totaled for all  
 33 categories and subtracting from this total the basic  
 34 enrollment for the budget year.

35 Weighted enrollment is basic enrollment as modified  
 36 by the application of the special education and  
 37 categorical programs weighting plans.

38 3. A school district's certification of basic and  
 39 weighted enrollment is subject to audit in accordance  
 40 with procedures adopted by rule by the state board  
 41 pursuant to chapter 17A.

42 4. "Enrollment served" means the basic enrollment  
 43 plus the number of pupils in approved nonpublic  
 44 schools served with services of the area education  
 45 agency except that if a nonpublic school pupil  
 46 receives services through an area other than the area  
 47 of the pupil's residence, the pupil shall be deemed to  
 48 be served by the area of the pupil's residence, which  
 49 shall by contractual arrangement reimburse the area  
 50 through which the pupil actually receives services.

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1 Each school district shall include in the second  
 2 Friday in September enrollment report the number of  
 3 pupils in approved nonpublic schools within each  
 4 school district served by the area.

5 Sec. 106. NEW SECTION. 442A.6 STATE PERCENT OF  
 6 GROWTH -- ALLOWABLE GROWTH.

7 1. For the budget year beginning July 1, 1988, and  
 8 succeeding budget years, a state percent of growth for  
 9 the budget year shall be computed by the state

10 comptroller prior to September 15 in the base year and  
11 forwarded to the commissioner of public instruction.

12 The state percent of growth shall be an average of the  
13 following four percentages of growth except as  
14 otherwise provided in paragraph "c" of this  
15 subsection:

16 a. The difference in the receipts of state general  
17 fund revenues computed or estimated as follows:

18 (1) The percentage of change between the revenues  
19 received during the second year preceding the base  
20 year and the revenues received during the year  
21 preceding the base year.

22 (2) The percentage of change between the revenues  
23 received during the year preceding the base year and  
24 the revenues received during the base year.

25 b. The difference in the gross national product  
26 implicit price deflator published by the bureau of  
27 economic analysis, United States department of  
28 commerce, computed or estimated as a percentage of  
29 change for the following:

30 (1) From the value for the quarter ending December  
31 31 eighteen months prior to the beginning of the base  
32 year to the value for the quarter ending December 31  
33 six months prior to the beginning of the base year.

34 (2) From the value for the quarter ending December  
35 31 six months prior to the beginning of the base year  
36 to the value for the quarter ending December 31 six  
37 months prior to the beginning of the budget year.

38 The computation of the percentage change in the  
39 gross national product implicit price deflator shall  
40 be based, to the extent possible, on the latest  
41 available values for these deflators published by the  
42 bureau of economic analysis.

43 c. If the average of the percentages computed or  
44 estimated under paragraph "b" of this subsection  
45 exceeds the average of the percentages computed or  
46 estimated under paragraph "a" of this subsection, the  
47 state percent of growth shall be the average of the  
48 two percentages of growth computed or estimated under  
49 paragraph "a" of this subsection.

50 2. If the state percent of growth so computed is

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1 negative, that percentage shall not be used and the  
2 state percent of growth shall be zero.

3 3. Each year prior to September 15 the state  
4 comptroller shall recompute the state percent of  
5 growth for the previous year using adjusted estimates  
6 and the actual figures available. The difference

7 between the recomputed state percent of growth for the  
8 base year and the original computation shall be added  
9 to or subtracted from the state percent of growth for  
10 the budget year, as applicable.

11 With regard to values of gross national product  
12 implicit price deflators, the recomputation of the  
13 state percent of growth for the previous year shall be  
14 made only with respect to the value of the deflator  
15 for the quarter which occurred subsequent to the  
16 calculation of the state percent of growth for the  
17 previous year. If subsection 1, paragraph "c" is used  
18 in the calculation of the state percent of growth for  
19 the previous year, the calculation made in subsection  
20 1, paragraph "b" shall not be used in the  
21 recomputation of the state percent of growth for the  
22 previous year.

23 4. The basic allowable growth per pupil for the  
24 budget year shall be computed by multiplying the state  
25 cost per pupil for the base year times the state  
26 percent of growth for the budget year.

27 5. The allowable growth per pupil for each school  
28 district is the basic allowable growth per pupil for  
29 the budget year modified by the school budget review  
30 committee.

31 Sec. 107. NEW SECTION. 442A.7 STATE COST PER  
32 PUPIL.

33 For the budget year beginning July 1, 1988 and  
34 succeeding budget years, the state comptroller shall  
35 determine the state cost per pupil pursuant to this  
36 section. The state comptroller shall add together the  
37 district costs for all school districts for the base  
38 year beginning July 1, 1987 as defined in section  
39 442.9, Code 1985, and divide that total by the  
40 weighted enrollment in the state for the base year  
41 determined under section 442A.5 to determine the state  
42 cost per pupil for the base year. The state cost per  
43 pupil for the base year plus the total of the basic  
44 allowable growth per pupil for the budget year and one  
45 hundred sixty dollars is the state cost per pupil for  
46 the budget year beginning July 1, 1988. For the  
47 budget year beginning July 1, 1989 and succeeding  
48 budget years, the state cost per pupil shall be  
49 recalculated each year in the same manner as the base  
50 year beginning July 1, 1988 except that one hundred

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1 sixty dollars will not be added.

2 The state comptroller shall compute the applicable  
3 amount of allowable growth to be added to the state

4 cost per pupil for each school year.

5 Sec. 108. NEW SECTION. 442A.8 DISTRICT COST PER  
6 PUPIL -- STATE AID.

7 For the budget year beginning July 1, 1988, the  
8 district cost per pupil of a school district is an  
9 amount equal to seventy-seven percent of the district  
10 cost per pupil for the base year plus the sum of the  
11 total of the allowable growth for the budget year and  
12 one hundred sixty dollars. Thereafter, the district  
13 cost per pupil for the budget year is the district  
14 cost per pupil for the base year plus the allowable  
15 growth.

16 The district cost for the budget year is equal to  
17 the district cost per pupil for the budget year  
18 multiplied by the weighted enrollment for the budget  
19 year. There is appropriated to the state comptroller  
20 for each budget year an amount sufficient to pay to  
21 each school district an amount equal to its district  
22 cost less the amount raised by the uniform levy.  
23 Payment shall be made pursuant to section 442A.18.

#### 24 DIVISION III

#### 25 INFRASTRUCTURE EXPENDITURES

26 Sec. 109. NEW SECTION. 442A.9 DUTIES OF BOARD.

27 For the budget year beginning July 1, 1988 and  
28 succeeding budget years, the board shall establish a  
29 budget for infrastructure expenditures for the budget  
30 year and certify the infrastructure expenditures  
31 budget for property tax levy, to the school budget  
32 review committee and the state comptroller. The state  
33 comptroller shall determine the amount of the  
34 infrastructure property tax levy to be made on all  
35 taxable property in the district based upon the budget  
36 submitted and shall transmit the rate of the levy to  
37 the appropriate county auditor and county board of  
38 supervisors.

39 Sec. 110. NEW SECTION. 442A.10 INFRASTRUCTURE  
40 EXPENDITURES.

41 Expenditures for the following are infrastructure  
42 expenditures and may be included in the infrastructure  
43 expenditures budget:

- 44 1. Public educational and recreational purposes  
45 authorized in chapter 300.
- 46 2. Community education purposes pursuant to  
47 chapter 276.
- 48 3. Transportation of public school pupils to and  
49 from school and other school activities, including  
50 purchase and maintenance of transportation equipment,

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1 vehicle operation and maintenance, and salaries and  
2 benefits of operational and maintenance personnel.  
3 4. The purchase and improvement of grounds.  
4 5. Opening roads to schoolhouses or buildings.  
5 6. The purchase of buildings or equipment for  
6 buildings or schoolhouses.  
7 7. The payment of debts contracted for the  
8 erection or construction of schoolhouses or buildings,  
9 including interest on the debts, but not including  
10 interest on bonds.  
11 8. Procuring or acquisition of libraries.  
12 9. Repairing, remodeling, reconstructing,  
13 improving, or expanding the schoolhouse or buildings.  
14 10. Operation and maintenance of school district  
15 buildings and facilities.  
16 11. Moneys to provide a necessary cash reserve.  
17 12. The rental of facilities under chapter 28E.  
18 13. Lease-purchase option agreements for school  
19 buildings.  
20 14. The actual costs of removal or encapsulation  
21 of asbestos existing in buildings.  
22 15. Equipment, vehicles, vehicle operation and  
23 maintenance for driver education.  
24 16. Costs associated with the operation of a  
25 nonprofit food service to children in attendance as  
26 provided in chapter 283A.  
27 17. Community services which include services  
28 which are not directly related to the educational  
29 programs of the district which include, but are not  
30 limited to, civic activities, public libraries, and  
31 nonpublic school services except for the costs of  
32 transportation for nonpublic school pupils.  
33 18. The costs of unemployment benefits under  
34 chapter 96.  
35 19. An amount sufficient for payment of judgments  
36 or settlements together with interest accruing on them  
37 to the expected date of payment under section 613A.2  
38 or 613A.8.  
39 20. Operation of the office of the board of  
40 education of the district, including compensation,  
41 travel and materials for board members.  
42 21. Costs of school district general  
43 administration, executive administration, business  
44 administration, fiscal services, and staff services,  
45 but not including the costs of school administration.  
46 22. Other costs of school districts that are in-  
47 cluded but are not funded under instructional  
48 expenditures funding.

49 23. Other necessary expenditures of school  
50 districts not included in instructional expenditures.

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1 Sec. 111. NEW SECTION. 442A.11 PUBLIC HEARING.

2 The board shall present the budget for  
3 infrastructure expenditures separately during the  
4 public hearing required in section 24.9 and shall list  
5 the budget for each subsection under section 442A.10  
6 separately.

7 DIVISION IV

8 AREA EDUCATION AGENCIES

9 Sec. 112. NEW SECTION. 442A.12 SPECIAL EDUCATION  
10 SUPPORT.

11 The state comptroller shall multiply the amount  
12 added to state cost per pupil for special education  
13 support services for the school year beginning July 1,  
14 1987 by the weighted enrollment for that year and  
15 divide the result by the enrollment served for that  
16 year to obtain a state special education support  
17 services cost per pupil for the base year. The state  
18 comptroller shall then compute the special education  
19 allowable growth amount for the budget year by  
20 multiplying the state percent of growth for the budget  
21 year by the state special education support services  
22 cost per pupil for the base year. That allowable  
23 growth amount added to state special education support  
24 services cost per pupil for the base year is the state  
25 special education support services cost for the budget  
26 year.

27 The special education support services budget for  
28 an area education agency shall be determined under  
29 this section. For the base year beginning July 1,  
30 1987, the state comptroller shall multiply the amount  
31 included in district cost per pupil for special  
32 education support services for an area education  
33 agency for that year by the weighted enrollment in the  
34 area education agency for that year and divide the  
35 result by the enrollment served in the area education  
36 agency for that year to determine the area special  
37 education support services cost per pupil for the base  
38 year. The area special education support services  
39 cost per pupil for the budget year is the area special  
40 education support services cost per pupil for the base  
41 year plus the special education allowable growth  
42 amount. The area special education support services  
43 cost per pupil for the budget year multiplied by the  
44 enrollment served for the budget year in the area  
45 provides the area special education support services

46 cost for an area education agency for the budget year.  
 47 Sec. 113. NEW SECTION. 442A.13 FUNDING FOR  
 48 SPECIAL EDUCATION SUPPORT SERVICES.  
 49 There is appropriated from the general fund of the  
 50 state to the state comptroller an amount sufficient to

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1 pay eighty percent of the area special education  
 2 support services cost for an area education agency for  
 3 each budget year.  
 4 The remainder of the area special education support  
 5 services cost for an area education agency for a  
 6 budget year shall be allocated to each school district  
 7 in the area education agency based upon the district's  
 8 proportion of the enrollment served compared to the  
 9 total enrollment served in the area, and shall be  
 10 added to the infrastructure cost of the district.  
 11 Sec. 114. NEW SECTION. 442A.14 MEDIA SERVICES.  
 12 For the school year beginning July 1, 1982 and  
 13 succeeding school years, the total amount funded in  
 14 each area for media services in the budget year shall  
 15 be computed as provided in this subsection. For the  
 16 school year beginning July 1, 1982, the total amount  
 17 funded in each area for media services in the base  
 18 year, including the cost for media resource material  
 19 which shall only be used for the purchase or  
 20 replacement of material required in section 273.6,  
 21 subsection 1, paragraphs "a", "b" and "c", shall be  
 22 divided by the enrollment served in the base year to  
 23 provide an area media services cost per pupil in the  
 24 base year, and the state comptroller shall compute the  
 25 state media services cost per pupil in the base year  
 26 which is equal to the average of the area media  
 27 services costs per pupil in the base year. For the  
 28 year beginning July 1, 1982 and succeeding school  
 29 years, the state comptroller shall compute the  
 30 allowable growth for media services in the budget year  
 31 by multiplying the state media services cost per pupil  
 32 in the base year times the state percent of growth for  
 33 the budget year, and the total amount funded in each  
 34 area for media services cost in the budget year equals  
 35 the area media services cost per pupil in the base  
 36 year plus the allowable growth for media services in  
 37 the budget year times the enrollment served in the  
 38 budget year. The total amount for a district shall be  
 39 added to the infrastructure cost of the district.  
 40 Funds shall be paid to area education agencies as  
 41 provided in section 442A.16.  
 42 Sec. 115. NEW SECTION. 442A.15 EDUCATIONAL

## 43 SERVICES.

44 For the school year beginning July 1, 1982 and  
45 succeeding school years, the total amount funded in  
46 each area for educational services in the budget year  
47 shall be computed as provided in this subsection. For  
48 the school year beginning July 1, 1982, the total  
49 amount funded in each area for educational services in  
50 the base year shall be divided by the enrollment

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1 served in the area in the base year to provide an area  
2 educational services cost per pupil in the base year,  
3 and the state comptroller shall compute the state  
4 educational services cost per pupil in the base year,  
5 which is equal to the average of the area educational  
6 services costs per pupil in the base year. For the  
7 year beginning July 1, 1982 and succeeding school  
8 years, the state comptroller shall compute the  
9 allowable growth for educational services by  
10 multiplying the state educational services cost per  
11 pupil in the base year times the state percent of  
12 growth for the budget year, and the total amount  
13 funded in each area for educational services for the  
14 budget year equals the area educational services cost  
15 per pupil for the base year plus the allowable growth  
16 for educational services in the budget year times the  
17 enrollment served in the area in the budget year. The  
18 total amount for a district shall be added to the  
19 infrastructure cost of the district. Funds shall be  
20 paid to area education agencies as provided in section  
21 442A.16.

22 Sec. 116. NEW SECTION. 442A.16 AREA EDUCATION  
23 AGENCY PAYMENTS.

24 The state comptroller shall deduct the amounts  
25 calculated for special education support services,  
26 media services, and educational services for each  
27 school district from the state aid due to the district  
28 pursuant to this chapter and shall pay the amounts to  
29 the respective area education agencies on a quarterly  
30 basis during each school year. The state comptroller  
31 shall notify each school district of the amount of  
32 state aid deducted for these purposes and the balance  
33 of state aid shall be paid to the district. If a  
34 district does not qualify for state aid under this  
35 chapter in an amount sufficient to cover its amount  
36 due to the area education agency as calculated by the  
37 state comptroller, the school district shall pay the  
38 deficiency to the area education agency from other  
39 moneys received by the district, on a quarterly basis

40 during each school year.

41

DIVISION V

42

GENERAL PROVISIONS

43

Sec. 117. NEW SECTION. 442A.17 FUNDS.

44

A general fund and a schoolhouse fund are

45

established for each school district. The general

46

fund shall include three separate accounts. The

47

moneys received for instructional expenditures plus

48

the portion of the property tax revenue received under

49

sections 442A.9 and 442A.10, for subsection 22, shall

50

be placed in an instructional account and may be used

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1

only for those purposes. The property tax revenue

2

received for infrastructure expenditures listed in

3

section 442A.10, except for subsection 22, shall be

4

credited to the infrastructure account and may be used

5

only for those purposes. The moneys collected for the

6

operation of the area education agency shall be

7

deposited in an area education agency account and then

8

transmitted to the appropriate area education agency.

9

The treasurer of the school district shall keep a

10

separate record of each account in the general fund.

11

Other moneys received by a school district for a

12

specific purpose shall be credited to the appropriate

13

account in the general fund. Moneys received by a

14

school district for which a purpose is not specified

15

and interest earned on the investment of school

16

district moneys shall be credited to either the

17

instructional or infrastructure accounts at the

18

discretion of the board.

19

The schoolhouse fund shall include deposits of

20

moneys from the proceeds of the sale of bonds

21

authorized by law and the proceeds of a tax estimated

22

and certified by the board for the purpose of paying

23

interest on lawful bonded indebtedness. Moneys

24

deposited in the schoolhouse fund shall be used only

25

for these purposes.

26

Sec. 118. NEW SECTION. 442A.18 PAYMENT OF STATE

27

AID.

28

In making computations for payment of state aid,

29

the state comptroller shall round amounts to the

30

nearest whole dollar.

31

State aid paid under sections 442A.8 and 442A.13

32

shall be paid in monthly installments beginning on

33

September 15 of a budget year and ending on June 15 of

34

the budget year and the installments shall be as

35

nearly equal as possible as determined by the state

36

comptroller, taking into consideration the relative

37 budget and cash position of the state resources.  
38 Sec. 119. NEW SECTION. 442A.19 SCHOOL BUDGET  
39 REVIEW COMMITTEE.  
40 A five-member school budget review committee is  
41 established, consisting of the commissioner of public  
42 instruction, the state comptroller and three members  
43 appointed to represent the public by the governor  
44 subject to confirmation by the senate in accordance  
45 with section 2.32.  
46 No more than two of the appointed members shall  
47 belong to the same political party. The appointed  
48 members shall serve three-year staggered terms which  
49 begin and end as provided in section 69.19. The  
50 governor shall fill a vacancy in the same manner as an

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1 original appointment under the procedures of section  
2 2.32.  
3 The committee shall meet and hold hearings each  
4 year and shall continue in session until it has  
5 reviewed budgets of school districts. It may call in  
6 school board members and employees as necessary for  
7 the hearings. Members of the general assembly shall  
8 be notified of hearings concerning school districts in  
9 their constituencies.  
10 The committee shall adopt its own rules of  
11 procedure. The commissioner of public instruction  
12 shall serve as chairperson, and the state comptroller  
13 shall serve as secretary. The committee members  
14 representing the public are entitled to receive a per  
15 diem of forty dollars, and their actual expenses while  
16 engaged in their official duties. Per diem and  
17 expense payments for members representing the public  
18 shall be made from appropriations to the department of  
19 public instruction.  
20 Sec. 120. NEW SECTION. 442A.20 DUTIES OF THE  
21 COMMITTEE.  
22 1. The school budget review committee may  
23 recommend the revision of any rules, directives, or  
24 forms relating to school district budgeting and  
25 accounting, confer with local school boards or their  
26 representatives and make recommendations relating to  
27 any budgeting or accounting matters, and may direct  
28 the commissioner of public instruction or the state  
29 comptroller to make studies and investigations of  
30 school costs in any school district.  
31 2. The committee shall report to each session of  
32 the general assembly, which report shall include any  
33 recommended changes in laws relating to school

34 districts, and shall specify the number of hearings  
35 held annually, the reasons for the committee's  
36 recommendations, information about the amounts of  
37 property tax levies, and state aid paid to school  
38 districts, and other information the committee deems  
39 advisable.

40 3. The committee shall review the recommendations  
41 of the commissioner of public instruction relating to  
42 special education and categorical programs and shall  
43 establish the weighting for special education and  
44 categorical programs and report the weights to the  
45 state comptroller.

46 4. The committee shall review the certified budget  
47 of each school district, and may make recommendations  
48 to the school district and to the state comptroller.  
49 The committee may make decisions affecting budgets to  
50 the extent provided in this chapter. The costs and

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1 computations referred to in this section relate to the  
2 budget year unless otherwise expressly stated.

3 5. The committee shall review for each school  
4 district the amount of the infrastructure property tax  
5 levy. If in the committee's judgment, the levy is  
6 unreasonably high, the committee shall instruct the  
7 state comptroller to reduce the district's  
8 infrastructure tax levy for the following budget year  
9 by the amount deemed excessive.

10 6. Decisions by the committee under this chapter  
11 shall be made in accordance with reasonable and  
12 uniform policies which shall be consistent with this  
13 chapter. Policies of general application shall be  
14 stated in rules adopted under chapter 17A.

15 7. Failure by a school district to provide  
16 information or appear before the committee as  
17 requested for the accomplishment of review or hearing  
18 is justification for the committee to instruct the  
19 state comptroller to withhold state instructional  
20 support to that district until the committee's  
21 inquiries are satisfied completely.

22 Sec. 121. BUDGET YEAR BEGINNING JULY 1, 1987.

23 1. Notwithstanding section 442.2, for the budget  
24 year beginning July 1, 1987, each school district  
25 shall cause to be levied for the school general fund a  
26 foundation property tax of four dollars and twenty  
27 cents per thousand dollars of assessed valuation on  
28 all taxable property in the district.

29 2. For the budget year beginning July 1, 1987,  
30 there is appropriated from the salary improvement fund

31 to the department of revenue and finance an amount  
32 sufficient to pay to each school district an amount  
33 equal to ninety-nine dollars multiplied by the basic  
34 enrollment of the district for the budget year. The  
35 amount received by a school district under this  
36 subsection is miscellaneous income for purposes of  
37 chapter 442 and shall be expended for purposes of  
38 increasing teacher salaries.

39 3. Except as otherwise provided in this  
40 subsection, for the budget year beginning July 1,  
41 1987, a contract issued by boards of directors of a  
42 school district under section 279.13 shall provide for  
43 an annual salary for a full-time teacher of at least  
44 seventeen thousand dollars. The minimum salary  
45 specified in this subsection shall be prorated for a  
46 teacher employed on less than a full-time basis.  
47 There is appropriated from the salary improvement  
48 fund to the state comptroller the amount of five  
49 million (5,000,000) dollars, or as much thereof as may  
50 be necessary, to pay to each school district an amount

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1 equal to the difference between salaries of teachers  
2 earning less than seventeen thousand dollars on the  
3 salary schedule in effect for that year and the total  
4 of seventeen thousand dollars for each such teacher.  
5 If the amount appropriated in this subsection is  
6 insufficient to make the required payments, the state  
7 comptroller shall prorate the payments.  
8 Sec. 122. **NEW SECTION. 294.22 MINIMUM SALARY.**  
9 Effective for the school year beginning July 1,  
10 1988 and succeeding school years, contracts issued by  
11 boards of directors of school districts and area  
12 education agencies under section 279.13 shall provide  
13 for employment of not less than two hundred working  
14 days and annual salaries at least equal to the  
15 salaries specified in this section.  
16 For the school year beginning July 1, 1988, the  
17 minimum salaries for full-time teachers are as  
18 follows:  
19 1. For teachers possessing a baccalaureate degree,  
20 eighteen thousand dollars.  
21 2. For teachers possessing a baccalaureate degree  
22 plus at least fifteen graduate hours, twenty-two  
23 thousand five hundred dollars.  
24 3. For teachers possessing a baccalaureate degree  
25 plus at least thirty graduate hours or a master's  
26 degree, twenty-six thousand dollars.  
27 4. For teachers possessing a master's degree plus

28 at least fifteen graduate hours beyond the master's  
29 degree, twenty-eight thousand dollars.

30 The salary a teacher will receive on the salary  
31 schedule adopted by the board of directors for a year  
32 does not include the costs of fringe benefits nor does  
33 it include supplemental pay earned by a teacher for  
34 performance of additional duties beyond teaching  
35 duties.

36 For the purposes of this section and section  
37 294.23, "teacher" means a teacher employed by a school  
38 district or area education agency under a contract  
39 executed pursuant to section 279.13. A teacher  
40 jointly employed by two or more districts or area  
41 education agencies whose employment is on a full-time  
42 equivalent basis is a full-time teacher. The minimum  
43 salaries specified in this section may be prorated for  
44 teachers employed on less than a full-time basis.

45 Salaries in excess of the minimums specified in  
46 this section shall be based upon experience,  
47 education, and performance. They shall be negotiated  
48 under chapter 20 if an employee organization had been  
49 certified under chapter 20 or shall be determined by  
50 the board of directors if there is no employee

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1 organization certified under chapter 20.

2 Sec. 123. NEW SECTION. 294.23 EXTENDED CONTRACT.

3 A contract of at least two hundred days duration  
4 offered by the board of directors of a school district  
5 or area education agency under section 294.22 shall  
6 provide that in addition to regular teaching duties,  
7 the teacher participate in curriculum development;  
8 community education projects; special programs offered  
9 by the school district, city, or county; recreation  
10 programs; staff development activities; or other  
11 similar activities.

12 Sec. 124. Section 11.21, unnumbered paragraph 1,  
13 Code 1985, is amended to read as follows:

14 Upon payment by the state of the salary and  
15 expenses, the auditor of state shall file with the  
16 warrant-issuing officer of the county, municipality or  
17 school, whose offices were examined, a sworn statement  
18 consisting of the itemized expenses paid and prorated  
19 salary costs paid under section 11.20. Upon audit and  
20 approval by the board of supervisors, council or  
21 school board, the warrant-issuing officer shall draw a  
22 warrant for the amount on the county, or on the  
23 general fund of the municipality or general fund of  
24 the school and charged against the infrastructure

25 account in favor of the auditor of state, which  
26 warrant shall be placed to the credit of the general  
27 fund of the state. In the event of the disapproval of  
28 ~~any~~ items of ~~said the~~ statement by the county,  
29 municipality, or school authorities, written  
30 objections shall be filed with the auditor of state  
31 within thirty days from the filing ~~thereof~~.  
32 Disapproved items of the statement shall be paid the  
33 auditor of state upon receiving final decisions  
34 emanating from public hearing established by the  
35 auditor of state.

36 Sec. 125. Section 79.9, Code 1985, is amended to  
37 read as follows:

38 79.9 CHARGE FOR USE OF AUTOMOBILE BY OTHER THAN  
39 STATE OFFICER OR EMPLOYEE.

40 When a public officer or employee, other than a  
41 state officer or employee or a school district or area  
42 education agency officer or employee, is entitled to  
43 be paid for expenses in performing a public duty, a  
44 charge shall be made, allowed and paid for the use of  
45 an automobile, as determined by the local governing  
46 body, in an amount not exceeding twenty-two cents per  
47 mile for actual and necessary travel effective July 1,  
48 1981, and in an amount not exceeding twenty-four cents  
49 per mile effective July 1, 1982. A statutory  
50 provision stipulating necessary mileage, travel, or

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1 actual reimbursement to a local public officer or  
2 employee falls within the mileage reimbursement  
3 limitation specified in this section unless  
4 specifically provided otherwise. A political  
5 subdivision may authorize the use of private vehicles  
6 for the conduct of official business of the political  
7 subdivision at an annual amount in lieu of actual and  
8 necessary travel expense reimbursement provided in  
9 this section. A peace officer, other than a state  
10 officer or employee, as defined in section 801.4 who  
11 is required to use a private vehicle in the  
12 performance of official duties shall receive  
13 reimbursement for mileage expense at the rate  
14 specified in this section.

15 A school district or area education agency officer  
16 or employee shall be paid for the use of an automobile  
17 at the rate specified in section 18.117.

18 Sec. 126. Section 96.31, Code 1985, is amended to  
19 read as follows:

20 96.31 TAX FOR BENEFITS.

21 Political subdivisions may levy a tax outside their

22 general fund levy limits to pay the cost of  
23 unemployment benefits. For school districts the cost  
24 of unemployment benefits shall be included in the  
25 infrastructure levy pursuant to section 442A.10.  
26 Sec. 127. Section 258.5, unnumbered paragraph 1,  
27 Code 1985, is amended to read as follows:  
28 Whenever a school corporation maintains an approved  
29 vocational school, department, or classes in  
30 accordance with the rules ~~and regulations~~ established  
31 by the state board and the state plan for vocational  
32 education, adopted by that board and approved by the  
33 United States ~~office department~~ of education ~~or other~~  
34 ~~federal agency to which its functions are assigned,~~  
35 the state board shall reimburse ~~such the~~ school  
36 corporation at the end of the fiscal year for its  
37 expenditures for salaries and authorized travel of  
38 vocational teachers from federal and state funds:  
39 ~~Provided, that no, However, a~~ school corporation  
40 shall not receive from federal and state funds a  
41 larger amount than one-half the sum which has been  
42 expended by the school corporation for that particular  
43 type of program; further, provided that in the event  
44 federal and state funds are not sufficient to make  
45 ~~such the~~ reimbursement to the extent ~~herein~~ provided  
46 in this section, the state board shall prorate the  
47 respective amounts available to the corporations  
48 entitled to ~~such~~ reimbursement. Moneys received by a  
49 school district pursuant to this section shall be  
50 deposited in the general fund and credited to the

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1 instructional account.  
2 Sec. 128. Section 265.6, Code 1985, is amended to  
3 read as follows:  
4 265.6 STATE AID APPLICABLE.  
5 If the state board of regents has established a  
6 laboratory school, it shall receive state aid pursuant  
7 to chapters 281 and ~~442~~ 442A for each pupil enrolled  
8 in the laboratory school in the same amount as the  
9 public school district in which the pupil resides  
10 would receive aid for that pupil and shall transmit  
11 the amount received to the institution of higher  
12 education at which the laboratory school has been  
13 established. If the board of a school district  
14 terminates a contract with the state board of regents  
15 for attendance of pupils in a laboratory school, the  
16 school district shall inform the state comptroller of  
17 the number of these pupils who are enrolled in the  
18 district on the second Friday of the following

19 September. The state comptroller shall pay to the  
20 school district, from funds appropriated in section  
21 ~~442.26~~ 442A.8, an amount equal to the amount of state  
22 aid paid for each pupil in that school district for  
23 that school year in payments made as provided in  
24 section ~~442.26~~ 442A.18. ~~However, payments shall not~~  
25 ~~be made for pupils for which an advance is received by~~  
26 ~~the district under section 442.28.~~

27 Sec. 129. Section 274.37, unnumbered paragraph 2,  
28 Code 1985, is amended to read as follows:

29 The boards in the respective districts, the  
30 boundaries of which have been changed under this  
31 section, complete in all respects; except for the  
32 passage of time prior to the effective date of the  
33 change, and when ~~all~~ the right of appeal of the change  
34 has expired, may enter into joint contracts for the  
35 construction of buildings for the benefit of the  
36 corporations whose boundaries have been changed, using  
37 funds accumulated ~~under section 278.1, subsection 7 in~~  
38 the infrastructure account of the school general fund.  
39 The district in which the building is to be located  
40 may use any funds authorized in accordance with  
41 chapter 75. ~~Nothing in this section shall be~~  
42 ~~construed to~~ This section does not permit the changed  
43 districts to expend any funds jointly which they are  
44 not entitled to expend acting individually.

45 Sec. 130. Section 275.12, subsection 5, Code 1985,  
46 is amended by striking the subsection.

47 Sec. 131. Section 275.14, unnumbered paragraph 1,  
48 Code Supplement 1985, is amended to read as follows:

49 275.14 OBJECTION -- TIME OF FILING -- NOTICE.  
50 Within ten days after the petition is filed, the

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1 area education agency administrator shall fix a final  
2 date for filing objections to the petition which shall  
3 be not more than sixty days after the petition is  
4 filed and shall fix the date for a hearing on the  
5 objections to the petition. Objections shall be filed  
6 in the office of the administrator who shall give  
7 notice at least ten days prior to the final day for  
8 filing objections, by one publication in a newspaper  
9 published within the territory described in the  
10 petition, or if none is published therein, in a  
11 newspaper published in the county where the petition  
12 is filed, and of general circulation in the territory  
13 described. The notice shall also list the date, time,  
14 and location for the hearing on the petition as  
15 provided in section 275.15. The cost of publication

16 shall be assessed to each district whose territory is  
 17 involved in the ratio that the number of pupils in  
 18 basic enrollment, as defined in section ~~442.4~~ 442A.5  
 19 in each district bears to the total number of pupils  
 20 in basic enrollment in the total area involved.  
 21 Objections shall be in writing in the form of an  
 22 affidavit and may be made by any person residing or  
 23 owning land within the territory described in the  
 24 petition, or who would be injuriously affected by the  
 25 change petitioned for and shall be on file not later  
 26 than twelve o'clock noon of the final day fixed for  
 27 filing objections.

28 Sec. 132. Section 275.20, Code 1985, is amended to  
 29 read as follows:

30 275.20 SEPARATE VOTE IN EXISTING DISTRICTS.

31 The voters shall vote separately in each existing  
 32 school district affected ~~and voters residing in the~~  
 33 ~~entire existing district are eligible to vote both~~  
 34 upon the proposition to create a new school  
 35 corporation ~~and the proposition to levy the~~  
 36 ~~schoolhouse tax under section 278.1, subsection 7, if~~  
 37 ~~the petition included a provision for a vote to levy~~  
 38 ~~the schoolhouse tax.~~ If ~~a the~~ proposition receives a  
 39 majority of the votes cast in each of at least  
 40 seventy-five percent of the districts, and also a  
 41 majority of the total number of votes cast in all of  
 42 the districts, the proposition is carried.

43 Sec. 133. Section 275.26, unnumbered paragraph 3,  
 44 Code 1985, is amended to read as follows:

45 The respective boards to which such expenses are  
 46 certified shall audit and order the same paid from the  
 47 general fund and charged against the infrastructure  
 48 account. In the event of failure of ~~any a~~ board to ~~so~~  
 49 audit and pay the expenses certified to it, the area  
 50 education agency administrator shall certify the

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1 expenses to the county auditor in the same manner as  
 2 is provided for tuition claims in section 282.21 and  
 3 the funds shall be transferred by the county treasurer  
 4 from the debtor district to the agency board for  
 5 payment of ~~said the~~ expenses.

6 Sec. 134. Section 275.32, Code 1985, is amended to  
 7 read as follows:

8 275.32 SCHOOL BUILDINGS -- TAX LEVY.

9 The board of any school corporation shall establish  
 10 attendance centers and provide suitable buildings for  
 11 each school in the district, and may at the regular or  
 12 a special meeting call a special election to submit to

13 the qualified electors of the district the question of  
14 ~~voting a tax or~~ authorizing the board to issue bonds;  
15 ~~or both~~, for any or all of the following purposes:

16 1. To secure sites, build, purchase, or equip  
17 school buildings.

18 2. To build or purchase a superintendent's or  
19 teacher's house or houses.

20 3. To repair or improve any school building or  
21 grounds, or superintendent's or teacher's house or  
22 houses, when the cost will exceed five thousand  
23 dollars.

24 All moneys received for such purposes shall be  
25 placed in the schoolhouse fund credited to the  
26 infrastructure account of ~~said the~~ corporation and  
27 shall be used only for the purpose for which voted.

28 Sec. 135. Section 275.33, subsection 2, unnumbered  
29 paragraph 1, Code Supplement 1985, is amended to read  
30 as follows:

31 The collective bargaining agreement of the district  
32 with the largest basic enrollment, as defined in  
33 section ~~442.4~~ 442A.5, in the new district shall serve  
34 as the base agreement and the employees of the other  
35 districts involved in the formation of the new  
36 district shall automatically be accreted to the  
37 bargaining unit of that collective bargaining  
38 agreement for purposes of negotiating the contract for  
39 the following year without further action by the  
40 public employment relations board. If only one  
41 collective bargaining agreement is in effect among the  
42 districts which are party to the reorganization, then  
43 that agreement shall serve as the base agreement, and  
44 the employees of the other districts involved in the  
45 formation of the new district shall automatically be  
46 accreted to the bargaining unit of that collective  
47 bargaining agreement for purposes of negotiating the  
48 contract for the following year without further action  
49 by the public employment relations board. The board  
50 of the newly formed district, using the base agreement

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1 as its existing contract, shall bargain with the  
2 combined employees of the existing districts for the  
3 school year beginning with the effective date of the  
4 reorganization. The bargaining shall be completed by  
5 March 15 prior to the school year in which the  
6 reorganization becomes effective or within one hundred  
7 twenty days after the organization of the new board,  
8 whichever is later. If a bargaining agreement was  
9 already concluded by the board and employees of the

10 existing district with the contract serving as the  
 11 base agreement for the school year beginning with the  
 12 effective date of the reorganization, that agreement  
 13 shall be void. However, if the base agreement  
 14 contains multiyear provisions affecting school years  
 15 subsequent to the effective date of the  
 16 reorganization, the base agreement shall remain in  
 17 effect as specified in the agreement.

18 Sec. 136. Section 276.11, Code 1985, is amended by  
 19 striking the section and inserting in lieu thereof the  
 20 following:

21 276.11 FUNDING OF COMMUNITY EDUCATION.

22 Moneys received from the infrastructure levy may be  
 23 expended for community education purposes.

24 Sec. 137. Section 277.2, Code 1985, is amended to  
 25 read as follows:

26 277.2 SPECIAL ELECTION.

27 The board of directors in ~~any~~ a school corporation  
 28 may call a special election at which ~~election~~ the  
 29 voters shall have the powers exercised at the regular  
 30 election with reference to the sale of school property  
 31 and the application to be made of the proceeds, the  
 32 authorization of seven members on the board of  
 33 directors, the authorization to establish or change  
 34 the boundaries of director districts, and the  
 35 authorization of ~~a schoolhouse tax or~~ indebtedness, as  
 36 provided by law.

37 Sec. 138. Section 278.1, subsections 2 and 7, Code  
 38 1985, are amended by striking the subsection.

39 Sec. 139. Section 278.1, unnumbered paragraphs 2  
 40 and 3, Code 1985, are amended to read as follows:

41 The board may, ~~with approval of sixty percent of~~  
 42 ~~the voters, voting in a regular or special election in~~  
 43 ~~the school district,~~ make extended time contracts not  
 44 to exceed twenty years in duration for rental of  
 45 buildings to supplement existing schoolhouse  
 46 facilities; and ~~where~~ if it is deemed advisable for  
 47 buildings to be constructed or placed on real estate  
 48 owned by the school district, ~~such~~ the contracts may  
 49 include lease-purchase option ~~agreements,~~ such  
 50 contracts, with the amounts to be paid out of the

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1 ~~schoolhouse fund and charged against the~~  
 2 ~~infrastructure account.~~

3 Before entering into a rental or lease-purchase  
 4 option contract, ~~authorized by the electors,~~ the board  
 5 shall first adopt plans and specifications for a  
 6 building ~~or buildings~~ which it considers suitable for

7 the intended use and also adopt a form of rental or  
8 lease-purchase option contract.

9 Sec. 140. Section 278.1, unnumbered paragraph 4,  
10 Code 1985, is amended by striking the unnumbered  
11 paragraph.

12 Sec. 141. Section 279.12, unnumbered paragraph 1,  
13 Code 1985, is amended to read as follows:

14 The board shall carry into effect ~~any~~ instruction  
15 from the regular election upon matters within the  
16 control of the voters, and shall elect ~~all~~ teachers  
17 and make ~~all~~ contracts necessary or proper for  
18 exercising the powers granted and performing the  
19 duties required by law, and may establish and pay all  
20 or any part thereof ~~from school district funds of the~~  
21 cost of group health insurance plans, nonprofit group  
22 hospital service plans, nonprofit group medical  
23 service plans and group life insurance plans adopted  
24 by the board for the benefit of employees of the  
25 school district ~~from the general fund of the school~~  
26 district and charged against the appropriate account,  
27 but the board may authorize any subdirector to employ  
28 teachers for the school in the subdirector's  
29 subdistrict; ~~but no such employment.~~ Employment by a  
30 subdirector ~~shall does not~~ authorize a contract, the  
31 entire period of which is wholly beyond the  
32 subdirector's term of office.

33 Sec. 142. Section 279.26, Code 1985, is amended to  
34 read as follows:

35 279.26 LEASE ARRANGEMENTS.

36 The board of directors of a local school district  
37 ~~for which a schoolhouse tax has been voted pursuant to~~  
38 ~~section 278.1, subsection 7,~~ may enter into a rental  
39 or lease arrangement; ~~consistent with the purposes for~~  
40 ~~which the schoolhouse tax has been voted,~~ for a period  
41 not exceeding ten years ~~and not exceeding the period~~  
42 ~~for which the schoolhouse tax has been authorized by~~  
43 ~~the voters using revenues from the infrastructure~~  
44 levy.

45 Sec. 143. Section 279.28, Code 1985, is amended to  
46 read as follows:

47 279.28 INSURANCE -- SUPPLIES -- TEXTBOOKS.

48 It may provide and pay ~~out of from~~ the general fund  
49 ~~of the school district and charge against the~~  
50 infrastructure account to insure school property such

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1 sum as may be necessary; ~~and may purchase~~  
2 ~~dictionaries, library books, including books for the~~  
3 ~~purpose of teaching vocal music, maps, charts, and~~

4 apparatus for the use of the schools thereof as deemed  
5 necessary by the board of directors for each school  
6 building under its charge; and, The board may furnish  
7 schoolbooks to indigent children when they are likely  
8 to be deprived of the proper benefits of the school  
9 unless so aided.

10 Sec. 144. Section 279.41, Code 1985, is amended to  
11 read as follows:

12 279.41 SCHOOLHOUSES AND SITES SOLD -- FUNDS.

13 ~~Any fund~~ Moneys received from the condemnation,  
14 sale, or other disposition for public purposes of  
15 schoolhouses, school sites or both schoolhouses and  
16 school sites ~~may shall~~ be deposited in the ~~schoolhouse~~  
17 general fund of the school district and credited to  
18 the infrastructure account and may ~~without a vote of~~  
19 ~~the electorate~~ be used for the purchase of school  
20 sites or the erection or repair of schoolhouses or  
21 both as ordered by the board of directors of ~~such the~~  
22 school district; ~~provided, however, that, However,~~  
23 the board shall comply with section 297.7.

24 Sec. 145. Section 279.42, Code 1985, is amended to  
25 read as follows:

26 279.42 GIFTS TO SCHOOLS.

27 The board of directors of any school district which  
28 receives funds through gifts, devises and bequests may  
29 utilize ~~the same them~~, unless limited by the terms of  
30 the grant; The gift, devise, or bequest shall be  
31 deposited in the general or schoolhouse fund  
32 expenditures and credited to the appropriate account  
33 pursuant to section 442A.17.

34 Sec. 146. Section 279.43, subsection 1, Code  
35 Supplement 1985, is amended to read as follows:

36 1. The board of directors may pay the actual cost  
37 of removal or encapsulation of asbestos existing in  
38 its school buildings from any funds in the general  
39 fund of the district, ~~funds received from the~~  
40 ~~schoolhouse tax authorized under section 278.1;~~  
41 ~~subsection 7, funds from the tax levy certified under~~  
42 ~~section 297.5 infrastructure levy,~~ or moneys obtained  
43 through a federal asbestos loan program, to be repaid  
44 from any of the funds specified in this subsection.

45 Sec. 147. NEW SECTION. 279.50 FEES.

46 The board of directors of a school district shall  
47 not impose the payment of any fee or charge upon a  
48 student enrolled in the school district.

49 Sec. 148. Section 280.4, subsections 1 through 3,  
50 Code 1985, are amended by striking the subsections.

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1 Sec. 149. Section 280.7, Code 1985, is amended to  
2 read as follows:

3 280.7 DENTAL CLINICS.

4 Boards of directors in all public school districts  
5 may establish and maintain dental clinics for children  
6 and offer courses of instruction on mouth hygiene.  
7 The boards may employ ~~such~~ legally qualified dentists  
8 and dental hygienists ~~as may be necessary~~ to  
9 accomplish the purpose of this section. The cost of  
10 the dental clinic shall be paid from the general fund  
11 of the school district and charged against the  
12 instructional account.

13 Sec. 150. Section 280.10, unnumbered paragraph 3,  
14 Code 1985, is amended to read as follows:

15 The board of directors of each local public school  
16 district and the authorities in charge of each  
17 nonpublic school shall provide the safety devices  
18 required herein. Such devices ~~may~~ shall be paid for  
19 from the general fund of the school district and  
20 charged against the instructional account, but the  
21 board may require students and teachers to pay for the  
22 safety devices and shall make them available to  
23 students and teachers at no more than the actual cost  
24 to the district or school.

25 Sec. 151. Section 280.11, unnumbered paragraph 3,  
26 Code 1985, is amended to read as follows:

27 The board of directors of each local public school  
28 district and the authorities in charge of each  
29 nonpublic school shall provide the safety devices  
30 required herein. Such devices ~~may~~ shall be paid for  
31 from the general fund of the school district and  
32 charged against the instructional account, but the  
33 board may require students and teachers to pay for the  
34 safety devices and shall make them available to  
35 students and teachers at no more than the actual cost  
36 to the district or school.

37 Sec. 152. **NEW SECTION. 280.18 NON-ENGLISH-**  
38 **SPEAKING STUDENT PROGRAMS.**

39 1. In order to provide funds for the excess costs  
40 of instruction for non-English-speaking students above  
41 the cost of instruction of pupils in a regular  
42 curriculum, a plan of weighting for determining  
43 enrollment in each school district is provided. Non-  
44 English-speaking students may receive instruction as  
45 provided in section 280.4. Pupils in a regular  
46 curriculum are assigned a weighting of one. For the  
47 school year beginning July 1, 1988, non-English-  
48 speaking students are assigned a weighting of one and

49 four-tenths.

50 2. The state board of public instruction shall

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1 adopt rules relating to the identification of non-  
2 English-speaking students who require special  
3 instruction under section 280.4. Non-English-speaking  
4 students shall be counted in the weighted enrollment  
5 as of December 1 of the base year for purposes of  
6 chapter 442A. Moneys received as a result of the  
7 weighting for non-English-speaking students shall be  
8 expended only for non-English-speaking student  
9 programs.

10 3. On December 1, 1988, and no later than December  
11 1 every two years thereafter, for the school year  
12 commencing the following July 1, the commissioner of  
13 public instruction shall report to the school budget  
14 review committee the average costs of providing  
15 instruction for non-English-speaking students, and the  
16 state board of public instruction shall make  
17 recommendations to the school budget review committee  
18 for adjustment of the weighting for subsequent school  
19 years. The school budget review committee shall  
20 establish the weight for each subsequent school year  
21 and shall report the weight to the commissioner of  
22 public instruction.

23 4. The department of public instruction shall  
24 require that school districts submit program plans for  
25 non-English-speaking programs and shall review the  
26 plans and the identification of students qualifying  
27 for weighting.

28 Sec. 153. NEW SECTION. 280.19 TALENTED AND  
29 GIFTED CHILDREN PROGRAMS.

30 1. In order to provide funds for the excess costs  
31 of instruction for talented and gifted children  
32 programs approved by the department, a plan of  
33 weighting for determining enrollment in each school  
34 district for talented and gifted children enrolled in  
35 an approved talented and gifted children program is  
36 provided.

37 "Talented and gifted children" are those identified  
38 as possessing outstanding abilities who are capable of  
39 high performance. Talented and gifted children are  
40 children who require appropriate instruction and  
41 educational services commensurate with their abilities  
42 and needs beyond those provided by the regular school  
43 program.

44 Talented and gifted children include those children  
45 with demonstrated achievement or potential ability, or

- 46 both, in any of the following areas or in combination:  
47 a. General intellectual ability.  
48 b. Creative thinking.  
49 c. Leadership ability.  
50 d. Visual and performing arts ability.

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- 1 e. Specific ability aptitude.  
2 Boards of school districts, individually or jointly  
3 with the boards of other school districts, shall  
4 annually submit program plans for talented and gifted  
5 children programs to the department of public  
6 instruction.  
7 The department of public instruction shall adopt  
8 rules under chapter 17A relating to the identification  
9 of talented and gifted children, and the format of  
10 program plans. Pupils in a regular curriculum are  
11 assigned a weighting of one. For the school year be-  
12 ginning July 1, 1988, talented and gifted children are  
13 assigned a weighting of one and four-tenths.  
14 2. The board of directors shall submit  
15 applications for approval for the programs to the  
16 department not later than November 1 preceding the  
17 fiscal year during which the program will be offered.  
18 The department shall review the program plans and  
19 shall prior to January 15 either grant approval for  
20 the program or return the request for approval with  
21 comments of the department included. Any unapproved  
22 request for a program may be resubmitted with  
23 modifications to the department not later than  
24 February 1. Not later than February 15 the department  
25 shall notify the state comptroller of the names of the  
26 school districts for which talented and gifted  
27 children programs have been approved and the number of  
28 each school district's students identified as talented  
29 and gifted, not to exceed three percent of the  
30 district's enrollment for weighting purposes, for the  
31 approved program for the budget year. Talented and  
32 gifted children shall be counted in the weighted  
33 enrollment as of December 1 of the base year for  
34 purposes of chapter 442A. Moneys received as a result  
35 of weighting for talented and gifted children shall be  
36 expended only for talented and gifted children  
37 programs.  
38 3. On December 1, 1988, and not later than  
39 December 1 every two years thereafter, for the school  
40 year commencing the following July 1, the commissioner  
41 of public instruction shall report to the school  
42 budget review committee the average costs of providing

43 instruction for talented and gifted children, and the  
 44 state board of public instruction shall make  
 45 recommendations to the school budget review committee  
 46 for adjustment of the weighting for subsequent school  
 47 years. The school budget review committee shall  
 48 establish the weight for each subsequent school year  
 49 and shall report the weight to the commissioner of  
 50 public instruction.

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1 Sec. 154. Section 281.2, subsection 2, unnumbered  
 2 paragraphs 4 and 5, Code 1985, are amended to read as  
 3 follows:

4 Every child requiring special education shall, if  
 5 reasonably possible, receive a level of education  
 6 commensurate with the level provided each child who  
 7 does not require special education. The cost of  
 8 providing such an education shall be paid as provided  
 9 in section 273.9, this chapter and chapter ~~442~~ 442A.  
 10 It ~~shall be~~ is the primary responsibility of each  
 11 school district to provide special education to  
 12 children who reside in that district if the children  
 13 requiring special education are properly identified,  
 14 the educational program or service has been approved,  
 15 the teacher or instructor has been certified, the  
 16 number of children requiring special education needing  
 17 that educational program or service is sufficient to  
 18 make offering the program or service feasible, and the  
 19 program or service cannot more economically and  
 20 equably be obtained from the area education agency,  
 21 another school district, another group of school  
 22 districts, a qualified private agency, or in co-  
 23 operation with one or more other districts.

24 ~~Any funds~~ Funds received by ~~the~~ a school district  
 25 of the child's residence for the child's education,  
 26 derived from funds received through chapter ~~442~~ 442A,  
 27 this chapter and section 273.9 shall be paid by the  
 28 school district of the child's residence to the  
 29 appropriate education agency, private agency, or other  
 30 school district providing special education for the  
 31 child pursuant to contractual arrangements as provided  
 32 in section 273.3, subsections 5 and 7.

33 Sec. 155. Section 281.8, unnumbered paragraph 1,  
 34 Code 1985, is amended to read as follows:

35 It shall not be incumbent upon the school districts  
 36 to keep a child requiring special education in regular  
 37 instruction when the child cannot sufficiently profit  
 38 from the work of the regular classroom, nor to keep  
 39 ~~such~~ the child requiring special education in the

40 special class or instruction for children requiring  
 41 special education when it is determined by the  
 42 director of special education of an area education  
 43 agency that the child can no longer benefit from the  
 44 instruction or needs more specialized instruction  
 45 available in special schools. However, the school  
 46 district shall ~~count~~ include the child requiring  
 47 special education in the basic enrollment as provided  
 48 in sections 273.9, 281.9 and ~~442.4~~ 442A.5 and shall  
 49 ~~insure~~ ensure that appropriate educational provisions  
 50 are made for the child requiring special education

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1 within the limits of funds available under ~~the~~  
 2 ~~provisions~~ of this chapter and chapters 273 and ~~442~~  
 3 442A.  
 4 Sec. 156. Section 282.3, subsection 1, Code 1985,  
 5 is amended to read as follows:  
 6 1. The board may exclude from school children  
 7 under the age of six years when in its judgment such  
 8 children are not sufficiently mature to be benefited  
 9 by regular instruction, or any incorrigible child or  
 10 any child who in its judgment is so abnormal that  
 11 regular instruction would be of no substantial  
 12 benefit, or any child whose presence in school may be  
 13 injurious to the health or morals of other pupils or  
 14 to the welfare of such school. However, the board  
 15 shall provide special education programs and services  
 16 under the provisions of chapters 273, 281, and ~~442~~  
 17 442A for all children requiring special education.  
 18 Sec. 157. Section 282.8, Code 1985, is amended to  
 19 read as follows:  
 20 282.8 ATTENDING SCHOOL OUTSIDE STATE.  
 21 The boards of directors of school districts located  
 22 near the state boundaries may designate schools of  
 23 equivalent standing across the state line for  
 24 attendance of both elementary and high school pupils  
 25 when the public school in the adjoining state is  
 26 nearer than any appropriate public school in a pupil's  
 27 district of residence or in Iowa. Distance shall be  
 28 measured by the nearest traveled public road.  
 29 Arrangements shall be subject to reciprocal agreements  
 30 made between the chief state school officers of the  
 31 respective states. Notwithstanding section 282.1,  
 32 arrangements between districts pursuant to the  
 33 reciprocal agreements made under this section shall  
 34 establish tuition and transportation fees in an amount  
 35 acceptable to the affected boards, but the tuition and  
 36 transportation fees shall not be less than the lower

37 average cost per pupil for the previous school year of  
 38 the two affected school districts. For the purpose of  
 39 this section average cost per pupil for the previous  
 40 school year is determined by dividing the district's  
 41 operating instructional expenditures for the previous  
 42 school year by the number of children enrolled in the  
 43 district on the ~~second~~ third Friday of September of  
 44 the previous school year. A person attending school  
 45 in another state shall continue to be treated as a  
 46 pupil of the district of residence in the  
 47 apportionment of the current school fund and the  
 48 payment of state aid.  
 49 Sec. 158. Section 282.19, Code Supplement 1985, is  
 50 amended to read as follows:

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1 282.19 CHILD LIVING IN FOSTER CARE FACILITY.

2 A child who is living in a licensed child foster  
 3 care facility as defined in section 237.1 in this  
 4 state which is located in a school district other than  
 5 the school district in which the child resided before  
 6 receiving foster care may enroll in and attend an  
 7 approved school in the school district in which the  
 8 child is living. If a child does not require special  
 9 education and was not counted in the basic enrollment  
 10 of a school district for a budget year under section  
 11 ~~442.4~~ 442A.5, the tuition and transportation, when  
 12 required by law, shall be paid by the treasurer of  
 13 state from funds in the state treasury not otherwise  
 14 appropriated, and upon warrants drawn by the state  
 15 comptroller upon requisition of the commissioner of  
 16 public instruction.

17 Sec. 159. Section 282.20, unnumbered paragraph 1,  
 18 Code 1985, is amended to read as follows:

19 The school corporation in which the student resides  
 20 shall pay from the general fund to the secretary of  
 21 the corporation in which the student is permitted to  
 22 enroll, a tuition fee as prescribed in section 282.24.  
 23 The amount shall be charged against the instructional  
 24 account.

25 Sec. 160. Section 282.24, subsection 1, unnumbered  
 26 paragraph 1, Code 1985, is amended to read as follows:

27 There is established a maximum tuition fee that may  
 28 be charged for elementary and high school students  
 29 residing within another school district or corporation  
 30 except students attending school in another district  
 31 under section 282.7, subsection 1. That fee is the  
 32 district cost per pupil of the receiving district as  
 33 ~~computed in section 442.9, subsection 1, paragraph~~

34 "a".

35 Sec. 161. Section 282.27, Code Supplement 1985, is  
36 amended to read as follows:

37 282.27 PAYMENT FOR CERTAIN CHILDREN.

38 When a child requiring special education is living  
39 in a state-supported institution, charitable  
40 institution, or licensed boarding home as defined in  
41 this chapter which does not maintain a school and the  
42 residence of the child requiring special education is  
43 in a school district other than the school district in  
44 which the state-supported institution, charitable  
45 institution, or licensed boarding home is located, the  
46 child is eligible for special education programs and  
47 services provided for children requiring special  
48 education who are residents of the school district in  
49 which the institution or boarding home is located.  
50 The special education instructional costs shall be

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1 computed by means of weighted enrollment for that  
2 child under ~~the provisions~~ of chapters 273, 281, and  
3 ~~442 442A~~ as if that child were a resident of the  
4 school district in which the institution or boarding  
5 home is located but the child shall be included in the  
6 enrollment count in the district of residence in the  
7 manner provided in sections 281.9 and ~~442-4 442A.5.~~  
8 The costs as computed shall be paid by the district of  
9 residence. ~~No A~~ child requiring special education  
10 shall not be denied special education programs and  
11 services because of a dispute over determination of  
12 residence of that child. If there is a dispute over  
13 the residence of the child, the state board of public  
14 instruction shall determine the residence of the  
15 child. However, if the special education  
16 instructional costs incurred on behalf of the child  
17 exceed the amount which would be allowed if the child  
18 were provided the programs and services in the  
19 district of residence, the treasurer of the school  
20 district of residence shall make payment at the  
21 maximum amount allowed in that district for a child  
22 requiring special education who is similarly  
23 handicapped. If the child requiring special education  
24 is not counted in the weighted enrollment of any  
25 district under section 281.9, and payment is not made  
26 by any district, the district in which the institution  
27 or boarding home is located may certify the special  
28 education instructional costs to the commissioner of  
29 public instruction not later than September 1 of each  
30 year for the preceding fiscal year. The state board

31 of public instruction shall review the costs and  
 32 submit a requisition to the state comptroller. The  
 33 amount due shall be paid by the treasurer of state to  
 34 the district in which the institution or licensed  
 35 boarding home is located from any funds in the general  
 36 fund of the state not otherwise appropriated upon  
 37 warrants drawn and signed by the state comptroller.  
 38 For the purposes of this section, the term "district  
 39 of residence of the child" means the residence of the  
 40 parent or legal guardian, or the location of the  
 41 district court if the district court is the legal  
 42 guardian, of the child.

43 Sec. 162. Section 283A.9, Code 1985, is amended to  
 44 read as follows:

45 283A.9 BUILDING FOR SCHOOL LUNCH FACILITY.

46 School districts are authorized to purchase, erect,  
 47 or otherwise acquire a building for use as a school  
 48 lunch facility, and to equip ~~such a the~~ building for  
 49 ~~such use,~~ and pay for same expenditures from  
 50 unencumbered funds ~~on hand~~ in the schoolhouse fund

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1 ~~derived from taxes voted under authority of section~~  
 2 ~~278.1, subsection 7, or 275.32, subject to the terms~~  
 3 ~~of this section,~~ or may pay for same the building from  
 4 the proceeds of the sale of school property sold under  
 5 section 297.22, or from surplus remaining in the  
 6 schoolhouse fund after retirement of a bond issue; ~~or~~  
 7 ~~from a tax voted for said purposes. Payments made~~  
 8 ~~under this section from the general fund shall be~~  
 9 ~~charged against the infrastructure account.~~

10 Sec. 163. Section 285.2, unnumbered paragraph 3,  
 11 Code 1985, is amended to read as follows:

12 The costs of providing transportation to nonpublic  
 13 school pupils as provided in section 285.1 shall ~~not~~  
 14 ~~be included in the computation of district cost under~~  
 15 ~~chapter 442, but shall be shown in the budget as an~~  
 16 ~~expense from miscellaneous income a separate expense.~~  
 17 Any transportation reimbursements received by a local  
 18 school district for transporting nonpublic school  
 19 pupils shall ~~not affect district cost limitations of~~  
 20 ~~chapter 442 be recorded as a separate nonpublic~~  
 21 ~~transportation account in the general fund and be used~~  
 22 ~~only for expenses relating to nonpublic pupil~~  
 23 ~~transportation. The reimbursements provided in this~~  
 24 ~~section are miscellaneous income as defined in section~~  
 25 ~~442.5.~~

26 Sec. 164. Section 285.10, subsection 7, paragraph  
 27 a, Code 1985, is amended to read as follows:

28 a. From such funds as may be available in the  
29 general fund and charged against the infrastructure  
30 account.

31 Sec. 165. Section 291.15, Code Supplement 1985, is  
32 amended to read as follows:

33 291.15 ANNUAL REPORT.

34 The treasurer shall make an annual report to the  
35 board at its regular July meeting, which shall show  
36 the amount of each account in the general fund and the  
37 schoolhouse fund and the amounts held over, received,  
38 paid out, and on hand, the several funds accounts to  
39 be separately stated, and the treasurer shall  
40 immediately file a copy of this report with the  
41 commissioner of public instruction and a copy with the  
42 county treasurer.

43 Sec. 166. Section 294.9, subsection 2, Code 1985,  
44 is amended to read as follows:

45 2. From the proceeds of an annual tax levy general  
46 fund and charged against the appropriate account.

47 Sec. 167. Section 297.9, Code 1985, is amended to  
48 read as follows:

49 297.9 USE FOR OTHER THAN SCHOOL PURPOSES.

50 The board of directors of any school district may

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1 authorize the use of any schoolhouse and its grounds  
2 within ~~such the~~ district for the purpose of meetings  
3 of granges, lodges, agricultural societies, and  
4 similar societies, for parent-teacher associations,  
5 for community recreational activities, community  
6 education programs, election purposes, other meetings  
7 of public interest, public forums and similar  
8 community purposes; ~~provided that such.~~ However, the  
9 use shall in no way not interfere with school  
10 activities; ~~such.~~ The use to be for such shall  
11 include compensation, and upon such terms, and  
12 conditions as may be fixed determined by said the  
13 board for the proper protection of the schoolhouse and  
14 the property belonging therein, including that of  
15 pupils; except that. However, in the case of  
16 community education programs, any compensation  
17 necessary for programs provided specifically by  
18 community education and not those provided through  
19 community education by other agencies or organizations  
20 shall be compensated from the funding provided for  
21 community education programs general fund and charged  
22 against the infrastructure account.

23 Sec. 168. Section 297.10, Code 1985, is amended to  
24 read as follows:

## 25 297.10 COMPENSATION.

26 Any compensation for such use shall be paid into  
 27 the general fund and credited to the infrastructure  
 28 account and be expended in the upkeep and repair of  
 29 such school property, and in purchasing supplies  
 30 ~~therefor for the property.~~

31 Sec. 169. Section 297.22, unnumbered paragraphs 1,  
 32 2, and 7, Code Supplement 1985, are amended to read as  
 33 follows:

34 The board of directors of a school district may  
 35 sell, lease, or dispose of, in whole or in part, a  
 36 schoolhouse, site, or other property belonging to the  
 37 district ~~for which the appraised value does not exceed~~  
 38 ~~twenty-five thousand dollars. If the appraised value~~  
 39 ~~exceeds twenty-five thousand dollars, the board shall~~  
 40 ~~submit the question at an election under section~~  
 41 ~~278.1, subsection 2, to authorize the sale, lease or~~  
 42 ~~disposal.~~

43 Proceeds from the sale, lease or disposition of  
 44 real property ~~shall be placed in the schoolhouse fund,~~  
 45 and proceeds from the sale, lease or disposition of  
 46 property other than real property, shall be placed in  
 47 the general fund and credited to the infrastructure  
 48 account.

49 The board of directors of a school corporation may  
 50 lease a portion of an existing school building in

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1 which the remaining portion of the building will be  
 2 used for school purposes for a period of not to exceed  
 3 five years. The lease may be renewed at the option of  
 4 the board. Sections 297.15 to 297.20, sections 297.23  
 5 and 297.24, and ~~the property value limitations and~~  
 6 ~~appraisal requirements of this section do not apply to~~  
 7 ~~the lease of a portion of an existing school building.~~

8 Sec. 170. NEW SECTION. 297.35 CONTINUATION OF  
 9 LOAN AGREEMENT.

10 A loan agreement between a school district and a  
 11 bank, investment banker, trust company, insurance  
 12 company, or insurance group that was made under  
 13 section 297.36, Code 1985, in order to make  
 14 immediately available proceeds of the schoolhouse tax  
 15 approved by the voters prior to July 1, 1986 shall  
 16 continue in effect for the duration of the loan  
 17 agreement.

18 Sec. 171. Section 297.36, Code 1985, is amended to  
 19 read as follows:

20 297.36 LOAN AGREEMENTS.

21 In order to make immediately available proceeds of

22 the schoolhouse tax which has been approved by the  
 23 voters as provided in section 278.1, subsection 7 up  
 24 to sixty-seven and one-half cents of the  
 25 infrastructure levy, the board of directors may, with  
 26 or without notice, borrow money and enter into loan  
 27 agreements of not to exceed ten years in duration in  
 28 anticipation of the collection of the tax with a bank,  
 29 investment banker, trust company, insurance company,  
 30 or insurance group.

31 By resolution, the board shall provide for an  
 32 annual levy which is within the limits of ~~the tax~~  
 33 approved by the voters provided in this section to pay  
 34 for the amount of the principal and interest due each  
 35 year until maturity. The board shall file a certified  
 36 copy of the resolution with the auditor of each county  
 37 in which the district is located. The filing of the  
 38 resolution with the auditor ~~shall make~~ makes it the  
 39 duty of the auditor to annually levy the amount  
 40 certified for collection until funds are realized to  
 41 repay the loan and interest on the loan in full.

42 The loan must mature within the ~~ten-year~~ period of  
 43 time authorized by the voters and shall bear interest  
 44 at a rate which does not exceed the limits ~~provided~~  
 45 under chapter 74A. A loan agreement entered into  
 46 pursuant to this section shall be in a form as the  
 47 board of directors shall by resolution provide and the  
 48 loan shall be payable as to both principal and  
 49 interest from the proceeds of the annual levy of the  
 50 ~~voted tax pursuant to section 278.1, subsection 7~~

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1 infrastructure levy, or so much thereof as will be  
 2 sufficient to pay the loan and interest on the loan.  
 3 The proceeds of a loan must be deposited in a fund  
 4 which is separate from other district funds. Warrants  
 5 paid from this fund must be for purposes authorized ~~by~~  
 6 the voters as provided in section 278.1, subsection 7  
 7 for the infrastructure levy.

8 This section does not limit the authority of the  
 9 board of directors to levy the full ~~amount of the~~  
 10 ~~voted tax~~ sixty-seven and one-half cents levy, but if  
 11 and to whatever extent the tax is levied in any year  
 12 in excess of the amount of principal and interest  
 13 falling due in that year under a loan agreement, the  
 14 first available proceeds, to an amount sufficient to  
 15 meet maturing installments of principal and interest  
 16 under the loan agreement, shall be paid into the  
 17 sinking fund for the loan before the taxes are  
 18 otherwise made available to the school corporation for

19 other school purposes, and the amount required to be  
 20 annually set aside to pay principal of and interest on  
 21 the money borrowed under the loan agreement ~~shall~~  
 22 ~~constitute~~ constitutes a first charge upon the  
 23 proceeds of the ~~special voted tax~~ infrastructure levy,  
 24 which tax shall be pledged to pay the loan and the  
 25 interest on the loan.

26 This section is supplemental and in addition to  
 27 existing statutory authority to finance the purposes  
 28 specified in section ~~278.1, subsection 7~~ 442A.10, and  
 29 for the borrowing of money and execution of loan  
 30 agreements in connection with that section ~~and~~  
 31 ~~subsection~~, and is not subject to any other law. The  
 32 fact that a school corporation may have previously  
 33 borrowed money and entered into loan agreements under  
 34 authority of this section does not prevent the school  
 35 corporation from borrowing additional money and  
 36 entering into further loan agreements if the aggregate  
 37 of the amount payable under all of the loan agreements  
 38 does not exceed the proceeds of the ~~voted tax~~  
 39 infrastructure levy.

40 Sec. 172. Section 298.1, Code 1985, is amended to  
 41 read as follows:

42 298.1 SCHOOL TAXES.

43 The board of each school district shall estimate  
 44 the amount of the proposed expenditures and proposed  
 45 receipts for ~~the general~~ school purposes at a time and  
 46 in a manner to effectuate the provisions of chapter  
 47 ~~442~~ 442A and sections 281.9 and 281.11. Compliance  
 48 with chapter 24 shall be observed.

49 Sec. 173. Section 298.7, Code 1985, is amended to  
 50 read as follows:

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1 298.7 CONTRACT FOR USE OF LIBRARY.

2 The board of directors of a school corporation in  
 3 which there is no free public library may contract  
 4 with a free public library for the free use of the  
 5 library by the residents of the school district, and  
 6 pay the library the amount agreed upon for the use of  
 7 the library as provided by law. During the existence  
 8 of the contract, the board shall ~~certify annually a~~  
 9 ~~tax sufficient to pay the library the consideration~~  
 10 ~~agreed upon, not exceeding twenty cents per thousand~~  
 11 ~~dollars of assessed value of the taxable property of~~  
 12 ~~the district include the cost as an instructional~~  
 13 ~~expenditure pursuant to chapter 442A~~. During the  
 14 existence of the contract, the school corporation is  
 15 relieved from the requirement that the school

16 treasurer withhold funds for library purposes. This  
 17 section does not apply in townships where a contract  
 18 for other library facilities is in existence.

19 Sec. 174. Section 300.2, Code 1985, is amended by  
 20 striking the section and inserting in lieu thereof the  
 21 following:

22 300.2 TAX LEVY.

23 The board of directors of a school district may use  
 24 moneys from the infrastructure levy for public  
 25 educational and recreational activities authorized  
 26 under this chapter.

27 Sec. 175. Section 301.1, Code 1985, is amended to  
 28 read as follows:

29 301.1 ADOPTION -- PURCHASE AND SALE.

30 The board of directors of ~~each and every~~ a school  
 31 district is hereby authorized and empowered to may  
 32 adopt textbooks for the teaching of all branches that  
 33 ~~are now or may hereafter be authorized to be taught in~~  
 34 ~~the public schools of the state~~, and to may contract  
 35 for and ~~buy said~~ purchase the books and ~~any and all~~  
 36 other necessary school supplies at ~~said contract~~  
 37 ~~prices~~, and to may sell the ~~same~~ books to the pupils  
 38 of their respective districts at cost, loan ~~such the~~  
 39 textbooks to ~~such~~ pupils free, or rent them to ~~such~~  
 40 pupils at ~~such a~~ reasonable fee as the board shall ~~fix~~  
 41 determine, and ~~said the~~ money so received shall be  
 42 returned to the general fund and credited to the  
 43 instructional fund.

44 Textbooks adopted and purchased by a school  
 45 district may, and shall to the extent funds are  
 46 appropriated by the general assembly, be made  
 47 available to pupils attending nonpublic schools upon  
 48 request of the pupil or the pupil's parent or guardian  
 49 under comparable terms as made available to pupils  
 50 attending public schools.

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1 Sec. 176. Section 331.512, subsection 12, Code  
 2 1985, is amended to read as follows:

3 12. Carry out duties relating to levy of school  
 4 taxes as provided in chapter ~~442~~ 442A.

5 Sec. 177. Section 422.100, Code 1985, is amended  
 6 to read as follows:

7 422.100 ALLOCATION TO MONEYS AND CREDITS  
 8 REPLACEMENT FUND IN EACH COUNTY.

9 There is created a permanent fund in the office of  
 10 the treasurer of state to be known as the "moneys and  
 11 credits replacement fund". The director shall  
 12 determine the percentage which the aggregate taxable

13 value for the year 1965 of the property described in  
14 and subject to taxation under section 429.2, Code  
15 1966, owned or held by individuals, administrators,  
16 executors, guardians, conservators, trustees or an  
17 agent or nominee thereof, and the aggregate taxable  
18 value for the year 1965 of the property described in  
19 and subject to taxation under section 431.1, Code  
20 1966, for the year 1965 but not subject to taxation  
21 under that section for the year 1966, in each county  
22 bears to the total aggregate taxable value of such  
23 property reported from all of the counties in the  
24 state and shall certify the percentage for each county  
25 to the state comptroller prior to January 1, 1967. In  
26 July of each year, the state comptroller shall apply  
27 that percentage to the money in the moneys and credits  
28 tax replacement fund prior to that July and determine  
29 the amount due to each county. The state comptroller  
30 shall draw warrants on the moneys and credits tax  
31 replacement fund in such amounts payable to the county  
32 treasurer of each county and transmit them. The  
33 county treasurer shall apportion these amounts as  
34 follows: For the amounts received in January 1972,  
35 and all previously collected amounts, twenty percent  
36 to the county general fund, fifty percent to the  
37 school general fund and credited to the instructional  
38 account, and the remaining thirty percent to cities  
39 and towns in the proportion that the taxable values  
40 for each city and town for 1965 of property subject to  
41 taxation in 1965 under sections 429.2, Code 1966, and  
42 431.1, Code 1966, is to the total of such taxable  
43 values for all cities and towns within the county; for  
44 the amounts received in January 1973, and all  
45 subsequently collected amounts, forty percent to the  
46 county, and the remaining sixty percent to cities and  
47 towns in the proportion that the taxable values for  
48 each city and town for the year 1965 under sections  
49 429.2 and 431.1, Code 1966, is to the total of such  
50 taxable values for all the cities and towns within the

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1 county.

2 Sec. 178. Section 467B.14, unnumbered paragraph 1,  
3 Code 1985, is amended to read as follows:

4 Sixty-five percent of any such payments or payment  
5 received from the federal government shall be  
6 distributed to the general fund of the school  
7 districts of the county and credited to the  
8 infrastructure account after the county auditor has  
9 determined the districts which are principally

10 affected by the federal flood control project involved  
11 in an amount deemed to be the equitable share of each  
12 such district and the amount allocated to each school  
13 district shall be paid over to the treasurer of such  
14 school district.

15 Sec. 179. Chapter 260A, Code 1985 and chapter 442,  
16 Code 1985 and Code Supplement 1985, are repealed.  
17 Sections 276.11, 276.12, 291.13, 297.5, 298.9, 298.10,  
18 298.16, 298.17, 300.3, 300.4, 301.4, 301.24, and  
19 301.27, Code 1985, and section 279.43, Code Supplement  
20 1985, are repealed.

21 Sec. 180. Sections 101 through 179 of this Act  
22 take effect for computations and procedures needed for  
23 the school year beginning July 1, 1988, except that  
24 section 121 takes effect for computations and  
25 procedures needed for the school year beginning July  
26 1, 1987.

27 Sec. 181. Notwithstanding section 442.2, sub-  
28 section 1, for the fiscal year beginning July 1, 1987,  
29 the foundation property tax levy shall be four dollars  
30 and ninety-five cents per thousand dollars of assessed  
31 valuation."

JOE BROWN

S-5869

1 Amend the Senate amendment, S-5791, to House File  
2 2484 as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 25, by inserting after line 15 the  
5 following:

6 "156. By striking page 156, line 25 through page  
7 157, line 12 and inserting the following:

8 "Sec. 731A. Section 123.22, unnumbered paragraph  
9 1, Code Supplement 1985, is amended to read as

10 follows:

11 The ~~department~~ division has the exclusive right of  
12 importation into the state of all forms of alcoholic  
13 liquor, except as otherwise provided in this chapter,  
14 and a person shall not import alcoholic liquor, except  
15 that an individual of legal age may import and have in  
16 the individual's possession an amount of alcoholic  
17 liquor not exceeding one quart or, in the case of  
18 alcoholic liquor personally obtained outside the  
19 United States, one gallon for personal consumption  
20 only in a private home or other private accommodation.  
21 No distillery shall sell any alcoholic liquor within  
22 the state to any person but only to the ~~department~~

23 division, except as otherwise provided in this  
 24 chapter. It is the intent of this section to vest in  
 25 the ~~department~~ division exclusive control within the  
 26 state both as purchaser and vendor of all alcoholic  
 27 liquor sold by distilleries within the state or  
 28 imported, except beer and wine, and except as  
 29 otherwise provided in this chapter. The ~~department~~  
 30 division may continue to purchase wine from persons  
 31 holding a vintner's certificate of compliance or a  
 32 class "A" wine permit ~~for resale~~, but shall resell it  
 33 only at retail in state liquor stores.  
 34 Sec. 732. Section 123.22, unnumbered paragraph 1,  
 35 Code Supplement 1985, as amended by 1986 Iowa Acts,  
 36 House File 2484, section 731A, is amended to read as  
 37 follows:  
 38 The division has the exclusive right of importation  
 39 into the state of all forms of alcoholic liquor,  
 40 except as otherwise provided in this chapter, and a  
 41 person shall not import alcoholic liquor, except that  
 42 an individual of legal age may import and have in the  
 43 individual's possession an amount of alcoholic liquor  
 44 not exceeding one quart or, in the case of alcoholic  
 45 liquor personally obtained outside the United States,  
 46 one gallon for personal consumption only in a private  
 47 home or other private accommodation. No distillery  
 48 shall sell any alcoholic liquor within the state to  
 49 any person but only to the division, except as  
 50 otherwise provided in this chapter. ~~It is the intent~~

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1 ~~of this~~ This section to vest vests in the division  
 2 exclusive control within the state ~~both~~ as purchaser  
 3 ~~and vendor~~ of all alcoholic liquor sold by  
 4 distilleries within the state or imported, except beer  
 5 and wine, and except as otherwise provided in this  
 6 chapter. ~~The division may continue to purchase wine~~  
 7 ~~from persons holding a vintner's certificate of~~  
 8 ~~compliance or a class "A" wine permit but shall resell~~  
 9 ~~it only at retail in state liquor stores. The~~  
 10 division shall act as the sole wholesaler of alcoholic  
 11 liquor to class "E" liquor control licensees."  
 12 157. By striking page 161, line 26 through page  
 13 162, line 28, and inserting the following:  
 14 "Sec. 739A. Section 123.30, subsection 3,  
 15 paragraphs a, b, and c, Code Supplement 1985, are  
 16 amended to read as follows:  
 17 a. CLASS "A". A class "A" liquor control license  
 18 may be issued to a club and ~~shall authorize~~ authorizes  
 19 the holder to purchase alcoholic liquors from only the

20 ~~department division~~, wine from ~~the department or only~~  
 21 class "A" wine permittees, and native wines from  
 22 native wine manufacturers, and to sell liquors, wine,  
 23 and beer, to bona fide members and their guests by the  
 24 individual drink for consumption on the premises only.

25 b. CLASS "B". A class "B" liquor control license  
 26 may be issued to a hotel or motel and ~~shall authorize~~  
 27 authorizes the holder to purchase alcoholic liquors  
 28 from only the ~~department division~~, wine from ~~the~~  
 29 ~~department or only~~ class "A" wine permittees, and  
 30 native wines from native wine manufacturers, and to  
 31 sell liquors, wine, and beer, to patrons by the  
 32 individual drink for consumption on the premises  
 33 only; however, beer may also be sold for consumption  
 34 off the premises. Each license ~~shall be is~~ effective  
 35 throughout the premises described in the application.

36 c. CLASS "C". A class "C" liquor control license  
 37 may be issued to a commercial establishment but must  
 38 be issued in the name of the individuals who actually  
 39 own the entire business, and ~~shall authorize~~  
 40 authorizes the holder to purchase alcoholic liquors  
 41 from only the ~~department division~~, wine from ~~the~~  
 42 ~~department or only~~ class "A" wine permittees, and  
 43 native wines from native wine manufacturers, and to  
 44 sell liquors, wine, and beer, to patrons by the  
 45 individual drink for consumption on the premises  
 46 only; however, beer may also be sold for consumption  
 47 off the premises.

48 A special class "C" liquor control license may be  
 49 issued, and ~~shall authorize~~ authorizes the holder to  
 50 purchase wine from ~~the department or~~ class "A" wine

### Page 3

1 permittees only, and to sell wine and beer to patrons  
 2 by the individual drink for consumption on the  
 3 premises only; however, beer may also be sold for  
 4 consumption off the premises. The license issued to  
 5 holders of a special class "C" license shall clearly  
 6 state on its face that the license is limited.

7 Sec. 740. Section 123.30, subsection 3, paragraphs  
 8 a, b, and c, Code Supplement 1985, as amended by 1986  
 9 Iowa Acts, House File 2484, section 739A, is amended  
 10 to read as follows:

11 a. CLASS "A". A class "A" liquor control license  
 12 may be issued to a club and authorizes the holder to  
 13 purchase alcoholic liquors from class "E" liquor  
 14 control licensees only ~~the division~~, wine from only  
 15 class "A" or "B" wine permittees only, and native  
 16 wines from native wine manufacturers, and to sell

17 liquors, wine, and beer, to bona fide members and  
 18 their guests by the individual drink for consumption  
 19 on the premises only.

20 b. CLASS "B". A class "B" liquor control license  
 21 may be issued to a hotel or motel and authorizes the  
 22 holder to purchase alcoholic liquors from class "E"  
 23 liquor control licensees ~~only the division~~, wine from  
 24 ~~only~~ class "A" or "B" wine permittees only, and native  
 25 wines from native wine manufacturers, and to sell  
 26 liquors, wine, and beer, to patrons by the individual  
 27 drink for consumption on the premises only; however,  
 28 beer may also be sold for consumption off the  
 29 premises. Each license is effective throughout the  
 30 premises described in the application.

31 c. CLASS "C". A class "C" liquor control license  
 32 may be issued to a commercial establishment but must  
 33 be issued in the name of the individuals who actually  
 34 own the entire business, and authorizes the holder to  
 35 purchase alcoholic liquors from class "E" liquor  
 36 control licensees ~~only the division~~, wine from ~~only~~  
 37 class "A" or "B" wine permittees only, and native  
 38 wines from native wine manufacturers, and to sell  
 39 liquors, wine, and beer, to patrons by the individual  
 40 drink for consumption on the premises only; however,  
 41 beer may also be sold for consumption off the  
 42 premises.

43 A special class "C" liquor control license may be  
 44 issued, and authorizes the holder to purchase wine  
 45 from class "A" or "B" wine permittees only, and to  
 46 sell wine and beer to patrons by the individual drink  
 47 for consumption on the premises only; however, beer  
 48 may also be sold for consumption off the premises.  
 49 The license issued to holders of a special class "C"  
 50 license shall clearly state on its face that the

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1 license is limited.""

2 2. Page 25, line 40, by striking the following:

3 "752,".

4 3. Page 25, by inserting after line 41 the

5 following:

6 "Notwithstanding the amendment to sections 123.22  
 7 and 123.30 in sections 732 and 740 of this Act, the  
 8 amendment to sections 123.22 and 123.30 in sections  
 9 731A and 739A in this Act take effect July 1, 1986.

10 The amendment to section 752 of this Act takes effect

- 11 July 1, 1986.”  
12 4. By renumbering as required.

MICHAEL E. GRONSTAL  
JOE J. WELSH  
RICHARD F. DRAKE

S-5870

1 Amend House File 2484 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 120, by inserting after line 25 the  
4 following:  
5 “Sec. \_\_\_\_ . 1986 Iowa Acts, House File 2353,  
6 section 5, is amended to read as follows:  
7 SEC. 5. There is appropriated from the general  
8 fund of the state to the ~~Iowa family farm agricultural~~  
9 development authority for the fiscal ~~year period~~  
10 beginning July 1, 1985 and ending ~~June~~ August 30,  
11 1986, the amount of five million (5,000,000) dollars  
12 or so much thereof as is necessary, to be used for  
13 providing financial assistance to Iowa farmers under  
14 and through the agricultural loan assistance program,  
15 by providing moneys for grants under agreements  
16 subject to section 175.35 entered into on or after  
17 March 1, 1986 but before ~~July~~ September 1, 1986. If  
18 the grants under the agreements exceed two million  
19 dollars, the excess shall be transferred from the Iowa  
20 plan fund for economic development, notwithstanding  
21 the provisions of 1985 Acts, chapter 33. Not more  
22 than one hundred thousand (100,000) dollars, or so  
23 much thereof as is necessary, shall be used for  
24 general administration, including salaries, support,  
25 and miscellaneous purposes. Moneys appropriated by  
26 this section which are committed for grants under  
27 agreements entered into on or after March 1, 1986 but  
28 before ~~July~~ September 1, 1986, do not revert to the  
29 general fund or the Iowa plan fund. Moneys  
30 appropriated by this section which are committed for  
31 agreements but which are not utilized for the grants  
32 by July 1, 1987 revert on a pro rata basis to the  
33 general fund and the Iowa plan fund.”

JOE WELSH

S-5871

- 1 Amend amendment S-5791 to House File 2484 as  
2 amended, passed and reprinted by the House as follows:

3 1. Page 2, by striking lines 39 through 43 and  
 4 inserting in lieu thereof the following:  
 5 " \_\_\_\_ . Page 5, lines 14 and 15, by striking the  
 6 words and figure "eight hundred twenty-five thousand  
 7 four hundred ten (825,410) dollars" and inserting in  
 8 lieu thereof the following: "seven hundred forty-five  
 9 thousand six hundred fifty-six (745,656) dollars".  
 10 2. Page 7, by inserting after line 33, the  
 11 following:  
 12 " \_\_\_\_ . Page 67, line 15, by striking the word  
 13 "twenty-four" and inserting the word "twenty-seven".  
 14 \_\_\_\_ . Page 67, line 18, by striking the figure  
 15 "762,129" and inserting the figure "841,883"."

TOM MANN, Jr.

S-5872

1 Amend House File 2484 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 130, by inserting after line 20 the  
 4 following:  
 5 "It is the intent of the general assembly that the  
 6 discount table for commutations in 500 Iowa Admin.  
 7 Code §6.3, which was in effect immediately prior to  
 8 March 20, 1985 and which was based on a simple rather  
 9 than compound interest factor, shall be uniformly  
 10 applied to all commutations approved by the industrial  
 11 commissioner prior to March 20, 1985 as a valid  
 12 interpretation of the general assembly's intent to  
 13 commute future workers' compensation payments to a  
 14 present worth lump sum payment pursuant to sections  
 15 85.45 and 85.47. It is further the intent of the  
 16 general assembly that the supreme court's  
 17 reinterpretation of the general assembly's intent,  
 18 concerning the commutation of future workers'  
 19 compensation payments to a present worth lump sum  
 20 payment under sections 85.45 and 85.47, shall be  
 21 uniformly applied to all commutations approved by the  
 22 industrial commissioner on or after March 20, 1985."

JOE WELSH

S-5873

1 Amend amendment S-5868 to House File 2484 as amended,  
 2 passed and reprinted by the House as follows:  
 3 1. Page 16, line 26, by striking the word "twenty"

4 and inserting in lieu thereof the following: "ninety-  
5 five".

JOE BROWN

S-5874

1 Amend House File 2484, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 98, line 18, by inserting after the word  
4 "requires." the following: "The department shall  
5 maintain the confidentiality of all information which  
6 would identify any person named in a report. However,  
7 the identifying information may be released for bona  
8 fide research purposes if the confidentiality of the  
9 identifying information is maintained by the  
10 researchers, or the identifying information may be  
11 released by the person with the brain injury or by the  
12 person's guardian or, if the person is a minor, by the  
13 person's parent."

CHARLES BRUNER  
JULIA GENTLEMAN

S-5875

1 Amend amendment S-5791 to House File 2484 as amended,  
2 passed, and reprinted by the House as follows:  
3 1. By striking page 18, line 45 through page 19,  
4 line 4.

CALVIN O. HULTMAN

S-5876

1 Amend the amendment, S-5791, to House File 2484, as  
2 amended, passed, and reprinted by the House as  
3 follows:  
4 1. Page 6, line 43, by striking the words  
5 "revenue and finance" and inserting the word  
6 "management".  
7 2. Page 6, line 46, by striking the words  
8 "revenue and finance" and inserting the word  
9 "management".  
10 3. Page 7, line 10, by striking the words  
11 "revenue and finance" and inserting the word  
12 "management".

WALLY HORN

S-5877

1 Amend S-5791 to House File 2484 as amended, passed,  
2 and reprinted by the House, as follows:

3 1. Page 21, lines 3 and 4, by striking the words  
4 "deposited as per provided in chapter 556." and  
5 inserting the following: "divided as per chapter 556  
6 in the following manner:

7 a. One-third of the unclaimed winnings remaining  
8 shall be deposited in the state general fund.

9 b. One-third of the unclaimed winnings remaining  
10 shall be divided among the counties in which a track  
11 licensed under this chapter is located. The division  
12 shall be in proportion to the amount of unclaimed  
13 winnings collected from each track.

14 c. One-third of the unclaimed winnings remaining  
15 shall be divided among the cities in which a track  
16 licensed under this chapter is located. The division  
17 shall be in proportion to the amount of unclaimed  
18 winnings collected from each track. If a track is not  
19 located in a city, then the share that would have been  
20 distributed to a city would be distributed to the  
21 county in which the track is located."

JIM LIND

S-5878

1 Amend the House amendment, S-5806, to Senate File  
2 2270 as amended, passed, and reprinted by the Senate  
3 as follows:

4 1. Page 1, line 1, by inserting after the figure  
5 "2270" the words "as amended, passed, and reprinted by  
6 the Senate".

7 2. Page 1, by striking lines 4 through 19 and  
8 inserting the following:

9 "Section 1. FINDINGS. The general assembly finds  
10 that the agricultural sector of the economy of this  
11 state is under severe financial stress due to low farm  
12 commodity prices, continuing high interest rates, and  
13 reduced net farm income. The suffering agricultural  
14 economy also adversely affects economic conditions for  
15 all other businesses in rural communities. Thousands  
16 of this state's farmers are unable to meet current  
17 payments of interest and principal on mortgages and  
18 other loan and land contracts and are threatened by

19 the loss of their farmland, equipment, crops, and  
20 livestock through mortgage and lien foreclosures,  
21 forfeiture of real estate contracts, and other  
22 collection actions. A large number of producers and  
23 farm families are being forced to leave farming and  
24 make a new start. The agricultural economic emergency  
25 requires an orderly process with state assistance to  
26 adjust agricultural indebtedness to preserve the  
27 general welfare and fiscal integrity of the state, and  
28 it is deemed to be in the best interest of the state  
29 to protect the business communities and the dislocated  
30 farm families affected by the financial crisis in  
31 agriculture.”

32 3. Page 1, by inserting before line 20 the  
33 following:

34 “Sec. 100. NEW SECTION. 13.20 AUTHORITY TO  
35 CONTRACT FOR LEGAL ASSISTANCE PROGRAM.

36 The farm crisis program coordinator, provided in  
37 section 654A.2, shall contract with an eligible  
38 nonprofit organization to provide legal assistance to  
39 financially distressed farmers. The contract shall be  
40 awarded within thirty days after the effective date of  
41 this Act. The contract may be terminated by the  
42 coordinator upon written notice and for good cause.

43 Sec. 102. NEW SECTION. 13.21 ELIGIBLE  
44 ORGANIZATION.

45 To be eligible for a contract under section 13.20,  
46 an organization must:

47 1. Be a nonprofit organization chartered in the  
48 state.

49 2. Have attorneys admitted to practice in the Iowa  
50 supreme court and the United States district courts.

## Page 2

1 3. Have offices throughout the state of Iowa.

2 4. Have attorneys and staff qualified to address  
3 agricultural legal problems and agricultural credit  
4 problems affecting financially distressed farmers.

5 Sec. 103. NEW SECTION. 13.22 PROGRAM  
6 REQUIREMENTS.

7 A legal services provider which enters into a  
8 contract with the coordinator under authority of  
9 section 13.20 shall:

10 1. Offer direct representation of individual  
11 farmers in litigation and administrative cases.

12 2. Offer technical support to individual farmers.

13 3. Cooperate to the fullest extent feasible with  
14 the Iowa state university agricultural extension  
15 service so that its economic and farm management

16 counseling services are utilized by eligible persons.

17 4. Utilize, to the fullest extent feasible,  
18 existing resources of accredited law schools within  
19 the state of Iowa to provide consulting assistance to  
20 attorneys in the agricultural law field.

21 5. Assist, to the fullest extent feasible,  
22 accredited law schools within the state of Iowa in  
23 enhancing their expertise in the area of agricultural  
24 law so that all attorneys within the state will have a  
25 resource available to provide training and experience  
26 in the agricultural law field.

27 6. Cooperate to the fullest extent feasible with  
28 the existing informational and referral networks among  
29 farmers, farmer advocates, and others concerned with  
30 the economic crisis in agricultural areas. The legal  
31 services provider is not a state agency for the  
32 purposes of chapters 19A, 20, and 25A.

33 Sec. 104. NEW SECTION. 13.23 PERSONS ELIGIBLE  
34 FOR LEGAL ASSISTANCE.

35 A person may obtain legal representation and legal  
36 assistance from the contracting legal services  
37 provider if the person meets all of the following  
38 criteria:

39 1. Is a resident of the state of Iowa.

40 2. Is a farmer, or a family shareholder of a  
41 family farm corporation, and has an occupation of  
42 farming.

43 3. Is engaged in a farm business that has a debt-  
44 to-asset ratio greater than fifty percent.

45 4. Has received less than twenty thousand dollars  
46 of taxable income in the last taxable year.

47 5. Is financially unable to acquire legal  
48 assistance.

49 Sec. 105. NEW SECTION. 13.24 REPORT.

50 1. The legal services provider which enters into a

**Page 3**

1 contract with the coordinator under authority of this  
2 Act shall submit to the coordinator a working plan for  
3 the accomplishment of the objectives of this Act  
4 within thirty days after the contract is awarded. The  
5 plan must establish priorities and procedures, and set  
6 forth its annual operating budget for the fiscal year  
7 including projected salaries and all anticipated  
8 expenses. This budget shall set forth the maximum  
9 obligation of financial aid proposed for payment by  
10 the state and the availability of any additional funds  
11 or resources from the federal government and other  
12 sources to meet such expenses of operation.

13 2. At the end of each fiscal year the contracting  
 14 legal services provider shall provide to the  
 15 coordinator an audited statement of actual expenses  
 16 incurred. The report shall also summarize the legal  
 17 services provided and make recommendations for  
 18 improved services for financially distressed farmers.

19 3. The contract entered into pursuant to section  
 20 13.20 shall provide that any contractual payments to  
 21 the legal services provider are to be made monthly.

22 Sec. 106. NEW SECTION. 554.9319 SALE OF A  
 23 PRODUCT SUBJECT TO A LIEN OR SECURITY INTEREST.

24 1. An individual who in the ordinary course of  
 25 business sells a product including a farm product  
 26 which is subject to a security interest or a lien  
 27 pursuant to chapter 570, 571, 572, 574, 576, 577, 578,  
 28 579, 580, or 582 may assert a claim against the  
 29 proceeds of the product in order to meet the necessary  
 30 living expenses of the individual or the individual's  
 31 household. The individual shall assert the lien by  
 32 filing with the secured party or the lienholder and  
 33 the county recorder of the county in which the person  
 34 resides at least three days prior to the sale a sworn  
 35 affidavit stating all of the following:

36 a. That the individual is asserting a claim under  
 37 this section.

38 b. That the proceeds are from the sale of a  
 39 product.

40 c. That the individual or the individual's  
 41 household requires the amount claimed to meet  
 42 necessary living expenses.

43 d. The name of all individuals in the household.

44 e. The amount claimed by the individual under this  
 45 section on the basis of the affidavit.

46 f. That the total amount claimed by the individual  
 47 under this section, including the amount claimed on  
 48 the affidavit that is being sworn, in the preceding  
 49 twelve months does not exceed the appropriate amount  
 50 permitted in subsection 2 based upon the size of the

**Page 4**

1 individual's household.

2 2. a. Until superseded by rule pursuant to  
 3 paragraph "b", the maximum amount that an individual  
 4 may claim under this section during any twelve-month  
 5 period is the following, based upon the size of the  
 6 individual's household:

7 (1) For a household with one member, the annual  
 8 maximum is five thousand three hundred sixty dollars.

9 (2) For a household with more than one member the

10 annual maximum is that amount permitted under  
11 subparagraph (1) and in addition one thousand eight  
12 hundred eighty dollars for each additional member of  
13 the household.

14 b. The department of human services shall review  
15 maximum limitations at least once each twelve months  
16 and may revise the limitations by rule adopted  
17 pursuant to chapter 17A. In establishing new  
18 standards, the department shall consider any revisions  
19 in the federal poverty guidelines, the current  
20 condition of the state's economy, the changes in the  
21 consumer price index and any other factors which the  
22 department deems relevant. The department shall send  
23 a copy of any new standard adopted to each county  
24 recorder who shall maintain the standards on file.

25 c. In applying the annual maximums established  
26 under this subsection, an individual shall deduct from  
27 the applicable maximum standard any income received  
28 during the twelve-month period of time by a member of  
29 the household from sources of income other than from  
30 the sale of products subject to security interests and  
31 liens.

32 3. A secured party or a lienholder may contest a  
33 claim on an affidavit filed under this section by  
34 filing a petition in the district court of the county  
35 in which the individual asserting the claim under this  
36 section resides.

37 4. The county recorder shall maintain for eighteen  
38 months from the date of filing any affidavit filed  
39 under this section. The affidavit shall be recorded  
40 under the name of the individual making the affidavit.

41 5. As used in this section, "individual's  
42 household" includes any individual residing in the  
43 same house as the individual filing the affidavit or  
44 any individual for which the individual filing the  
45 affidavit has provided at least fifty percent of the  
46 individual's support for the preceding twelve months.

47 Sec. 107. Section 554.9501, Code 1985, is amended  
48 by adding the following new subsection:

49 **NEW SUBSECTION.** 6. A creditor, as defined in  
50 section 654A.1, shall not initiate a proceeding under

**Page 5**

1 this chapter against a borrower subject to section  
2 654A.4 to enforce a secured interest in agricultural  
3 property, as defined in section 654A.1, which is  
4 subject to chapter 654A and which is subject to a  
5 secured debt of ten thousand dollars or more unless  
6 the person receives a mediation release under section

7 654A.11, or unless the court determines after notice  
8 and hearing that the time delay required for the  
9 mediation would cause the person to suffer irreparable  
10 harm.

11 Sec. 108. NEW SECTION. 561.22 WAIVER.

12 If a homestead exemption waiver is contained in a  
13 written contract, the contract must contain a  
14 statement in substantially the following form, in  
15 boldface type of a minimum size of ten points, and be  
16 signed and dated by the person waiving the exemption  
17 at the time of the execution of the contract: "I  
18 understand that homestead property is in many cases  
19 protected from the claims of creditors and exempt from  
20 judicial sale; and that by signing this contract, I  
21 voluntarily give up my right to this protection for  
22 this property with respect to claims based upon this  
23 contract.

24 Sec. 109. NEW SECTION. 654.2A AGRICULTURAL LAND  
25 -- NOTICE, RIGHT TO CURE DEFAULT.

26 1. A creditor shall not initiate an action  
27 pursuant to this chapter to foreclose on a deed of  
28 trust or mortgage on agricultural land, as defined in  
29 section 172C.1, until the creditor has complied with  
30 this section.

31 2. A creditor who believes in good faith that a  
32 borrower on a deed of trust or mortgage on  
33 agricultural land is in default may give the borrower  
34 notice of the alleged default, and, if the borrower  
35 has a right to cure the default, shall give the  
36 borrower the notice of right to cure provided in  
37 section 654.2B. The notice is deemed received if sent  
38 by certified mail to the borrower.

39 3. The borrower has a right to cure the default  
40 unless the creditor has given the borrower a proper  
41 notice of right to cure with respect to two prior  
42 defaults on the obligation secured by the deed of  
43 trust or mortgage, or the borrower has voluntarily  
44 surrendered possession of the agricultural land and  
45 the creditor has accepted it in full satisfaction of  
46 any debt owing on the obligation in default. The  
47 borrower does not have a right to cure the default if  
48 the creditor has given the borrower a proper notice of  
49 right to cure with respect to a prior default within  
50 twelve months prior to the alleged default.

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1 4. If the borrower has a right to cure a default:  
2 a. A creditor shall not accelerate the maturity of  
3 the unpaid balance of the obligation, demand or

4 otherwise take possession of the land, other than by  
5 accepting a voluntary surrender of it, or otherwise  
6 attempt to enforce the obligation until forty-five  
7 days after a proper notice of right to cure is given.  
8 The time period for a request for mediation pursuant  
9 to chapter 654A shall run concurrently with the period  
10 for the notice to cure under this section.

11 b. Until the expiration of forty-five days after  
12 notice is given, the borrower may cure the default by  
13 tendering either the amount of all unpaid installments  
14 due at the time of tender, without acceleration, plus  
15 a delinquency charge of the scheduled annual interest  
16 rate plus five percent per annum for the period  
17 between the giving of the notice of right to cure and  
18 the tender, or the amount stated in the notice of  
19 right to cure, whichever is less, or by tendering any  
20 performance necessary to cure a default other than  
21 nonpayment of amounts due, which is described in the  
22 notice of right to cure.

23 5. The act of curing a default restores to the  
24 borrower the borrower's rights under the obligation  
25 and the deed of trust or mortgage, except as provided  
26 in subsection 3.

27 6. This section does not prohibit a borrower from  
28 voluntarily surrendering possession of the  
29 agricultural land, and does not prohibit the creditor  
30 from enforcing the creditor's interest in the land at  
31 any time after compliance with this section.

32 Sec. 110. NEW SECTION. 654.2B REQUIREMENTS OF  
33 NOTICE OF RIGHT TO CURE.

34 The notice of right to cure shall be in writing and  
35 shall conspicuously state the name, address, and  
36 telephone number of the creditor to which payment is  
37 to be made, a brief identification of the obligation  
38 secured by the deed of trust or mortgage and of the  
39 borrower's right to cure the default, a statement of  
40 the nature of the right to cure the default, a  
41 statement of the nature of the alleged default, a  
42 statement of the total payment, including an  
43 itemization of any delinquency or deferral charges, or  
44 other performance necessary to cure the alleged  
45 default, and the exact date by which the amount must  
46 be paid or performance tendered.

47 Sec. 111. NEW SECTION. 654.2C MEDIATION NOTICE -  
48 - FORECLOSURE ON AGRICULTURAL PROPERTY.

49 A person shall not initiate a proceeding under this  
50 chapter to foreclose a deed of trust or mortgage on

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1 agricultural property, as defined in section 654A.1,  
2 which is subject to chapter 654A and which is subject  
3 to a debt of ten thousand dollars or more under the  
4 deed of trust or mortgage unless the person receives a  
5 mediation release under section 654A.11, or unless the  
6 court determines after notice and hearing that the  
7 time delay required for the mediation would cause the  
8 person to suffer irreparable harm.”

9 4. Page 2, lines 34 through 36, by striking the  
10 words and figure: “and does not exercise the  
11 homestead exemption under section 561.16”.

12 5. Page 2, lines 41 and 42, by striking the words  
13 and figure: “the homestead exemption under section  
14 561.16 or”.

15 6. Page 3, by inserting after line 19 the  
16 following:

17 “Sec. 112. NEW SECTION. 627.20 WAIVER.

18 A person may expressly waive the exemptions  
19 contained in this chapter. However, if the waiver is  
20 contained in a written contract, the contract must  
21 contain a statement in substantially the following  
22 form, in boldface type of a minimum size of ten  
23 points, and be signed and dated by the person waiving  
24 the exemption at the time of the execution of the  
25 contract: “I understand that some or all of the above  
26 property is in many cases protected from the claims of  
27 creditors and exempt from judicial sale; and that by  
28 signing this contract, I voluntarily give up my right  
29 to this protection for the property listed with  
30 respect to claims based upon this contract.”

31 The signature of the person waiving the exemption  
32 located at the bottom of the contract is deemed to  
33 have satisfied the signature and dating requirements  
34 of this section.”

35 7. Page 3, by inserting before line 20 the  
36 following:

37 “Sec. 113. Section 654.14, unnumbered paragraph 1,  
38 Code 1985, is amended to read as follows:

39 In any an action to foreclose a real estate  
40 mortgage, where if a receiver is appointed to take  
41 charge of the real estate, preference shall be given  
42 to the owner or person in actual possession, subject  
43 to approval of the court, in leasing the mortgaged  
44 premises. If the real estate is agricultural land  
45 used for farming, as defined in section 172C.1, the  
46 owner or person in actual possession shall be  
47 appointed as receiver without bond, provided that all  
48 parties agree to the appointment. Upon the agreement

49 of the parties in mediation under chapter 654A, the  
50 mortgagor shall have the right to rent the

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1 agricultural land. If there is a foreclosure sale on  
2 the agricultural land, the mortgagor shall have the  
3 first right of refusal to repurchase the agricultural  
4 land during any period the mortgagee is holding the  
5 land. The rents, profits, avails, and/or and income  
6 derived from said the real estate shall be applied as  
7 follows:

8 Sec. 114. NEW SECTION. 654.16 SEPARATE  
9 REDEMPTION OF HOMESTEAD.

10 If a foreclosure sale is ordered on agricultural  
11 land used for farming, as defined in section 175.2,  
12 the mortgagor may, by a date set by the court but not  
13 later than ten days before the sale, designate to the  
14 court the portion of the land which the mortgagor  
15 claims as a homestead. The homestead may be any  
16 contiguous portion of forty acres or less of the real  
17 estate subject to the foreclosure. The homestead  
18 shall contain the residence of the mortgagor and shall  
19 be as compact as practicable.

20 If the homestead is not sold separately, but rather  
21 is sold in conjunction with the nonhomestead property  
22 in order to satisfy the judgment, the court shall  
23 determine the fair market value of the homestead. The  
24 court may consult with the county appraisers appointed  
25 pursuant to section 450.24 to determine the fair  
26 market value of the homestead. The mortgagor may  
27 redeem the homestead separately by tendering the fair  
28 market value of the homestead pursuant to chapter 628.  
29 This section applies to all foreclosures on  
30 agricultural land, notwithstanding a waiver of  
31 homestead rights granted in this section or chapter  
32 561 under the obligation secured by the mortgage or  
33 deed of trust."

34 8. Page 5, by inserting after line 35 the  
35 following:

36 "Sec. 115. NEW SECTION. 654A.1 DEFINITIONS.

37 As used in this chapter, unless the context  
38 otherwise requires:

39 1. "Agricultural property" means agricultural land  
40 that is principally used for farming as defined in  
41 section 172C.1, and personal property that is used as  
42 security to finance a farm operation or used as part  
43 of a farm operation including equipment, crops,  
44 livestock, and proceeds of the security.

45 2. "Coordinator" means the farm crisis program

46 coordinator provided in section 654A.2.

47 3. "Creditor" means the holder of a mortgage on  
48 agricultural property, a vendor of a real estate  
49 contract for agricultural property, a person with a  
50 lien or security interest in agricultural property, or

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1 a judgment creditor with a judgment against a debtor  
2 with agricultural property.

3 4. "File" means to deliver by the required date by  
4 certified mail or another method acknowledging  
5 receipt.

6 5. "Mediation release" means an agreement or  
7 statement signed by all parties or by less than all  
8 the parties and the mediator pursuant to section  
9 654A.11.

10 Sec. 116. NEW SECTION. 654A.2 FARM CRISIS  
11 PROGRAM COORDINATOR.

12 The attorney general or the attorney general's  
13 designee shall serve as the farm crisis program  
14 coordinator. The coordinator has the powers and  
15 duties specified in this chapter and in chapter 13.

16 Sec. 117. NEW SECTION. 654A.3 FARM MEDIATION  
17 SERVICE.

18 The farm crisis coordinator shall contract with a  
19 nonprofit organization chartered in this state to  
20 provide farmer-creditor mediation services. The  
21 contract shall be awarded within thirty days after the  
22 effective date of this Act. The contract may be  
23 terminated by the coordinator upon written notice and  
24 for good cause. The organization awarded the contract  
25 is designated as the farm mediation service for the  
26 duration of the contract. However, the farm mediation  
27 service is not a state agency for the purposes of  
28 chapters 19A, 20, and 25A.

29 Sec. 118. NEW SECTION. 654A.4 APPLICABILITY OF  
30 CHAPTER.

31 1. This chapter applies to all creditors of a  
32 borrower described under subsection 2 with a secured  
33 debt against the borrower of ten thousand dollars or  
34 more.

35 2. This chapter applies to a borrower who is any  
36 of the following:

37 a. An individual operating a farm.

38 b. A family farm corporation as defined in section  
39 172C.1.

40 c. An authorized farm corporation as defined in  
41 section 172C.1.

42 Sec. 119. NEW SECTION. 654A.5 VOLUNTARY

## 43 MEDIATION PROCEEDINGS.

44 A borrower who owns agricultural property or a  
45 creditor of that borrower may request mediation of the  
46 indebtedness by applying to the farm mediation  
47 service. The farm mediation service shall make  
48 voluntary mediation application forms available. The  
49 farm mediation service shall evaluate each request and  
50 may direct a mediator to meet with the borrower and

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1 creditor to assist in mediation.

2 Sec. 120. NEW SECTION. 654A.6 MANDATORY  
3 MEDIATION PROCEEDINGS.

4 1. A creditor subject to this chapter desiring to  
5 initiate a proceeding to enforce a debt against  
6 agricultural property which is real estate under  
7 chapter 654, to forfeit a contract to purchase  
8 agricultural property under chapter 656, to enforce a  
9 secured interest in agricultural property under  
10 chapter 554, or to otherwise garnish, levy on, execute  
11 on, seize, or attach agricultural property, shall file  
12 a request for mediation with the farm mediation  
13 service. The creditor may not begin the proceeding  
14 subject to this chapter until the creditor receives a  
15 mediation release, or until the court determines after  
16 notice and hearing that the time delay required for  
17 the mediation would cause the creditor to suffer  
18 irreparable harm. The time period for the notice of  
19 right to cure provided in section 654.2A shall run  
20 concurrently with the time period for the mediation  
21 period provided in this section and section 654A.10.

22 2. Upon the receipt of a request for mediation,  
23 the farm mediation service shall conduct an initial  
24 consultation with the borrower without charge. The  
25 borrower may waive mediation after the initial  
26 consultation.

27 Sec. 121. NEW SECTION. 654A.7 FINANCIAL ANALYST  
28 AND LEGAL ASSISTANCE.

29 1. After receiving a mediation request, the farm  
30 mediation service shall refer the borrower to a  
31 financial analyst associated with the Iowa state  
32 university extension service ASSIST program. The  
33 financial analyst shall assist the borrower in the  
34 preparation of information relative to the finances of  
35 the borrower for the initial mediation meeting.

36 2. After receiving the mediation request, the farm  
37 mediation service shall notify the borrower that legal  
38 assistance may be available without charge through the  
39 legal assistance for farmers program provided in

40 chapter 13.

41 Sec. 122. NEW SECTION. 654A.8 INITIAL MEDIATION

42 MEETING.

43 1. Unless the borrower waives mediation, within  
44 twenty-one days after receiving a mediation request  
45 the farm mediation service shall send a mediation  
46 meeting notice to the borrower and to all known  
47 creditors of the borrower setting a time and place for  
48 an initial mediation meeting between the borrower, the  
49 creditors, and a mediator directed by the farm  
50 mediation service to assist in mediation. An initial

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1 mediation meeting shall be held within twenty-one days  
2 of the issuance of the mediation meeting notice.

3 2. If a creditor subject to this chapter receives  
4 a mediation meeting notice under subsection 1, the  
5 creditor and the creditor's successors in interest may  
6 not continue proceedings to enforce a debt against  
7 agricultural property of the borrower under chapter  
8 654, to forfeit a real estate contract for the  
9 purchase of agricultural property of the borrower  
10 under chapter 656, to enforce a secured interest in  
11 agricultural property under chapter 554, or to  
12 otherwise garnish, levy on, execute on, seize, or  
13 attach agricultural property. Time periods under and  
14 affecting those procedures stop running until the farm  
15 mediation service issues a mediation release to the  
16 creditor.

17 Sec. 123. NEW SECTION. 654A.9 DUTIES OF  
18 MEDIATOR.

19 At the initial mediation meeting and subsequent  
20 meetings, the mediator shall:

21 1. Listen to the borrower and the creditors  
22 desiring to be heard.

23 2. Attempt to mediate between the borrower and the  
24 creditors.

25 3. Advise the borrower and the creditors as to the  
26 existence of available assistance programs.

27 4. Encourage the parties to adjust, refinance, or  
28 provide for payment of the debts.

29 5. Advise, counsel, and assist the borrower and  
30 creditors in attempting to arrive at an agreement for  
31 the future conduct of financial relations among them.

32 Sec. 124. NEW SECTION. 654A.10 MEDIATION PERIOD.

33 The mediator may call mediation meetings during the  
34 mediation period, which is up to forty-two days after  
35 the farm mediation service received the mediation  
36 request. However, if all parties consent, mediation

37 may continue after the end of the mediation period.

38 Sec. 125. NEW SECTION. 654A.11 MEDIATION

39 RELEASE.

40 1. If an agreement is reached between the borrower  
41 and the creditors, the mediator shall draft a written  
42 mediation agreement, have it signed by the creditors,  
43 and submit the agreement to the farm mediation  
44 service.

45 2. The borrower and the creditors who are parties  
46 to the mediation agreement may enforce the mediation  
47 agreement as a legal contract. The agreement  
48 constitutes a mediation release.

49 3. If the borrower waives mediation, or if a  
50 mediation agreement is not reached, the borrower and

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1 the creditors may sign a statement prepared by the  
2 mediator that mediation was waived or that the parties  
3 did not reach an agreement. If any party does not  
4 sign the statement, the mediator shall sign the  
5 statement. The statement constitutes a mediation  
6 release. Unless the borrower waives mediation, a  
7 creditor shall not receive a mediation release until  
8 the creditor has participated in at least one  
9 mediation meeting.

10 Sec. 126. NEW SECTION. 654A.12 EXTENSION OF  
11 DEADLINES.

12 Upon petition by the borrower and all known  
13 creditors, the farm mediation service may, for good  
14 cause, extend a deadline imposed by section 654A.8 or  
15 section 654A.10 for up to thirty days.

16 Sec. 127. NEW SECTION. 654A.13 CONFIDENTIALITY.

17 1. All data regarding the finances of individual  
18 borrowers and creditors which is created, collected,  
19 and maintained by the farm mediation service are not  
20 public records under chapter 22.

21 2. Meetings of the farm mediation service are  
22 closed meetings and are not subject to chapter 21.

23 Sec. 128. NEW SECTION. 654A.14 RULES AND FORMS.

24 The farm mediation service shall recommend rules to  
25 the coordinator. The coordinator shall adopt rules  
26 pursuant to chapter 17A to set the compensation of  
27 mediators and to implement this chapter. The  
28 compensation of the mediators shall be no more than  
29 twenty-five dollars per hour, and all parties shall  
30 contribute an equal amount of the cost. The  
31 coordinator shall adopt voluntary mediation  
32 application and mediation request forms.

33 Sec. 129. NEW SECTION. 656.8 MEDIATION NOTICE.

34 Notwithstanding the provisions of sections 656.1  
35 through 656.5, a person shall not initiate proceedings  
36 under this chapter to forfeit a real estate contract  
37 for the purchase of agricultural property, as defined  
38 in section 654A.1, which is subject to an outstanding  
39 obligation on the contract of ten thousand dollars or  
40 more unless the person received a mediation release  
41 under section 654A.11, or unless the court determines  
42 after notice and hearing that the time delay required  
43 for the mediation would cause the person to suffer  
44 irreparable harm.”

45 9. Page 5, by inserting after line 45 the  
46 following:

47 “Sec. \_\_\_\_ . Sections 107, 109, 110, 111, and 115  
48 through 129 of this Act apply to actions commenced on  
49 or after the effective date of this Act. Sections 6,  
50 7, 8, 10, 106, 113, and 114 of this Act apply to

### Page 13

1 actions pending on the effective date of this Act and  
2 actions commenced on or after the effective date of  
3 this Act.”

4 10. Page 5, by inserting after line 47 the  
5 following:

6 “Sec. \_\_\_\_ . Sections 100 through 105, 107, 111 and  
7 115 through 129 of this Act are repealed on July 1,  
8 1989.”

9 11. Page 6, line 3, by inserting after the word  
10 “Iowa” the words and figures “, but not later than  
11 July 1, 1986”.

12 12. Page 6, by striking lines 4 through 18.

13 13. Page 6, by inserting before line 19 the  
14 following:

15 “\_\_\_\_ . Title page, line 1, by striking the words  
16 “real estate” and inserting the words “economic crisis  
17 relief”.

18 \_\_\_\_ . Title page, line 1, by striking the words  
19 “providing for the payment of”.

20 \_\_\_\_ . Title page, by striking lines 2 through 10  
21 and inserting the following: “providing a legal  
22 assistance to farmers program, providing living  
23 expense exemptions in the sale of products subject to  
24 a lien or security interest, providing a procedure for  
25 the waiver of the homestead and other exemptions,  
26 providing for the cure of a default, delaying the  
27 enforceability of certain deficiency judgments or  
28 general executions, providing for certain exemptions  
29 from execution and garnishment, providing for the  
30 separate redemption of a homestead, providing for the

31 eligibility of certain types of real estate for a  
32 foreclosure continuance, providing time limits for  
33 applying for a foreclosure continuance and for the  
34 term of a foreclosure continuance, providing for a  
35 farm mediation program, providing immediate  
36 foreclosure continuance eligibility to real estate  
37 used for small business, providing an extension of  
38 time under the current declaration of economic  
39 emergency, and providing an effective date.””

LEONARD L. BOSWELL

S-5879

1 Amend amendment S-5791 to House File 2484 as amended,  
2 passed and reprinted by the House as follows:  
3 1. Page 6, by striking lines 41 through 43.

JOE WELSH

S-5880

1 Amend House File 2484 as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 15, by inserting after line 6 the  
4 following:  
5 “Sec. 1001. Section 515B.1, Code 1985, is amended  
6 to read as follows:  
7 515B.1 SCOPE.  
8 This chapter shall apply to all kinds of direct  
9 insurance authorized to be written by an insurer  
10 licensed to operate in this state under chapter 515 or  
11 chapter 520, except life, title, ~~surety~~, fidelity,  
12 disability including accident and health, credit,  
13 mortgage guaranty and ocean marine insurance.  
14 Sec. 1002. Section 573.2, Code 1985, is amended to  
15 read as follows:  
16 573.2 PUBLIC IMPROVEMENTS -- BOND AND CONDITIONS.  
17 Contracts for the construction of a public  
18 improvement shall, when the contract price equals or  
19 exceeds twenty-five thousand dollars, be accompanied  
20 by a bond, with surety, conditioned for the faithful  
21 performance of the contract, and for the fulfillment  
22 of other requirements as provided by law. The bond  
23 may also be required when the contract price does not  
24 equal that amount. However, if a contractor provides  
25 a bond as required by this section and subsequently  
26 the surety company becomes insolvent and is no longer

27 able to be a surety on the bond, then the contractor  
28 is relieved of the obligation of providing a new bond  
29 with surety."

30 2. Page 15, by inserting after line 11 the  
31 following:

32 "Sec. 1003. Sections 1001 and 1002 shall apply  
33 retroactively to July 1, 1985."

34 3. Renumber as necessary.

JOE WELSH

S-5881

1 Amend the amendment, S-5791, to House File 2484, as  
2 amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 25, by inserting after line 21 the  
5 following:

6 "159. Page 171, by inserting after line 3 the  
7 following:

8 "Sec. \_\_\_\_ . Notwithstanding any other provisions of  
9 this Act, the alcoholic beverages control division of  
10 the department of commerce shall cease operations  
11 dealing with the purchase or sale of alcoholic  
12 beverages except to the extent that the division may  
13 continue to sell alcoholic beverages for the purpose  
14 of liquidating existing stocks of alcoholic beverages.  
15 Class "E" liquor control licensees shall purchase  
16 alcoholic liquor from private wholesalers holding a  
17 distillers certificate of compliance. A tax shall be  
18 levied and collected from each person selling  
19 alcoholic liquor to class "E" licensees equal to sixty  
20 percent of the price of the alcoholic liquor charged  
21 by the person selling alcoholic liquor to class "E"  
22 licensees. Persons selling alcoholic liquor to class  
23 "E" licensees shall periodically submit reports to the  
24 division according to rules adopted by the division  
25 and shall remit with those reports any amount of money  
26 due under the tax levied upon the wholesale sale of  
27 any alcoholic liquor. This section shall take effect  
28 March 1, 1987."

WILLIAM D. PALMER

S-5882

1 Amend House File 2484, as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 113, by striking lines 10 and 11 and  
4 inserting the following: "academy. However, no  
5 charge shall be made to officer candidates being  
6 tested on behalf of state agencies."

7 2. Page 113, by striking line 17 and inserting  
8 the following: "officers employed by state agencies."

JOE WELSH

S-5883

1 Amend the amendment, S-5749, to Senate File 2298 as  
2 follows:

3 1. By striking page 1, line 2 through page 37,  
4 line 9 and inserting the following:

5 "1. Page 1, line 34, by striking the words "and  
6 commercial" and inserting the following: "commercial,  
7 and certain railroad".

8 2. Page 2, line 4, by striking the word  
9 "Notwithstanding" and inserting the following:  
10 "a. Notwithstanding".

11 3. Page 2, line 6, by inserting after the word  
12 "property" the following: "and property subject to  
13 the provisions of the Railroad Revitalization and  
14 Regulatory Reform Act of 1976, 49 U.S.C. Sec. 11503".

15 4. Page 2, by striking lines 7 through 9 and  
16 inserting the following: "1987 and July 1, 1988, are  
17 four dollars and twenty cents per thousand dollars and  
18 three dollars and seventy cents per thousand dollars,  
19 respectively,".

20 5. Page 2, line 11, by striking the words "and  
21 commercial" and inserting the following: "commercial,  
22 and such railroad".

23 6. Page 2, by inserting after line 11 the  
24 following:

25 "b. If House File 2462 is enacted by the general  
26 Assembly and becomes law, for the fiscal years  
27 beginning July 1, 1987 and July 1, 1988 the foundation  
28 property tax on residential, agricultural and  
29 commercial property for the portion of a reorganized  
30 school district which, in the year preceding the  
31 reorganization, was within a school district affected  
32 by the reorganization as defined in section 275.1 and  
33 which had a certified enrollment of less than six  
34 hundred, shall be reduced from the rate specified in  
35 this section by the amount of one dollar per thousand  
36 dollars of assessed valuation for the first year in  
37 which the reorganization is effective and by the  
38 amount of eighty cents for the second year in which

39 the reorganization is effective.”

40 7. Page 2, line 26, by striking the words and  
41 figure “eighty million (80,000,000)” and inserting the  
42 following: “fifty-four million (54,000,000)”.

43 8. Page 3, by inserting after line 1 the  
44 following:

45 “Sec. \_\_\_\_ . NEW SECTION. 294.22 MINIMUM SALARIES.

46 1. Except as otherwise provided in this  
47 subsection, for the school years beginning July 1,  
48 1987 and July 1, 1988, a contract issued by boards of  
49 directors of a school district under section 279.13  
50 shall provide for an annual salary for a full-time

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1 teacher of at least seventeen thousand dollars and  
2 eighteen thousand dollars, respectively. The minimum  
3 salaries specified in this subsection shall be  
4 prorated for a teacher employed on less than a full-  
5 time basis.

6 There is appropriated from the salary improvement  
7 fund for the fiscal year beginning July 1, 1987 the  
8 amount of five million two hundred thousand  
9 (5,200,000) dollars and for the fiscal year beginning  
10 July 1, 1988, the amount of seven million one hundred  
11 thousand (7,100,000) dollars to the department of  
12 revenue and finance, to pay to each school district an  
13 amount sufficient to increase the annual salaries of  
14 its teachers from the salary on the salary schedule  
15 adopted under a collective bargaining agreement  
16 negotiated under chapter 20 or adopted by the board of  
17 directors if there is no employee organization  
18 established under chapter 20 to the minimum salaries  
19 specified in this subsection.

20 If the amount appropriated in this subsection is  
21 insufficient to make the required payments for a  
22 fiscal year, the department of revenue and finance  
23 shall prorate the payments.

24 2. For the school years beginning July 1, 1987 and  
25 July 1, 1988, there is appropriated from the salary  
26 improvement fund to the department of revenue and  
27 finance an amount sufficient to pay to each school  
28 district an amount equal to ninety-nine dollars  
29 multiplied by the basic enrollment of the district for  
30 the budget year. The amounts received by a school  
31 district under this subsection and subsection 1 are  
32 miscellaneous income for purposes of chapter 442 and  
33 shall be expended only for purposes of increasing  
34 teacher salaries.

35 3. The salary a teacher will receive on a salary

36 schedule for a year does not include the costs of  
37 fringe benefits nor does it include supplemental pay  
38 earned by a teacher for performance of additional  
39 duties beyond teaching duties.

40 4. For the purposes of this section, "teacher"  
41 means a teacher employed by a school district under a  
42 contract executed pursuant to section 279.13. A  
43 teacher jointly employed by two or more districts or  
44 area education agencies whose employment is on a full-  
45 time equivalent basis is a full-time teacher.

46 5. Salaries in excess of the minimums specified in  
47 subsection 1 shall be based upon experience,  
48 education, and performance. They shall be negotiated  
49 under chapter 20 if an employee organization had been  
50 certified under chapter 20 or shall be determined by

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1 the board of directors if there is no employee  
2 organization certified under chapter 20.  
3 Sec. \_\_\_\_ . There is appropriated from the salary  
4 improvement fund to the department of education for  
5 the fiscal year beginning July 1, 1986 and ending June  
6 30, 1987, the amount of nine hundred thousand  
7 (900,000) dollars to be used for pay adjustments for  
8 full-time nonadministrative certificated employees of  
9 merged area schools. The pay adjustments shall be in  
10 addition to any agreement negotiated under chapter 20  
11 or other salary adjustments or agreements. The  
12 allocation shall be distributed in the same proportion  
13 as each school's full-time nonadministrative  
14 certificated employees are to the total number of  
15 full-time nonadministrative certificated employees at  
16 all merged area schools.

17 A pay adjustment provided in this section shall be  
18 added to the salary of a full-time nonadministrative  
19 certificated employee and shall supplement, not  
20 supplant, the results of a collective bargaining  
21 agreement negotiated under chapter 20, if any. The  
22 amount of a pay adjustment is for the adjustment of  
23 base pay only.

24 It is the intent of the general assembly that  
25 moneys appropriated for salary adjustments for each  
26 area school under this section shall be included in  
27 each institution's general aid request for the fiscal  
28 year beginning July 1, 1987 and the amounts of the pay  
29 adjustments shall be submitted to the general assembly  
30 by the department of education.

31 Sec. \_\_\_\_ . There is appropriated from the salary  
32 improvement fund to the Iowa college aid commission

33 for the fiscal year beginning July 1, 1986 and ending  
34 June 30, 1987, the amount of one million (1,000,000)  
35 dollars, or so much thereof as may be necessary to be  
36 used for tuition grants. Moneys appropriated in this  
37 section are in addition to moneys appropriated in  
38 section 261.25, subsection 1.

39 Sec. \_\_\_\_ . There is appropriated from the salary  
40 improvement fund to the Iowa college aid commission  
41 for the fiscal year beginning July 1, 1986 and ending  
42 June 30, 1987, the amount of fifty thousand (50,000)  
43 dollars, or so much thereof as may be necessary to be  
44 used pursuant to sections 261.81 through 261.84 for  
45 the Iowa college work-study program.

46 Sec. \_\_\_\_ . There is appropriated from the salary  
47 improvement fund to the state board of regents for the  
48 fiscal year beginning July 1, 1986 and ending June 30,  
49 1987 the amount of five million two hundred fifty  
50 thousand (5,250,000) dollars for allocation by the

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1 state board of regents to the state university of  
2 Iowa, the Iowa state university of science and  
3 technology, and the university of northern Iowa in  
4 amounts as may be necessary for the following  
5 purposes:

6 1. To reimburse the institutions for deficiencies  
7 in their operating funds resulting from the pledging  
8 of tuitions, student fees and charges and  
9 institutional income to finance the cost of providing  
10 academic and administrative buildings and facilities  
11 and utility services at the institutions.

12 2. For supplemental salary increases for faculty,  
13 professional, and scientific employees.

14 The state board of regents shall allocate moneys  
15 allocated under this subsection so that each  
16 institution of higher education receives a portion of  
17 the allocation equal to the percent the eligible full-  
18 time equivalent faculty, professional, and scientific  
19 employees at the institution bears to the total full-  
20 time equivalent faculty at the three institutions.  
21 The funds allocated to the university of northern Iowa  
22 shall be distributed through the collective bargaining  
23 in force for the fiscal year beginning July 1, 1986.

24 Sec. \_\_\_\_ . Chapter 442, Code 1985 and Code  
25 Supplement 1985, is repealed effective July 1, 1988.

26 Sec. \_\_\_\_ . The legislative council is requested to  
27 establish an interim study committee to develop a  
28 school finance formula to take effect for the school  
29 year beginning July 1, 1988. The members of the study

30 committee shall include the chairpersons and ranking  
 31 members of the senate and house of representatives  
 32 committees on education and ways and means; the  
 33 director of the department of education or the  
 34 director's designee; and one member each selected by  
 35 the speaker of the house, the majority leader of the  
 36 senate, and the minority leaders of the house and  
 37 senate. The members selected by the leaders of the  
 38 general assembly may be members of the general  
 39 assembly or representatives of the general public  
 40 knowledgeable about school finance.

41 The study shall include but not be limited to con-  
 42 sideration of educational cost per student,  
 43 determination of enrollment to use for funding  
 44 purposes, kinds of state revenues used for state aid  
 45 and local tax effort, growth of state funding,  
 46 limitations on school district expenditures, funding  
 47 of special programs, and funding of capital ex-  
 48 penditures.

49 The study committee shall submit its  
 50 recommendations to the general assembly meeting in

**Page 5**

1 1987.”

2 9. Page 3, by striking lines 2 through 6.

3 10. Amend the title, line 4, by inserting after  
 4 the words “appropriations to” the following: “and  
 5 expenditures from”.

6 11. Amend the title, line 5, by striking the word  
 7 “adjustment” and inserting the following:

8 “improvement”.

9 12. By numbering and renumbering sections as  
 10 necessary.””

LARRY MURPHY  
 WALLY HORN  
 MILO COLTON  
 BEVERLY HANNON  
 JAMES RIORDAN  
 JAMES WELLS

S-5884

1 Amend House File 2484, as amended, passed, and  
 2 reprinted by the House as follows:

## DIVISION S-5884B

3 1. Page 24, lines 8 and 9, by striking the words  
4 "revenue and finance" and inserting the word  
5 "management".

## DIVISION S-5884A

6 2. Page 48, line 14, by striking the words  
7 "revenue and finance" and inserting the word  
8 "management".

9 3. Page 49, line 32, by striking the words  
10 "revenue and finance" and inserting the word  
11 "management".

## DIVISION S-5884B

12 4. Page 49, line 33, by striking the words  
13 "revenue and finance" and inserting the word  
14 "management".

## DIVISION S-5884A

15 5. Page 56, line 5, by striking the words  
16 "revenue and finance" and inserting the word  
17 "management".

## DIVISION S-5884B

18 6. Page 56, line 30, by striking the words  
19 "revenue and finance" and inserting the word  
20 "management".

21 7. Page 57, line 23, by striking the word  
22 "education" and inserting the word "management".

23 8. Page 57, lines 25 and 26, by striking the  
24 words "The department shall notify the department of  
25 revenue and finance of the amount.".

26 9. Page 58, by striking lines 17 through 21 and  
27 inserting the words "The department of management  
28 shall determine for the base year beginning July 1,  
29 1985, the state average cost per contact hour for each  
30 instructional cost center. The state".

31 10. Page 58, line 25, by striking the word  
32 "education" and inserting the word "management".

33 11. Page 58, lines 30 and 31, by striking the  
34 words "The department shall notify the department of  
35 management."

36 12. Page 60, line 8, by striking the word  
37 "education" and inserting the word "management".

38 13. Page 60, lines 11 and 12, by striking the

39 words "The department shall notify the department of  
40 management."

41 14. Page 61, line 2, by striking the word  
42 "education" and inserting the word "management".

43 15. Page 61, lines 5 and 6, by striking the words

44 "The department shall notify the department of  
45 management."

WALLY HORN

HOUSE AMENDMENT TO  
SENATE FILE 2289

S-5885

1 Amend Senate File 2289 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. By striking page 1, line 3 through page 2,  
4 line 5 and inserting the following:

5 "11. To ~~appoint~~ approve the appointment of the  
6 Iowa Code editor and the Iowa administrative code  
7 editor, establish the salaries of the persons employed  
8 in that office and establish policies with regard to  
9 the printing and publishing of the Iowa administrative  
10 code and bulletin, the Code of Iowa, and session laws  
11 ~~including but not limited to: The style and format to~~  
12 ~~be used in publishing such documents, the frequency of~~  
13 ~~publications, the contents of such publications, the~~  
14 ~~numbering system to be used in the Code and session~~  
15 ~~laws, the preparation of editorial comments or~~  
16 ~~notations, the correction of errors, the type of print~~  
17 ~~to be used, the number of volumes to be published,~~  
18 ~~recommended revisions of the Code and session laws,~~  
19 ~~the letting of contracts for the publication of the~~  
20 ~~Code and session laws, and any other matters deemed~~  
21 ~~necessary to the publication of a uniform and~~  
22 ~~understandable Code of laws.~~

23 Sec. 2. NEW SECTION. 2.58A IOWA CODE OFFICE.

24 The Iowa Code office is created as a division of  
25 the legislative service bureau. The Iowa Code office  
26 includes the Iowa Code editor and the Iowa  
27 administrative code editor. The duties and powers of  
28 the Iowa Code editor and the Iowa administrative code  
29 editor shall be performed and exercised by the Code  
30 editor under the direction and supervision of the  
31 director of the legislative service bureau, subject to  
32 the review of the legislative council. The  
33 administrative head of the Iowa Code office is the  
34 Iowa administrative code editor, who shall administer

35 and coordinate the operations of the office.”

36 2. Page 3, by striking lines 7 through 12 and

37 inserting the following:

38 “14.1 IOWA CODE EDITOR AND IOWA ADMINISTRATIVE  
39 CODE EDITOR.

40 The legislative council director of the legislative  
41 service bureau shall appoint ~~a~~ an Iowa Code editor who  
42 shall serve and an Iowa administrative code editor,  
43 subject to the approval of the legislative council,  
44 each of whom serves at the pleasure of the legislative  
45 council.”

46 3. Page 9, line 14, by inserting after the word

47 “designee” the words “and approved by the legislative  
48 council”.

49 4. Page 11, by inserting after line 22 the  
50 following:

**Page 2**

1 “Sec. 22. In sections 14.8, 14.9, 14.10, 14.11,  
2 14.12, 14.13, 14.15, and 14.16, Code 1985, and in  
3 other provisions containing references to the Code  
4 editor in regard to powers and duties relating to the  
5 Iowa Code, the Iowa Code editor may change references  
6 to the “Code editor” to “Iowa Code editor”.

7 Sec. 23. In sections 14.7, 14.21, 17A.4, and  
8 17A.6, Code 1985, and in other provisions containing  
9 references to the Code editor in regard to powers and  
10 duties relating to the Iowa administrative code and  
11 related documents, the Iowa Code editor may change  
12 references to the “Code editor” to “Iowa  
13 administrative code editor”.

14 5. Title page, line 1, by striking the following:  
15 “the deputy Code editor,”.

S-5886

1 Amend the amendment, S-5791, to House File 2484 as  
2 amended, passed and reprinted by the House, as  
3 follows:

4 1. Page 25, by inserting after line 15 the  
5 following:

6 “—. Page 168, line 22, by striking the words  
7 “and served”.

8 —. Page 168, line 26, by striking the words  
9 “sold to and”.

10 —. Page 168, line 33, by inserting before the  
11 word “beer” the following: “or “C””.

12 2. By renumbering as required.

S-5887

1 Amend the amendment, S-5791, to House File 2484, as  
2 amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 21, line 22, by striking the figure  
5 "10,000,000" and inserting the figure "13,000,000".  
6 2. Page 21, line 24, by inserting after the word  
7 "system." the following: "The alcohol beverage  
8 control division may expend, in addition to funds  
9 appropriated in this subsection, any amount saved from  
10 the reduction in the level of inventory at the state  
11 liquor warehouse and retail outlets for operational  
12 purposes. Notwithstanding section 125.53, the  
13 division may expend from the beer and liquor control  
14 fund an amount equal to the inventory reduction  
15 savings. The number of retail outlets shall be not  
16 reduced below the number of retail outlets in  
17 existence on May 1, 1986. The number of retail  
18 outlets shall not be reduced until March 1, 1987."

MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO  
SENATE FILE 2302

S-5888

1 Amend Senate File 2302 as passed by the Senate as  
2 follows:

3 1. Page 1, by striking lines 1 through 15 and  
4 inserting the following:

5 "Sec. \_\_\_\_ . Section 422A.1, unnumbered paragraph 3,  
6 Code 1985, is amended to read as follows:

7 A city or county shall impose a hotel and motel tax  
8 or increase the tax rate, only after an election at  
9 which a majority of those voting on the question  
10 favors imposition or increase. However, a hotel and  
11 motel tax shall not be repealed or reduced in rate if  
12 obligations are outstanding which are payable as  
13 provided in section 422A.2, unless funds sufficient to  
14 pay the principal, interest, and premium, if any, on  
15 the outstanding obligations at and prior to maturity  
16 have been properly set aside and pledged for such that  
17 purpose. The election shall be held at the time of  
18 that city's or county's general election or at the

19 time of a special election.

20 Sec. \_\_\_\_ . Section 422B.1, subsections 1 and 2,  
21 Code Supplement 1985, are amended to read as follows:

22 1. A ~~city or a county~~ may impose by ordinance of  
23 ~~the city council or the board of supervisors local~~  
24 option taxes authorized by this chapter, subject to  
25 this section.

26 2. A local option tax shall be imposed only after  
27 an election at which a majority of those voting on the  
28 question favors imposition and shall then be imposed  
29 until repealed as provided in subsection 7, paragraph  
30 "a". ~~If the tax is a local earnings tax imposed by a~~  
31 ~~city, it shall only apply within the corporate~~  
32 ~~boundaries of that city and if imposed by a county, it~~  
33 ~~shall only apply to unincorporated areas of that~~  
34 ~~county.~~ If the tax is a local vehicle tax imposed by  
35 a county, it shall apply to all incorporated and  
36 unincorporated areas of the county. If the tax is a  
37 local sales and services tax imposed by a county, it  
38 shall only apply to those incorporated areas and the  
39 unincorporated area of that county in which a majority  
40 of those voting in the area on the tax favor its  
41 imposition. For purposes of the local sales and  
42 services tax, all cities contiguous to each other  
43 shall be treated as part of one incorporated area and  
44 the tax would be imposed in each of those contiguous  
45 cities only if the majority of those voting in the  
46 total area covered by the contiguous cities favor its  
47 imposition.

48 Sec. \_\_\_\_ . Section 422B.1, subsections 3 and 4,  
49 Code Supplement 1985, are amended by striking the  
50 subsections.

## Page 2

1 Sec. \_\_\_\_ . Section 422B.1, subsection 6, Code  
2 Supplement 1985, is amended to read as follows:  
3 6. The county commissioner of elections shall  
4 submit the question of imposition of a local option  
5 tax at a state general election or at a special  
6 election held at anytime other than the time of a city  
7 regular election ~~in the case of a tax imposed by a~~  
8 ~~county or at a state general election or city regular~~  
9 ~~election in the case of a tax imposed by a city which~~  
10 may not be held sooner than sixty days after  
11 publication of notice of the ballot proposition. The  
12 ballot proposition shall specify the type and rate of  
13 tax and in the case of a vehicle tax the classes that  
14 will be exempt and in the case of a local sales and  
15 services tax the date it will be imposed. The ballot

16 proposition shall also specify the approximate amount  
 17 of local option tax revenues that will be used for  
 18 property tax relief and shall contain a statement as  
 19 to the specific purpose or purposes for which the  
 20 revenues shall otherwise be expended. ~~The rate of a~~  
 21 ~~local earnings tax shall be in increments of one~~  
 22 ~~percent but not in excess of four percent as set by~~  
 23 ~~the governing body of the city or county seeking to~~  
 24 ~~impose the tax.~~ The rate of the vehicle tax shall be  
 25 in increments of one dollar per vehicle as set by the  
 26 petition seeking to impose the tax. The rate of a  
 27 local sales and services tax shall not be more than  
 28 one percent as set by the governing body. The state  
 29 commissioner of elections shall establish by rule the  
 30 form for the ballot proposition which form shall be  
 31 uniform throughout the state.

32 Sec. \_\_\_\_ . Section 422B.1, subsection 7, paragraph  
 33 a, Code Supplement 1985, is amended to read as  
 34 follows:

35 a. If a majority of those voting on the question  
 36 of imposition of a local option tax favor imposition  
 37 of a local option tax, the governing body of that ~~city~~  
 38 ~~or that county, as applicable,~~ shall impose the tax at  
 39 the rate specified for an unlimited period. However,  
 40 in the case of a local sales and services tax, the  
 41 county shall not impose the tax in any incorporated  
 42 area or the unincorporated area if the majority of  
 43 those voting on the tax in that area did not favor its  
 44 imposition. For purposes of the local sales and  
 45 services tax, all cities contiguous to each other  
 46 shall be treated as part of one incorporated area and  
 47 the tax would be imposed in each of those contiguous  
 48 cities only if the majority of those voting in the  
 49 total area covered by the contiguous cities favor its  
 50 imposition. The local option tax may be repealed or

### Page 3

1 the rate increased or decreased only after an election  
 2 at which a majority of those voting on the question of  
 3 repeal or rate change favor the repeal or rate change.  
 4 The election at which the question of repeal or rate  
 5 change is offered shall be called and held in the same  
 6 manner and under the same conditions as provided in  
 7 subsections ~~3~~, 4, 5, and 6 for the election on the  
 8 imposition of the local option tax. However, in the  
 9 case of a local sales and services tax where the tax  
 10 has not been imposed countywide, the question of  
 11 repeal or imposition shall be voted on only by the  
 12 qualified electors of the areas of the county where

13 the tax has been imposed or has not been imposed, as  
14 appropriate.

15 Sec. \_\_\_\_ . Section 422B.1, subsection 9, Code

16 Supplement 1985, is amended to read as follows:

17 9. Local option taxes authorized to be imposed as  
18 provided in this chapter are ~~a local earnings tax~~; a  
19 local sales and services tax; and a local vehicle tax.  
20 The rate of the ~~taxes tax~~ shall be ~~up to four percent~~  
21 ~~in increments of one percent for the earnings tax~~, and  
22 in increments of one dollar per vehicle for a vehicle  
23 tax ~~all as set by the governing body of the city or~~  
24 ~~county seeking to impose the earnings tax or as set on~~  
25 ~~the petition seeking to impose the vehicle tax. The~~  
26 ~~rate of a local sales and services tax shall not be~~  
27 ~~more than one percent as set by the governing body."~~

28 2. Page 2, by inserting after line 22 the  
29 following:

30 "Sec. \_\_\_\_ . Sections 422B.5 through 422B.7, Code  
31 Supplement 1985, are repealed."

32 3. Title page, lines 1 and 2, by striking the  
33 words "sales and services tax and the local option  
34 earnings tax" and inserting the following: "taxes".

S-5889

1 Amend House File 2484 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 121, by inserting after line 1 the  
4 following:

5 "It is a condition of the funds appropriated by  
6 this section that the department shall not negotiate  
7 consent decrees which provide for donations to the  
8 hazardous waste remedial fund in lieu of the payment  
9 of civil or criminal penalties by a person against  
10 whom administrative or legal proceedings have been  
11 instituted by the department until after the  
12 department has adopted rules under chapter 17A  
13 regarding consent decree negotiations and appropriate  
14 provisions of those decrees."

JOE WELSH

S-5890

1 Amend amendment S-5868 to House File 2484 as amended,  
2 passed and reprinted by the House as follows:

3 1. Page 4, line 28, by striking the words "four  
4 dollars and fifty cents" and inserting in lieu thereof

- 5 the words "three dollars".  
6 2. Page 4, lines 34 and 35, by striking the words  
7 "forty-five" and inserting in lieu thereof the words  
8 "twenty-five".

JOE BROWN

S-5891

- 1 Amend the amendment, S-5791, to House File 2484, as  
2 amended, passed, and reprinted by the House as  
3 follows:  
4 1. Page 20, by striking lines 19 through 26.

ROBERT M. CARR  
FORREST V. SCHWENGELS

S-5892

- 1 Amend House File 2484 as amended, passed and  
2 reprinted by the House, as follows:  
3 1 Page 168, line 22, by striking the words "and  
4 servd".  
5 2. Page 168, line 26, by striking the words "sold  
6 to and".  
7 3. Page 168, line 33, by inserting before the  
8 word "beer" the following: "or "C".  
9 4. By renumbering as required.

WILLIAM W. DIELEMAN

S-5893

- 1 Amend amendment S-5791 to House File 2484 as amended,  
2 passed and reprinted by the House as follows:  
3 1. Page 24, line 36, by striking the words "depart-  
4 ment of elder affairs,".  
5 2. Page 24, line 46, by inserting after the words  
6 "department of commerce," the words "department of elder  
7 affairs,".

JAMES RIORDAN  
ROBERT CARR

S-5894

1 Amend the Senate amendment, S-5791, to House File  
2 2484 as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 25, by inserting after line 15 the  
5 following:

6 “— . Page 154, by striking lines 11 and 12 and  
7 inserting the following:

8 “Sec. 722A. Section 123.3, subsection 21, Code  
9 Supplement 1985, is amended to read as follows:

10 21. “State liquor store” means a store established  
11 by the department under this chapter on premises owned  
12 or leased by the department and operated exclusively  
13 by the department with its own employees for the sale  
14 of alcoholic liquor and wine in the original package  
15 for consumption off the premises.

16 Sec. 723. Section 123.3, subsection 21, Code  
17 Supplement 1985, as amended by 1986 Iowa Acts, House  
18 File 2484, section 722A, is amended by striking the  
19 subsection.

20 — . By striking page 156, line 25 through page  
21 157, line 12 and inserting the following:

22 “Sec. 731A. Section 123.22, unnumbered paragraph  
23 1, Code Supplement 1985, is amended to read as  
24 follows:

25 The ~~department~~ division has the exclusive right of  
26 importation into the state of all forms of alcoholic  
27 liquor, except as otherwise provided in this chapter,  
28 and a person shall not import alcoholic liquor, except  
29 that an individual of legal age may import and have in  
30 the individual’s possession an amount of alcoholic  
31 liquor not exceeding one quart or, in the case of  
32 alcoholic liquor personally obtained outside the  
33 United States, one gallon for personal consumption  
34 only in a private home or other private accommodation.  
35 No distillery shall sell any alcoholic liquor within  
36 the state to any person but only to the ~~department~~  
37 division, except as otherwise provided in this  
38 chapter. It is the intent of this section to vest in  
39 the ~~department~~ division exclusive control within the  
40 state both as purchaser and vendor of all alcoholic  
41 liquor sold by distilleries within the state or  
42 imported, except beer and wine, and except as  
43 otherwise provided in this chapter. The ~~department~~  
44 division may continue to purchase wine from persons  
45 holding a vintner’s certificate of compliance or a  
46 class “A” wine permit ~~for resale~~, but shall resell it  
47 only at retail in state liquor stores.

48 Sec. 732. Section 123.22, unnumbered paragraph 1,  
 49 Code Supplement 1985, as amended by 1986 Iowa Acts,  
 50 House File 2484, section 731A, is amended to read as

Page 2

1 follows:

2 The division has the exclusive right of importation  
 3 into the state of all forms of alcoholic liquor,  
 4 except as otherwise provided in this chapter, and a  
 5 person shall not import alcoholic liquor, except that  
 6 an individual of legal age may import and have in the  
 7 individual's possession an amount of alcoholic liquor  
 8 not exceeding one quart or, in the case of alcoholic  
 9 liquor personally obtained outside the United States,  
 10 one gallon for personal consumption only in a private  
 11 home or other private accommodation. No distillery  
 12 shall sell any alcoholic liquor within the state to  
 13 any person but only to the division, except as  
 14 otherwise provided in this chapter. ~~It is the intent~~  
 15 ~~of this~~ This section to ~~vest vests~~ in the division  
 16 exclusive control within the state ~~both~~ as purchaser  
 17 ~~and vendor~~ of all alcoholic liquor sold by  
 18 distilleries within the state or imported, except beer  
 19 and wine, and except as otherwise provided in this  
 20 chapter. ~~The division may continue to purchase wine~~  
 21 ~~from persons holding a vintner's certificate of~~  
 22 ~~compliance or a class "A" wine permit but shall resell~~  
 23 ~~it only at retail in state liquor stores. The~~  
 24 division shall act as the sole wholesaler of alcoholic  
 25 liquor to class "E" liquor control licensees. The  
 26 department shall not otherwise sell any alcoholic  
 27 beverages."

28 —. By striking page 161, line 26 through page  
 29 162, line 28, and inserting the following:

30 "Sec. 739A. Section 123.30, subsection 3,  
 31 paragraphs a, b, and c, Code Supplement 1985, are  
 32 amended to read as follows:

33 a. CLASS "A". A class "A" liquor control license  
 34 may be issued to a club and ~~shall authorize~~ authorizes  
 35 the holder to purchase alcoholic liquors from only the  
 36 ~~department~~ division, wine from ~~the department or only~~  
 37 class "A" wine permittees, and native wines from  
 38 native wine manufacturers, and to sell liquors, wine,  
 39 and beer, to bona fide members and their guests by the  
 40 individual drink for consumption on the premises only.

41 b. CLASS "B". A class "B" liquor control license  
 42 may be issued to a hotel or motel and ~~shall authorize~~  
 43 authorizes the holder to purchase alcoholic liquors  
 44 from only the ~~department~~ division, wine from ~~the~~

45 ~~department or only~~ class "A" wine permittees, and  
 46 native wines from native wine manufacturers, and to  
 47 sell liquors, wine, and beer, to patrons by the  
 48 individual drink for consumption on the premises  
 49 only; however, beer may also be sold for consumption  
 50 off the premises. Each license ~~shall be~~ is effective

**Page 3**

1 throughout the premises described in the application.  
 2 c. CLASS "C". A class "C" liquor control license  
 3 may be issued to a commercial establishment but must  
 4 be issued in the name of the individuals who actually  
 5 own the entire business, and ~~shall authorize~~  
 6 authorizes the holder to purchase alcoholic liquors  
 7 from only the ~~department~~ division, wine from the  
 8 ~~department or only~~ class "A" wine permittees, and  
 9 native wines from native wine manufacturers, and to  
 10 sell liquors, wine, and beer, to patrons by the  
 11 individual drink for consumption on the premises  
 12 only; however, beer may also be sold for consumption  
 13 off the premises.

14 A special class "C" liquor control license may be  
 15 issued, and ~~shall authorize~~ authorizes the holder to  
 16 purchase wine from the ~~department or~~ class "A" wine  
 17 permittees only, and to sell wine and beer to patrons  
 18 by the individual drink for consumption on the  
 19 premises only; however, beer may also be sold for  
 20 consumption off the premises. The license issued to  
 21 holders of a special class "C" license shall clearly  
 22 state on its face that the license is limited.

23 Sec. 740. Section 123.30, subsection 3, paragraphs  
 24 a, b, and c, Code Supplement 1985, as amended by 1986  
 25 Iowa Acts, House File 2484, section 739A, is amended  
 26 to read as follows:

27 a. CLASS "A". A class "A" liquor control license  
 28 may be issued to a club and authorizes the holder to  
 29 purchase alcoholic liquors from class "E" liquor  
 30 control licensees only ~~the division~~, wine from only  
 31 class "A" wine permittees only, and native wines from  
 32 native wine manufacturers, and to sell liquors, wine,  
 33 and beer, to bona fide members and their guests by the  
 34 individual drink for consumption on the premises only.

35 b. CLASS "B". A class "B" liquor control license  
 36 may be issued to a hotel or motel and authorizes the  
 37 holder to purchase alcoholic liquors from class "E"  
 38 liquor control licensees only ~~the division~~, wine from  
 39 only class "A" wine permittees only, and native wines  
 40 from native wine manufacturers, and to sell liquors,  
 41 wine, and beer, to patrons by the individual drink for

42 consumption on the premises only; however, beer may  
 43 also be sold for consumption off the premises. Each  
 44 license is effective throughout the premises described  
 45 in the application.

46 c. CLASS "C". A class "C" liquor control license  
 47 may be issued to a commercial establishment but must  
 48 be issued in the name of the individuals who actually  
 49 own the entire business, and authorizes the holder to  
 50 purchase alcoholic liquors from class "E" liquor

**Page 4**

1 control licensees only ~~the division~~, wine from only  
 2 class "A" wine permittees only, and native wines from  
 3 native wine manufacturers, and to sell liquors, wine,  
 4 and beer, to patrons by the individual drink for  
 5 consumption on the premises only; however, beer may  
 6 also be sold for consumption off the premises.  
 7 A special class "C" liquor control license may be  
 8 issued, and authorizes the holder to purchase wine  
 9 from class "A" wine permittees only, and to sell wine  
 10 and beer to patrons by the individual drink for  
 11 consumption on the premises only; however, beer may  
 12 also be sold for consumption off the premises. The  
 13 license issued to holders of a special class "C"  
 14 license shall clearly state on its face that the  
 15 license is limited."''

16 2. Page 25, line 40, by striking the following:  
 17 "752,".

18 3. Page 25, by inserting after line 41 the  
 19 following:

20 "Notwithstanding the amendments to sections 123.3,  
 21 123.22 and 123.30 in sections 723, 732 and 740 of this  
 22 Act, the amendment to sections 123.3, 123.22 and  
 23 123.30 in sections 721A, 731A and 739A in this Act  
 24 take effect July 1, 1986. The amendment to section  
 25 123.178 in section 752 of this Act takes effect July  
 26 1, 1986."

27 4. By renumbering as required.

MICHAEL E. GRONSTAL

S-5895

1 Amend the amendment, S-5791, to House File 2484 as  
 2 amended, passed and reprinted by the House, as  
 3 follows:

4 1. Page 25, by striking lines 24 and 25.

LARRY MURPHY

S-5896

1 Amend the House amendment S-5776 to Senate File  
2 97 as amended, passed and reprinted by the Senate  
3 as follows:  
4 1. Page 1, line 8, by inserting after the period  
5 the following: "This section is repealed effective  
6 September 1, 1988."

DOUGLAS RITSEMA

S-5897

1 Amend the Senate amendment, S-5791, to House File  
2 2484 as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 25, by inserting after line 15 the  
5 following:  
6 "\_\_\_ . Page 154, by striking lines 12 and 13 and  
7 inserting the following:  
8 "Sec. 722A. Section 123.3, subsection 21, Code  
9 Supplement 1985, is amended to read as follows:  
10 21. "State liquor store" means a store established  
11 by the department under this chapter on premises owned  
12 or leased by the department and operated exclusively  
13 by the department with its own employees for the sale  
14 of alcoholic liquor and wine in the original package  
15 for consumption off the premises.  
16 Sec. 723. Section 123.3, subsection 21, Code  
17 Supplement 1985, as amended by 1986 Iowa Acts, House  
18 File 2484, section 722A, is amended by striking the  
19 subsection.  
20 \_\_\_ . By striking page 156, line 25 through page  
21 157, line 12 and inserting the following:  
22 "Sec. 731A. Section 123.22, unnumbered paragraph  
23 1, Code Supplement 1985, is amended to read as  
24 follows:  
25 The department division has the exclusive right of  
26 importation into the state of all forms of alcoholic  
27 liquor, except as otherwise provided in this chapter,  
28 and a person shall not import alcoholic liquor, except  
29 that an individual of legal age may import and have in  
30 the individual's possession an amount of alcoholic  
31 liquor not exceeding one quart or, in the case of  
32 alcoholic liquor personally obtained outside the  
33 United States, one gallon for personal consumption

34 only in a private home or other private accommodation.  
 35 No distillery shall sell any alcoholic liquor within  
 36 the state to any person but only to the ~~department~~  
 37 division, except as otherwise provided in this  
 38 chapter. It is the intent of this section to vest in  
 39 the ~~department~~ division exclusive control within the  
 40 state both as purchaser and vendor of all alcoholic  
 41 liquor sold by distilleries within the state or  
 42 imported, except beer and wine, and except as  
 43 otherwise provided in this chapter. The ~~department~~  
 44 division may continue to purchase wine from persons  
 45 holding a vintner's certificate of compliance or a  
 46 class "A" wine permit ~~for resale, but shall resell it~~  
 47 only at retail in state liquor stores.  
 48 Sec. 732. Section 123.22, unnumbered paragraph 1,  
 49 Code Supplement 1985, as amended by 1986 Iowa Acts,  
 50 House File 2484, section 731A, is amended to read as

**Page 2**

1 follows:  
 2 The division has the exclusive right of importation  
 3 into the state of all forms of alcoholic liquor,  
 4 except as otherwise provided in this chapter, and a  
 5 person shall not import alcoholic liquor, except that  
 6 an individual of legal age may import and have in the  
 7 individual's possession an amount of alcoholic liquor  
 8 not exceeding one quart or, in the case of alcoholic  
 9 liquor personally obtained outside the United States,  
 10 one gallon for personal consumption only in a private  
 11 home or other private accommodation. No distillery  
 12 shall sell any alcoholic liquor within the state to  
 13 any person but only to the division, except as  
 14 otherwise provided in this chapter. ~~It is the intent~~  
 15 ~~of this~~ ~~This section to vest vests~~ in the division  
 16 exclusive control within the state ~~both~~ as purchaser  
 17 ~~and vendor~~ of all alcoholic liquor sold by  
 18 distilleries within the state or imported, except beer  
 19 and wine, and except as otherwise provided in this  
 20 chapter. ~~The division may continue to purchase wine~~  
 21 ~~from persons holding a vintner's certificate of~~  
 22 ~~compliance or a class "A" wine permit but shall resell~~  
 23 ~~it only at retail in state liquor stores. The~~  
 24 division shall act as the sole wholesaler of alcoholic  
 25 liquor to class "E" liquor control licensees. The  
 26 department shall not otherwise sell any alcoholic  
 27 beverages."  
 28 \_\_\_\_ . By striking page 161, line 26 through page  
 29 162, line 28, and inserting the following:  
 30 "Sec. 739A. Section 123.30, subsection 3,

31 paragraphs a, b, and c, Code Supplement 1985, are  
32 amended to read as follows:

33 a. CLASS "A". A class "A" liquor control license  
34 may be issued to a club and ~~shall authorize~~ authorizes  
35 the holder to purchase alcoholic liquors from only the  
36 ~~department~~ division, wine from ~~the department or only~~  
37 class "A" wine permittees, and native wines from  
38 native wine manufacturers, and to sell liquors, wine,  
39 and beer, to bona fide members and their guests by the  
40 individual drink for consumption on the premises only.

41 b. CLASS "B". A class "B" liquor control license  
42 may be issued to a hotel or motel and ~~shall authorize~~  
43 authorizes the holder to purchase alcoholic liquors  
44 from only the ~~department~~ division, wine from ~~the~~  
45 ~~department or only~~ class "A" wine permittees, and  
46 native wines from native wine manufacturers, and to  
47 sell liquors, wine, and beer, to patrons by the  
48 individual drink for consumption on the premises  
49 only; however, beer may also be sold for consumption  
50 off the premises. Each license ~~shall be~~ is effective

### Page 3

1 throughout the premises described in the application.  
2 c. CLASS "C". A class "C" liquor control license  
3 may be issued to a commercial establishment but must  
4 be issued in the name of the individuals who actually  
5 own the entire business, and ~~shall authorize~~  
6 authorizes the holder to purchase alcoholic liquors  
7 from only the ~~department~~ division, wine from ~~the~~  
8 ~~department or only~~ class "A" wine permittees, and  
9 native wines from native wine manufacturers, and to  
10 sell liquors, wine, and beer, to patrons by the  
11 individual drink for consumption on the premises  
12 only; however, beer may also be sold for consumption  
13 off the premises.

14 A special class "C" liquor control license may be  
15 issued, and ~~shall authorize~~ authorizes the holder to  
16 purchase wine from ~~the department or~~ class "A" wine  
17 permittees only, and to sell wine and beer to patrons  
18 by the individual drink for consumption on the  
19 premises only; however, beer may also be sold for  
20 consumption off the premises. The license issued to  
21 holders of a special class "C" license shall clearly  
22 state on its face that the license is limited.

23 Sec. 740. Section 123.30, subsection 3, paragraphs  
24 a, b, and c, Code Supplement 1985, as amended by 1986  
25 Iowa Acts, House File 2484, section 739A, is amended  
26 to read as follows:

27 a. CLASS "A". A class "A" liquor control license

28 may be issued to a club and authorizes the holder to  
 29 purchase alcoholic liquors from class "E" liquor  
 30 control licensees only ~~the division~~, wine from only  
 31 class "A" wine permittees only, and native wines from  
 32 native wine manufacturers, and to sell liquors, wine,  
 33 and beer, to bona fide members and their guests by the  
 34 individual drink for consumption on the premises only.

35 b. CLASS "B". A class "B" liquor control license  
 36 may be issued to a hotel or motel and authorizes the  
 37 holder to purchase alcoholic liquors from class "E"  
 38 liquor control licensees only ~~the division~~, wine from  
 39 only class "A" wine permittees only, and native wines  
 40 from native wine manufacturers, and to sell liquors,  
 41 wine, and beer, to patrons by the individual drink for  
 42 consumption on the premises only; however, beer may  
 43 also be sold for consumption off the premises. Each  
 44 license is effective throughout the premises described  
 45 in the application.

46 c. CLASS "C". A class "C" liquor control license  
 47 may be issued to a commercial establishment but must  
 48 be issued in the name of the individuals who actually  
 49 own the entire business, and authorizes the holder to  
 50 purchase alcoholic liquors from class "E" liquor

#### Page 4

1 control licensees only ~~the division~~, wine from only  
 2 class "A" wine permittees only, and native wines from  
 3 native wine manufacturers, and to sell liquors, wine,  
 4 and beer, to patrons by the individual drink for  
 5 consumption on the premises only; however, beer may  
 6 also be sold for consumption off the premises.

7 A special class "C" liquor control license may be  
 8 issued, and authorizes the holder to purchase wine  
 9 from class "A" wine permittees only, and to sell wine  
 10 and beer to patrons by the individual drink for  
 11 consumption on the premises only; however, beer may  
 12 also be sold for consumption off the premises. The  
 13 license issued to holders of a special class "C"  
 14 license shall clearly state on its face that the  
 15 license is limited."

16 2. Page 25, line 40, by striking the following:  
 17 "752,".

18 3. Page 25, by inserting after line 41 the  
 19 following:

20 "Notwithstanding the amendments to sections 123.3,  
 21 123.22 and 123.30 in sections 723, 732 and 740 of this  
 22 Act, the amendment to sections 123.3, 123.22 and  
 23 123.30 in sections 721A, 731A and 739A in this Act  
 24 take effect July 1, 1986. The amendment to section

25 123.178 in section 752 of this Act takes effect July  
26 1, 1986.”  
27 4. By renumbering as required.

MICHAEL E. GRONSTAL

S-5898

1 Amend the amendment, S-5791, to House File 2484 as  
2 amended, passed and reprinted by the House, as  
3 follows:  
4 1. Page 25, by striking lines 16 through 21 and  
5 inserting the following:  
6 “ \_\_\_\_ . By striking page 154, line 12 through page  
7 163, line 27.  
8 \_\_\_\_ . By striking page 163, line 28 through page  
9 164, line 3 and inserting the following:  
10 “Sec. 743. Section 123.36, Code Supplement 1985,  
11 is amended by adding the following new subsection:”.  
12 \_\_\_\_ . By striking page 164, line 11 through page  
13 171, line 3 and inserting the following:  
14 “Sec. 744. Section 123.183, Code Supplement 1985,  
15 is amended to read as follows:  
16 123.183 WINE GALLONAGE TAX.  
17 In addition to the annual permit fee to be paid by  
18 each class “A” wine permittee, there shall be levied  
19 and collected from each class “A” wine permittee on  
20 all wine manufactured for sale and sold in this state  
21 at wholesale and on all wine imported into this state  
22 for sale at wholesale and sold in this state at  
23 wholesale, a tax of one dollar and ~~fifty seventy-five~~  
24 cents for every wine gallon and a like rate for the  
25 fractional parts of a wine gallon. A tax shall not be  
26 levied or collected on wine sold by one class “A” wine  
27 permittee to another class “A” wine permittee.  
28 Revenue derived from the wine tax collected on wine  
29 manufactured for sale and sold in this state shall be  
30 deposited in the gallonage tax fund hereby created in  
31 the office of the treasurer of state. All other  
32 revenue derived from the wine tax shall be deposited  
33 in the liquor control fund established by section  
34 123.53 and shall be transferred by the state  
35 comptroller to the general fund of the state. The  
36 price of wine sold or offered for sale in state liquor  
37 stores which was not purchased by the department from  
38 a class “A” wine permittee shall include a markup over  
39 the wholesale price at least equal to the tax levied  
40 under this section.

41 Sec. 745. Section 123.96, Code Supplement 1985, is  
42 repealed.””

GEORGE KINLEY  
JACK RIFE  
WILLIAM D. PALMER  
JOHN SOORHOLTZ

S-5899

1 Amend House File 2483 as amended, passed and  
2 reprinted by the House, as follows:  
3 1. Page 12, by inserting after line 29 the  
4 following:  
5 “Sec. \_\_\_\_ . Section 97B.74, unnumbered paragraph 1,  
6 Code 1985, is amended to read as follows:  
7 An active; ~~vested, or retired~~ member of the system  
8 who has been an active member of the system during  
9 this period of membership service for at least one  
10 year and who at any time ~~between~~ after July 4, 1953  
11 ~~and July 1, 1973~~ was a member of the system; ~~but who~~  
12 ~~did not meet the requirements to be a vested member~~  
13 ~~for that period of membership service~~, and who  
14 received a refund of contributions for that period of  
15 membership service, may elect in writing to the  
16 department to make contributions to the system for  
17 that period of membership service for which a refund  
18 of contributions was made. The contributions repaid  
19 by the member for ~~such~~ service shall be equal to the  
20 accumulated contributions, as defined in section  
21 97B.41, subsection 12, received by the member for that  
22 period of membership service plus interest on the  
23 accumulated contributions for the period from the date  
24 of receipt by the member to the date of repayment  
25 equal to two percent plus the interest dividend rate  
26 applicable for each year compounded annually.  
27 Sec. \_\_\_\_ . Section 97B.74, unnumbered paragraph 2,  
28 Code 1985, is amended by striking the unnumbered  
29 paragraph.”

EDGAR H. HOLDEN

S-5900

1 Amend the amendment S-5868 to House File 2484, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 4, line 28, by striking the words “four

- 5 dollars and fifty cents” and inserting the following:  
6 “three dollars”.  
7 2. Page 4, line 33, by striking the word “ten”  
8 and inserting the following: “twelve”.  
9 3. Page 4, lines 34 and 35, by striking the word  
10 “forty-five” and inserting the following: “twenty-  
11 five”.  
12 4. Page 4, line 37, by striking the figure “1998”  
13 and inserting the figure “2000”.  
14 5. Page 39, by striking lines 27 through 31.

JOE BROWN

S-5901

- 1 Amend the amendment, S-5791, to House File 2484 as  
2 amended, passed and reprinted by the House, as  
3 follows:  
4 1. Page 25, by striking lines 16 through 21 and  
5 inserting the following:  
6 “— . By striking page 154, line 14 through page  
7 163, line 27.  
8 — . By striking page 163, line 28 through page  
9 164, line 3 and inserting the following:  
10 “Sec. 743. Section 123.36, Code Supplement 1985,  
11 is amended by adding the following new subsection:”.  
12 — . By striking page 164, line 11 through page  
13 171, line 3 and inserting the following:  
14 “Sec. 744. Section 123.183, Code Supplement 1985,  
15 is amended to read as follows:  
16 123.183 WINE GALLONAGE TAX.  
17 In addition to the annual permit fee to be paid by  
18 each class “A” wine permittee, there shall be levied  
19 and collected from each class “A” wine permittee on  
20 all wine manufactured for sale and sold in this state  
21 at wholesale and on all wine imported into this state  
22 for sale at wholesale and sold in this state at  
23 wholesale, a tax of one dollar and ~~fifty~~ seventy-five  
24 cents for every wine gallon and a like rate for the  
25 fractional parts of a wine gallon. A tax shall not be  
26 levied or collected on wine sold by one class “A” wine  
27 permittee to another class “A” wine permittee.  
28 Revenue derived from the wine tax collected on wine  
29 manufactured for sale and sold in this state shall be  
30 deposited in the gallonage tax fund hereby created in  
31 the office of the treasurer of state. All other  
32 revenue derived from the wine tax shall be deposited  
33 in the liquor control fund established by section  
34 123.53 and shall be transferred by the state

35 comptroller to the general fund of the state. The  
 36 price of wine sold or offered for sale in state liquor  
 37 stores which was not purchased by the department from  
 38 a class "A" wine permittee shall include a markup over  
 39 the wholesale price at least equal to the tax levied  
 40 under this section.  
 41 Sec. 745. Section 123.96, Code Supplement 1985, is  
 42 repealed.""

GEORGE KINLEY  
 JACK RIFE  
 JOHN SOORHOLTZ  
 WILLIAM PALMER  
 HURLEY W. HALL

S-5902

1 Amend House File 2484 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. By striking page 154, line 14 through page  
 4 171, line 3 and inserting the following:  
 5 "Sec. \_\_\_\_ . The amount of the funds appropriated  
 6 under this Act for the fiscal year beginning July 1,  
 7 1986 and ending June 30, 1987 shall be reduced by one  
 8 percent, rounded to the nearest whole dollar, and this  
 9 section shall prevail over any other provisions of  
 10 this Act. This section shall not apply to  
 11 appropriations made under section 442.26."

ARNE WALDSTEIN  
 HURLEY W. HALL  
 JOHN JENSEN  
 BERL E. PRIEBE

S-5903

1 Amend House File 2484 as amended, passed and  
 2 reprinted by the House, as follows:  
 3 1. Page 127, by inserting after line 30 the  
 4 following:  
 5 "Notwithstanding section 99D.5, subsection 4,  
 6 members of the racing commission shall receive an  
 7 annual salary of six thousand (6,000) dollars for the  
 8 fiscal year beginning July 1, 1986 and ending June 30,  
 9 1987 and the fiscal year beginning July 1, 1987 and  
 10 ending June 30, 1988. This section shall prevail over  
 11 any inconsistent provisions of 1986 Iowa Acts, Senate  
 12 File 2175 and any provision of 1986 Iowa Acts, Senate

13 File 2175 relating to compensation for members of the  
14 racing commission shall not be applicable for the  
15 fiscal year beginning July 1, 1986 and ending June 30,  
16 1987 or the fiscal year beginning July 1, 1987 and  
17 ending June 30, 1988."

DAVID M. READINGER

S-5904

1 Amend the amendment, S-5791, to House File 2484 as  
2 amended, passed and reprinted by the House, as  
3 follows:  
4 1. Page 21, line 22, by inserting after the word  
5 "purposes" the following: ", including funds to  
6 maintain the existing warehouse distribution personnel  
7 for the transition period of July 1, 1986 through June  
8 30, 1987".  
9 2. Page 25, by striking lines 20 and 21 and  
10 inserting the following:  
11 "\_\_\_ . Page 171, by striking lines 1 through 3."

JOE WELSH

S-5905

1 Amend the amendment, S-5791, to House File 2484 as  
2 amended, passed and reprinted by the House, as  
3 follows:  
4 1. Page 25, line 41, by striking the figure  
5 "1987." and inserting the following: "1988. The  
6 amount of the funds appropriated under this Act for  
7 the fiscal year beginning July 1, 1986 and ending June  
8 30, 1987 shall be reduced by one percent, rounded to  
9 the nearest whole dollar, and this section shall  
10 prevail over any other provisions of this Act. This  
11 section shall not apply to appropriations made under  
12 section 442.26."

ARNE WALDSTEIN  
HURLEY HALL  
BERL E. PRIEBE  
JOHN W. JENSEN

S-5906

1 Amend House File 2484 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 163, by striking lines 1 through 3 and  
 4 inserting the following: "licensed premises and to  
 5 other liquor control licensees. A holder of a class  
 6 "E" liquor control".

LARRY MURPHY  
 JIM LIND

S-5907

1 Amend House File 2484 as amended, passed and  
 2 reprinted by the House, as follows:  
 3 1. Page 168, line 22, by striking the words "and  
 4 served".  
 5 2. Page 168, line 26, by striking the words "sold  
 6 to and".  
 7 3. Page 168, line 33, by inserting before the  
 8 word "beer" the following: "or "C"".  
 9 4. Page 178, by inserting after line 24 the  
 10 following:  
 11 Sec. \_\_\_\_ . If both this Act and Senate File 2265  
 12 are enacted by the Seventy-first General Assembly, the  
 13 amendment to section 123.92, enacted as a part of this  
 14 Act shall prevail over the amendment to section 123.92  
 15 enacted as a part of Senate File 2265."  
 16 5. By renumbering as required.

WILLIAM W. DIELEMAN

S-5908

1 Amend House File 2484, as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 152, by inserting after line 4 the  
 4 following:  
 5 "Sec. \_\_\_\_ . There is appropriated from the road use  
 6 tax fund to the following person the amount set  
 7 opposite that person's name in full settlement of the  
 8 person's claim which that person may have against the  
 9 state of Iowa:

10	Claimant	Claim No.	Nature of Claim	Amount
11	Doyle D.	G85-0654	Registration	\$95.99
12	Felton		Fee Refund".	

13 2. Renumber sections and correct internal references  
14 as necessary in accordance with this amendment.

RAY TAYLOR  
JOE WELSH

S-5909

1 Amend House File 2484 as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 15, by inserting after line 6 the  
4 following:

5 "Sec. 1001. Section 573.2, Code 1985, is amended  
6 to read as follows:

7 573.2 PUBLIC IMPROVEMENTS -- BOND AND CONDITIONS.

8 Contracts for the construction of a public  
9 improvement shall, when the contract price equals or  
10 exceeds twenty-five thousand dollars, be accompanied  
11 by a bond, with surety, conditioned for the faithful  
12 performance of the contract, and for the fulfillment  
13 of other requirements as provided by law. The bond  
14 may also be required when the contract price does not  
15 equal that amount. However, if a contractor provides  
16 a performance or maintenance bond as required by a  
17 public improvement contract governed by this chapter  
18 and subsequently the surety company becomes insolvent  
19 and is no longer able to be a surety on the bond, then  
20 the contractor is relieved of the obligation of  
21 providing a new bond with surety."

22 2. Page 15, by inserting after line 11 the  
23 following:

24 "Sec. 1003. Section 1001 shall apply retroactively  
25 to July 1, 1985."

26 3. Renumber as necessary.

JOE WELSH

S-5910

1 Amend House File 2484 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 169, by striking lines 2 through 15.

4 2. By renumbering as necessary.

JIM LIND

S-5911

1 Amend House File 2484 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 125, by inserting after line 18, the  
4 following:  
5 "Sec. \_\_\_\_ . Section 99D.22, subsection 3, paragraph  
6 d, Code Supplement 1985, is amended by striking the  
7 paragraph."

DALE L. TIEDEN  
BERL E. PRIEBE

S-5912

1 Amend the House amendment, S-5806, to Senate File  
2 2270 as amended, passed and reprinted by the Senate as  
3 follows:  
4 1. Page 1, by inserting after line 19 the  
5 following:  
6 "Sec. \_\_\_\_ . NEW SECTION. 654.16 SEPARATE  
7 REDEMPTION OF HOMESTEAD.  
8 If a foreclosure sale is ordered on agricultural  
9 land used for farming, as defined in section 175.2,  
10 the mortgagor may, by a date set by the court but not  
11 later than ten days before the sale, designate to the  
12 court the portion of the land which the mortgagor  
13 claims as a homestead. The homestead may be any  
14 contiguous portion of forty acres or less of the real  
15 estate subject to the foreclosure. The homestead  
16 shall contain the residence of the mortgagor and shall  
17 be as compact as practicable.  
18 If the homestead is not sold separately, but rather  
19 is sold in conjunction with the nonhomestead property  
20 in order to satisfy the judgment, the court shall  
21 determine the fair market value of the homestead. The  
22 court may consult with the county appraisers appointed  
23 pursuant to section 450.24 to determine the fair  
24 market value of the homestead. The mortgagor may  
25 redeem the homestead separately by tendering the fair  
26 market value of the homestead pursuant to chapter  
27 628."  
28 2. Page 2, lines 34 through 36, by striking the  
29 words and figure "and does not exercise the homestead  
30 exemption under section 561.16".  
31 3. Page 2, line 38, by striking the word "twenty"  
32 and inserting the word "ten".  
33 4. Page 2, lines 41 and 42, by striking the words

34 and figure "the homestead exemption under section  
35 561.16".

36 5. Page 2, line 47, by striking the word "twenty"  
37 and inserting the word "ten".

38 6. Page 6, line 7, by inserting before the word  
39 "delaying" the words "providing for the separate  
40 redemption of a homestead".

EMIL HUSAK

S-5913

1 Amend Senate File 2298 as follows:

2 1. Page 1, line 34, by striking the words "and  
3 commercial" and inserting the following: "commercial,  
4 and certain railroad".

5 2. Page 2, line 4, by striking the word  
6 "Notwithstanding" and inserting the following:  
7 "a. Notwithstanding".

8 3. Page 2, line 6, by inserting after the word  
9 "property" the following: "and property subject to  
10 the provisions of the Railroad Revitalization and  
11 Regulatory Reform Act of 1976, 49 U.S.C. Sec. 11503".

12 4. Page 2, by striking lines 7 through 9 and  
13 inserting the following: "1987 and July 1, 1988, are  
14 four dollars and twenty cents per thousand dollars and  
15 three dollars and seventy cents per thousand dollars,  
16 respectively,".

17 5. Page 2, line 11, by striking the words "and  
18 commercial" and inserting the following: "commercial,  
19 and such railroad".

20 6. Page 2, by inserting after line 11 the  
21 following:

22 "b. If House File 2462 is enacted by the general  
23 Assembly and becomes law, for the fiscal years  
24 beginning July 1, 1987 and July 1, 1988 the foundation  
25 property tax on residential, agricultural and  
26 commercial property for the portion of a reorganized  
27 school district which, in the year preceding the  
28 reorganization, was within a school district affected  
29 by the reorganization as defined in section 275.1 and  
30 which had a certified enrollment of less than six  
31 hundred, shall be reduced from the rate specified in  
32 this section by the amount of one dollar per thousand  
33 dollars of assessed valuation for the first year in  
34 which the reorganization is effective and by the  
35 amount of eighty cents for the second year in which  
36 the reorganization is effective."

37 7. Page 2, line 26, by striking the words and

38 figure "eighty million (80,000,000)" and inserting the  
39 following: "fifty-four million (54,000,000)".

40 8. Page 3, by inserting after line 1 the  
41 following:

42 "Sec. \_\_\_\_ . Section 279.13, Code 1985, is amended  
43 by adding the following new subsection:

44 NEW SUBSECTION. 4. MINIMUM CONTRACT LENGTH. Ef-  
45 fective for the school year beginning July 1, 1987 and  
46 succeeding school years, full-time contracts issued by  
47 boards of directors of school districts under this  
48 section shall provide for employment of not less than  
49 two hundred working days. In addition to regular  
50 duties, the contract may include, but not be limited

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1 to, participation in curriculum development, community  
2 education projects, staff development activities, or  
3 other similar activities.

4 Sec. \_\_\_\_ . Section 442.4, subsection 3, Code 1985,  
5 is amended by adding the following new lettered  
6 paragraph:

7 NEW LETTERED PARAGRAPH. d. For the budget year  
8 beginning July 1, 1988, and succeeding budget years,  
9 the adjustments provided under paragraphs "a" and "b"  
10 for each school district shall be the amount  
11 determined for each school district for the school  
12 year beginning July 1, 1987.

13 Sec. \_\_\_\_ . NEW SECTION. 442.58 SALARY IMPROVEMENT  
14 FUND.

15 There is appropriated from the salary improvement  
16 fund established in section 8.60 an amount sufficient  
17 to fund the costs of this section. Moneys from the  
18 salary improvement fund shall be used for  
19 supplementing funds available for the salaries of  
20 certificated individuals who are employed by public  
21 elementary and secondary schools. Moneys shall be  
22 distributed to school districts as provided in this  
23 section.

24 1. As used in this section, "state salary im-  
25 provement cost per pupil" for the school year  
26 beginning July 1, 1987, and subsequent school years,  
27 means state salary improvement per pupil in basic  
28 enrollment. The state salary improvement cost per  
29 pupil for the school year beginning July 1, 1987, is  
30 one hundred ten dollars. The state salary improvement  
31 cost per pupil for the school year beginning on July  
32 1, 1988, and for each succeeding school year is the  
33 base year's state salary improvement cost per pupil  
34 plus a state salary allowable growth per pupil for the

35 budget year. If the state percent of growth per pupil  
36 is zero, the state salary improvement cost per pupil  
37 shall be the same as the base year's state salary  
38 improvement cost per pupil. The director of the  
39 office of management shall compute the applicable  
40 amount of state salary allowable growth to be added to  
41 the state salary improvement cost per pupil for each  
42 school year.

43 2. The state salary allowable growth per pupil for  
44 the budget year shall be computed by multiplying the  
45 state salary improvement cost per pupil for the base  
46 year times the state percent of growth for the budget  
47 year. As used in this section, "state percent of  
48 growth" is the state percent of growth provided in  
49 section 442.7.

50 3. The payment to a school district shall be equal

**Page 3**

1 to the state salary improvement cost per pupil for the  
2 budget year multiplied by the basic enrollment of the  
3 district for the budget year. Payments to school  
4 districts from the salary improvement fund shall be  
5 made as provided by section 442.26. However, moneys  
6 received by a school district from the state under  
7 this section shall only be used for the salaries of  
8 certificated individuals employed by the district, and  
9 shall not be expended for fringe benefits, or  
10 supplemental pay for the performance of additional  
11 duties.

12 4. Moneys provided by this section shall be  
13 distributed to certificated individuals based upon  
14 experience, education, and performance. The  
15 procedures for the distribution of the funds shall be  
16 negotiated under chapter 20 if an employee  
17 organization had been certified under chapter 20 or  
18 shall be determined by the board of directors if there  
19 is no employee organization certified under chapter  
20 20. Criteria and procedures relating to performance  
21 under this section shall be separate from the  
22 evaluation procedures under section 20.9, and  
23 evaluations under section 279.14."

JOY CORNING

S-5914

1 Amend House File 2483, as amended, passed and  
2 reprinted by the House, as follows:

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

5 "Section 1. Section 97B.49, Code Supplement 1985,  
6 is amended by adding the following new subsection:  
7 NEW SUBSECTION. 14. Notwithstanding sections of  
8 this chapter relating to eligibility for and  
9 determination of retirement benefits, a vested member  
10 who is or has been employed as a peace officer of the  
11 department of transportation under section 321.477,  
12 and who retires on or after July 1, 1984 and at the  
13 time of retirement is at least sixty years of age, and  
14 has completed at least twenty-five years of service as  
15 a peace officer in this state, may elect to receive a  
16 monthly retirement allowance equal to one-twelfth of  
17 fifty percent of the member's five-year average  
18 covered wages as a peace officer, with benefits  
19 payable during the member's lifetime.

20 There is appropriated annually from the road use  
21 tax fund to the Iowa department of job service from  
22 funds not otherwise appropriated, an actuarially  
23 determined amount sufficient to pay additional costs  
24 above the employee and employer contributions made  
25 under section 97B.11, to finance the increased  
26 benefits to peace officers of the department of  
27 transportation under this subsection.

28 For the purpose of this subsection, "service as a  
29 peace officer" means service as a peace officer of the  
30 department of transportation, marshal or police  
31 officer of a city, sheriff or deputy sheriff, special  
32 agent of the department of public safety, conservation  
33 peace officer, traffic weight officer employed by the  
34 highway commission prior to the creation of the  
35 department of transportation, or peace officer  
36 employed by the Iowa state commerce commission prior  
37 to the creation of the department of transportation.

38 A peace officer who retires on or after July 1,  
39 1986 and has not completed twenty-five years of  
40 membership service as required under this subsection  
41 is eligible to receive a monthly retirement allowance  
42 equal to one-twelfth of fifty percent multiplied by a  
43 fraction of years of service as a peace officer. For  
44 the purpose of this section, "fraction of years of  
45 service" means a number, not to exceed one, equal to  
46 the sum of the years of membership service as a peace  
47 officer, divided by twenty-five years. On or after  
48 July 1, 1986, if the peace officer has not reached  
49 sixty years of age at retirement, the monthly  
50 retirement allowance shall be reduced by five-tenths

**Page 2**

- 1 of one percent per month for each month that the peace
- 2 officer's retirement precedes the date on which the
- 3 peace officer attains sixty years of age."

WILLIAM W. DIELEMAN

**S-5915**

- 1 Amend amendment S-5847 to House File 2484 as amended,
- 2 passed and reprinted by the House as follows:
- 3 1. Page 1, line 9, by striking the words "one million"
- 4 and inserting in lieu thereof the words "nine hundred
- 5 thousand".
- 6 2. Page 1, lines 9 and 10, by striking the words
- 7 "in section 261.63 for the payments".

WALLY E. HORN

**S-5916**

- 1 Amend House File 2484 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 67, by striking lines 2 through 4
- 4 and inserting the following: "be used for any
- 5 capital improvement projects.
- 6 **DIVISION III**
- 7 **PUBLIC HEALTH AND HUMAN RIGHTS".**

WILLIAM HUTCHINS

**S-5917**

- 1 Amend House File 2484 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 15, by inserting after line 6 the
- 4 following:
- 5 "Sec. 1001. Section 573.2, Code 1985, is amended
- 6 to read as follows:
- 7 **573.2 PUBLIC IMPROVEMENTS -- BOND AND CONDITIONS.**
- 8 **Contracts for the construction of a public**
- 9 **improvement shall, when the contract price equals or**
- 10 **exceeds twenty-five thousand dollars, be accompanied**
- 11 **by a bond, with surety, conditioned for the faithful**
- 12 **performance of the contract, and for the fulfillment**
- 13 **of other requirements as provided by law. The bond**

14 may also be required when the contract price does not  
15 equal that amount. However, if a contractor provides  
16 a performance or maintenance bond as required by a  
17 public improvement contract governed by this chapter  
18 and subsequently the surety company becomes insolvent  
19 and is no longer able to be a surety on the bond, then  
20 the contractor is relieved of the obligation of  
21 providing a new bond with surety.”

22 2. Page 15, by inserting after line 11 the  
23 following:

24 “Sec. 1003. Section 1001 shall apply retroactively  
25 to July 1, 1985 and the amendment enacted in section  
26 1001 to section 573.2 shall be repealed on July 1,  
27 1990.”

28 3. Renumber as necessary.

JOE WELSH

S-5918

1 Amend the House amendment, S-5776, to Senate File  
2 97 as amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 1, by inserting after the period the  
5 following:

6 “Section 1 of this Act is repealed effective  
7 September 1, 1988 and section 123.3, subsection 33,  
8 Code Supplement 1985, shall be reenacted as it  
9 appeared prior to the effective date of this Act.”

TOM MANN, Jr.

S-5919

1 Amend the House amendment S-5806 to Senate File  
2 2270 as amended, passed, and reprinted by the Senate  
3 as follows:

4 1. Page 1, by inserting before line 20, the  
5 following:

6 “Sec. 100. **NEW SECTION. 554.9319 SALE OF A**  
7 **PRODUCT SUBJECT TO A LIEN OR SECURITY INTEREST.**

8 1. An individual who in the ordinary course of  
9 business sells a product including a farm product  
10 which is subject to a security interest or a lien  
11 pursuant to chapter 570, 571, 572, 574, 576, 577, 578,  
12 579, 580, or 582 may assert a claim against the  
13 proceeds of the product in order to meet the necessary  
14 living expenses of the individual or the individual's

15 household. The individual shall assert the lien by  
16 filing with the secured party or the lienholder and  
17 the county recorder of the county in which the person  
18 resides at least three days prior to the sale a sworn  
19 affidavit stating all of the following:

20 a. That the individual is asserting a claim under  
21 this section.

22 b. That the proceeds are from the sale of a  
23 product.

24 c. That the individual or the individual's  
25 household requires the amount claimed to meet  
26 necessary living expenses.

27 d. The name of all individuals in the household.

28 e. The amount claimed by the individual under this  
29 section on the basis of the affidavit.

30 f. That the total amount claimed by the individual  
31 under this section, including the amount claimed on  
32 the affidavit that is being sworn, in the preceding  
33 twelve months does not exceed the appropriate amount  
34 permitted in subsection 2 based upon the size of the  
35 individual's household.

36 2. a. Until superseded by rule pursuant to  
37 paragraph "b", the maximum amount that an individual  
38 may claim under this section during any twelve-month  
39 period is the following, based upon the size of the  
40 individual's household:

41 (1) For a household with one member, the annual  
42 maximum is five thousand three hundred sixty dollars.

43 (2) For a household with more than one member the  
44 annual maximum is that amount permitted under  
45 subparagraph (1) and in addition one thousand eight  
46 hundred eighty dollars for each additional member of  
47 the household.

48 b. The department of human services shall review  
49 maximum limitations at least once each twelve months  
50 and may revise the limitations by rule adopted

## Page 2

1 pursuant to chapter 17A. In establishing new  
2 standards, the department shall consider any revisions  
3 in the federal poverty guidelines, the current  
4 condition of the state's economy, the changes in the  
5 consumer price index and any other factors which the  
6 department deems relevant. The department shall send  
7 a copy of any new standard adopted to each county  
8 recorder who shall maintain the standards on file.

9 c. In applying the annual maximums established  
10 under this subsection, an individual shall deduct from  
11 the applicable maximum standard any income received

12 during the twelve-month period of time by a member of  
 13 the household from sources of income other than from  
 14 the sale of products subject to security interests and  
 15 liens.

16 3. A secured party or a lienholder may contest a  
 17 claim on an affidavit filed under this section by  
 18 filing a petition in the district court of the county  
 19 in which the individual asserting the claim under this  
 20 section resides.

21 4. The county recorder shall maintain for eighteen  
 22 months from the date of filing any affidavit filed  
 23 under this section. The affidavit shall be recorded  
 24 under the name of the individual making the affidavit.

25 5. As used in this section, "individual's  
 26 household" includes any individual residing in the  
 27 same house as the individual filing the affidavit or  
 28 any individual for which the individual filing the  
 29 affidavit has provided at least fifty percent of the  
 30 individual's support for the preceding twelve months."

31 2. Page 3, by inserting before line 20, the  
 32 following:

33 "Sec. 101. Section 654.14, unnumbered paragraph 1,  
 34 Code 1985, is amended to read as follows:

35 In ~~any an~~ action to foreclose a real estate  
 36 mortgage, ~~where if~~ a receiver is appointed to take  
 37 charge of the real estate, preference shall be given  
 38 to the owner or person in actual possession, subject  
 39 to approval of the court, in leasing the mortgaged  
 40 premises. If the real estate is agricultural land  
 41 used for farming, as defined in section 172C.1, the  
 42 owner or person in actual possession shall be  
 43 appointed as receiver without bond, provided that all  
 44 parties agree to the appointment. Upon the agreement  
 45 of the parties in mediation under chapter 654A, the  
 46 mortgagor shall have the right to rent the  
 47 agricultural land. If there is a foreclosure sale on  
 48 the agricultural land, the mortgagor shall have the  
 49 first right of refusal to repurchase the agricultural  
 50 land during any period the mortgagee is holding the

### Page 3

1 land. The rents, profits, avails, ~~and/or~~ and income  
 2 derived from ~~said~~ the real estate shall be applied as  
 3 follows:".

LEONARD BOSWELL  
 JAMES RIORDAN

S-5920

- 1 Amend House File 2473 as amended, passed, and  
2 reprinted by the House as follows:
- 3 1. Page 4, by striking lines 25 through 28 and  
4 inserting the following: "agricultural land so  
5 acquired shall be sold or otherwise disposed of within  
6 two years after title is transferred. Pending the  
7 sale or disposition, the land shall not be used for".
- 8 2. Page 4, line 33, by inserting after the figure  
9 "172C.4." the following: "Agricultural land which has  
10 been acquired pursuant to this paragraph shall not be  
11 acquired or utilized by the nonresident alien, foreign  
12 business, or foreign government, or an agent, trustee,  
13 or fiduciary thereof, under either paragraph "d" or  
14 paragraph "e"."
- 15 3. Page 8, by striking lines 6 through 24.
- 16 4. Title page, line 3, by striking the word  
17 "default," and inserting the words "default and".
- 18 5. Title page, lines 3 and 4, by striking the  
19 words ", and the separate redemption of a homestead".

COMMITTEE ON APPROPRIATIONS  
JOE WELSH, Chairperson

S-5921

- 1 Amend amendment S-5917 to House File 2484 as  
2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, line 27, by inserting after the figure  
4 "1990" the following: "as it pertains to maintenance  
5 bonds and on January 1, 1987 as it pertains to  
6 performance bonds".

ALVIN MILLER

S-5922

- 1 Amend House File 2473 as amended, passed and  
2 reprinted by the House as follows:
- 3 1. By striking page 10, line 35 through page 11,  
4 line 6 and inserting the following:  
5 "After receiving the mediation request, the farm  
6 mediation service may refer the borrower to a  
7 financial analyst, and the farm".

BERL E. PRIEBE

S-5923

1 Amend Senate File 2298 as follows:

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

4 "DIVISION I

5 INTRODUCTORY PROVISIONS

6 Section 1. NEW SECTION. 442A.1 INTRODUCTION.

7 There is established a state school finance plan to  
8 provide moneys to school districts and area education  
9 agencies for operation of their educational programs  
10 and to maximize the opportunities of the children of  
11 this state. The plan includes allocating the  
12 expenditures of school districts into three categories  
13 with provision for payment of state aid and for  
14 levying of property taxes to provide funding. It also  
15 provides for payment of special education costs and  
16 for funding for special education support services,  
17 media services, and educational services of area  
18 education agencies.

19 Sec. 2. NEW SECTION. 442A.2 DEFINITIONS.

20 As used in this chapter unless the context  
21 otherwise requires:

22 1. "School district" means a school district as  
23 constituted under chapter 274.

24 2. "Board" means the board of directors of a  
25 school district.

26 3. "Committee" means the school budget review  
27 committee established in section 442A.19.

28 4. "Base year" means the school year ending during  
29 the calendar year in which a budget is certified.

30 5. "Budget year" means the school year beginning  
31 during the calendar year in which a budget is  
32 certified.

33 6. "Department" means the department of public  
34 instruction.

35 7. "State board" means the state board of public  
36 instruction.

37 DIVISION II

38 SCHOOL DISTRICT INSTRUCTIONAL EXPENDITURES

39 Sec. 3. NEW SECTION. 442A.3 DUTIES OF BOARD.

40 For the budget year beginning July 1, 1988 and  
41 succeeding budget years, the board shall establish a  
42 budget for instructional expenditures for the budget  
43 year. Instructional expenditures include the costs of  
44 salaries and benefits of employees of the school  
45 district and supplies in the areas of general  
46 education, career education, skill development,  
47 cocurricular athletic programs, continuing education,

48 community services, attendance services, guidance  
49 services, health, other student services, library,  
50 audiovisual services, other instructional support, and

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1 building administration, except those expenditures  
2 specifically assigned to infrastructure expenditures.  
3 Instructional expenditures also include the costs of  
4 special education instructional programs and the  
5 categorical programs for talented and gifted children  
6 and non-English-speaking children as provided in this  
7 chapter.

8 Funding for instructional expenditures shall be  
9 provided under this chapter. Additional moneys needed  
10 for instructional expenditures shall be included in  
11 the property tax levy for the infrastructure  
12 expenditures as provided in section 442A.10,  
13 subsection 22.

14 Sec. 4. NEW SECTION. 442A.4 FOUNDATION PROPERTY  
15 TAX -- LIVESTOCK CREDIT.

16 1. For the budget year beginning July 1, 1988,  
17 each school district shall cause to be levied each  
18 year, for the instructional expenditures budget, a  
19 uniform property tax of three dollars per thousand  
20 dollars of assessed valuation on all taxable property  
21 in the district. For the purpose of this chapter, a  
22 school district is defined as a school corporation  
23 organized under chapter 274. For each of the next  
24 twelve fiscal years, the uniform property tax levy  
25 under this section shall be decreased by twenty-five  
26 cents per thousand dollars of assessed valuation for  
27 each fiscal year. For fiscal years beginning on or  
28 after July 1, 2000, a foundation property tax shall  
29 not be levied under this section.

30 2. The amount paid to each school district for the  
31 tax credit for livestock under section 427.17 shall be  
32 regarded as uniform property tax. The portion of the  
33 payment which is uniform property tax shall be  
34 determined by applying the uniform property tax rate  
35 to the taxable value of livestock assessed for  
36 taxation in the district as of January 1, 1973,  
37 determined pursuant to section 427.17, and adjusted to  
38 actual value as provided in Acts of the Sixty-fifth  
39 General Assembly, chapter 1231, section 174. A school  
40 district may levy a tax on all of the taxable property  
41 within the district in an amount equal to the  
42 difference between the amount due to a school district  
43 from the personal property tax replacement fund for  
44 the preceding year and the amount actually received

45 during the preceding fiscal year from the personal  
 46 property tax replacement fund.  
 47 3. The amount paid to each school district from  
 48 the personal property tax replacement fund established  
 49 by sections 427A.9 to 427A.14 shall be regarded as  
 50 property tax. For budget years beginning after the

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1 year in which the ninth increase in the additional  
 2 personal property tax credit becomes effective as  
 3 provided in those sections, the portion of the payment  
 4 which is uniform property tax shall be determined by  
 5 applying the uniform property tax rate to the total  
 6 actual value of all personal property assessed for  
 7 taxation in the district as of January 1, 1973,  
 8 excluding livestock, but including other personal  
 9 property eligible for tax credits granted by sections  
 10 427A.9 to 427A.14. For budget years to and including  
 11 the year in which the ninth increase in the additional  
 12 personal property tax credit becomes effective as  
 13 provided in the sections, the portion of the payment  
 14 which is uniform property tax shall be determined by  
 15 the state comptroller pursuant to uniform methods  
 16 established by the comptroller.

17 4. For purposes of this chapter, the "amount per  
 18 pupil of uniform property tax" and the "money raised  
 19 by the uniform property tax" do not include the tax  
 20 levied under subsection 1 on the property of a railway  
 21 corporation or its trustee which corporation has been  
 22 declared bankrupt or is in bankruptcy proceedings.

23 Sec. 5. NEW SECTION. 442A.5 ENROLLMENT.

24 1. Basic enrollment for the budget year beginning  
 25 July 1, 1988 and succeeding budget years is determined  
 26 by adding the resident pupils who were enrolled on the  
 27 second Friday of September in the base year in public  
 28 elementary and secondary schools of the district and  
 29 in public elementary and secondary schools enrolled in  
 30 another district or state for which tuition is paid by  
 31 the district. However, resident pupils enrolled in  
 32 kindergarten programs are included in basic enrollment  
 33 in the proportion that the time for which they are  
 34 enrolled or receive instruction for the school year is  
 35 to the time that full-time pupils carrying a normal  
 36 course schedule in the same school district, for the  
 37 same school year, are enrolled and receive  
 38 instruction.

39 Resident pupils of high school age for which the  
 40 district pays tuition to attend an Iowa area school  
 41 are included in basic enrollment on a full-time

42 equivalent basis.

43 Shared-time and part-time pupils of school age,  
44 irrespective of the districts in which the pupils  
45 reside, are included in basic enrollment as of the  
46 fourth Friday of September in the base year for the  
47 budget year in the proportion that the time for which  
48 they are enrolled or receive instruction for the  
49 school year is to the time that full-time pupils  
50 carrying a normal course schedule, at the same grade

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1 level, in the same school district, for the same  
2 school year, are enrolled and receive instruction.  
3 Pupils attending a university laboratory school are  
4 not counted in any district's basic enrollment, but  
5 the laboratory school shall report them directly to  
6 the department of public instruction.

7 A school district shall certify its basic  
8 enrollment to the department of public instruction by  
9 September 25 of each year, and the department shall  
10 promptly forward the information to the state  
11 comptroller.

12 2. Weighted enrollment for the budget year begin-  
13 ning July 1, 1988 and succeeding budget years is  
14 determined by adding the district's additional  
15 enrollment because of special education and  
16 categorical programs to the district's basic  
17 enrollment for the budget year. A district's addi-  
18 tional enrollment because of special education and  
19 categorical programs is determined on December 1 of  
20 the base year by multiplying the weighting for each  
21 category of special education and categorical program  
22 under sections 280.18, 280.19, and 281.9 by the number  
23 of children in each category totaled for all  
24 categories and subtracting from this total the basic  
25 enrollment for the budget year.

26 Weighted enrollment is basic enrollment as modified  
27 by the application of the special education and  
28 categorical programs weighting plans.

29 3. A school district's certification of basic and  
30 weighted enrollment is subject to audit in accordance  
31 with procedures adopted by rule by the state board  
32 pursuant to chapter 17A.

33 4. "Enrollment served" means the basic enrollment  
34 plus the number of pupils in approved nonpublic  
35 schools served with services of the area education  
36 agency except that if a nonpublic school pupil  
37 receives services through an area other than the area  
38 of the pupil's residence, the pupil shall be deemed to

39 be served by the area of the pupil's residence, which  
40 shall by contractual arrangement reimburse the area  
41 through which the pupil actually receives services.  
42 Each school district shall include in the second  
43 Friday in September enrollment report the number of  
44 pupils in approved nonpublic schools within each  
45 school district served by the area.

46 Sec. 6. NEW SECTION. 442A.6 STATE PERCENT OF  
47 GROWTH -- ALLOWABLE GROWTH.

48 1. For the budget year beginning July 1, 1988, and  
49 succeeding budget years, a state percent of growth for  
50 the budget year shall be computed by the state

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1 comptroller prior to September 15 in the base year and  
2 forwarded to the commissioner of public instruction.  
3 The state percent of growth shall be an average of the  
4 following four percentages of growth except as  
5 otherwise provided in paragraph "c" of this  
6 subsection:

7 a. The difference in the receipts of state general  
8 fund revenues computed or estimated as follows:

9 (1) The percentage of change between the revenues  
10 received during the second year preceding the base  
11 year and the revenues received during the year  
12 preceding the base year.

13 (2) The percentage of change between the revenues  
14 received during the year preceding the base year and  
15 the revenues received during the base year.

16 b. The difference in the gross national product  
17 implicit price deflator published by the bureau of  
18 economic analysis, United States department of  
19 commerce, computed or estimated as a percentage of  
20 change for the following:

21 (1) From the value for the quarter ending December  
22 31 eighteen months prior to the beginning of the base  
23 year to the value for the quarter ending December 31  
24 six months prior to the beginning of the base year.

25 (2) From the value for the quarter ending December  
26 31 six months prior to the beginning of the base year  
27 to the value for the quarter ending December 31 six  
28 months prior to the beginning of the budget year.

29 The computation of the percentage change in the  
30 gross national product implicit price deflator shall  
31 be based, to the extent possible, on the latest  
32 available values for these deflators published by the  
33 bureau of economic analysis.

34 c. If the average of the percentages computed or  
35 estimated under paragraph "b" of this subsection

36 exceeds the average of the percentages computed or  
37 estimated under paragraph "a" of this subsection, the  
38 state percent of growth shall be the average of the  
39 two percentages of growth computed or estimated under  
40 paragraph "a" of this subsection.  
41 2. If the state percent of growth so computed is  
42 negative, that percentage shall not be used and the  
43 state percent of growth shall be zero.  
44 3. Each year prior to September 15 the state  
45 comptroller shall recompute the state percent of  
46 growth for the previous year using adjusted estimates  
47 and the actual figures available. The difference  
48 between the recomputed state percent of growth for the  
49 base year and the original computation shall be added  
50 to or subtracted from the state percent of growth for

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1 the budget year, as applicable.  
2 With regard to values of gross national product  
3 implicit price deflators, the recomputation of the  
4 state percent of growth for the previous year shall be  
5 made only with respect to the value of the deflator  
6 for the quarter which occurred subsequent to the  
7 calculation of the state percent of growth for the  
8 previous year. If subsection 1, paragraph "c" is used  
9 in the calculation of the state percent of growth for  
10 the previous year, the calculation made in subsection  
11 1, paragraph "b" shall not be used in the  
12 recomputation of the state percent of growth for the  
13 previous year.  
14 4. The basic allowable growth per pupil for the  
15 budget year shall be computed by multiplying the state  
16 cost per pupil for the base year times the state  
17 percent of growth for the budget year.  
18 5. The allowable growth per pupil for each school  
19 district is the basic allowable growth per pupil for  
20 the budget year modified by the school budget review  
21 committee.  
22 Sec. 7. NEW SECTION. 442A.7 STATE COST PER  
23 PUPIL.  
24 For the budget year beginning July 1, 1988 and  
25 succeeding budget years, the state comptroller shall  
26 determine the state cost per pupil pursuant to this  
27 section. The state comptroller shall add together the  
28 district costs for all school districts for the base  
29 year beginning July 1, 1987 as defined in section  
30 442.9, Code 1985, and divide that total by the  
31 weighted enrollment in the state for the base year  
32 determined under section 442A.5 to determine the state

33 cost per pupil for the base year. The state cost per  
 34 pupil for the base year plus the total of the basic  
 35 allowable growth per pupil for the budget year and one  
 36 hundred sixty dollars is the state cost per pupil for  
 37 the budget year beginning July 1, 1988. For the  
 38 budget year beginning July 1, 1989 and succeeding  
 39 budget years, the state cost per pupil shall be  
 40 recalculated each year in the same manner as the base  
 41 year beginning July 1, 1988 except that one hundred  
 42 sixty dollars will not be added.

43 The state comptroller shall compute the applicable  
 44 amount of allowable growth to be added to the state  
 45 cost per pupil for each school year.

46 Sec. 8. NEW SECTION. 442A.8 DISTRICT COST PER  
 47 PUPIL -- STATE AID.

48 For the budget year beginning July 1, 1988, the  
 49 district cost per pupil of a school district is an  
 50 amount equal to seventy-seven percent of the district

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1 cost per pupil for the base year plus the sum of the  
 2 total of the allowable growth for the budget year and  
 3 one hundred sixty dollars. Thereafter, the district  
 4 cost per pupil for the budget year is the district  
 5 cost per pupil for the base year plus the allowable  
 6 growth.

7 The district cost for the budget year is equal to  
 8 the district cost per pupil for the budget year  
 9 multiplied by the weighted enrollment for the budget  
 10 year. There is appropriated to the state comptroller  
 11 for each budget year an amount sufficient to pay to  
 12 each school district an amount equal to its district  
 13 cost less the amount raised by the uniform levy.  
 14 Payment shall be made pursuant to section 442A.18.

15 DIVISION III  
 16 INFRASTRUCTURE EXPENDITURES

17 Sec. 9. NEW SECTION. 442A.9 DUTIES OF BOARD.

18 For the budget year beginning July 1, 1988 and  
 19 succeeding budget years, the board shall establish a  
 20 budget for infrastructure expenditures for the budget  
 21 year and certify the infrastructure expenditures  
 22 budget for property tax levy, to the school budget  
 23 review committee and the state comptroller. The state  
 24 comptroller shall determine the amount of the  
 25 infrastructure property tax levy to be made on all  
 26 taxable property in the district based upon the budget  
 27 submitted and shall transmit the rate of the levy to  
 28 the appropriate county auditor and county board of  
 29 supervisors.

30 Sec. 10. NEW SECTION. 442A.10 INFRASTRUCTURE  
 31 EXPENDITURES.

32 Expenditures for the following are infrastructure  
 33 expenditures and may be included in the infrastructure  
 34 expenditures budget:

- 35 1. Public educational and recreational purposes
- 36 authorized in chapter 300.
- 37 2. Community education purposes pursuant to
- 38 chapter 276.
- 39 3. Transportation of public school pupils to and
- 40 from school and other school activities, including
- 41 purchase and maintenance of transportation equipment,
- 42 vehicle operation and maintenance, and salaries and
- 43 benefits of operational and maintenance personnel.
- 44 4. The purchase and improvement of grounds.
- 45 5. Opening roads to schoolhouses or buildings.
- 46 6. The purchase of buildings or equipment for
- 47 buildings or schoolhouses.
- 48 7. The payment of debts contracted for the
- 49 erection or construction of schoolhouses or buildings,
- 50 including interest on the debts, but not including

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- 1 interest on bonds.
- 2 8. Procuring or acquisition of libraries.
- 3 9. Repairing, remodeling, reconstructing,
- 4 improving, or expanding the schoolhouse or buildings.
- 5 10. Operation and maintenance of school district
- 6 buildings and facilities.
- 7 11. Moneys to provide a necessary cash reserve.
- 8 12. The rental of facilities under chapter 28E.
- 9 13. Lease-purchase option agreements for school
- 10 buildings.
- 11 14. The actual costs of removal or encapsulation
- 12 of asbestos existing in buildings.
- 13 15. Equipment, vehicles, vehicle operation and
- 14 maintenance for driver education.
- 15 16. Costs associated with the operation of a
- 16 nonprofit food service to children in attendance as
- 17 provided in chapter 283A.
- 18 17. Community services which include services
- 19 which are not directly related to the educational
- 20 programs of the district which include, but are not
- 21 limited to, civic activities, public libraries, and
- 22 nonpublic school services except for the costs of
- 23 transportation for nonpublic school pupils.
- 24 18. The costs of unemployment benefits under
- 25 chapter 96.
- 26 19. An amount sufficient for payment of judgments

27 or settlements together with interest accruing on them  
 28 to the expected date of payment under section 613A.2  
 29 or 613A.8.

30 20. Operation of the office of the board of  
 31 education of the district, including compensation,  
 32 travel and materials for board members.

33 21. Costs of school district general  
 34 administration, executive administration, business  
 35 administration, fiscal services, and staff services,  
 36 but not including the costs of school administration.

37 22. Other costs of school districts that are in-  
 38 cluded but are not funded under instructional  
 39 expenditures funding.

40 23. Other necessary expenditures of school  
 41 districts not included in instructional expenditures.

42 Sec. 11. NEW SECTION. 442A.11 PUBLIC HEARING.

43 The board shall present the budget for  
 44 infrastructure expenditures separately during the  
 45 public hearing required in section 24.9 and shall list  
 46 the budget for each subsection under section 442A.10  
 47 separately.

#### DIVISION IV

#### AREA EDUCATION AGENCIES

50 Sec. 12. NEW SECTION. 442A.12 SPECIAL EDUCATION

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#### 1 SUPPORT.

2 The state comptroller shall multiply the amount  
 3 added to state cost per pupil for special education  
 4 support services for the school year beginning July 1,  
 5 1987 by the weighted enrollment for that year and  
 6 divide the result by the enrollment served for that  
 7 year to obtain a state special education support  
 8 services cost per pupil for the base year. The state  
 9 comptroller shall then compute the special education  
 10 allowable growth amount for the budget year by  
 11 multiplying the state percent of growth for the budget  
 12 year by the state special education support services  
 13 cost per pupil for the base year. That allowable  
 14 growth amount added to state special education support  
 15 services cost per pupil for the base year is the state  
 16 special education support services cost for the budget  
 17 year.

18 The special education support services budget for  
 19 an area education agency shall be determined under  
 20 this section. For the base year beginning July 1,  
 21 1987, the state comptroller shall multiply the amount  
 22 included in district cost per pupil for special  
 23 education support services for an area education

24 agency for that year by the weighted enrollment in the  
 25 area education agency for that year and divide the  
 26 result by the enrollment served in the area education  
 27 agency for that year to determine the area special  
 28 education support services cost per pupil for the base  
 29 year. The area special education support services  
 30 cost per pupil for the budget year is the area special  
 31 education support services cost per pupil for the base  
 32 year plus the special education allowable growth  
 33 amount. The area special education support services  
 34 cost per pupil for the budget year multiplied by the  
 35 enrollment served for the budget year in the area  
 36 provides the area special education support services  
 37 cost for an area education agency for the budget year.

38 **Sec. 13. NEW SECTION. 442A.13 FUNDING FOR**  
 39 **SPECIAL EDUCATION SUPPORT SERVICES.**

40 There is appropriated from the general fund of the  
 41 state to the state comptroller an amount sufficient to  
 42 pay eighty percent of the area special education  
 43 support services cost for an area education agency for  
 44 each budget year.

45 The remainder of the area special education support  
 46 services cost for an area education agency for a  
 47 budget year shall be allocated to each school district  
 48 in the area education agency based upon the district's  
 49 proportion of the enrollment served compared to the  
 50 total enrollment served in the area, and shall be

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1 added to the infrastructure cost of the district.  
 2 **Sec. 14. NEW SECTION. 442A.14 MEDIA SERVICES.**  
 3 For the school year beginning July 1, 1982 and  
 4 succeeding school years, the total amount funded in  
 5 each area for media services in the budget year shall  
 6 be computed as provided in this subsection. For the  
 7 school year beginning July 1, 1982, the total amount  
 8 funded in each area for media services in the base  
 9 year, including the cost for media resource material  
 10 which shall only be used for the purchase or  
 11 replacement of material required in section 273.6,  
 12 subsection 1, paragraphs "a", "b" and "c", shall be  
 13 divided by the enrollment served in the base year to  
 14 provide an area media services cost per pupil in the  
 15 base year, and the state comptroller shall compute the  
 16 state media services cost per pupil in the base year  
 17 which is equal to the average of the area media  
 18 services costs per pupil in the base year. For the  
 19 year beginning July 1, 1982 and succeeding school  
 20 years, the state comptroller shall compute the

21 allowable growth for media services in the budget year  
 22 by multiplying the state media services cost per pupil  
 23 in the base year times the state percent of growth for  
 24 the budget year, and the total amount funded in each  
 25 area for media services cost in the budget year equals  
 26 the area media services cost per pupil in the base  
 27 year plus the allowable growth for media services in  
 28 the budget year times the enrollment served in the  
 29 budget year. The total amount for a district shall be  
 30 added to the infrastructure cost of the district.  
 31 Funds shall be paid to area education agencies as  
 32 provided in section 442A.16.

33 Sec. 15. NEW SECTION. 442A.15 EDUCATIONAL  
 34 SERVICES.

35 For the school year beginning July 1, 1982 and  
 36 succeeding school years, the total amount funded in  
 37 each area for educational services in the budget year  
 38 shall be computed as provided in this subsection. For  
 39 the school year beginning July 1, 1982, the total  
 40 amount funded in each area for educational services in  
 41 the base year shall be divided by the enrollment  
 42 served in the area in the base year to provide an area  
 43 educational services cost per pupil in the base year,  
 44 and the state comptroller shall compute the state  
 45 educational services cost per pupil in the base year,  
 46 which is equal to the average of the area educational  
 47 services costs per pupil in the base year. For the  
 48 year beginning July 1, 1982 and succeeding school  
 49 years, the state comptroller shall compute the  
 50 allowable growth for educational services by

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1 multiplying the state educational services cost per  
 2 pupil in the base year times the state percent of  
 3 growth for the budget year, and the total amount  
 4 funded in each area for educational services for the  
 5 budget year equals the area educational services cost  
 6 per pupil for the base year plus the allowable growth  
 7 for educational services in the budget year times the  
 8 enrollment served in the area in the budget year. The  
 9 total amount for a district shall be added to the  
 10 infrastructure cost of the district. Funds shall be  
 11 paid to area education agencies as provided in section  
 12 442A.16.

13 Sec. 16. NEW SECTION. 442A.16 AREA EDUCATION  
 14 AGENCY PAYMENTS.

15 The state comptroller shall deduct the amounts  
 16 calculated for special education support services,  
 17 media services, and educational services for each

18 school district and the balance  
and the balance  
24 of state aid shall be paid to the district. If a  
25 district does not qualify for state aid under this  
26 chapter in an amount sufficient to cover its amount  
27 due to the area education agency as calculated by the  
28 state comptroller, the school district shall pay the  
29 deficiency to the area education agency from other  
30 moneys received by the district, on a quarterly basis  
31 during each school year.

#### 32 DIVISION V

#### 33 GENERAL PROVISIONS

34 Sec. 17. NEW SECTION. 442A.17 FUNDS.

35 A general fund and a schoolhouse fund are  
36 established for each school district. The general  
37 fund shall include three separate accounts. The  
38 moneys received for instructional expenditures plus  
39 the portion of the property tax revenue received under  
40 sections 442A.9 and 442A.10, for subsection 22, shall  
41 be placed in an instructional account and may be used  
42 only for those purposes. The property tax revenue  
43 received for infrastructure expenditures listed in  
44 section 442A.10, except for subsection 22, shall be  
45 credited to the infrastructure account and may be used  
46 only for those purposes. The moneys collected for the  
47 operation of the area education agency shall be  
48 deposited in an area education agency account and then  
49 transmitted to the appropriate area education agency.  
50 The treasurer of the school district shall keep a

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1 separate record of each account in the general fund.  
2 Other moneys received by a school district for a  
3 specific purpose shall be credited to the appropriate  
4 account in the general fund. Moneys received by a  
5 school district for which a purpose is not specified  
6 and interest earned on the investment of school  
7 district moneys shall be credited to either the  
8 instructional or infrastructure accounts at the  
9 discretion of the board.

10 The schoolhouse fund shall include deposits of  
11 moneys from the proceeds of the sale of bonds  
12 authorized by law and the proceeds of a tax estimated  
13 and certified by the board for the purpose of paying  
14 interest on lawful bonded indebtedness. Moneys  
15 deposited in the schoolhouse fund shall be used only  
16 for these purposes.

17 Sec. 18. NEW SECTION. 442A.18 PAYMENT OF STATE  
18 AID.

19 In making computations for payment of state aid,  
 20 the state comptroller shall round amounts to the  
 21 nearest whole dollar. .  
 22 State aid paid under sections 442A.8 and 442A.13  
 23 shall be paid in monthly installments beginning on  
 24 September 15 of a budget year and ending on June 15 of  
 25 the budget year and the installments shall be as  
 26 nearly equal as possible as determined by the state  
 27 comptroller, taking into consideration the relative  
 28 budget and cash position of the state resources.  
 29 Sec. 19. NEW SECTION. 442A.19 SCHOOL BUDGET  
 30 REVIEW COMMITTEE.  
 31 A five-member school budget review committee is  
 32 established, consisting of the commissioner of public  
 33 instruction, the state comptroller and three members  
 34 appointed to represent the public by the governor  
 35 subject to confirmation by the senate in accordance  
 36 with section 2.32.  
 37 No more than two of the appointed members shall  
 38 belong to the same political party. The appointed  
 39 members shall serve three-year staggered terms which  
 40 begin and end as provided in section 69.19. The  
 41 governor shall fill a vacancy in the same manner as an  
 42 original appointment under the procedures of section  
 43 2.32.  
 44 The committee shall meet and hold hearings each  
 45 year and shall continue in session until it has  
 46 reviewed budgets of school districts. It may call in  
 47 school board members and employees as necessary for  
 48 the hearings. Members of the general assembly shall  
 49 be notified of hearings concerning school districts in  
 50 their constituencies.

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1 The committee shall adopt its own rules of  
 2 procedure. The commissioner of public instruction  
 3 shall serve as chairperson, and the state comptroller  
 4 shall serve as secretary. The committee members  
 5 representing the public are entitled to receive a per  
 6 diem of forty dollars, and their actual expenses while  
 7 engaged in their official duties. Per diem and  
 8 expense payments for members representing the public  
 9 shall be made from appropriations to the department of  
 10 public instruction.  
 11 Sec. 20. NEW SECTION. 442A.20 DUTIES OF THE  
 12 COMMITTEE.  
 13 1. The school budget review committee may  
 14 recommend the revision of any rules, directives, or  
 15 forms relating to school district budgeting and

16 accounting, confer with local school boards or their  
17 representatives and make recommendations relating to  
18 any budgeting or accounting matters, and may direct  
19 the commissioner of public instruction or the state  
20 comptroller to make studies and investigations of  
21 school costs in any school district.

22 2. The committee shall report to each session of  
23 the general assembly, which report shall include any  
24 recommended changes in laws relating to school  
25 districts, and shall specify the number of hearings  
26 held annually, the reasons for the committee's  
27 recommendations, information about the amounts of  
28 property tax levies, and state aid paid to school  
29 districts, and other information the committee deems  
30 advisable.

31 3. The committee shall review the recommendations  
32 of the commissioner of public instruction relating to  
33 special education and categorical programs and shall  
34 establish the weighting for special education and  
35 categorical programs and report the weights to the  
36 state comptroller.

37 4. The committee shall review the certified budget  
38 of each school district, and may make recommendations  
39 to the school district and to the state comptroller.  
40 The committee may make decisions affecting budgets to  
41 the extent provided in this chapter. The costs and  
42 computations referred to in this section relate to the  
43 budget year unless otherwise expressly stated.

44 5. The committee shall review for each school  
45 district the amount of the infrastructure property tax  
46 levy. If in the committee's judgment, the levy is  
47 unreasonably high, the committee shall instruct the  
48 state comptroller to reduce the district's  
49 infrastructure tax levy for the following budget year  
50 by the amount deemed excessive.

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1 6. Decisions by the committee under this chapter  
2 shall be made in accordance with reasonable and  
3 uniform policies which shall be consistent with this  
4 chapter. Policies of general application shall be  
5 stated in rules adopted under chapter 17A.

6 7. Failure by a school district to provide  
7 information or appear before the committee as  
8 requested for the accomplishment of review or hearing  
9 is justification for the committee to instruct the  
10 state comptroller to withhold state instructional  
11 support to that district until the committee's  
12 inquiries are satisfied completely.

13 Sec. 21. BUDGET YEAR BEGINNING JULY 1, 1987.

14 1. Notwithstanding section 442.2, for the budget  
15 year beginning July 1, 1987, each school district  
16 shall cause to be levied for the school general fund a  
17 foundation property tax of four dollars and twenty  
18 cents per thousand dollars of assessed valuation on  
19 all taxable property in the district.

20 2. For the budget year beginning July 1, 1987,  
21 there is appropriated from the salary improvement fund  
22 to the department of revenue and finance an amount  
23 sufficient to pay to each school district an amount  
24 equal to ninety-nine dollars multiplied by the basic  
25 enrollment of the district for the budget year. The  
26 amount received by a school district under this  
27 subsection is miscellaneous income for purposes of  
28 chapter 442 and shall be expended for purposes of  
29 increasing teacher salaries.

30 3. Except as otherwise provided in this  
31 subsection, for the budget year beginning July 1,  
32 1987, a contract issued by boards of directors of a  
33 school district under section 279.13 shall provide for  
34 an annual salary for a full-time teacher of at least  
35 seventeen thousand dollars. The minimum salary  
36 specified in this subsection shall be prorated for a  
37 teacher employed on less than a full-time basis.

38 There is appropriated from the salary improvement  
39 fund to the state comptroller the amount of five  
40 million (5,000,000) dollars, or as much thereof as may  
41 be necessary, to pay to each school district an amount  
42 equal to the difference between salaries of teachers  
43 earning less than seventeen thousand dollars on the  
44 salary schedule in effect for that year and the total  
45 of seventeen thousand dollars for each such teacher.  
46 If the amount appropriated in this subsection is  
47 insufficient to make the required payments, the state  
48 comptroller shall prorate the payments.

49 Sec. 22. NEW SECTION. 294.22 MINIMUM SALARY.

50 Effective for the school year beginning July 1,

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1 1988 and succeeding school years, contracts issued by  
2 boards of directors of school districts and area  
3 education agencies under section 279.13 shall provide  
4 for employment of not less than two hundred working  
5 days and annual salaries at least equal to the  
6 salaries specified in this section.

7 For the school year beginning July 1, 1988, the  
8 minimum salaries for full-time teachers are as  
9 follows:

10 1. For teachers possessing a baccalaureate degree,  
11 eighteen thousand dollars.

12 2. For teachers possessing a baccalaureate degree  
13 plus at least fifteen graduate hours, twenty-two  
14 thousand five hundred dollars.

15 3. For teachers possessing a baccalaureate degree  
16 plus at least thirty graduate hours or a master's  
17 degree, twenty-six thousand dollars.

18 4. For teachers possessing a master's degree plus  
19 at least fifteen graduate hours beyond the master's  
20 degree, twenty-eight thousand dollars.

21 The salary a teacher will receive on the salary  
22 schedule adopted by the board of directors for a year  
23 does not include the costs of fringe benefits nor does  
24 it include supplemental pay earned by a teacher for  
25 performance of additional duties beyond teaching  
26 duties.

27 For the purposes of this section and section  
28 294.23, "teacher" means a teacher employed by a school  
29 district or area education agency under a contract  
30 executed pursuant to section 279.13. A teacher  
31 jointly employed by two or more districts or area  
32 education agencies whose employment is on a full-time  
33 equivalent basis is a full-time teacher. The minimum  
34 salaries specified in this section may be prorated for  
35 teachers employed on less than a full-time basis.

36 Salaries in excess of the minimums specified in  
37 this section shall be based upon experience,  
38 education, and performance. They shall be negotiated  
39 under chapter 20 if an employee organization had been  
40 certified under chapter 20 or shall be determined by  
41 the board of directors if there is no employee  
42 organization certified under chapter 20.

43 Sec. 23. NEW SECTION. 294.23 EXTENDED CONTRACT.

44 A contract of at least two hundred days duration  
45 offered by the board of directors of a school district  
46 or area education agency under section 294.22 shall  
47 provide that in addition to regular teaching duties,  
48 the teacher participate in curriculum development;  
49 community education projects; special programs offered  
50 by the school district, city, or county; recreation

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1 programs; staff development activities; or other  
2 similar activities.

3 Sec. 24. Section 11.21, unnumbered paragraph 1,  
4 Code 1985, is amended to read as follows:

5 Upon payment by the state of the salary and  
6 expenses, the auditor of state shall file with the

7 warrant-issuing officer of the county, municipality or  
 8 school, whose offices were examined, a sworn statement  
 9 consisting of the itemized expenses paid and prorated  
 10 salary costs paid under section 11.20. Upon audit and  
 11 approval by the board of supervisors, council or  
 12 school board, the warrant-issuing officer shall draw a  
 13 warrant for the amount on the county, or on the  
 14 general fund of the municipality or general fund of  
 15 the school and charged against the infrastructure  
 16 account in favor of the auditor of state, which  
 17 warrant shall be placed to the credit of the general  
 18 fund of the state. In the event of the disapproval of  
 19 any items of ~~said~~ the statement by the county,  
 20 municipality, or school authorities, written  
 21 objections shall be filed with the auditor of state  
 22 within thirty days from the filing thereof.  
 23 Disapproved items of the statement shall be paid the  
 24 auditor of state upon receiving final decisions  
 25 emanating from public hearing established by the  
 26 auditor of state.

27 Sec. 25. Section 79.9, Code 1985, is amended to  
 28 read as follows:

29 79.9 CHARGE FOR USE OF AUTOMOBILE BY OTHER THAN  
 30 STATE OFFICER OR EMPLOYEE.

31 When a public officer or employee, other than a  
 32 state officer or employee or a school district or area  
 33 education agency officer or employee, is entitled to  
 34 be paid for expenses in performing a public duty, a  
 35 charge shall be made, allowed and paid for the use of  
 36 an automobile, as determined by the local governing  
 37 body, in an amount not exceeding twenty-two cents per  
 38 mile for actual and necessary travel effective July 1,  
 39 1981, and in an amount not exceeding twenty-four cents  
 40 per mile effective July 1, 1982. A statutory  
 41 provision stipulating necessary mileage, travel, or  
 42 actual reimbursement to a local public officer or  
 43 employee falls within the mileage reimbursement  
 44 limitation specified in this section unless  
 45 specifically provided otherwise. A political  
 46 subdivision may authorize the use of private vehicles  
 47 for the conduct of official business of the political  
 48 subdivision at an annual amount in lieu of actual and  
 49 necessary travel expense reimbursement provided in  
 50 this section. A peace officer, other than a state

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1 officer or employee, as defined in section 801.4 who  
 2 is required to use a private vehicle in the  
 3 performance of official duties shall receive

4 reimbursement for mileage expense at the rate  
5 specified in this section.

6 A school district or area education agency officer  
7 or employee shall be paid for the use of an automobile  
8 at the rate specified in section 18.117.

9 Sec. 26. Section 96.31, Code 1985, is amended to  
10 read as follows:

11 96.31 TAX FOR BENEFITS.

12 Political subdivisions may levy a tax outside their  
13 general fund levy limits to pay the cost of  
14 unemployment benefits. For school districts the cost  
15 of unemployment benefits shall be included in the  
16 infrastructure levy pursuant to section 442A.10.

17 Sec. 27. Section 258.5, unnumbered paragraph 1,  
18 Code 1985, is amended to read as follows:

19 Whenever a school corporation maintains an approved  
20 vocational school, department, or classes in  
21 accordance with the rules ~~and regulations~~ established  
22 by the state board and the state plan for vocational  
23 education, adopted by that board and approved by the  
24 United States ~~office department~~ of education ~~or other~~  
25 ~~federal agency to which its functions are assigned,~~  
26 the state board shall reimburse ~~such the~~ school  
27 corporation at the end of the fiscal year for its  
28 expenditures for salaries and authorized travel of  
29 vocational teachers from federal and state funds:  
30 ~~Provided, that no. However, a~~ school corporation  
31 shall ~~not~~ receive from federal and state funds a  
32 larger amount than one-half the sum which has been  
33 expended by the school corporation for that particular  
34 type of program; further, provided that in the event  
35 federal and state funds are not sufficient to make  
36 ~~such the~~ reimbursement to the extent ~~herein~~ provided  
37 in this section, the state board shall prorate the  
38 respective amounts available to the corporations  
39 entitled to ~~such~~ reimbursement. Moneys received by a  
40 school district pursuant to this section shall be  
41 deposited in the general fund and credited to the  
42 instructional account.

43 Sec. 28. Section 265.6, Code 1985, is amended to  
44 read as follows:

45 265.6 STATE AID APPLICABLE.

46 If the state board of regents has established a  
47 laboratory school, it shall receive state aid pursuant  
48 to chapters 281 and ~~442~~ 442A for each pupil enrolled  
49 in the laboratory school in the same amount as the  
50 public school district in which the pupil resides

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1 would receive aid for that pupil and shall transmit  
2 the amount received to the institution of higher  
3 education at which the laboratory school has been  
4 established. If the board of a school district  
5 terminates a contract with the state board of regents  
6 for attendance of pupils in a laboratory school, the  
7 school district shall inform the state comptroller of  
8 the number of these pupils who are enrolled in the  
9 district on the second Friday of the following  
10 September. The state comptroller shall pay to the  
11 school district, from funds appropriated in section  
12 ~~442.26 442A.8~~, an amount equal to the amount of state  
13 aid paid for each pupil in that school district for  
14 that school year in payments made as provided in  
15 section ~~442.26 442A.18~~. ~~However, payments shall not~~  
16 ~~be made for pupils for which an advance is received by~~  
17 ~~the district under section 442.28.~~

18 Sec. 29. Section 274.37, unnumbered paragraph 2,  
19 Code 1985, is amended to read as follows:

20 The boards in the respective districts, the  
21 boundaries of which have been changed under this  
22 section, complete in all respects; except for the  
23 passage of time prior to the effective date of the  
24 change, and when ~~at~~ the right of appeal of the change  
25 has expired, may enter into joint contracts for the  
26 construction of buildings for the benefit of the  
27 corporations whose boundaries have been changed, using  
28 funds accumulated ~~under section 278.1, subsection 7 in~~  
29 the infrastructure account of the school general fund.  
30 The district in which the building is to be located  
31 may use any funds authorized in accordance with  
32 chapter 75. ~~Nothing in this section shall be~~  
33 ~~construed to~~ This section does not permit the changed  
34 districts to expend any funds jointly which they are  
35 not entitled to expend acting individually.

36 Sec. 30. Section 275.12, subsection 5, Code 1985,  
37 is amended by striking the subsection.

38 Sec. 31. Section 275.14, unnumbered paragraph 1,  
39 Code Supplement 1985, is amended to read as follows:  
40 275.14 OBJECTION -- TIME OF FILING -- NOTICE.

41 Within ten days after the petition is filed, the  
42 area education agency administrator shall fix a final  
43 date for filing objections to the petition which shall  
44 be not more than sixty days after the petition is  
45 filed and shall fix the date for a hearing on the  
46 objections to the petition. Objections shall be filed  
47 in the office of the administrator who shall give  
48 notice at least ten days prior to the final day for

49 filing objections, by one publication in a newspaper  
50 published within the territory described in the

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1 petition, or if none is published therein, in a  
2 newspaper published in the county where the petition  
3 is filed, and of general circulation in the territory  
4 described. The notice shall also list the date, time,  
5 and location for the hearing on the petition as  
6 provided in section 275.15. The cost of publication  
7 shall be assessed to each district whose territory is  
8 involved in the ratio that the number of pupils in  
9 basic enrollment, as defined in section ~~442.4~~ 442A.5  
10 in each district bears to the total number of pupils  
11 in basic enrollment in the total area involved.  
12 Objections shall be in writing in the form of an  
13 affidavit and may be made by any person residing or  
14 owning land within the territory described in the  
15 petition, or who would be injuriously affected by the  
16 change petitioned for and shall be on file not later  
17 than twelve o'clock noon of the final day fixed for  
18 filing objections.

19 Sec. 32. Section 275.20, Code 1985, is amended to  
20 read as follows:

21 275.20 SEPARATE VOTE IN EXISTING DISTRICTS.

22 The voters shall vote separately in each existing  
23 school district affected ~~and voters residing in the~~  
24 ~~entire existing district are eligible to vote both~~  
25 upon the proposition to create a new school  
26 corporation ~~and the proposition to levy the~~  
27 ~~schoolhouse tax under section 278.1, subsection 7, if~~  
28 ~~the petition included a provision for a vote to levy~~  
29 ~~the schoolhouse tax. If a the proposition receives a~~  
30 majority of the votes cast in each of at least  
31 seventy-five percent of the districts, and also a  
32 majority of the total number of votes cast in all of  
33 the districts, the proposition is carried.

34 Sec. 33. Section 275.26, unnumbered paragraph 3,  
35 Code 1985, is amended to read as follows:

36 The respective boards to which such expenses are  
37 certified shall audit and order the same paid from the  
38 general fund ~~and charged against the infrastructure~~  
39 ~~account. In the event of failure of any a board to so~~  
40 audit and pay the expenses certified to it, the area  
41 education agency administrator shall certify the  
42 expenses to the county auditor in the same manner as  
43 is provided for tuition claims in section 282.21 and  
44 the funds shall be transferred by the county treasurer  
45 from the debtor district to the agency board for

46 payment of ~~said~~ the expenses.

47 Sec. 34. Section 275.32, Code 1985, is amended to  
48 read as follows:

49 275.32 SCHOOL BUILDINGS -- TAX LEVY.

50 The board of any school corporation shall establish

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1 attendance centers and provide suitable buildings for  
2 each school in the district, and may at the regular or  
3 a special meeting call a special election to submit to  
4 the qualified electors of the district the question of  
5 ~~voting a tax or~~ authorizing the board to issue bonds;  
6 ~~or both~~; for any or all of the following purposes:

7 1. To secure sites, build, purchase, or equip  
8 school buildings.

9 2. To build or purchase a superintendent's or  
10 teacher's house or houses.

11 3. To repair or improve any school building or  
12 grounds, or superintendent's or teacher's house or  
13 houses, when the cost will exceed five thousand  
14 dollars.

15 All moneys received for such purposes shall be  
16 placed in the schoolhouse fund credited to the  
17 infrastructure account of ~~said~~ the corporation and  
18 shall be used only for the purpose for which voted.

19 Sec. 35. Section 275.33, subsection 2, unnumbered  
20 paragraph 1, Code Supplement 1985, is amended to read  
21 as follows:

22 The collective bargaining agreement of the district  
23 with the largest basic enrollment, as defined in  
24 section ~~442-4~~ 442A.5, in the new district shall serve  
25 as the base agreement and the employees of the other  
26 districts involved in the formation of the new  
27 district shall automatically be accreted to the  
28 bargaining unit of that collective bargaining  
29 agreement for purposes of negotiating the contract for  
30 the following year without further action by the  
31 public employment relations board. If only one  
32 collective bargaining agreement is in effect among the  
33 districts which are party to the reorganization, then  
34 that agreement shall serve as the base agreement, and  
35 the employees of the other districts involved in the  
36 formation of the new district shall automatically be  
37 accreted to the bargaining unit of that collective  
38 bargaining agreement for purposes of negotiating the  
39 contract for the following year without further action  
40 by the public employment relations board. The board  
41 of the newly formed district, using the base agreement  
42 as its existing contract, shall bargain with the

43 combined employees of the existing districts for the  
44 school year beginning with the effective date of the  
45 reorganization. The bargaining shall be completed by  
46 March 15 prior to the school year in which the  
47 reorganization becomes effective or within one hundred  
48 twenty days after the organization of the new board,  
49 whichever is later. If a bargaining agreement was  
50 already concluded by the board and employees of the

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1 existing district with the contract serving as the  
2 base agreement for the school year beginning with the  
3 effective date of the reorganization, that agreement  
4 shall be void. However, if the base agreement  
5 contains multiyear provisions affecting school years  
6 subsequent to the effective date of the  
7 reorganization, the base agreement shall remain in  
8 effect as specified in the agreement.

9 Sec. 36. Section 276.11, Code 1985, is amended by  
10 striking the section and inserting in lieu thereof the  
11 following:

12 276.11 FUNDING OF COMMUNITY EDUCATION.

13 Moneys received from the infrastructure levy may be  
14 expended for community education purposes.

15 Sec. 37. Section 277.2, Code 1985, is amended to  
16 read as follows:

17 277.2 SPECIAL ELECTION.

18 The board of directors in ~~any a~~ school corporation  
19 may call a special election at which ~~election~~ the  
20 voters shall have the powers exercised at the regular  
21 election with reference to the sale of school property  
22 and the application to be made of the proceeds, the  
23 authorization of seven members on the board of  
24 directors, the authorization to establish or change  
25 the boundaries of director districts, and the  
26 authorization of ~~a schoolhouse tax or~~ indebtedness, as  
27 provided by law.

28 Sec. 38. Section 278.1, subsections 2 and 7, Code  
29 1985, are amended by striking the subsection.

30 Sec. 39. Section 278.1, unnumbered paragraphs 2  
31 and 3, Code 1985, are amended to read as follows:

32 The board may, ~~with approval of sixty percent of~~  
33 ~~the voters, voting in a regular or special election in~~  
34 ~~the school district,~~ make extended time contracts not  
35 to exceed twenty years in duration for rental of  
36 buildings to supplement existing schoolhouse  
37 facilities; and ~~where~~ if it is deemed advisable for  
38 buildings to be constructed or placed on real estate  
39 owned by the school district, ~~such~~ the contracts may

40 include lease-purchase option ~~agreements, such~~  
 41 ~~contracts, with the~~ amounts to be paid out of the  
 42 ~~schoolhouse fund and charged against the~~  
 43 ~~infrastructure account.~~

44 Before entering into a rental or lease-purchase  
 45 option contract, ~~authorized by the electors,~~ the board  
 46 shall first adopt plans and specifications for a  
 47 building ~~or buildings~~ which it considers suitable for  
 48 the intended use and also adopt a form of rental or  
 49 lease-purchase option contract.

50 Sec. 40. Section 278.1, unnumbered paragraph 4,

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1 Code 1985, is amended by striking the unnumbered  
 2 paragraph.

3 Sec. 41. Section 279.12, unnumbered paragraph 1,  
 4 Code 1985, is amended to read as follows:

5 The board shall carry into effect ~~any~~ instruction  
 6 from the regular election upon matters within the  
 7 control of the voters, and shall elect ~~all~~ teachers  
 8 and make ~~all~~ contracts necessary or proper for  
 9 exercising the powers granted and performing the  
 10 duties required by law, and may establish and pay all  
 11 or any part ~~thereof from school district funds~~ of the  
 12 cost of group health insurance plans, nonprofit group  
 13 hospital service plans, nonprofit group medical  
 14 service plans and group life insurance plans adopted  
 15 by the board for the benefit of employees of the  
 16 school district ~~from the general fund of the school~~  
 17 ~~district and charged against the appropriate account,~~  
 18 but the board may authorize any subdirector to employ  
 19 teachers for the school in the subdirector's  
 20 subdistrict; ~~but no such employment.~~ Employment by a  
 21 subdirector ~~shall does not~~ authorize a contract, the  
 22 entire period of which is wholly beyond the  
 23 subdirector's term of office.

24 Sec. 42. Section 279.26, Code 1985, is amended to  
 25 read as follows:

#### 26 279.26 LEASE ARRANGEMENTS.

27 The board of directors of a local school district  
 28 ~~for which a schoolhouse tax has been voted pursuant to~~  
 29 ~~section 278.1, subsection 7,~~ may enter into a rental  
 30 or lease arrangement; ~~consistent with the purposes for~~  
 31 ~~which the schoolhouse tax has been voted,~~ for a period  
 32 not exceeding ten years ~~and not exceeding the period~~  
 33 ~~for which the schoolhouse tax has been authorized by~~  
 34 ~~the voters using revenues from the infrastructure~~  
 35 ~~levy.~~

36 Sec. 43. Section 279.28, Code 1985, is amended to

37 read as follows:

38 279.28 INSURANCE -- SUPPLIES -- TEXTBOOKS.

39 It may provide and pay ~~out of from~~ the general fund  
40 ~~of the school district and charge against the~~  
41 ~~infrastructure account~~ to insure school property such  
42 sum as may be necessary; ~~and may purchase~~  
43 ~~dictionaries, library books, including books for the~~  
44 ~~purpose of teaching vocal music, maps, charts, and~~  
45 ~~apparatus for the use of the schools thereof as deemed~~  
46 ~~necessary by the board of directors for each school~~  
47 ~~building under its charge; and. The board~~ may furnish  
48 schoolbooks to indigent children ~~when they are likely~~  
49 ~~to be deprived of the proper benefits of the school~~  
50 unless so aided.

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1 Sec. 44. Section 279.41, Code 1985, is amended to  
2 read as follows:

3 279.41 SCHOOLHOUSES AND SITES SOLD -- FUNDS.

4 ~~Any fund Moneys~~ received from the condemnation,  
5 sale, or other disposition for public purposes of  
6 schoolhouses, school sites or both schoolhouses and  
7 school sites ~~may shall~~ be deposited in the ~~schoolhouse~~  
8 ~~general fund of the school district and credited to~~  
9 ~~the infrastructure account~~ and may ~~without a vote of~~  
10 ~~the electorate~~ be used for the purchase of school  
11 sites or the erection or repair of schoolhouses or  
12 both as ordered by the board of directors of ~~such the~~  
13 school district; ~~provided, however, that. However,~~  
14 the board shall comply with section 297.7.

15 Sec. 45. Section 279.42, Code 1985, is amended to  
16 read as follows:

17 279.42 GIFTS TO SCHOOLS.

18 The board of directors of any school district which  
19 receives funds through gifts, devises and bequests may  
20 utilize ~~the same them~~, unless limited by the terms of  
21 the grant; ~~The gift, devise, or bequest shall be~~  
22 ~~deposited~~ in the ~~general or schoolhouse~~ fund  
23 ~~expenditures and credited to the appropriate account~~  
24 ~~pursuant to section 442A.17.~~

25 Sec. 46. Section 279.43, subsection 1, Code  
26 Supplement 1985, is amended to read as follows:

27 1. The board of directors may pay the actual cost  
28 of removal or encapsulation of asbestos existing in  
29 its school buildings from any funds in the general  
30 fund of the district, funds received from the  
31 ~~schoolhouse tax authorized under section 278-1;~~  
32 ~~subsection 7; funds from the tax levy certified under~~  
33 ~~section 297-5 infrastructure levy~~, or moneys obtained

34 through a federal asbestos loan program, to be repaid  
35 from any of the funds specified in this subsection.

36 Sec. 47. NEW SECTION. 279.50 FEES.

37 The board of directors of a school district shall  
38 not impose the payment of any fee or charge upon a  
39 student enrolled in the school district.

40 Sec. 48. Section 280.4, subsections 1 through 3,  
41 Code 1985, are amended by striking the subsections.

42 Sec. 49. Section 280.7, Code 1985, is amended to  
43 read as follows:

44 280.7 DENTAL CLINICS.

45 Boards of directors in all public school districts  
46 may establish and maintain dental clinics for children  
47 and offer courses of instruction on mouth hygiene.

48 The boards may employ ~~such~~ legally qualified dentists  
49 and dental hygienists ~~as may be necessary~~ to  
50 accomplish the purpose of this section. The cost of

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1 the dental clinic shall be paid from the general fund  
2 of the school district and charged against the  
3 instructional account.

4 Sec. 50. Section 280.10, unnumbered paragraph 3,  
5 Code 1985, is amended to read as follows:

6 The board of directors of each local public school  
7 district and the authorities in charge of each  
8 nonpublic school shall provide the safety devices  
9 required herein. Such devices ~~may shall~~ be paid for  
10 from the general fund of the school district and  
11 charged against the instructional account, but the  
12 board may require students and teachers to pay for the  
13 safety devices and shall make them available to  
14 students and teachers at no more than the actual cost  
15 to the district or school.

16 Sec. 51. Section 280.11, unnumbered paragraph 3,  
17 Code 1985, is amended to read as follows:

18 The board of directors of each local public school  
19 district and the authorities in charge of each  
20 nonpublic school shall provide the safety devices  
21 required herein. Such devices ~~may shall~~ be paid for  
22 from the general fund of the school district and  
23 charged against the instructional account, but the  
24 board may require students and teachers to pay for the  
25 safety devices and shall make them available to  
26 students and teachers at no more than the actual cost  
27 to the district or school.

28 Sec. 52. NEW SECTION. 280.18 NON-ENGLISH-  
29 SPEAKING STUDENT PROGRAMS.

30 1. In order to provide funds for the excess costs

31 of instruction for non-English-speaking students above  
32 the cost of instruction of pupils in a regular  
33 curriculum, a plan of weighting for determining  
34 enrollment in each school district is provided. Non-  
35 English-speaking students may receive instruction as  
36 provided in section 280.4. Pupils in a regular  
37 curriculum are assigned a weighting of one. For the  
38 school year beginning July 1, 1988, non-English-  
39 speaking students are assigned a weighting of one and  
40 four-tenths.

41 2. The state board of public instruction shall  
42 adopt rules relating to the identification of non-  
43 English-speaking students who require special  
44 instruction under section 280.4. Non-English-speaking  
45 students shall be counted in the weighted enrollment  
46 as of December 1 of the base year for purposes of  
47 chapter 442A. Moneys received as a result of the  
48 weighting for non-English-speaking students shall be  
49 expended only for non-English-speaking student  
50 programs.

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1 3. On December 1, 1988, and no later than December  
2 1 every two years thereafter, for the school year  
3 commencing the following July 1, the commissioner of  
4 public instruction shall report to the school budget  
5 review committee the average costs of providing  
6 instruction for non-English-speaking students, and the  
7 state board of public instruction shall make  
8 recommendations to the school budget review committee  
9 for adjustment of the weighting for subsequent school  
10 years. The school budget review committee shall  
11 establish the weight for each subsequent school year  
12 and shall report the weight to the commissioner of  
13 public instruction.

14 4. The department of public instruction shall  
15 require that school districts submit program plans for  
16 non-English-speaking programs and shall review the  
17 plans and the identification of students qualifying  
18 for weighting.

19 **Sec. 53. NEW SECTION. 280.19 TALENTED AND GIFTED**  
20 **CHILDREN PROGRAMS.**

21 1. In order to provide funds for the excess costs  
22 of instruction for talented and gifted children  
23 programs approved by the department, a plan of  
24 weighting for determining enrollment in each school  
25 district for talented and gifted children enrolled in  
26 an approved talented and gifted children program is  
27 provided.

28 "Talented and gifted children" are those identified  
29 as possessing outstanding abilities who are capable of  
30 high performance. Talented and gifted children are  
31 children who require appropriate instruction and  
32 educational services commensurate with their abilities  
33 and needs beyond those provided by the regular school  
34 program.

35 Talented and gifted children include those children  
36 with demonstrated achievement or potential ability, or  
37 both, in any of the following areas or in combination:

- 38 a. General intellectual ability.
- 39 b. Creative thinking.
- 40 c. Leadership ability.
- 41 d. Visual and performing arts ability.
- 42 e. Specific ability aptitude.

43 Boards of school districts, individually or jointly  
44 with the boards of other school districts, shall  
45 annually submit program plans for talented and gifted  
46 children programs to the department of public  
47 instruction.

48 The department of public instruction shall adopt  
49 rules under chapter 17A relating to the identification  
50 of talented and gifted children, and the format of

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1 program plans. Pupils in a regular curriculum are  
2 assigned a weighting of one. For the school year be-  
3 ginning July 1, 1988, talented and gifted children are  
4 assigned a weighting of one and four-tenths.

5 2. The board of directors shall submit  
6 applications for approval for the programs to the  
7 department not later than November 1 preceding the  
8 fiscal year during which the program will be offered.  
9 The department shall review the program plans and  
10 shall prior to January 15 either grant approval for  
11 the program or return the request for approval with  
12 comments of the department included. Any unapproved  
13 request for a program may be resubmitted with  
14 modifications to the department not later than  
15 February 1. Not later than February 15 the department  
16 shall notify the state comptroller of the names of the  
17 school districts for which talented and gifted  
18 children programs have been approved and the number of  
19 each school district's students identified as talented  
20 and gifted, not to exceed three percent of the  
21 district's enrollment for weighting purposes, for the  
22 approved program for the budget year. Talented and  
23 gifted children shall be counted in the weighted  
24 enrollment as of December 1 of the base year for

25 purposes of chapter 442A. Moneys received as a result  
26 of weighting for talented and gifted children shall be  
27 expended only for talented and gifted children  
28 programs.

29 3. On December 1, 1988, and not later than  
30 December 1 every two years thereafter, for the school  
31 year commencing the following July 1, the commissioner  
32 of public instruction shall report to the school  
33 budget review committee the average costs of providing  
34 instruction for talented and gifted children, and the  
35 state board of public instruction shall make  
36 recommendations to the school budget review committee  
37 for adjustment of the weighting for subsequent school  
38 years. The school budget review committee shall  
39 establish the weight for each subsequent school year  
40 and shall report the weight to the commissioner of  
41 public instruction.

42 Sec. 54. Section 281.2, subsection 2, unnumbered  
43 paragraphs 4 and 5, Code 1985, are amended to read as  
44 follows:

45 Every child requiring special education shall, if  
46 reasonably possible, receive a level of education  
47 commensurate with the level provided each child who  
48 does not require special education. The cost of  
49 providing such an education shall be paid as provided  
50 in section 273.9, this chapter and chapter ~~442~~ 442A.

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1 It ~~shall be~~ is the primary responsibility of each  
2 school district to provide special education to  
3 children who reside in that district if the children  
4 requiring special education are properly identified,  
5 the educational program or service has been approved,  
6 the teacher or instructor has been certified, the  
7 number of children requiring special education needing  
8 that educational program or service is sufficient to  
9 make offering the program or service feasible, and the  
10 program or service cannot more economically and  
11 equably be obtained from the area education agency,  
12 another school district, another group of school  
13 districts, a qualified private agency, or in co-  
14 operation with one or more other districts.  
15 ~~Any funds~~ Funds received by ~~the~~ a school district  
16 of the child's residence for the child's education,  
17 derived from funds received through chapter ~~442~~ 442A,  
18 this chapter and section 273.9 shall be paid by the  
19 school district of the child's residence to the  
20 appropriate education agency, private agency, or other  
21 school district providing special education for the

22 child pursuant to contractual arrangements as provided  
23 in section 273.3, subsections 5 and 7.

24 Sec. 55. Section 281.8, unnumbered paragraph 1,  
25 Code 1985, is amended to read as follows:

26 It shall not be incumbent upon the school districts  
27 to keep a child requiring special education in regular  
28 instruction when the child cannot sufficiently profit  
29 from the work of the regular classroom, nor to keep  
30 ~~such the~~ child requiring special education in the  
31 special class or instruction for children requiring  
32 special education when it is determined by the  
33 director of special education of an area education  
34 agency that the child can no longer benefit from the  
35 instruction or needs more specialized instruction  
36 available in special schools. However, the school  
37 district shall ~~count~~ include the child requiring  
38 special education in the basic enrollment as provided  
39 in sections 273.9, 281.9 and ~~442.4~~ 442A.5 and shall  
40 ~~insure~~ ensure that appropriate educational provisions  
41 are made for the child requiring special education  
42 within the limits of funds available under ~~the~~  
43 ~~provisions of this chapter and chapters 273 and 442~~  
44 442A.

45 Sec. 56. Section 282.3, subsection 1, Code 1985,  
46 is amended to read as follows:

47 1. The board may exclude from school children  
48 under the age of six years when in its judgment such  
49 children are not sufficiently mature to be benefited  
50 by regular instruction, or any incorrigible child or

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1 any child who in its judgment is so abnormal that  
2 regular instruction would be of no substantial  
3 benefit, or any child whose presence in school may be  
4 injurious to the health or morals of other pupils or  
5 to the welfare of such school. However, the board  
6 shall provide special education programs and services  
7 under the provisions of chapters 273, 281, and ~~442~~  
8 442A for all children requiring special education.

9 Sec. 57. Section 282.8, Code 1985, is amended to  
10 read as follows:

11 282.8 ATTENDING SCHOOL OUTSIDE STATE.

12 The boards of directors of school districts located  
13 near the state boundaries may designate schools of  
14 equivalent standing across the state line for  
15 attendance of both elementary and high school pupils  
16 when the public school in the adjoining state is  
17 nearer than any appropriate public school in a pupil's  
18 district of residence or in Iowa. Distance shall be

19 measured by the nearest traveled public road.  
 20 Arrangements shall be subject to reciprocal agreements  
 21 made between the chief state school officers of the  
 22 respective states. Notwithstanding section 282.1,  
 23 arrangements between districts pursuant to the  
 24 reciprocal agreements made under this section shall  
 25 establish tuition and transportation fees in an amount  
 26 acceptable to the affected boards, but the tuition and  
 27 transportation fees shall not be less than the lower  
 28 average cost per pupil for the previous school year of  
 29 the two affected school districts. For the purpose of  
 30 this section average cost per pupil for the previous  
 31 school year is determined by dividing the district's  
 32 ~~operating~~ instructional expenditures for the previous  
 33 school year by the number of children enrolled in the  
 34 district on the ~~second~~ third Friday of September of  
 35 the previous school year. A person attending school  
 36 in another state shall continue to be treated as a  
 37 pupil of the district of residence in the  
 38 apportionment of the current school fund and the  
 39 payment of state aid.

40 Sec. 58. Section 282.19, Code Supplement 1985, is  
 41 amended to read as follows:

42 282.19 CHILD LIVING IN FOSTER CARE FACILITY.

43 A child who is living in a licensed child foster  
 44 care facility as defined in section 237.1 in this  
 45 state which is located in a school district other than  
 46 the school district in which the child resided before  
 47 receiving foster care may enroll in and attend an  
 48 approved school in the school district in which the  
 49 child is living. If a child does not require special  
 50 education and was not counted in the basic enrollment

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1 of a school district for a budget year under section  
 2 ~~442.4~~ 442A.5, the tuition and transportation, when  
 3 required by law, shall be paid by the treasurer of  
 4 state from funds in the state treasury not otherwise  
 5 appropriated, and upon warrants drawn by the state  
 6 comptroller upon requisition of the commissioner of  
 7 public instruction.

8 Sec. 59. Section 282.20, unnumbered paragraph 1,  
 9 Code 1985, is amended to read as follows:

10 The school corporation in which the student resides  
 11 shall pay from the general fund to the secretary of  
 12 the corporation in which the student is permitted to  
 13 enroll, a tuition fee as prescribed in section 282.24.  
 14 The amount shall be charged against the instructional  
 15 account.

16 Sec. 60. Section 282.24, subsection 1, unnumbered  
 17 paragraph 1, Code 1985, is amended to read as follows:  
 18 There is established a maximum tuition fee that may  
 19 be charged for elementary and high school students  
 20 residing within another school district or corporation  
 21 except students attending school in another district  
 22 under section 282.7, subsection 1. That fee is the  
 23 district cost per pupil of the receiving district ~~as~~  
 24 ~~computed in section 442.9, subsection 1, paragraph~~  
 25 ~~"a"~~.

26 Sec. 61. Section 282.27, Code Supplement 1985, is  
 27 amended to read as follows:  
 28 282.27 PAYMENT FOR CERTAIN CHILDREN.  
 29 When a child requiring special education is living  
 30 in a state-supported institution, charitable  
 31 institution, or licensed boarding home as defined in  
 32 this chapter which does not maintain a school and the  
 33 residence of the child requiring special education is  
 34 in a school district other than the school district in  
 35 which the state-supported institution, charitable  
 36 institution, or licensed boarding home is located, the  
 37 child is eligible for special education programs and  
 38 services provided for children requiring special  
 39 education who are residents of the school district in  
 40 which the institution or boarding home is located.  
 41 The special education instructional costs shall be  
 42 computed by means of weighted enrollment for that  
 43 child under the provisions of chapters 273, 281, and  
 44 ~~442~~ 442A as if that child were a resident of the  
 45 school district in which the institution or boarding  
 46 home is located but the child shall be included in the  
 47 enrollment count in the district of residence in the  
 48 manner provided in sections 281.9 and ~~442.4~~ 442A.5.  
 49 The costs as computed shall be paid by the district of  
 50 residence. ~~No~~ A child requiring special education

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1 shall not be denied special education programs and  
 2 services because of a dispute over determination of  
 3 residence of that child. If there is a dispute over  
 4 the residence of the child, the state board of public  
 5 instruction shall determine the residence of the  
 6 child. However, if the special education  
 7 instructional costs incurred on behalf of the child  
 8 exceed the amount which would be allowed if the child  
 9 were provided the programs and services in the  
 10 district of residence, the treasurer of the school  
 11 district of residence shall make payment at the  
 12 maximum amount allowed in that district for a child

13 requiring special education who is similarly  
14 handicapped. If the child requiring special education  
15 is not counted in the weighted enrollment of any  
16 district under section 281.9, and payment is not made  
17 by any district, the district in which the institution  
18 or boarding home is located may certify the special  
19 education instructional costs to the commissioner of  
20 public instruction not later than September 1 of each  
21 year for the preceding fiscal year. The state board  
22 of public instruction shall review the costs and  
23 submit a requisition to the state comptroller. The  
24 amount due shall be paid by the treasurer of state to  
25 the district in which the institution or licensed  
26 boarding home is located from any funds in the general  
27 fund of the state not otherwise appropriated upon  
28 warrants drawn and signed by the state comptroller.  
29 For the purposes of this section, the term "district  
30 of residence of the child" means the residence of the  
31 parent or legal guardian, or the location of the  
32 district court if the district court is the legal  
33 guardian, of the child.

34 Sec. 62. Section 283A.9, Code 1985, is amended to  
35 read as follows:

36 283A.9 BUILDING FOR SCHOOL LUNCH FACILITY.

37 School districts are authorized to purchase, erect,  
38 or otherwise acquire a building for use as a school  
39 lunch facility, and to equip ~~such a the~~ building for  
40 ~~such use~~, and pay for ~~same~~ expenditures from  
41 unencumbered funds ~~on hand~~ in the schoolhouse fund  
42 ~~derived from taxes voted under authority of section~~  
43 ~~278.1, subsection 7, or 275.32, subject to the terms~~  
44 ~~of this section~~, or may pay for ~~same the~~ building from  
45 the proceeds of the sale of school property sold under  
46 section 297.22, or from surplus remaining in the  
47 schoolhouse fund after retirement of a bond issue, ~~or~~  
48 ~~from a tax voted for said purposes. Payments made~~  
49 under this section from the general fund shall be  
50 charged against the infrastructure account.

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1 Sec. 63. Section 285.2, unnumbered paragraph 3,  
2 Code 1985, is amended to read as follows:  
3 The costs of providing transportation to nonpublic  
4 school pupils as provided in section 285.1 shall ~~not~~  
5 ~~be included in the computation of district cost under~~  
6 ~~chapter 442, but shall be shown in the budget as an~~  
7 ~~expense from miscellaneous income a~~ separate expense.  
8 Any transportation reimbursements received by a local  
9 school district for transporting nonpublic school

10 pupils shall ~~not affect district cost limitations of~~  
 11 ~~chapter 442 be recorded as a separate nonpublic~~  
 12 ~~transportation account in the general fund and be used~~  
 13 ~~only for expenses relating to nonpublic pupil~~  
 14 ~~transportation. The reimbursements provided in this~~  
 15 ~~section are miscellaneous income as defined in section~~  
 16 ~~442.5.~~

17 Sec. 64. Section 285.10, subsection 7, paragraph  
 18 a, Code 1985, is amended to read as follows:

19 a. From such funds as may be available in the  
 20 general fund and charged against the infrastructure  
 21 account.

22 Sec. 65. Section 291.15, Code Supplement 1985, is  
 23 amended to read as follows:

24 291.15 ANNUAL REPORT.

25 The treasurer shall make an annual report to the  
 26 board at its regular July meeting, which shall show  
 27 the amount of each account in the general fund and the  
 28 schoolhouse fund and the amounts held over, received,  
 29 paid out, and on hand, the several ~~funds accounts~~ to  
 30 be separately stated, and the treasurer shall  
 31 immediately file a copy of this report with the  
 32 commissioner of public instruction and a copy with the  
 33 county treasurer.

34 Sec. 66. Section 294.9, subsection 2, Code 1985,  
 35 is amended to read as follows:

36 2. From the ~~proceeds of an annual tax levy general~~  
 37 fund and charged against the appropriate account.

38 Sec. 67. Section 297.9, Code 1985, is amended to  
 39 read as follows:

40 297.9 USE FOR OTHER THAN SCHOOL PURPOSES.

41 The board of directors of any school district may  
 42 authorize the use of any schoolhouse and its grounds  
 43 within ~~such the~~ district for the purpose of meetings  
 44 of granges, lodges, agricultural societies, and  
 45 similar societies, for parent-teacher associations,  
 46 for community recreational activities, community  
 47 education programs, election purposes, other meetings  
 48 of public interest, public forums and similar  
 49 community purposes; ~~provided that such.~~ However, the  
 50 use shall ~~in no way not~~ interfere with school

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1 activities; ~~such.~~ The use to be for such shall  
 2 include compensation, and upon such terms, and  
 3 conditions as may be fixed determined by said the  
 4 board for the proper protection of the schoolhouse and  
 5 the property belonging therein, including that of  
 6 pupils; except that. However, in the case of

7 community education programs, any compensation  
8 necessary for programs provided specifically by  
9 community education and not those provided through  
10 community education by other agencies or organizations  
11 shall be compensated from the ~~funding provided for~~  
12 ~~community education programs~~ general fund and charged  
13 against the infrastructure account.

14 Sec. 68. Section 297.10, Code 1985, is amended to  
15 read as follows:

16 297.10 COMPENSATION.

17 Any compensation for such use shall be paid into  
18 the general fund and credited to the infrastructure  
19 account and be expended in the upkeep and repair of  
20 such school property, and in purchasing supplies  
21 ~~therefor for the property.~~

22 Sec. 69. Section 297.22, unnumbered paragraphs 1,  
23 2, and 7, Code Supplement 1985, are amended to read as  
24 follows:

25 The board of directors of a school district may  
26 sell, lease, or dispose of, in whole or in part, a  
27 schoolhouse, site, or other property belonging to the  
28 district ~~for which the appraised value does not exceed~~  
29 ~~twenty-five thousand dollars. If the appraised value~~  
30 ~~exceeds twenty-five thousand dollars, the board shall~~  
31 ~~submit the question at an election under section~~  
32 ~~278.1, subsection 2, to authorize the sale, lease or~~  
33 ~~disposal.~~

34 Proceeds from the sale, lease or disposition of  
35 real property ~~shall be placed in the schoolhouse fund,~~  
36 and proceeds from the sale, lease or disposition of  
37 property other than real property, shall be placed in  
38 the general fund and credited to the infrastructure  
39 account.

40 The board of directors of a school corporation may  
41 lease a portion of an existing school building in  
42 which the remaining portion of the building will be  
43 used for school purposes for a period of not to exceed  
44 five years. The lease may be renewed at the option of  
45 the board. Sections 297.15 to 297.20, sections 297.23  
46 and 297.24, and ~~the property value limitations and~~  
47 appraisal requirements of this section do not apply to  
48 the lease of a portion of an existing school building.

49 Sec. 70. NEW SECTION. 297.35 CONTINUATION OF  
50 LOAN AGREEMENT.

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1 A loan agreement between a school district and a  
2 bank, investment banker, trust company, insurance  
3 company, or insurance group that was made under

4 section 297.36, Code 1985, in order to make  
5 immediately available proceeds of the schoolhouse tax  
6 approved by the voters prior to July 1, 1986 shall  
7 continue in effect for the duration of the loan  
8 agreement.

9 Sec. 71. Section 297.36, Code 1985, is amended to  
10 read as follows:

11 297.36 LOAN AGREEMENTS.

12 In order to make immediately available proceeds of  
13 ~~the schoolhouse tax which has been approved by the~~  
14 ~~voters as provided in section 278.1, subsection 7 up~~  
15 ~~to sixty-seven and one-half cents of the~~  
16 infrastructure levy, the board of directors may, with  
17 or without notice, borrow money and enter into loan  
18 agreements of not to exceed ten years in duration in  
19 anticipation of the collection of the tax with a bank,  
20 investment banker, trust company, insurance company,  
21 or insurance group.

22 By resolution, the board shall provide for an  
23 annual levy which is within the limits ~~of the tax~~  
24 approved by the voters provided in this section to pay  
25 for the amount of the principal and interest due each  
26 year until maturity. The board shall file a certified  
27 copy of the resolution with the auditor of each county  
28 in which the district is located. The filing of the  
29 resolution with the auditor ~~shall make~~ makes it the  
30 duty of the auditor to annually levy the amount  
31 certified for collection until funds are realized to  
32 repay the loan and interest on the loan in full.

33 The loan must mature within the ten-year period of  
34 ~~time authorized by the voters~~ and shall bear interest  
35 at a rate which does not exceed the limits ~~provided~~  
36 under chapter 74A. A loan agreement entered into  
37 pursuant to this section shall be in a form as the  
38 board of directors shall by resolution provide and the  
39 loan shall be payable as to both principal and  
40 interest from the proceeds of the annual levy of the  
41 ~~voted tax pursuant to section 278.1, subsection 7~~  
42 infrastructure levy, or so much thereof as will be  
43 sufficient to pay the loan and interest on the loan.

44 The proceeds of a loan must be deposited in a fund  
45 which is separate from other district funds. Warrants  
46 paid from this fund must be for purposes authorized by  
47 ~~the voters as provided in section 278.1, subsection 7~~  
48 for the infrastructure levy.

49 This section does not limit the authority of the  
50 board of directors to levy the full ~~amount of the~~

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1 ~~voted tax sixty-seven and one-half cents levy~~, but if  
2 and to whatever extent the tax is levied in any year  
3 in excess of the amount of principal and interest  
4 falling due in that year under a loan agreement, the  
5 first available proceeds, to an amount sufficient to  
6 meet maturing installments of principal and interest  
7 under the loan agreement, shall be paid into the  
8 sinking fund for the loan before the taxes are  
9 otherwise made available to the school corporation for  
10 other school purposes, and the amount required to be  
11 annually set aside to pay principal of and interest on  
12 the money borrowed under the loan agreement shall  
13 ~~constitute~~ constitutes a first charge upon the  
14 proceeds of the ~~special voted tax infrastructure levy~~,  
15 which tax shall be pledged to pay the loan and the  
16 interest on the loan.

17 This section is supplemental and in addition to  
18 existing statutory authority to finance the purposes  
19 specified in section ~~278.1, subsection 7 442A.10~~, and  
20 for the borrowing of money and execution of loan  
21 agreements in connection with that section ~~and~~  
22 ~~subsection~~, and is not subject to any other law. The  
23 fact that a school corporation may have previously  
24 borrowed money and entered into loan agreements under  
25 authority of this section does not prevent the school  
26 corporation from borrowing additional money and  
27 entering into further loan agreements if the aggregate  
28 of the amount payable under all of the loan agreements  
29 does not exceed the proceeds of the ~~voted tax~~  
30 infrastructure levy.

31 Sec. 72. Section 298.1, Code 1985, is amended to  
32 read as follows:

33 298.1 SCHOOL TAXES.

34 The board of each school district shall estimate  
35 the amount of the proposed expenditures and proposed  
36 receipts for ~~the general~~ school purposes at a time and  
37 in a manner to effectuate the provisions of chapter  
38 ~~442 442A~~ and sections 281.9 and 281.11. Compliance  
39 with chapter 24 shall be observed.

40 Sec. 73. Section 298.7, Code 1985, is amended to  
41 read as follows:

42 298.7 CONTRACT FOR USE OF LIBRARY.

43 The board of directors of a school corporation in  
44 which there is no free public library may contract  
45 with a free public library for the free use of the  
46 library by the residents of the school district, and  
47 pay the library the amount agreed upon for the use of  
48 the library as provided by law. During the existence

49 of the contract, the board shall ~~certify annually a~~  
 50 ~~tax sufficient to pay the library the consideration~~

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1 ~~agreed upon, not exceeding twenty cents per thousand~~  
 2 ~~dollars of assessed value of the taxable property of~~  
 3 ~~the district include the cost as an instructional~~  
 4 ~~expenditure pursuant to chapter 442A.~~ During the  
 5 existence of the contract, the school corporation is  
 6 relieved from the requirement that the school  
 7 treasurer withhold funds for library purposes. This  
 8 section does not apply in townships where a contract  
 9 for other library facilities is in existence.

10 Sec. 74. Section 300.2, Code 1985, is amended by  
 11 striking the section and inserting in lieu thereof the  
 12 following:

13 300.2 TAX LEVY.

14 The board of directors of a school district may use  
 15 moneys from the infrastructure levy for public  
 16 educational and recreational activities authorized  
 17 under this chapter.

18 Sec. 75. Section 301.1, Code 1985, is amended to  
 19 read as follows:

20 301.1 ADOPTION -- PURCHASE AND SALE.

21 The board of directors of ~~each and every a~~ school  
 22 district is ~~hereby authorized and empowered to may~~  
 23 ~~adopt textbooks for the teaching of all branches that~~  
 24 ~~are now or may hereafter be authorized to be taught in~~  
 25 ~~the public schools of the state, and to may contract~~  
 26 ~~for and buy said purchase the books and any and all~~  
 27 ~~other necessary school supplies at said contract~~  
 28 ~~prices, and to may sell the same books to the pupils~~  
 29 ~~of their respective districts at cost, loan such the~~  
 30 ~~textbooks to such pupils free, or rent them to such~~  
 31 ~~pupils at such a reasonable fee as the board shall fix~~  
 32 ~~determine, and said the money so received shall be~~  
 33 ~~returned to the general fund and credited to the~~  
 34 ~~instructional fund.~~

35 Textbooks adopted and purchased by a school  
 36 district may, and shall to the extent funds are  
 37 appropriated by the general assembly, be made  
 38 available to pupils attending nonpublic schools upon  
 39 request of the pupil or the pupil's parent or guardian  
 40 under comparable terms as made available to pupils  
 41 attending public schools.

42 Sec. 76. Section 331.512, subsection 12, Code  
 43 1985, is amended to read as follows:

44 12. Carry out duties relating to levy of school  
 45 taxes as provided in chapter ~~442~~ 442A.

46 Sec. 77. Section 422.100, Code 1985, is amended to  
47 read as follows:

48 422.100 ALLOCATION TO MONEYS AND CREDITS  
49 REPLACEMENT FUND IN EACH COUNTY.

50 There is created a permanent fund in the office of

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1 the treasurer of state to be known as the "moneys and  
2 credits replacement fund". The director shall  
3 determine the percentage which the aggregate taxable  
4 value for the year 1965 of the property described in  
5 and subject to taxation under section 429.2, Code  
6 1966, owned or held by individuals, administrators,  
7 executors, guardians, conservators, trustees or an  
8 agent or nominee thereof, and the aggregate taxable  
9 value for the year 1965 of the property described in  
10 and subject to taxation under section 431.1, Code  
11 1966, for the year 1965 but not subject to taxation  
12 under that section for the year 1966, in each county  
13 bears to the total aggregate taxable value of such  
14 property reported from all of the counties in the  
15 state and shall certify the percentage for each county  
16 to the state comptroller prior to January 1, 1967. In  
17 July of each year, the state comptroller shall apply  
18 that percentage to the money in the moneys and credits  
19 tax replacement fund prior to that July and determine  
20 the amount due to each county. The state comptroller  
21 shall draw warrants on the moneys and credits tax  
22 replacement fund in such amounts payable to the county  
23 treasurer of each county and transmit them. The  
24 county treasurer shall apportion these amounts as  
25 follows: For the amounts received in January 1972,  
26 and all previously collected amounts, twenty percent  
27 to the county general fund, fifty percent to the  
28 school general fund and credited to the instructional  
29 account, and the remaining thirty percent to cities  
30 and towns in the proportion that the taxable values  
31 for each city and town for 1965 of property subject to  
32 taxation in 1965 under sections 429.2, Code 1966, and  
33 431.1, Code 1966, is to the total of such taxable  
34 values for all cities and towns within the county; for  
35 the amounts received in January 1973, and all  
36 subsequently collected amounts, forty percent to the  
37 county, and the remaining sixty percent to cities and  
38 towns in the proportion that the taxable values for  
39 each city and town for the year 1965 under sections  
40 429.2 and 431.1, Code 1966, is to the total of such  
41 taxable values for all the cities and towns within the  
42 county.

43 Sec. 78. Section 467B.14, unnumbered paragraph 1,  
44 Code 1985, is amended to read as follows:  
45 Sixty-five percent of any such payments or payment  
46 received from the federal government shall be  
47 distributed to the general fund of the school  
48 districts of the county and credited to the  
49 infrastructure account after the county auditor has  
50 determined the districts which are principally

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1 affected by the federal flood control project involved  
2 in an amount deemed to be the equitable share of each  
3 such district and the amount allocated to each school  
4 district shall be paid over to the treasurer of such  
5 school district.

6 Sec. 79. Section 422.43, subsections 1, 2, 6, and  
7 10, Code Supplement 1985, are amended to read as  
8 follows:

9 1. There is imposed a tax of ~~four~~ five percent  
10 upon the gross receipts from all sales of tangible  
11 personal property, consisting of goods, wares, or  
12 merchandise, except as otherwise provided in this  
13 division, sold at retail in the state to consumers or  
14 users; a like rate of tax upon the gross receipts from  
15 the sales, furnishing or service of gas, electricity,  
16 water, heat, and communication service, including the  
17 gross receipts from such sales by any municipal  
18 corporation furnishing gas, electricity, water, heat,  
19 and communication service to the public in its  
20 proprietary capacity, except as otherwise provided in  
21 this division, when sold at retail in the state to  
22 consumers or users; a like rate of tax upon the gross  
23 receipts from all sales of tickets or admissions to  
24 places of amusement, fairs, and athletic events except  
25 those of elementary and secondary educational  
26 institutions; and a like rate of tax upon that part of  
27 private club membership fees or charges paid for the  
28 privilege of participating in any athletic sports  
29 provided club members.

30 2. There is imposed a ~~tax of four percent like~~  
31 rate of tax upon the gross receipts derived from the  
32 operation of all forms of amusement devices and games  
33 of skill, games of chance, raffles, and bingo games as  
34 defined in chapter 99B, operated or conducted within  
35 the state of Iowa, the tax to be collected from the  
36 operator in the same manner as is provided for the  
37 collection of taxes upon the gross receipts of tickets  
38 or admission ~~fees~~ as provided in this section. The  
39 tax shall also be imposed upon the gross receipts

40 derived from the sale of lottery tickets or shares  
41 pursuant to chapter 99E. The tax on the lottery  
42 tickets or shares shall be included in the sales price  
43 and distributed to the general fund as provided in  
44 section 99E.10.

45 6. There is imposed a ~~tax of four percent~~ like  
46 rate of tax upon the gross receipts from the sales of  
47 optional service or warranty contracts which provide  
48 for the furnishing of labor and materials and require  
49 the furnishing of any taxable service enumerated under  
50 this section. The gross receipts are subject to tax

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1 even if some of the services furnished are not  
2 enumerated under this section. For the purpose of  
3 this division, the sale of an optional service or  
4 warranty contract is a sale of tangible personal  
5 property. Additional sales, services, or use tax  
6 shall not be levied on services, parts, or labor  
7 provided under optional service or warranty contracts  
8 which are subject to tax under this section.

9 10. There is imposed a tax of ~~four~~ five percent  
10 upon the gross receipts from the rendering,  
11 furnishing, or performing of services as defined in  
12 section 422.42.

13 Sec. 80. Section 422.47, Code 1985, is amended by  
14 adding the following new subsection:

15 NEW SUBSECTION. Construction contractors may make  
16 application to the department for a refund of the  
17 additional one percent tax paid under this division or  
18 the additional one percent tax paid under chapter 423  
19 by reason of the increase in the tax from four to five  
20 percent for taxes paid on goods, wares, or merchandise  
21 under the following conditions:

22 a. The goods, wares, or merchandise are  
23 incorporated into an improvement to real estate in  
24 fulfillment of a written contract fully executed prior  
25 to July 1, 1986. The refund shall not apply to  
26 equipment transferred in fulfillment of a mixed  
27 construction contract.

28 b. The contractor has paid to the department or to  
29 a retailer the full five percent tax.

30 c. The claim is filed on forms provided by the  
31 department and is filed within one year of the date  
32 the tax is paid.

33 A contractor who makes an erroneous application for  
34 refund is liable for payment of the excess refund paid  
35 plus interest at the rate in effect under section  
36 421.7. In addition, a contractor who willfully makes

37 a false application for refund is guilty of a simple  
38 misdemeanor and is liable for a penalty equal to  
39 seventy-five percent of the excess refund claimed.  
40 Excess refunds, penalties, and interest due under this  
41 subsection may be enforced and collected in the same  
42 manner as the tax imposed by this division.

43 Sec. 81. Section 423.2, Code 1985, is amended to  
44 read as follows:

45 423.2 IMPOSITION OF TAX.

46 An excise tax is imposed on the use in this state  
47 of tangible personal property purchased for use in  
48 this state, at the rate of ~~four~~ five percent of the  
49 purchase price of the property. The excise tax is  
50 imposed upon every person using the property within

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1 this state until the tax has been paid directly to the  
2 county treasurer or the state department of  
3 transportation, to a retailer, or to the department.  
4 An excise tax is imposed on the use in this state of  
5 services enumerated in section 422.43 at the rate of  
6 ~~four~~ five percent. This tax is applicable ~~where~~ if  
7 services are rendered, furnished, or performed in this  
8 state or ~~where~~ if the product or result of the service  
9 is used in this state. This tax is imposed on every  
10 person using the services or the product of the  
11 services in this state until the user has paid the tax  
12 either to an Iowa use tax permit holder or to the  
13 department of revenue.

14 Sec. 82. Chapter 260A, Code 1985 and chapter 442,  
15 Code 1985 and Code Supplement 1985, are repealed.  
16 Sections 276.11, 276.12, 291.13, 297.5, 298.9, 298.10,  
17 298.16, 298.17, 300.3, 300.4, 301.4, 301.24, and  
18 301.27, Code 1985, and section 279.43, Code Supplement  
19 1985, are repealed.

20 Sec. 83. Sections 1 through 78 and 82 of this Act  
21 take effect for computations and procedures needed for  
22 the school year beginning July 1, 1988, except that  
23 section 21 takes effect for computations and  
24 procedures needed for the school year beginning July  
25 1, 1987."

JOE BROWN

S-5924

1 Amend the House amendment, S-5806, to Senate File  
2 2270 as amended, passed, and reprinted by the Senate  
3 as follows:

4 1. By striking page 1, line 20 through page 2,  
5 line 10 and inserting the following:

6 "Sec. 100. Section 554.9502, subsection 2, Code  
7 1985, is amended to read as follows:

8 2. A secured party who by agreement is entitled to  
9 charge back uncollected collateral or otherwise to  
10 full or limited recourse against the debtor and who  
11 undertakes to collect from the account debtors or  
12 obligors must proceed in a commercially reasonable  
13 manner and may deduct the secured party's reasonable  
14 expenses of realization from the collections. If the  
15 security agreement secures an indebtedness, the  
16 secured party must account to the debtor for any  
17 surplus, and unless otherwise agreed, the debtor is  
18 liable for any deficiency. But, if the underlying  
19 transaction was a sale of accounts or chattel paper,  
20 the debtor is entitled to any surplus or is liable for  
21 any deficiency only if the security agreement so  
22 provides. However, if the loan is secured by  
23 agricultural land, then the security agreement shall  
24 provide that the loan is a nonrecourse loan and the  
25 debtor is not liable for any deficiency.

26 Sec. 101. Section 554.9504, subsection 2, Code  
27 1985, is amended to read as follows:

28 2. If the security interest secures an  
29 indebtedness, the secured party must account to the  
30 debtor for any surplus, and, unless otherwise agreed,  
31 the debtor is liable for any deficiency. But if the  
32 underlying transaction was a sale of accounts or  
33 chattel paper, the debtor is entitled to any surplus  
34 or is liable for any deficiency only if the security  
35 agreement so provides. However, if the loan is  
36 secured by agricultural land, then the security  
37 agreement shall provide that the loan is a nonrecourse  
38 loan and the debtor is not liable for any deficiency."  
39 2. Page 2, lines 42 through 45, by striking the  
40 words and figure "the delay of the enforceability of a  
41 deficiency judgment or general execution under section  
42 654.6 in relation to the execution under which the  
43 exemption is claimed".

44 3. Page 3, by inserting after line 19 the  
45 following:

46 "Sec. 102. Section 654.6, Code 1985, is amended to  
47 read as follows:

48 654.6 DEFICIENCY -- GENERAL EXECUTION.  
 49 If the mortgaged property does not sell for  
 50 sufficient to satisfy the execution, a general

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1 execution may be issued against the mortgagor, unless  
 2 the parties have stipulated otherwise. However, a  
 3 loan made after the effective date of this Act that is  
 4 secured by agricultural land shall be a nonrecourse  
 5 loan. The borrower is not liable in an action on the  
 6 mortgage or the note for any deficiency resulting if  
 7 the proceeds from the sale of the collateral on the  
 8 loan are insufficient to fully cover the outstanding  
 9 indebtedness on the loan. As used in this section,  
 10 "borrower" includes any person obligated to make  
 11 payments under the loan agreement."

12 4. Page 5, by striking lines 46 and 47 and  
 13 inserting the following:

14 "Sec. \_\_\_\_ . Sections 100, 101, and 102 apply only  
 15 to loans made on or after the effective date of this  
 16 Act."

17 5. Page 6, lines 7 through 9, by striking the  
 18 words "delaying the enforceability of certain  
 19 delinquency judgments or general executions related to  
 20 obligations secured by agricultural land" and  
 21 inserting the following: "providing restrictions on  
 22 obligations secured by agricultural land".

ARNE WALDSTEIN

S-5925

1 Amend amendment S-5920 to House File 2473 as amended,  
 2 passed and reprinted by the House as follows:

3 1. Page 1, line 7, by inserting after the word "for"  
 4 the word "any".

BERL E. PRIEBE

S-5926

1 Amend Senate File 2298 as follows:

2 1. Page 1, line 34, by striking the words "and  
 3 commercial" and inserting the following: "commercial,  
 4 and certain railroad".

5 2. Page 2, line 4, by striking the word  
 6 "Notwithstanding" and inserting the following:

7 "a. Notwithstanding".

8 3. Page 2, line 6, by inserting after the word  
9 "property" the following: "and property subject to  
10 the provisions of the Railroad Revitalization and  
11 Regulatory Reform Act of 1976, 49 U.S.C. Sec. 11503".

12 4. Page 2, by striking lines 7 through 9 and  
13 inserting the following: "1987 and July 1, 1988, are  
14 four dollars and twenty cents per thousand dollars and  
15 three dollars and seventy cents per thousand dollars,  
16 respectively,".

17 5. Page 2, line 11, by striking the words "and  
18 commercial" and inserting the following: "commercial,  
19 and such railroad".

20 6. Page 2, by inserting after line 11 the  
21 following:

22 "b. If House File 2462 is enacted by the general  
23 Assembly and becomes law, for the fiscal years  
24 beginning July 1, 1987 and July 1, 1988 the foundation  
25 property tax on residential, agricultural and  
26 commercial property for the portion of a reorganized  
27 school district which, in the year preceding the  
28 reorganization, was within a school district affected  
29 by the reorganization as defined in section 275.1 and  
30 which had a certified enrollment of less than six  
31 hundred, shall be reduced from the rate specified in  
32 this section by the amount of one dollar per thousand  
33 dollars of assessed valuation for the first year in  
34 which the reorganization is effective and by the  
35 amount of eighty cents for the second year in which  
36 the reorganization is effective."

37 7. Page 2, line 26, by striking the words and  
38 figure "eighty million (80,000,000)" and inserting the  
39 following: "fifty-four million (54,000,000)".

40 8. Page 3, by inserting after line 1 the  
41 following:

42 "Sec. \_\_\_\_ . NEW SECTION. 294.22 MINIMUM SALARIES.

43 1. Except as otherwise provided in this  
44 subsection, for the school years beginning July 1,  
45 1987 and July 1, 1988, a contract issued by boards of  
46 directors of a school district under section 279.13  
47 shall provide for an annual salary for a full-time  
48 teacher of at least seventeen thousand dollars and  
49 eighteen thousand dollars, respectively. The minimum  
50 salaries specified in this subsection shall be

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1 prorated for a teacher employed on less than a full-  
2 time basis.

3 There is appropriated from the salary improvement

4 fund for the fiscal year beginning July 1, 1987 the  
5 amount of five million two hundred thousand  
6 (5,200,000) dollars and for the fiscal year beginning  
7 July 1, 1988, the amount of seven million one hundred  
8 thousand (7,100,000) dollars to the department of  
9 revenue and finance, to pay to each school district an  
10 amount sufficient to increase the annual salaries of  
11 its teachers from the salary on the salary schedule  
12 adopted under a collective bargaining agreement  
13 negotiated under chapter 20 or adopted by the board of  
14 directors if there is no employee organization  
15 established under chapter 20 to the minimum salaries  
16 specified in this subsection.

17 If the amount appropriated in this subsection is  
18 insufficient to make the required payments for a  
19 fiscal year, the department of revenue and finance  
20 shall prorate the payments.

21 2. For the school years beginning July 1, 1987 and  
22 July 1, 1988, there is appropriated from the salary  
23 improvement fund to the department of revenue and  
24 finance an amount sufficient to pay to each school  
25 district an amount equal to ninety-nine dollars  
26 multiplied by the basic enrollment of the district for  
27 the budget year. The amounts received by a school  
28 district under this subsection and subsection 1 are  
29 miscellaneous income for purposes of chapter 442 and  
30 shall be expended only for purposes of increasing  
31 teacher salaries.

32 3. The salary a teacher will receive on a salary  
33 schedule for a year does not include the costs of  
34 fringe benefits nor does it include supplemental pay  
35 earned by a teacher for performance of additional  
36 duties beyond teaching duties.

37 4. For the purposes of this section, "teacher"  
38 means a teacher employed by a school district under a  
39 contract executed pursuant to section 279.13. A  
40 teacher jointly employed by two or more districts  
41 whose employment is on a full-time equivalent basis is  
42 a full-time teacher.

43 5. Salaries in excess of the minimums specified in  
44 subsection 1 shall be based upon experience,  
45 education, and performance. They shall be negotiated  
46 under chapter 20 if an employee organization had been  
47 certified under chapter 20 or shall be determined by  
48 the board of directors if there is no employee  
49 organization certified under chapter 20.

50 Sec. \_\_\_\_ . There is appropriated from the salary

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1 improvement fund to the department of education for  
2 the fiscal year beginning July 1, 1986 and ending June  
3 30, 1987, the amount of nine hundred thousand  
4 (900,000) dollars to be used for pay adjustments for  
5 full-time nonadministrative certificated employees of  
6 merged area schools. The pay adjustments shall be in  
7 addition to any agreement negotiated under chapter 20  
8 or other salary adjustments or agreements. The  
9 allocation shall be distributed in the same proportion  
10 as each school's full-time nonadministrative  
11 certificated employees are to the total number of  
12 full-time nonadministrative certificated employees at  
13 all merged area schools.

14 A pay adjustment provided in this section shall be  
15 added to the salary of a full-time nonadministrative  
16 certificated employee and shall supplement, not  
17 supplant, the results of a collective bargaining  
18 agreement negotiated under chapter 20, if any. The  
19 amount of a pay adjustment is for the adjustment of  
20 base pay only.

21 It is the intent of the general assembly that  
22 moneys appropriated for salary adjustments for each  
23 area school under this section shall be included in  
24 each institution's general aid request for the fiscal  
25 year beginning July 1, 1987 and the amounts of the pay  
26 adjustments shall be submitted to the general assembly  
27 by the department of education.

28 Sec. \_\_\_\_ . There is appropriated from the salary  
29 improvement fund to the Iowa college aid commission  
30 for the fiscal year beginning July 1, 1986 and ending  
31 June 30, 1987, the amount of one million (1,000,000)  
32 dollars, or so much thereof as may be necessary to be  
33 used for tuition grants. Moneys appropriated in this  
34 section are in addition to moneys appropriated in  
35 section 261.25, subsection 1.

36 Sec. \_\_\_\_ . There is appropriated from the salary  
37 improvement fund to the Iowa college aid commission  
38 for the fiscal year beginning July 1, 1986 and ending  
39 June 30, 1987, the amount of fifty thousand (50,000)  
40 dollars, or so much thereof as may be necessary to be  
41 used pursuant to sections 261.81 through 261.84 for  
42 the Iowa college work-study program.

43 Sec. \_\_\_\_ . There is appropriated from the salary  
44 improvement fund to the state board of regents for the  
45 fiscal year beginning July 1, 1986 and ending June 30,  
46 1987 the amount of five million two hundred fifty  
47 thousand (5,250,000) dollars for allocation by the  
48 state board of regents to the state university of

49 Iowa, the Iowa state university of science and  
50 technology, and the university of northern Iowa in

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1 amounts as may be necessary for the following  
2 purposes:

3 1. To reimburse the institutions for deficiencies  
4 in their operating funds resulting from the pledging  
5 of tuitions, student fees and charges and  
6 institutional income to finance the cost of providing  
7 academic and administrative buildings and facilities  
8 and utility services at the institutions.

9 2. For supplemental salary increases for faculty,  
10 professional, and scientific employees.

11 The state board of regents shall allocate moneys  
12 allocated under this subsection so that each  
13 institution of higher education receives a portion of  
14 the allocation equal to the percent the eligible full-  
15 time equivalent faculty, professional, and scientific  
16 employees at the institution bears to the total full-  
17 time equivalent faculty at the three institutions.  
18 The funds allocated to the university of northern Iowa  
19 shall be distributed through the collective bargaining  
20 in force for the fiscal year beginning July 1, 1986.

21 Sec. \_\_\_\_ . Chapter 442, Code 1985 and Code  
22 Supplement 1985, is repealed effective July 1, 1988.

23 Sec. \_\_\_\_ . The legislative council is requested to  
24 establish an interim study committee to develop a  
25 school finance formula to take effect for the school  
26 year beginning July 1, 1988. The members of the study  
27 committee shall include the chairpersons and ranking  
28 members of the senate and house of representatives  
29 committees on education and ways and means; the  
30 director of the department of education or the  
31 director's designee; and one member each selected by  
32 the speaker of the house, the majority leader of the  
33 senate, and the minority leaders of the house and  
34 senate. The members selected by the leaders of the  
35 general assembly may be members of the general  
36 assembly or representatives of the general public  
37 knowledgeable about school finance.

38 The study shall include but not be limited to con-  
39 sideration of educational cost per student,  
40 determination of enrollment to use for funding  
41 purposes, kinds of state revenues used for state aid  
42 and local tax effort, growth of state funding,  
43 limitations on school district expenditures, funding  
44 of special programs, and funding of capital ex-  
45 penditures.

46 The study committee shall submit its  
 47 recommendations to the general assembly meeting in  
 48 1987.”  
 49 9. Page 3, by striking lines 2 through 6.  
 50 10. Amend the title, line 4, by inserting after

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1 the words “appropriations to” the following: “and  
 2 expenditures from”.  
 3 11. Amend the title, line 5, by striking the word  
 4 “adjustment” and inserting the following:  
 5 “improvement”.  
 6 12. By numbering and renumbering sections as  
 7 necessary.”

LARRY MURPHY  
 WALLY HORN  
 MILO COLTON  
 BEVERLY HANNON  
 JAMES RIORDAN  
 JAMES WELLS

**S-5927**

1 Amend House File 2489 as passed by the House as  
 2 follows:  
 3 1. Page 9, by inserting after line 11 the  
 4 following:  
 5 “Sec. 9. SCHOOL TAX PAYMENT. There is  
 6 appropriated from the general fund of the state to the  
 7 department of natural resources the amount sufficient  
 8 to pay ninety percent of the school taxes for the  
 9 fiscal year beginning July 1, 1986 on the lands  
 10 acquired under the open spaces acquisition program,  
 11 commenced in Acts of the Sixty-fifth General Assembly,  
 12 1973 Session, chapter 74, and under the jobs now  
 13 account of the Iowa plan fund under 1985 Iowa Acts,  
 14 chapter 33, which would otherwise be subject to the  
 15 levy of school taxes. The assessed value of the open  
 16 spaces land shall be that determined pursuant to  
 17 section 427.1, subsection 31, and the department may  
 18 protest the assessed value in the manner provided by  
 19 law for any property owner to protest an assessment.  
 20 For the purposes of chapter 442, ninety percent of the  
 21 assessed value of the open spaces land shall be  
 22 included in the valuation base of the school district  
 23 and the payments made pursuant to this section shall  
 24 be considered as property tax revenues and not as

25 miscellaneous income. The county treasurer shall  
 26 certify the taxes due to the department.”

JACK HESTER  
 DALE L. TIEDEN  
 EMIL J. HUSAK

S-5928

1 Amend House File 2473 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 14, line 2, by inserting after the word  
 4 “Iowa” the following: “, but not later than July 1,  
 5 1986”.

EMIL HUSAK

S-5929

1 Amend the House amendment, S-5806, to Senate File  
 2 2270 as amended, passed and reprinted by the Senate as  
 3 follows:

DIVISION S-5929A

4 1. Page 1, by inserting after line 19 the  
 5 following:  
 6 “Sec. 100. NEW SECTION. 654.16 SEPARATE  
 7 REDEMPTION OF HOMESTEAD.  
 8 If a foreclosure sale is ordered on agricultural  
 9 land used for farming, as defined in section 175.2,  
 10 the mortgagor may, by a date set by the court but not  
 11 later than ten days before the sale, designate to the  
 12 court the portion of the land which the mortgagor  
 13 claims as a homestead. The homestead may be any  
 14 contiguous portion of forty acres or less of the real  
 15 estate subject to the foreclosure. The homestead  
 16 shall contain the residence of the mortgagor and shall  
 17 be as compact as practicable.  
 18 If the homestead is not sold separately, but rather  
 19 is sold in conjunction with the nonhomestead property  
 20 in order to satisfy the judgment, the court shall  
 21 determine the fair market value of the homestead. The  
 22 court may consult with the county appraisers appointed  
 23 pursuant to section 450.24 to determine the fair  
 24 market value of the homestead. The mortgagor may  
 25 redeem the homestead separately by tendering the fair

26 market value of the homestead pursuant to chapter  
27 628.”

DIVISION S-5929B

28 2. Page 1, line 39, by inserting after the word  
29 “entity.” the following: “This requirement is  
30 satisfied if there was such a condition at the time  
31 the original loan was made.”

DIVISION S-5929A (cont'd.)

32 3. Page 2, lines 34 through 36, by striking the  
33 words and figure “and does not exercise the homestead  
34 exemption under section 561.16”.

35 4. Page 2, line 38, by striking the word “twenty”  
36 and inserting the word “ten”.

37 5. Page 2, lines 41 and 42, by striking the words  
38 and figure “the homestead exemption under section  
39 561.16 or”.

40 6. Page 2, line 47, by striking the word “twenty”  
41 and inserting the word “ten”.

42 7. Page 5, by inserting after line 45 the  
43 following:

44 “Sec. \_\_\_\_ . This Act applies to actions filed on or  
45 after the effective date of this Act.”

46 8. Page 6, line 3, by inserting after the word  
47 “Iowa” the following: “, but not later than July 1,  
48 1986”.

49 9. Page 6, line 7, by inserting before the word  
50 “delaying” the words “providing for the separate

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DIVISION S5929A (cont'd.)

1 redemption of a homestead”.

DIVISION S5929B (cont'd.)

2 10. Page 6, line 7, by striking the word  
3 “delinquency” and inserting the word “deficiency”.

EMIL HUSAK

S-5930

1 Amend House File 2473, as amended, passed and re-  
2 printed by the House as follows:

- 3 1. Page 1, line 31, by striking the word “ten” and  
 4 inserting in lieu thereof the word “forty”.  
 5 2. Page 7, line 23, by striking the word “ten” and  
 6 inserting in lieu thereof the word “forty”.  
 7 3. Page 9, line 30, by striking the word “ten” and  
 8 inserting in lieu thereof the word “forty”.

DALE TIEDEN

S-5931

- 1 Amend House File 2473 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 8, line 4, by inserting after the word  
 4 “appointment.” the following: “Upon the agreement of  
 5 the parties in mediation under chapter 654A, the  
 6 mortgagor shall have the right to rent the  
 7 agricultural land. If there is a foreclosure sale on  
 8 the agricultural land, the mortgagor shall have the  
 9 first right of refusal to repurchase the agricultural  
 10 land during any period the mortgagee is holding the  
 11 land.”

JAMES RIORDAN

S-5932

- 1 Amend House File 2473 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 3, by inserting after line 23 the  
 4 following:  
 5 “Sec. \_\_\_\_ . NEW SECTION. 554.9319 SALE OF A  
 6 PRODUCT SUBJECT TO A LIEN OR SECURITY INTEREST.  
 7 1. An individual who in the ordinary course of  
 8 business sells a product including a farm product  
 9 which is subject to a security interest or a lien  
 10 pursuant to chapter 570, 571, 572, 574, 576, 577, 578,  
 11 579, 580, or 582 may assert a claim against the  
 12 proceeds of the product in order to meet the necessary  
 13 living expenses of the individual or the individual's  
 14 household. The individual shall assert the lien by  
 15 filing with the secured party or the lienholder and  
 16 the county recorder of the county in which the person  
 17 resides at least three days prior to the sale a sworn  
 18 affidavit stating all of the following:  
 19 a. That the individual is asserting a claim under  
 20 this section.  
 21 b. That the proceeds are from the sale of a

22 product.

23 c. That the individual or the individual's  
24 household requires the amount claimed to meet  
25 necessary living expenses.

26 d. The name of all individuals in the household.

27 e. The amount claimed by the individual under this  
28 section on the basis of the affidavit.

29 f. That the total amount claimed by the individual  
30 under this section, including the amount claimed on  
31 the affidavit that is being sworn, in the preceding  
32 twelve months does not exceed the appropriate amount  
33 permitted in subsection 2 based upon the size of the  
34 individual's household.

35 2. a. Until superseded by rule pursuant to  
36 paragraph "b", the maximum amount that an individual  
37 may claim under this section during any twelve-month  
38 period is the following, based upon the size of the  
39 individual's household:

40 (1) For a household with one member, the annual  
41 maximum is five thousand three hundred sixty dollars.

42 (2) For a household with more than one member the  
43 annual maximum is that amount permitted under  
44 subparagraph (1) and in addition one thousand eight  
45 hundred eighty dollars for each additional member of  
46 the household.

47 b. The department of human services shall review  
48 maximum limitations at least once each twelve months  
49 and may revise the limitations by rule adopted  
50 pursuant to chapter 17A. In establishing new

## Page 2

1 standards, the department shall consider any revisions  
2 in the federal poverty guidelines, the current  
3 condition of the state's economy, the changes in the  
4 consumer price index and any other factors which the  
5 department deems relevant. The department shall send  
6 a copy of any new standard adopted to each county  
7 recorder who shall maintain the standards on file.

8 c. In applying the annual maximums established  
9 under this subsection, an individual shall deduct from  
10 the applicable maximum standard any income received  
11 during the twelve-month period of time by a member of  
12 the household from sources of income other than from  
13 the sale of products subject to security interests and  
14 liens.

15 3. A secured party or a lienholder may contest a  
16 claim on an affidavit filed under this section by  
17 filing a petition in the district court of the county  
18 in which the individual asserting the claim under this

19 section resides.

20 4. The county recorder shall maintain for eighteen  
21 months from the date of filing any affidavit filed  
22 under this section. The affidavit shall be recorded  
23 under the name of the individual making the affidavit.

24 5. As used in this section, "individual's  
25 household" includes any individual residing in the  
26 same house as the individual filing the affidavit or  
27 any individual for which the individual filing the  
28 affidavit has provided at least fifty percent of the  
29 individual's support for the preceding twelve months."

30 2. Title page, line 7, by inserting before the  
31 word "providing" the words "providing for the  
32 enforcement of security interests and liens,".

LEONARD BOSWELL

S-5933

1 Amend the House amendment, S-5806, to Senate File  
2 2270 as amended, passed and reprinted by the House as  
3 follows:

4 1. Page 5, by inserting after line 35 the  
5 following:

6 "Sec. \_\_\_\_ . 1986 Iowa Acts, House File 2353,  
7 section 5, is amended to read as follows:

8 SEC. 5. There is appropriated from the general  
9 fund of the state to the ~~Iowa family farm~~ agricultural  
10 development authority for the fiscal ~~year~~ period  
11 beginning July 1, 1985 and ending ~~June~~ August 30,  
12 1986, the amount of five million (5,000,000) dollars  
13 or so much thereof as is necessary, to be used for  
14 providing financial assistance to Iowa farmers under  
15 and through the agricultural loan assistance program,  
16 by providing moneys for grants under agreements  
17 subject to section 175.35 entered into on or after  
18 March 1, 1986 but before ~~July~~ September 1, 1986. If  
19 the grants under the agreements exceed two million  
20 dollars, the excess shall be transferred from the Iowa  
21 plan fund for economic development, notwithstanding  
22 the provisions of 1985 Acts, chapter 33. Not more  
23 than one hundred thousand (100,000) dollars, or so  
24 much thereof as is necessary, shall be used for  
25 general administration, including salaries, support,  
26 and miscellaneous purposes. Moneys appropriated by  
27 this section which are committed for grants under  
28 agreements entered into on or after March 1, 1986 but  
29 before ~~July~~ September 1, 1986, do not revert to the  
30 general fund or the Iowa plan fund. Moneys

31 appropriated by this section which are committed for  
 32 agreements but which are not utilized for the grants  
 33 by July 1, 1987 revert on a pro rata basis to the  
 34 general fund and the Iowa plan fund.”

35 2. Page 6, lines 5 and 6, by striking the words  
 36 “the enforcement of”.

37 3. Page 6, line 6, by inserting after the word  
 38 “certain” the following: “loans,”.

39 4. Page 6, line 18, by inserting after the word  
 40 “emergency” the following: “extending the period for  
 41 grants under the agricultural assistance program,”.

EMIL HUSAK

HOUSE AMENDMENT TO  
 SENATE FILE 2291

S-5934

1 Amend Senate File 2291 as amended, passed, and  
 2 reprinted by the Senate as follows:

3 1. Page 9, by striking lines 14 through 17.

4 2. Page 9, by striking lines 22 through 35.

5 3. Renumber as necessary.

HOUSE AMENDMENT TO  
 SENATE FILE 2303

S-5935

1 Amend Senate File 2303 as amended, passed, and  
 2 reprinted by the Senate as follows:

3 1. Page 36, by striking lines 2 and 3 and  
 4 inserting the following: “appropriation for from the  
 5 Iowa state commerce commission utility trust fund  
 6 created pursuant to section 476.10.”

HOUSE AMENDMENT TO  
 SENATE FILE 2305

S-5936

1 Amend Senate File 2305 as amended, passed, and  
 2 reprinted by the Senate as follows:

3 1. Page 3, lines 9 and 10, by striking the words  
 4 “one public member, appointed by the governor,” and  
 5 inserting the following: “a designee of the director

- 6 of the department of transportation.”
- 7 2. Page 3, line 23, by striking the words “fund
- 8 and” and inserting the words “fund, encourage
- 9 applications for grants and loans.”
- 10 3. Page 3, line 25, by inserting after the word
- 11 “fund” the words “, and evaluate their comparative
- 12 effectiveness”.
- 13 4. Page 7, by striking lines 12 through 15 and
- 14 inserting
- 15 the following: “will conserve
- 16 energy by improving traffic
- 17 flow, reducing traffic conges-
- 18 tion, or improving traffic
- 19 safety, to be transferred to
- 20 the department of transporta-
- 21 tion . . . . . \$2,000,000”.
- 22 5. Page 7, line 23, by striking the figure
- 23 “1,700,000” and inserting the figure “1,000,000”.
- 24 6. By striking page 7, line 24 through page 8,
- 25 line 15, and inserting the following:
- 26 “8. To be transferred to the
- 27 state board of regents for technical
- 28 assistance studies to identify
- 29 potential energy conservation oppor-
- 30 tunities within their buildings,
- 31 funding of fifty percent matching
- 32 grants for the installation of
- 33 cost-effective energy conservation
- 34 measures identified in the studies,
- 35 and energy extension projects . . . . . \$1,000,000”.
- 36 7. Page 8, by striking lines 16 through 18.

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2066

S-5937

- 1 Amend the Senate amendment H-5822 to House File
- 2 2066 as amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by inserting after line 11 the
- 5 following:
- 6 “Sec. \_\_\_\_ . Section 192A.13, unnumbered paragraph
- 7 1, Code 1985, is amended to read as follows:
- 8 No processor or distributor shall give, offer to
- 9 give, furnish, finance, or otherwise make available
- 10 any free goods to any person, directly or indirectly,
- 11 in connection with the sale of dairy products or to

12 any other person doing business with such person, or  
13 give, offer to give, furnish, finance, or otherwise  
14 make available any payments, gifts, or grants of  
15 anything of value to any retailer. ~~Nothing in this~~  
16 ~~section shall~~ However, this section does not prevent  
17 the use in advertisements or otherwise of "cents-off"  
18 purchase price coupons or "refund" coupons or the  
19 redeeming of the coupons from a retailer, and does not  
20 ~~prevent transactions with retailers~~ of any of the  
21 following:"

22 2. Page 1, by inserting after line 20 the  
23 following:

24 "Sec. \_\_\_\_ . Section 321.1, subsection 40, Code  
25 Supplement 1985, is amended by adding the following  
26 new unnumbered paragraphs:  
27 NEW UNNUMBERED PARAGRAPH. "Final Stage  
28 Manufacturer" means a person who performs such  
29 manufacturing operations on an incomplete vehicle that  
30 it becomes a completed vehicle. A final stage  
31 manufacturer shall furnish to the department a  
32 document which identifies that the vehicle was  
33 incomplete prior to that manufacturing operation. The  
34 identification shall include the name of the  
35 incomplete vehicle manufacturer, the date of  
36 manufacture, and the vehicle identification number to  
37 ascertain that the document applies to a particular  
38 incomplete vehicle.

39 NEW UNNUMBERED PARAGRAPH. "Incomplete Vehicle"  
40 means an assemblage, as a minimum, consisting of a  
41 frame and chassis structure, power train, steering  
42 system, suspension system, and braking system, to the  
43 extent that those systems are to be a part of the  
44 completed vehicle, that requires further manufacturing  
45 operations, other than the addition of readily  
46 attachable equipment, components, or minor finishing  
47 operations."

48 3. Page 1, by inserting after line 29 the  
49 following:

50 "\_\_\_\_ . Page 5, by inserting after line 1 the

## Page 2

1 following:

2 "Sec. \_\_\_\_ . Section 325.26, subsection 1, Code  
3 1985, as amended by Senate File 505, is amended to  
4 read as follows:

5 1. Passenger motor carriers.

6 a. To cover the assured's legal liability as a  
7 motor carrier operating a motor vehicle with a seating  
8 capacity of ~~sixteen~~ fifteen persons or less for bodily

9 injury or death resulting therefrom as a result of any  
 10 one accident or other cause, twenty-five thousand  
 11 dollars for any recovery by one person and subject to  
 12 the limit for one person, one hundred fifty thousand  
 13 dollars for more than one person.

14 b. To cover the assured's legal liability as a  
 15 motor carrier operating a motor vehicle with a seating  
 16 capacity of ~~sixteen~~ fifteen persons or less for damage  
 17 to or destruction of any property other than that of  
 18 or in charge of the assured, as a result of any one  
 19 accident or other cause, ten thousand dollars.

20 c. To cover the assured's legal liability as a  
 21 motor carrier operating a motor vehicle with a seating  
 22 capacity of ~~sixteen~~ fifteen persons or less for loss  
 23 of or damage to property of passengers as a result of  
 24 any one accident or any other cause, one thousand  
 25 dollars.

26 d. Unless the ~~authority~~ department determines,  
 27 after an investigation and hearing, and adopts levels  
 28 based on that determination, that lesser levels of  
 29 financial responsibility will protect the public  
 30 interest, a regular route motor carrier of passengers  
 31 and a charter carrier operating a motor vehicle with a  
 32 seating capacity of sixteen or more persons shall have  
 33 the minimum levels of financial responsibility  
 34 established under 49 U.S.C. § 10927(a)(1).

35 e. **A common carrier of passengers coming under**  
 36 **this chapter, furnishing satisfactory proofs as to the**  
 37 **carrier's solvency and financial ability to cover the**  
 38 **assured's legal liability as provided for in this**  
 39 **chapter and make payments to persons entitled thereto**  
 40 **as a result of that legal liability, or depositing**  
 41 **with the ~~authority~~ department surety satisfactory to**  
 42 **it as guarantee for such payments, is relieved of the**  
 43 **provisions of this section requiring liability**  
 44 **insurance, surety bond or certificate of insurance;**  
 45 **but shall, from time to time, furnish additional proof**  
 46 **of solvency and financial ability to pay as required**  
 47 **by the ~~authority~~ department.”**

48 4. Page 2, by striking line 3 and inserting the  
 49 following: “railroad assistance fund.

50 Sec. \_\_\_\_ . Section 331.756, subsection 5, Code

### Page 3

1 Supplement 1985, is amended by adding the following  
 2 new unnumbered paragraph:  
 3 **NEW UNNUMBERED PARAGRAPH.** If professional  
 4 collection services are procured, the county attorney  
 5 shall enter on the appropriate record of the clerk of

6 the district court an indication of the satisfaction  
7 of each obligation to the full extent of all moneys  
8 collected in satisfaction of that obligation,  
9 including all fees and compensation retained by the  
10 collection service incident to the collection and not  
11 paid into the office of the clerk.

12 Sec. \_\_\_\_ . Section 422.7, subsection 18, paragraph  
13 a, Code Supplement 1985, is amended to read as  
14 follows:

15 a. A handicapped individual domiciled in this  
16 state at the time of the hiring who meets any of the  
17 following conditions:"

18 5. Page 5, by inserting after line 15 the  
19 following:

20 "Sec. \_\_\_\_ . Section 422.35, subsection 7, paragraph  
21 a, Code 1985, is amended to read as follows:

22 a. A handicapped individual domiciled in this  
23 state at the time of the hiring who meets any of the  
24 following conditions:"

25 6. Page 5, by inserting after line 23 the  
26 following:

27 "Sec. \_\_\_\_ . Section 467A.62, subsection 2, Code  
28 1985, is amended by striking the subsection.

29 Sec. \_\_\_\_ . Section 565A.2, subsection 1, paragraph  
30 c, Code 1985, is amended to read as follows:

31 c. If the subject of the gift is money, by paying  
32 or delivering it to a broker or a bank for credit to  
33 an account in the name of the donor, another adult  
34 person or a bank with fiduciary powers, ~~following~~  
35 followed, in substance, by the words: "as custodian  
36 for ..... (Name of minor) under the Iowa Uniform  
37 Gifts to Minors Act"."

38 7. Page 2, by inserting after line 49 the  
39 following:

40 "\_\_\_\_ . Page 5, by inserting after line 25 the  
41 following:

42 "Sec. \_\_\_\_ . Section 657A.10, subsection 2, Code  
43 Supplement 1985, is amended to read as follows:

44 2. The receiver appointed under this ~~section~~  
45 chapter is not civilly or criminally liable for  
46 actions pursuant to this ~~section~~ chapter taken in good  
47 faith.""

48 8. Page 3, by inserting after line 37 the  
49 following:

50 "\_\_\_\_ . Page 6, by striking lines 3 and 4 and

## Page 4

1 inserting the following:

2 "Sec. \_\_\_\_ . Section 809.13, subsection 5, paragraph  
3 b, as enacted by 1986 Iowa Acts, House File 2460,  
4 section 15, is amended to read as follows:"

5 9. Page 6, line 12, by striking the figure  
6 "809A.21" and inserting the following: "809.21".

7 10. Page 6, line 13, by striking the figure  
8 "809A.21" and inserting the following: "809.21".

9 11. Page 3, by inserting after line 37 the  
10 following:

11 " \_\_\_\_ . Page 7, by inserting after line 31 the  
12 following:

13 "Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175, is  
14 amended by adding the following:

15 Sec. 2073. Notwithstanding that section 803 of  
16 this Act specifies that the number of voting members  
17 of the Iowa economic development board shall be nine,  
18 for the period beginning July 1, 1986 and ending April  
19 30, 1987 the number of voting members shall be eleven  
20 consisting of the nine members of the Iowa development  
21 commission whose terms were not schedEN "Sec. \_\_\_\_ . 1986 Iowa Acts, Senate  
File 2303,

29 section 7, is amended to read as follows:

30 SEC. 7. 1986 Iowa Acts, Senate File 2175, is  
31 amended by adding after new section 15.256 the  
32 following new section:

33 NEW SECTION. 15.257 EFFECTIVE DATE.

34 All Job Training Partnership Act of 1982, section  
35 123 funds authorized for the fiscal year beginning  
36 July 1, 1985 which have not been spent by the end of  
37 the fiscal year shall be available for funding this  
38 part for the fiscal year beginning July 1, 1986. The  
39 provisions for funding this part in section 15.255,  
40 except ~~subsection~~ subsections 1 and 6, shall be  
41 implemented by July 1, 1987. Section 15.255,  
42 subsections 1 and 6 take effect July 1, 1986."

43 13. Page 3, by inserting after line 37 the  
44 following:

45 " \_\_\_\_ . Page 7, by inserting after line 31 the  
46 following:

47 "Sec. \_\_\_\_ . The Code editor shall codify as a  
48 separate division of chapter 99E, 1985 Iowa Acts,  
49 chapter 33, sections 301 through 303, as amended by  
50 the Acts of the Seventy-first General Assembly, 1985

**Page 5**

1 and 1986 Sessions. In the codification required under  
2 this section the Code editor has those powers and  
3 duties specified in section 14.13.””

4 14. Page 3, by inserting after line 39 the  
5 following:

6 “Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175,  
7 section 215, is amended by striking the section and  
8 inserting in lieu thereof the following:

9 Sec. 215. Section 19A.14, Code 1985, is amended by  
10 striking the section and inserting in lieu thereof the  
11 following:

12 19A.14 MERIT APPEALS.

13 1. EMPLOYEE DISCIPLINE. A merit system employee,  
14 excluding any employee covered under a collective  
15 bargaining agreement which provides otherwise, who is  
16 discharged, suspended, demoted, or otherwise reduced  
17 in pay, except during the employee’s probationary  
18 period, may appeal to the appointing authority for a  
19 review of the action. If not satisfied, the employee  
20 may, within thirty calendar days following the date of  
21 the discharge, suspension, demotion, or reduction in  
22 pay, file an appeal with the public employment  
23 relations board for hearing. The employee has the  
24 right to a hearing closed to the public, but the  
25 employee may request a public hearing. The hearing  
26 shall otherwise be conducted in accordance with the  
27 rules of the public employment relations board and the  
28 Iowa administrative procedure Act. Decisions rendered  
29 shall be based upon a standard of just cause. If the  
30 public employment relations board finds that the  
31 action taken by the appointing authority was for  
32 political, religious, racial, national origin, sex,  
33 age, or other reasons not constituting just cause, the  
34 employee may be reinstated without loss of pay or  
35 benefits for the elapsed period or the public  
36 employment relations board may fashion other  
37 appropriate remedies. Decisions by the public  
38 employment relations board constitute final agency  
39 action.

40 2. EMPLOYEE GRIEVANCES. A merit system employee,  
41 excluding any employee covered under a collective  
42 bargaining agreement which provides otherwise, who has  
43 exhausted all available steps of the uniform grievance  
44 procedure of the department of personnel may, within  
45 thirty calendar days following the date a decision was  
46 received or should have been received by the employee  
47 at the second step of the grievance procedure, file an  
48 appeal with the director. The director may grant the

49 relief sought, and that decision constitutes final  
50 agency action. However, if the director does not

**Page 6**

1 grant the relief sought, the employee may, within  
2 thirty calendar days following the date of filing of  
3 the appeal, file the appeal with the public employment  
4 relations board for hearing. The hearing shall be  
5 conducted in accordance with the rules of the public  
6 employment relations board and the Iowa administrative  
7 procedure Act. Decisions rendered shall be based upon  
8 a standard of substantial compliance with this chapter  
9 and the rules of the department of personnel.  
10 Decisions by the public employment relations board  
11 constitute final agency action.

12 Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175,  
13 section 229, is amended by striking the section and  
14 inserting in lieu thereof the following:

15 Sec. 229. Section 20.1, Code 1985, is amended by  
16 adding the following new unnumbered paragraph:  
17 NEW UNNUMBERED PARAGRAPH. The general assembly  
18 declares that the purposes of the public employment  
19 relations board established by this chapter are to  
20 implement the provisions of this chapter and  
21 adjudicate and conciliate employment-related cases  
22 involving the state of Iowa and other public employers  
23 and employee organizations. For these purposes the  
24 powers and duties of the board include but are not  
25 limited to the following:

- 26 1. Determining appropriate bargaining units and  
27 conducting representation elections.
- 28 2. Adjudicating prohibited practice complaints and  
29 fashioning appropriate remedial relief for violations  
30 of this chapter.
- 31 3. Adjudicating and serving as arbitrators  
32 regarding state merit system grievances and, upon  
33 joint request, grievances arising under collective  
34 bargaining agreements between public employers and  
35 certified employee organizations.
- 36 4. Providing mediators, fact-finders, and  
37 arbitrators to resolve impasses in negotiations.
- 38 5. Collecting and disseminating information  
39 concerning the wages, hours, and other conditions of  
40 employment of public employees.
- 41 6. Assisting the attorney general in the  
42 preparation of legal briefs and the presentation of  
43 oral arguments in the district court and the supreme  
44 court in cases affecting the board.

45 Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175,

46 section 655, is amended by striking the section.  
47 Sec. \_\_\_\_ . Section 467D.2, subsection 1, Code 1985,  
48 as amended by 1986 Iowa Acts, Senate File 2175,  
49 section 662, is amended to read as follows:  
50 1. "Watershed planning Water resource district"

Page 7

1 means one of the six watershed planning water resource  
2 districts established by section 467D.3.

3 Sec. \_\_\_\_ . Section 467D.3, unnumbered paragraph 1,  
4 Code 1985, as amended by 1986 Iowa Acts, Senate File  
5 2175, section 664, is amended to read as follows:

6 In furtherance of the policy set forth in section  
7 467D.1, the entire area of the state of Iowa shall be  
8 divided into six watershed planning water resource  
9 districts, and the same are hereby established as  
10 political subdivisions of the state of Iowa, as  
11 follows:

12 Sec. \_\_\_\_ . Section 15.104, subsection 2, as enacted  
13 by 1986 Iowa Acts, Senate File 2175, section 804, is  
14 amended to read as follows:

15 2. Prepare a five-year strategic plan for state  
16 economic growth to implement the specific  
17 comprehensive goals, objectives, and policies of the  
18 state. All other state agencies involved in economic  
19 development activities shall annually submit to the  
20 board for its review and potential inclusion in the  
21 strategic plan their specific strategic plans and  
22 programs. The five-year strategic plan for state  
23 economic growth shall be updated annually.

24 Sec. \_\_\_\_ . Section 15.108, subsection 7, the second  
25 paragraph c and paragraphs d through g, as enacted by  
26 1986 Iowa Acts, Senate File 2175, section 808, are  
27 amended to read as follows:

28 e d. If determined necessary by the board, provide  
29 training for bank loan officers to increase their  
30 level of expertise in regard to business loans.

31 e e. To the extent feasible, cooperate with the  
32 department of employment services to establish a  
33 program to educate existing employers and new or  
34 potential employers on the rates and workings of the  
35 state unemployment compensation program and the state  
36 workers' compensation program.

37 e f. Study the feasibility of reducing the total  
38 number of state licenses, permits, and certificates  
39 required to conduct small businesses.

40 e g. Encourage and assist small businesses to  
41 obtain state contracts and subcontracts by cooperating  
42 with the directors of purchasing in the department of

43 general services, the state board of regents, and the  
44 department of transportation in performing the  
45 following functions:  
46 (1) Developing a uniform small business vendor  
47 application form which can be adopted by all agencies  
48 and departments of state government to identify small  
49 businesses and targeted small businesses which desire  
50 to sell goods and services to the state. This form

**Page 8**

1 shall also contain information which can be used to  
2 determine certification as a targeted small business  
3 pursuant to paragraph "c", subparagraph (4).  
4 (2) Compiling and maintaining a comprehensive  
5 source list of small businesses.  
6 (3) Assuring that responsible small businesses are  
7 solicited on each suitable purchase.  
8 (4) Assisting small businesses in complying with  
9 the procedures for bidding and negotiating for  
10 contracts.  
11 (5) Simplifying procurement specifications and  
12 terms in order to increase the opportunities for small  
13 business participation.  
14 (6) When economically feasible, dividing total  
15 purchases into tasks or quantities to permit maximum  
16 small business participation.  
17 (7) Preparing timely forecasts of repetitive  
18 contracting requirements by dollar volume and types of  
19 contracts to enhance the participation of responsible  
20 small businesses in the public purchasing process.  
21 (8) Developing a mechanism to measure and monitor  
22 the amount of participation by small businesses in  
23 state procurement.  
24 g h. In addition, the department may establish a  
25 small business advisory council to:  
26 (1) Advise and consult with the board and the  
27 department with respect to matters which are of  
28 concern to small business.  
29 (2) Submit recommendations to the board relating  
30 to actual or proposed activities concerning small  
31 business.  
32 (3) Submit recommendations for legislative or  
33 administrative actions.  
34 (4) Review and monitor small business programs and  
35 agencies in order to determine their effectiveness and  
36 whether they complement or compete with each other,  
37 and to coordinate the delivery of programs and  
38 services aimed at small business.  
39 (5) Initiate special small business economic

40 studies as deemed necessary, including but not limited  
41 to analyses of trends and growth opportunities  
42 relative to small business.

43 (6) Provide other information or perform other  
44 duties which would be of assistance to small business.

45 Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175,  
46 section 817, is amended by striking the section and  
47 inserting in lieu thereof the following:

48 Sec. 817. **NEW SECTION.** 15.252 PURPOSE.

49 The purpose of this part is to establish through  
50 the regional satellite centers, as stated in chapter

### Page 9

1 28.101, a statewide network of regional offices to  
2 help coordinate job training programs with statewide,  
3 regional, and local economic development initiatives,  
4 and to promote the economic growth of this state.

5 Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175,  
6 section 913, is amended by striking the section and  
7 inserting in lieu thereof the following:

8 Sec. 913. Section 86.24, Code 1985, is amended by  
9 adding the following new subsection:

10 **NEW SUBSECTION.** 5. The decision of the industrial  
11 commissioner is final agency action and an appeal of  
12 the decision shall be made directly to the supreme  
13 court.

14 Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175, is  
15 amended by adding the following after section 913:

16 Sec. \_\_\_\_ . Section 86.26, Code 1985, is amended to  
17 read as follows:

18 86.26 JUDICIAL REVIEW.

19 Judicial review of decisions or orders of the  
20 industrial commissioner ~~may be sought in accordance~~  
21 ~~with the terms of chapter 17A. Notwithstanding the~~  
22 ~~terms of shall not be to the district court but shall~~  
23 ~~be made directly to the supreme court, notwithstanding~~  
24 chapter 17A, petitions The Iowa administrative  
25 procedure Act. Petitions for judicial review ~~may be~~  
26 ~~filed in the district court of the county in which the~~  
27 ~~hearing under section 86.17 was held shall be filed~~  
28 ~~with the clerk of the supreme court as are other~~  
29 ~~actions for appeal or review. Such a review~~  
30 ~~proceeding shall be accorded priority over other~~  
31 ~~matters pending before the district court. The~~  
32 ~~supreme court may transfer the action to the court of~~  
33 ~~appeals.~~

34 Sec. \_\_\_\_ . Section 86.29, Code 1985, is amended to  
35 read as follows:

36 86.29 THE JUDICIAL REVIEW PETITION.

37 ~~Notwithstanding chapter 17A, in a~~ In the petition  
 38 for judicial review of a ~~final agency~~ decision of the  
 39 industrial commissioner in a contested case under this  
 40 chapter or chapter 85, 85A, 85B, or 87, the opposing  
 41 party shall be named the respondent, and the agency  
 42 shall not be named as a respondent.

43 Sec. \_\_\_\_ . Section 86.32, Code 1985, is amended to  
 44 read as follows:

45 86.32 COSTS OF JUDICIAL REVIEW.

46 In proceedings for judicial review of compensation  
 47 cases the clerk of the supreme court shall charge no  
 48 fee for any service rendered except the filing fee and  
 49 docketing fees and transcript fees when the transcript  
 50 of a judgment the contested case proceeding is

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1 required. The taxation of costs on judicial review  
 2 shall be in the discretion of the supreme court.

3 Sec. \_\_\_\_ . Section 86.39, Code 1985, is amended to  
 4 read as follows:

5 86.39 FEES -- APPROVAL -- LIEN.

6 All fees or claims for legal, medical, hospital,  
 7 and burial services rendered under this chapter and  
 8 chapters 85, 85A, 85B, and 87 ~~shall be~~ are subject to  
 9 the approval of the industrial commissioner, and no  
 10 lien for such service ~~shall be~~ is enforceable without  
 11 the approval of the amount ~~thereof of the~~ lien by the  
 12 industrial commissioner. For services rendered in the  
 13 district court ~~and or~~ appellate courts court, the  
 14 attorney's fee ~~shall be~~ is subject to the approval of  
 15 a judge of the ~~district~~ court.

16 Sec. \_\_\_\_ . Section 86.42, Code 1985, is amended to  
 17 read as follows:

18 86.42 JUDGMENT BY DISTRICT COURT ON AWARD.

19 Any party in interest may present a certified copy  
 20 of an order or decision of the commissioner, from  
 21 which a timely petition for judicial review has not  
 22 been filed or if judicial review has been filed, which  
 23 has not had execution or enforcement stayed as  
 24 provided in section 17A.19, subsection 5, or an order  
 25 or decision of a deputy commissioner from which a  
 26 timely appeal has not been taken within the agency and  
 27 which has become final by the passage of time as  
 28 provided by rule and section 17A.15, or an agreement  
 29 for settlement approved by the commissioner, and all  
 30 papers in connection therewith, to the district court  
 31 ~~where judicial review of the agency action may be~~  
 32 commenced of the county in which the hearing under  
 33 section 86.17 was held, of Polk county, or of the

34 county in which the petitioner resides or has its  
35 principal place of business. The court shall render a  
36 decree or judgment and cause the clerk to notify the  
37 parties. The decree or judgment, in the absence of a  
38 petition for judicial review or if judicial review has  
39 been commenced, in the absence of a stay of execution  
40 or enforcement of the decision or order of the  
41 industrial commissioner, or in the absence of an act  
42 of any party which prevents a decision of a deputy  
43 industrial commissioner from becoming final, has the  
44 same effect and in all proceedings in relation thereto  
45 is the same as though rendered in a suit duly heard  
46 and determined by the court.

47 Sec. \_\_\_\_ . Section 303.1C, subsection 2, as enacted  
48 by 1986 Iowa Acts, Senate File 2175, section 1303, is  
49 amended by adding the following new lettered  
50 paragraph:

**Page 11**

1 NEW LETTERED PARAGRAPH. i. Buy or receive by  
2 other means historical materials including, but not  
3 limited to, artifacts, art, books, manuscripts, and  
4 images. Such materials are not personal property  
5 under section 18.12 and shall be received and cared  
6 for under the rules of the department. The historical  
7 division may sell or otherwise dispose of those  
8 materials according to the rules of the department and  
9 be credited for any revenues credited by the disposal  
10 less the costs incurred.

11 Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175,  
12 section 1308, is repealed.

13 Sec. \_\_\_\_ . Section 303.16, as enacted by 1986 Iowa  
14 Acts, Senate File 2175, section 1314, is amended by  
15 adding the following new subsections:

16 NEW SUBSECTION. 3. The following persons are  
17 eligible to receive historical resource grants and  
18 loans:

19 a. County and city governments that are certified  
20 local governments by the historic preservation  
21 officer.

22 b. Nonprofit corporations.

23 c. Private corporations and businesses.

24 d. Individuals.

25 NEW SUBSECTION. 4. Grants and loans may be made  
26 for the following categories of purposes:

27 a. Acquisition and development of historical  
28 properties.

29 b. Preservation and conservation of historical  
30 properties.

31 c. Interpretation of historical resources.

32 Not less than twenty percent nor more than fifty  
33 percent of the funds in a single grant cycle shall be  
34 allocated to any one category.

35 NEW SUBSECTION. 5. Grants and loans are subject  
36 to the following restrictions:

37 a. Grants shall not be given to or received by any  
38 state agency, institution or its representative or  
39 agent.

40 b. Grants or loan funds shall not be used to  
41 support operating expenses or programs as defined by  
42 the department's rules.

43 c. Grant or loan funds shall not be used to  
44 support publications, public relations, or marketing  
45 expenses.

46 d. Grant or loan funds shall not support or  
47 partially support salaries or benefits of anyone  
48 employed directly by the recipient. This restriction  
49 does not prohibit the recipient from contracting with  
50 individuals for specific work of limited duration,

## Page 12

1 under federal internal revenue service guidelines for  
2 contract work.

3 e. Not more than fifty thousand dollars or twenty  
4 percent of the annual appropriation, whichever is  
5 more, shall be granted to recipients within any single  
6 county in any given grant cycle.

7 f. Not more than twenty-five thousand dollars or  
8 ten percent of the annual appropriation, whichever is  
9 more, may be granted or loaned to any single recipient  
10 within a single fiscal year.

11 g. Grants or loans under this program may be given  
12 only after review by the state historical board.

13 h. All grant or loan funds must be expended by  
14 employing individuals or businesses located within the  
15 state of Iowa.

16 NEW SUBSECTION. 6. For each dollar of grant funds  
17 the following recipients must provide the following  
18 matching cash and in kind resources:

19 a. For county and city governments and nonprofit  
20 corporations, fifty cents of which at least twenty-  
21 five cents must be in cash.

22 b. For other private corporations and businesses,  
23 one dollar of which at least seventy-five cents must  
24 be in cash.

25 c. For individuals, seventy-five cents of which at  
26 least fifty cents must be in cash.

27 NEW SUBSECTION. 7. The department may use twenty-

28 five thousand dollars for administration of the grant  
29 and loan program.

30 NEW SUBSECTION. 8. a. The department may  
31 establish a historical resource revolving loan fund  
32 composed of any money appropriated by the general  
33 assembly for that purpose, and of any other moneys  
34 available to and obtained or accepted by the  
35 department from the federal government or private  
36 sources for placement in that fund. Each loan made  
37 under this section shall be for a period not to exceed  
38 ten years, shall bear interest at a rate determined by  
39 the state historical board, and shall be repayable to  
40 the revolving loan fund in equal yearly installments  
41 due March 1 of each year the loan is in effect. The  
42 interest rate upon loans for which payment is  
43 delinquent shall accelerate immediately to the current  
44 legal usury limit. Applicants shall be eligible for  
45 no more than twenty-five thousand dollars in loans  
46 outstanding at any time under this program.

47 b. The department may:

48 (1) Contract, sue and be sued, and promulgate  
49 administrative rules necessary to carry out the  
50 provisions of this section, but the department shall

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1 not in any manner directly or indirectly pledge the  
2 credit of the state of Iowa.

3 (2) Authorize payment from the revolving loan  
4 fund, from fees and from any income received by  
5 investments of money in the fund for costs,  
6 commissions, attorney fees and other reasonable  
7 expenses related to and necessary for making and  
8 protecting direct loans under this section, and for  
9 the recovery of moneys loaned or the management of  
10 property acquired in connection with such loans.

11 Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175,  
12 section 1489, is repealed.

13 Sec. \_\_\_\_ . Section 297.26, Code 1985, as amended by  
14 1986 Iowa Acts, Senate File 2175, section 1984, is  
15 amended to read as follows:

16 297.26 SALE BY DEPARTMENT.

17 Any school building or any school site, the title  
18 of which is vested in the state of Iowa by reason of  
19 it having been provided by state mining camp funds for  
20 schools in mining camps, shall be sold by the  
21 department when the ~~department~~ director of education  
22 determines it is no longer needed for school purposes.

23 Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175,  
24 section 1992, is amended by striking the section and

25 inserting the following:

26 Sec. 1992. Sections 19.16 and 29A.59, Code 1985,  
27 are repealed.

28 Sec. \_\_\_\_ . Notwithstanding section 4.8, the  
29 provisions of this Act which amend 1986 Iowa Acts,  
30 Senate File 2175, or which amend provisions added,  
31 amended, or repealed by 1986 Iowa Acts, Senate File  
32 2175, prevail over Senate File 2175 and are contingent  
33 upon the enactment of Senate File 2175.

34 Sec. \_\_\_\_ . 1986, Iowa Acts, Senate File 2175,  
35 section 2046, is amended by striking the section and  
36 inserting the following:

37 Sec. 2046. Section 421.31, subsection 3, in its  
38 requirement that the government's accounts be in  
39 accordance with generally accepted accounting  
40 principles, takes effect with the fiscal year  
41 beginning July 1, 1992.

42 The governor, auditor of state and the department  
43 of management shall phase in the implementation of  
44 generally accepted accounting principles, as defined  
45 by the governmental accounting standards board, which  
46 includes fund reclassifications, revenue recognition,  
47 and recognition of all appropriate liabilities  
48 beginning with the fiscal year beginning July 1, 1987.

49 The fiscal impact to the state general fund of  
50 implementing fund reclassifications, and recognizing

#### Page 14

1 additional liabilities shall be phased in according to  
2 the following schedule for the fiscal years beginning  
3 July 1:

4	1987	ten percent
5	1988	twenty percent
6	1989	forty percent
7	1990	sixty percent
8	1991	eighty percent
9	1992	one hundred percent

10 Sec. \_\_\_\_ . 1986 Iowa Acts, Senate File 2175,  
11 section 2065, is amended by adding the following new  
12 unnumbered paragraph:

13 **NEW UNNUMBERED PARAGRAPH.** The validity of  
14 any official administrative or judicial pleading,  
15 claim, rate filing, motion, information, or other  
16 official document filed prior to the effective date  
17 of this Act shall not be affected by any statutory  
18 name changes made in this Act or by any administrative  
19 rule name changes made pursuant to this Act, and refiled  
20 of any such document shall not be required.

21 Sec. \_\_\_\_ . In sections 455.223, 455B.280, 467A.3,

22 467A.7, 467A.13, 467A.53, 467B.1, 467B.2, 467B.3, 467B.5,  
23 467B.10, 467D.2, 467D.3, 467D.4, 467D.5, 467D.6, 467D.7,  
24 467D.8, 467D.10, 467D.11, 467D.12, 467D.13, 467D.14, 467D.15,  
25 467D.16, 467D.17, 467D.18, 467D.19, 467D.21, 467D.22, 467D.23,  
26 467D.24, Code 1985, and section 467D.20, Code Supplement  
27 1985, the Code editor may change references to the  
28 "conservancy districts" and "conservancy district" to "water  
29 resource districts" and "water resource district."  
30 15. Page 3, by striking lines 40 through 45.  
31 16. Page 3, by striking lines 46 through 48 and  
32 inserting the following:  
33 "\_\_\_ . Title page, by striking line 3 and inserting  
34 the following: "and reflect or alter current  
35 practices, and providing penalties."  
36 17. By renumbering, relettering, or redesignating  
37 and correcting internal references as necessary.

## S-5938

1 Amend House File 2491 as passed by the House as  
2 follows:  
3 1. Page 2, line 19, by striking the word "This"  
4 and inserting in lieu thereof the words "Except for  
5 section 100, this".  
6 2. Page 2, by inserting after line 20 the  
7 following:  
8 "Sec. 100. In computing the items of tax  
9 preference for purposes of the Iowa minimum tax for a  
10 tax year beginning in the 1983 calendar year, the gain  
11 or loss from the forfeiture of an installment real  
12 estate contract, the transfer of property to a  
13 creditor in cancellation of a debt, or the sale or  
14 exchange of property as a result of actual notice of  
15 foreclosure shall not be taken into account in  
16 computing net capital gain if, immediately before the  
17 forfeiture, transfer, or sale or exchange, the  
18 taxpayer's liabilities exceed the fair market value of  
19 the taxpayer's assets and the taxpayer's net worth at  
20 the end of the tax year is less than one hundred  
21 thousand dollars. For purposes of this section,  
22 actual notice of foreclosure includes, but is not  
23 limited to, bankruptcy or written notice from a  
24 creditor of the creditor's intent to foreclose where  
25 there is reasonable belief that the creditor can force  
26 a sale of the property. In computing the Iowa minimum  
27 tax for a tax year beginning in the 1983 calendar  
28 year, the Iowa minimum tax of a taxpayer whose items  
29 of tax preference include the gain or loss from the  
30 forfeiture of an installment real estate contract, the

31 transfer of property to a creditor in cancellation of  
 32 a debt, or the sale or exchange of property as a  
 33 result of actual notice of foreclosure where the fair  
 34 market value of the taxpayer's assets exceeds the  
 35 taxpayer's liabilities immediately before the  
 36 forfeiture, transfer, or sale or exchange shall not be  
 37 greater than such excess. A taxpayer who has filed a  
 38 state return for such tax year may file an amended  
 39 state return for such tax year with the state minimum  
 40 tax calculated on the basis of what the federal  
 41 minimum tax would have been if such items had not been  
 42 included in the federal minimum tax calculation of net  
 43 capital gain or with the state minimum tax calculated  
 44 on the basis of such limitation on the amount of state  
 45 minimum tax. A taxpayer who has filed a state return  
 46 for such tax year and wishes to file an amended state  
 47 return for such tax year as a result of this Act has  
 48 until July 1, 1987 to file such amended state return,  
 49 notwithstanding any other provision of law.  
 50 Sec. 101. Section 100 of this Act is retroactive

**Page 2**

1 to January 1, 1983 for tax years beginning on or after  
 2 January 1, 1983 and beginning before January 1, 1984.”

WILLIAM DIELEMAN

S-5939

1 Amend House File 2483, 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 1A. Section 97A.6, subsection 4, Code  
 6 1985, is amended to read as follows:  
 7 4. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT.  
 8 Upon retirement for ordinary disability a member shall  
 9 receive an ordinary disability retirement allowance  
 10 which shall consist of a pension which shall equal  
 11 ~~forty~~ fifty percent of the member's average final  
 12 compensation except if the member has not had five or  
 13 more years of membership service, the member shall  
 14 receive a pension equal to one-fourth of the member's  
 15 average final compensation.”  
 16 2. Page 1, line 19, by striking the word “one-  
 17 fourth” and inserting the following: “forty percent”.  
 18 3. Page 2, by inserting after line 22 the  
 19 following:

20 "Sec. \_\_\_\_ . Section 97A.6, subsection 14, paragraph  
21 d, Code 1985, is amended to read as follows:

22 d. A retired member eligible for benefits under  
23 the provisions of subsection 1 is not eligible for the  
24 annual readjustment of pensions provided in this  
25 subsection unless the member served twenty-two years  
26 and attained the age of ~~fifty-five~~ fifty years prior  
27 to the member's termination of employment."

28 4. Page 2, by inserting before line 23 the  
29 following:

30 "Sec. \_\_\_\_ . Section 97B.8, unnumbered paragraph 2,  
31 Code Supplement 1985, is amended to read as follows:

32 The board shall consist of ~~seven~~ eight members.  
33 ~~Five~~ Six of the members shall be appointed by the  
34 governor, one of whom shall be an executive of a  
35 domestic life insurance company, one an executive of a  
36 state or national bank operating within the state of  
37 Iowa, one an executive of a major industrial  
38 corporation located within the state of Iowa, and ~~two~~  
39 three shall be ~~active~~ members of the system, one of  
40 whom shall be an active member who is an employee of a  
41 school district, area education agency, or merged  
42 area, ~~and~~ one of whom shall be an active member who is  
43 ~~not be~~ an employee of a school district, area  
44 education agency, or merged area, and one of whom is a  
45 retired member of the system. The president of the  
46 senate shall appoint one member from the membership of  
47 the senate and the speaker of the house of  
48 representatives shall appoint one member from the  
49 membership of the house. The two members appointed by  
50 the president of the senate and the speaker of the

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1 house of representatives and the two active members of  
2 the system appointed by the governor are ex officio  
3 members of the board."

4 5. Page 5, by striking line 30 and inserting the  
5 following:

6 "A conservation peace officer who retires on or  
7 after July 1, 1986 and has not completed twenty-five  
8 years of membership service as required under this  
9 subsection is eligible to receive a monthly retirement  
10 allowance equal to one-twelfth of fifty percent of the  
11 member's three-year average covered wage as a  
12 conservation peace officer multiplied by a fraction of  
13 years of service as a conservation peace officer. For  
14 the purpose of this subsection, "fraction of years of  
15 service" means a number, not to exceed one, equal to  
16 the sum of the years of membership service as a

17 conservation peace officer, divided by twenty-five  
 18 years. On or after July 1, 1986, if the conservation  
 19 peace officer has not reached sixty years of age at  
 20 retirement, the monthly retirement allowance shall be  
 21 reduced by five-tenths of one percent per month for  
 22 each month that the conservation peace officer's  
 23 retirement precedes the date on which the conservation  
 24 peace officer attains sixty years of age.

25 Each employee eligible for benefits under this sub-  
 26 section shall annually contribute, in addition to the  
 27 contribution under section 97B.11, an amount equal to  
 28 forty-seven hundredths of the employee's covered wages  
 29 to pay for a portion of the cost of the benefits  
 30 provided under this section.

31 PARAGRAPH DIVIDED. There is appropriated from the  
 32 general fund of the state to".

33 6. Page 6, line 31, by striking the figure "1984"  
 34 and inserting the following: "1984 1986".

35 7. Page 11, by inserting after line 33 the  
 36 following:

37 "Sec. \_\_\_\_ . Section 97B.72, Code 1985, is amended  
 38 to read as follows:

39 97B.72 MEMBERS OF GENERAL ASSEMBLY.

40 Persons who are ~~members of the Seventy-first~~  
 41 ~~General Assembly or a succeeding or have been members~~  
 42 of the general assembly who submit proof to the  
 43 department of membership in the general assembly  
 44 during any period beginning July 4, 1953 may make  
 45 contributions to the system for service equal to the  
 46 accumulated contributions as defined in section  
 47 97B.41, subsection 12, which would have been made if  
 48 the member of the general assembly had been a member  
 49 of the system during the member's service in the  
 50 general assembly. The proof of membership in the

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1 general assembly and payment of accumulated  
 2 contributions shall be transmitted to the department.  
 3 Persons eligible to receive retirement allowances  
 4 under this section shall be eligible to commence  
 5 receiving retirement allowances on January ~~14, 1985~~  
 6 12, 1987.

7 There is appropriated from the general fund of the  
 8 state to the Iowa department of job service an amount  
 9 sufficient to pay the contributions of the employer  
 10 based on service of the members in an amount equal to  
 11 the contributions which would have been made if the  
 12 members of the general assembly who made employee  
 13 contributions had been members of the system during

14 their service in the general assembly plus two percent  
15 interest plus interest dividends for all completed  
16 calendar years and for any completed calendar year for  
17 which the interest dividend has not been declared and  
18 for completed months of partially completed calendar  
19 years at two percent interest plus the interest  
20 dividend rate calculated for the previous year,  
21 compounded annually, from the end of the calendar year  
22 in which contribution was made to the first day of the  
23 month of such date.”

24 8. Page 11, lines 34 and 35, by striking the  
25 words “MEMBERS AND”.

26 9. Page 12, line 1, by striking the words “member  
27 or”.

28 10. Page 12, by striking lines 4 through 6 and  
29 inserting the following: “system for all or a portion  
30 of the period of employment as a temporary employee of  
31 the general assembly, at any time on or”.

32 11. Page 12, line 8, by striking the words  
33 “service or”.

34 12. Page 12, line 11, by striking the words  
35 “member or”.

36 13. Page 12, line 14, by striking the words  
37 “membership or”.

38 14. Page 12, line 33, by striking the word  
39 “three” and inserting the following: “four”.

40 15. Page 12, line 34, by inserting after the word  
41 “senate” the following: “in consultation with the  
42 minority leader”.

43 16. Page 12, line 34, by striking the word  
44 “three” and inserting the following: “four”.

45 17. Page 13, line 1, by inserting after the word  
46 “house” the following: “in consultation with the  
47 minority leader”.

48 18. Page 14, by inserting after line 26 the  
49 following:

50 “Sec. — . NEW SECTION. 97B.77 VETERANS’ CREDIT.

#### Page 4

1 An active member in service on July 1, 1986 who at  
2 any time on or after July 1, 1950 served on active  
3 duty in the armed forces of the United States, upon  
4 submitting verification of the dates of the active  
5 duty service in the armed forces to the department,  
6 may make employer and employee contributions to the  
7 system based upon the member’s covered wages for the  
8 calendar year beginning January 1, 1985 at the rates  
9 in effect under section 97B.11 on January 1, 1985 for  
10 the period of time of the active duty service, not to

11 exceed four years, and receive credit for membership  
 12 service and prior service for the period of time for  
 13 which the contributions are made. Verification of  
 14 active duty service and payment of contributions shall  
 15 be made to the department not later than June 30,  
 16 1987. However, a member is not eligible to make  
 17 contributions under this section if the member is  
 18 receiving or is eligible to receive retirement pay  
 19 from the United States government for active duty in  
 20 the armed forces."

21 19. Page 14, by inserting after line 26 the  
 22 following:

23 "Sec. \_\_\_\_ . Section 410.6, subsections 1 and 2,  
 24 Code 1985, are amended to read as follows:

25 1. ~~As of the first of July each year~~ On each July  
 26 1 and January 1, the monthly pension authorized in  
 27 this chapter payable to each retired member and to  
 28 each beneficiary, except children, of a deceased  
 29 member shall be recomputed. The applicable formulas  
 30 authorized in this chapter which were used to compute  
 31 the retired member's or beneficiary's pension at the  
 32 time of retirement or death shall be used in the  
 33 recomputation except the earnable compensation payable  
 34 on each July 1 ~~or January 1~~ to an active member having  
 35 the same or equivalent rank or position as was held by  
 36 such retired or deceased member at the time of  
 37 retirement or death, shall be used in lieu of the  
 38 final compensation which the retired or deceased  
 39 member was receiving at the time of retirement or  
 40 death. At no time shall the monthly pension or  
 41 payment to the beneficiary be less than the amount  
 42 which was paid at the time of such member's retirement  
 43 or death.

44 2. All monthly pensions adjusted as provided in  
 45 this section shall be payable beginning on July 1 ~~or~~  
 46 January 1 of the year which the adjustment is made and  
 47 shall continue in effect until the next ~~following July~~  
 48 adjustment at which time the monthly pension shall  
 49 again be recomputed and all monthly pensions adjusted  
 50 in accordance with the computations."

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1 20. Page 14, by inserting before line 27 the  
 2 following:

3 "Sec. \_\_\_\_ . Section 411.6, subsection 4, Code 1985,  
 4 is amended to read as follows:

5 4. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT.  
 6 Upon retirement for ordinary disability a member shall  
 7 receive an ordinary disability retirement allowance

8 which shall consist of a pension which shall equal  
 9 ~~forty~~ fifty percent of the member's average final  
 10 compensation except if the member has not had five or  
 11 more years of membership service the member shall  
 12 receive a pension equal to one-fourth of the member's  
 13 average final compensation."

14 21. Page 15, line 10, by striking the word "one-  
 15 fourth" and inserting the following: "forty percent".

16 22. Page 16, by inserting after line 13 the  
 17 following:

18 "Sec. \_\_\_\_ . Section 411.6, subsection 12, paragraph  
 19 d, Code 1985, is amended to read as follows:

20 d. A retired member eligible for benefits under  
 21 subsection 1 of this section is not eligible for the  
 22 readjustment of pensions provided in this subsection  
 23 unless the member served twenty-two years and attained  
 24 the age of ~~fifty-five~~ fifty years prior to the  
 25 member's termination of employment."

26 23. Page 17, by inserting after line 3 the  
 27 following:

28 "Sec. \_\_\_\_ . NEW SECTION. 411.30 TRANSFER OF  
 29 MEMBERSHIP.

30 A vested member of the Iowa public employees'  
 31 retirement system on June 30, 1986 who meets all of  
 32 the following requirements shall become a member of a  
 33 retirement system under this chapter on the effective  
 34 date of this Act:

35 1. Was a vested member of the retirement system  
 36 established in this chapter on June 30, 1973.

37 2. Was an elected bailiff of a municipal court on  
 38 June 30, 1973.

39 3. Became a deputy sheriff on July 1, 1973 and  
 40 pursuant to 1972 Iowa Acts, chapter 1124, section 43,  
 41 continued coverage under a retirement system under  
 42 this chapter.

43 4. Upon election as a county sheriff, was trans-  
 44 ferred from membership under this chapter to  
 45 membership in a retirement system established in  
 46 chapter 97B.

47 The Iowa public employees' retirement system shall  
 48 transfer to the board of trustees of the applicable  
 49 retirement system under this chapter an amount equal  
 50 to the total of the accumulated contributions of the

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1 member as defined in section 97B.41, subsection 12,  
 2 and the board of trustees of the applicable retirement  
 3 system under this chapter shall credit the member  
 4 whose contributions are transferred under this section

5 with membership service under this chapter for the  
6 period for which the member was covered under the Iowa  
7 public employees' retirement system. If the amount  
8 transferred is less than the amount that would have  
9 been contributed under section 411.8, subsection 1,  
10 paragraph "f", at the rates in effect for the period  
11 for which contributions were made plus the interest  
12 that would have accrued on the amount, the member  
13 shall pay the difference together with interest that  
14 would have accrued on the amount.

15 The board of trustees of the applicable retirement  
16 system under this chapter shall determine the  
17 remaining contribution amount due. The amount due is  
18 the amount that would have been paid by the employer  
19 under section 411.8, subsection 1, paragraph "f", plus  
20 the interest that would have accrued on that amount.  
21 The board of trustees shall notify the county board of  
22 supervisors of the county in which the sheriff was  
23 elected of the remaining amount to be paid to the  
24 retirement system under this chapter.

25 The county board of supervisors shall forthwith pay  
26 to the board of trustees of the applicable retirement  
27 system the remaining amount to be paid from moneys in  
28 the county general fund.

29 From the effective date of this Act, the county  
30 board of supervisors of the county in which the  
31 sheriff was elected shall deduct the contribution  
32 required of the member under section 411.8, subsection  
33 1, paragraph "f", from the member's earnable  
34 compensation and the county shall pay from the county  
35 general fund an amount equal to the normal rate of  
36 contribution multiplied by the member's earnable  
37 compensation to the applicable retirement system for  
38 the period in which the member remains sheriff or  
39 deputy sheriff of that county."

40 24. Page 17, by inserting after line 3 the  
41 following:

42 "Sec. \_\_\_\_ . Section 453.4, Code 1985, is amended to  
43 read as follows:

44 453.4 LOCATION OF DEPOSITORIES.

45 Deposits by the treasurer of state shall be in  
46 depositories located in this state; by a county  
47 officer or county public hospital officer or merged  
48 area hospital officer, in depositories located in the  
49 county or in an adjoining county within this state; by  
50 a memorial hospital treasurer, in a depository located

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1 within this state which shall be selected by the  
 2 memorial hospital treasurer and approved by the  
 3 memorial hospital commission; by a city treasurer or  
 4 other city financial officer, in depositories located  
 5 in the county in which the city is located or in an  
 6 adjoining county, but if there is no depository in the  
 7 county in which the city is located or in an adjoining  
 8 county then in any other depository located in this  
 9 state which shall be selected as a depository by the  
 10 city council; by a school treasurer or by a school  
 11 secretary in a depository within this state which  
 12 shall be selected by the board of directors or the  
 13 trustees of the school district; by a township clerk  
 14 in a depository located within this state which shall  
 15 be selected by the township clerk and approved by the  
 16 trustees of the township. However, deposits may be  
 17 made in depositories outside of Iowa for the purpose  
 18 of paying principal and interest on bonded  
 19 indebtedness of any municipality when the deposit is  
 20 made not more than ten days before the date the  
 21 principal or interest becomes due. Further, the  
 22 treasurer of state may maintain an account or accounts  
 23 outside the state of Iowa for the purpose of providing  
 24 custodial services for the state and state retirement  
 25 fund accounts."

26 25. Page 17, by inserting after line 3 the fol-  
 27 lowing:

28 "Sec. \_\_\_\_ . Section 509A.13, Code 1985, is amended  
 29 by adding the following new unnumbered paragraph:  
 30 NEW UNNUMBERED PARAGRAPH. This section applies to  
 31 employees who retired on or after January 1, 1981."

32 26. Page 17, by inserting after line 3 the fol-  
 33 lowing:

34 "Sec. \_\_\_\_ . Section 422.7, Code Supplement 1985, is  
 35 amended by adding the following new subsection:  
 36 NEW SUBSECTION. 21. Add the four percent of the  
 37 basic salary of a judge, who is a member of the  
 38 judicial retirement system established in chapter 602,  
 39 article 9, which is exempt from federal income tax  
 40 under the Internal Revenue Code of 1954.

41 Sec. \_\_\_\_ . Section 602.1611, subsections 1 and 2,  
 42 Code 1985, are amended to read as follows:

43 1. ~~Justices~~ Judges of the supreme court, ~~judges of~~  
 44 ~~the and~~ court of appeals, ~~and~~ district judges, ~~and~~  
 45 district associate judges are members of the judicial  
 46 retirement system ~~as determined under established in~~  
 47 article 9, part 1, ~~and are not members of the public~~  
 48 employees' retirement system established in chapter

49 97B, except as provided in paragraphs "a" and "b".  
 50 a. District associate judges who exercised the

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1 election under section 602.11115, subsection 1, are  
 2 members of the public employees' retirement system and  
 3 are not members of the judicial retirement system.  
 4 District associate judges who exercised the election  
 5 under section 602.11115, subsection 2, are members of  
 6 the judicial retirement system and are inactive  
 7 members of the public employees' retirement system.

8 b. District associate judges appointed after June  
 9 30, 1984, judges of the supreme court and court of ap-  
 10 peals, and district judges, who were vested members of  
 11 the public employees' retirement system at the time  
 12 they became members of the judicial retirement system,  
 13 and whose contributions in the public employees'  
 14 retirement system were not refunded to them prior to  
 15 the repeal of section 97B.69, are members of the  
 16 judicial retirement system and are inactive vested  
 17 members of the public employees' retirement system  
 18 until they become qualified to receive retirement  
 19 benefits from the judicial retirement system and  
 20 become retired members of the public employees'  
 21 retirement system or voluntarily withdraw their  
 22 contributions from the public employees' retirement  
 23 system.

24 2. District associate judges are members of the  
 25 judicial retirement system under article 9, part 1, or  
 26 the Iowa public employees' retirement system.  
 27 Alternate district associate judges whose appointment  
 28 is authorized under section 602.6303 are not members  
 29 of either the judicial retirement system or the Iowa  
 30 public employees' retirement system.

31 Sec. \_\_\_\_ . Section 602.9104, Code 1985, is amended  
 32 to read as follows:

33 602.9104 DEPOSIT BY JUDGE -- DEDUCTIONS FROM  
 34 JUDGES' SALARIES -- CONTRIBUTIONS BY GOVERNING BODY  
 35 STATE.

36 1. Each judge coming within the purview of this  
 37 article shall, on or before retirement, pay to the  
 38 court administrator for deposit with the treasurer of  
 39 state to the credit of a fund to be known as the  
 40 "judicial retirement fund", hereinafter called the  
 41 "fund"; a sum equal to four percent of the judge's  
 42 basic salary for services as such judge for the total  
 43 period of service as a judge of a municipal, superior,  
 44 district or supreme court, or the court of appeals,  
 45 including district associate judges, before the date

46 of said notice, and after the date of the notice there  
47 shall be deducted and withheld from the basic salary  
48 of each judge coming within the purview of this  
49 article a sum equal to four percent of such basic  
50 salary. Provided that the maximum amount which any

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1 judge shall be required to contribute for past service  
2 shall not exceed for municipal or superior or district  
3 associate judges thirty-five hundred dollars, for  
4 district judges four thousand dollars, for court of  
5 appeals judges four thousand five hundred dollars, and  
6 for supreme court judges five thousand dollars. A  
7 judge to whom this article applies, shall be paid an  
8 amount equal to ninety-six percent of the basic salary  
9 of the judge as set by the general assembly. An  
10 amount equal to four percent of the basic salary of  
11 the judge as set by the general assembly is designated  
12 as the judge's contribution to the judicial retirement  
13 fund, and shall be paid by the state in the manner  
14 provided in subsection 2.

15 2. The amounts so deducted and withheld from the  
16 basic salary of each said judge ~~The amount designated~~  
17 in subsection 1 as the judge's contribution to the  
18 judicial retirement fund shall be paid by the state  
19 comptroller from the general fund of the state to the  
20 court administrator for deposit with the treasurer of  
21 state to the credit of the judicial retirement fund;  
22 and said, Moneys in the fund is hereby are  
23 appropriated for the payment of annuities, refunds,  
24 and allowances herein provided by this article, except  
25 that the amount of such the appropriations affecting  
26 payment of annuities, refunds, and allowances to  
27 judges of the municipal and superior court shall be is  
28 limited to that part of said the fund accumulated for  
29 their benefit as hereinafter provided in this article.  
30 The corpus and income of the fund shall be used only  
31 for the exclusive benefit of the judges covered under  
32 this article or their survivors.

33 3. The judges of the municipal, superior, district  
34 and supreme court, and the court of appeals, including  
35 district associate judges, coming within the  
36 provisions of A judge covered under this article shall  
37 be is deemed to consent and agree to the deductions  
38 from reduction in basic salary as provided herein and  
39 payment less such deductions shall be a full and  
40 complete discharge and acquittance of all claims and  
41 demands whatsoever for all regular services rendered  
42 by such judges during the period covered by such

43 payment, except the right to the benefits to which  
44 they shall be entitled under the provisions of this  
45 article in subsection 1.

46 4. The state shall contribute a sum not exceeding  
47 an amount equal to three percent of the basic salary  
48 of all judges of the district and supreme court for  
49 the years 1949 and 1950 and thereafter covered under  
50 this article, or such sums as may be necessary over

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1 the amount contributed by the district and supreme  
2 court judges to finance the system, but only to the  
3 extent that the system applies to them. After June  
4 30, 1978, the state shall contribute such sums as may  
5 be necessary over the amount contributed by district  
6 associate judges to finance the system as to them for  
7 the portion of their tenure after July 1, 1978, and  
8 thereafter such sums as may be necessary over the  
9 amount contributed by the district associate judges to  
10 finance the system, but only to the extent the system  
11 applies to them. After July 1, 1976, the state shall  
12 contribute such sums as may be necessary over the  
13 amount contributed by judges of the court of appeals  
14 to finance the system, but only to the extent the  
15 system applies to them.

16 Sec. \_\_\_\_ . Section 602.9107, Code 1985, is amended  
17 to read as follows:

18 602.9107 AMOUNT OF ANNUITY.

19 1. The annual annuity of a judge under this system  
20 shall be is an amount equal to three percent of the  
21 judge's average annual basic salary for the judge's  
22 last three years as a judge of one or more of the  
23 courts included in this article, multiplied by the  
24 judge's years of service as a judge of one or more of  
25 such the courts; but no such for which contributions  
26 were made to the system. However, an annual annuity  
27 shall not exceed an amount equal to fifty percent of  
28 the basic annual salary that which the judge is  
29 receiving at the time the judge becomes separated from  
30 such service. Forfeitures shall not be used to  
31 increase the annuities a judge or survivor would  
32 otherwise receive under the system.

33 2. A judge shall not receive under this article in  
34 any calendar year an annuity benefit which, if  
35 received in the form of a straight life annuity with  
36 no ancillary benefits, exceeds the lesser of the  
37 following:

38 a. A dollar limitation of ninety thousand dollars  
39 adjusted each January 1 to the dollar limitation

40 determined by the federal commissioner of internal  
41 revenue pursuant to section 415(d) of the United  
42 States Internal Revenue Code of 1954, as amended.  
43 b. A compensation limit of one hundred percent of  
44 the average compensation paid to the judge during  
45 those three consecutive calendar years as a judge of  
46 one or more of the courts included in this article  
47 which give the highest average.  
48 The limitations of this subsection do not apply to  
49 an annuity benefit which is less than ten thousand  
50 dollars.

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1 3. The limitations in subsection 2 shall be  
2 adjusted as follows:  
3 a. If the annuity begins prior to the sixty-second  
4 birthday of the judge, the dollar limitation shall be  
5 equal to an annual annuity benefit which is equal to  
6 the actuarial equivalent of an annuity benefit  
7 commencing on the sixty-second birthday of the judge,  
8 but not below seventy-five thousand dollars.  
9 b. If the annuity begins after the sixty-fifth  
10 birthday of the judge, the dollar limitation shall be  
11 equal to an annual annuity benefit which is the  
12 actuarial equivalent of an annuity benefit commencing  
13 on the sixty-fifth birthday of the judge.  
14 c. If the annuity begins prior to the judge having  
15 ten years of creditable service, the dollar  
16 limitation, the one hundred percent of average  
17 compensation limitation, and the exception for an  
18 annuity benefit which is less than ten thousand  
19 dollars, shall be reduced by a fraction, the numerator  
20 of which is the total years and months of creditable  
21 service, and the denominator of which is ten.  
22 For purposes of the limitations of this subsection,  
23 the actuarial equivalent shall be determined from  
24 actuarial tables using the 1983 group annuity table  
25 for males and five percent interest compounded  
26 annually. The value of the joint and survivorship  
27 feature of an annuity shall not be taken into account  
28 in applying the limitations of this section.  
29 4. This section is intended to meet the  
30 requirements of section 415 of the United States  
31 Internal Revenue Code and shall be construed in  
32 accordance with that section, and shall, by this  
33 reference, incorporate any subsequent changes to that  
34 section which apply to the judicial retirement system.  
35 Sec. \_\_\_\_ . Section 602.9108, Code 1985, is amended  
36 to read as follows:

## 37 602.9108 INDIVIDUAL ACCOUNTS -- REFUNDING.

38 The ~~amounts deducted and withheld from the basic~~  
 39 ~~salary of each judge of the municipal, superior,~~  
 40 ~~district or supreme court, or court of appeals,~~  
 41 ~~including district associate judges, for the credit of~~  
 42 amount designated as the judge's contribution to the  
 43 judicial retirement fund in section 602.9104,  
 44 subsection 1, and all amounts paid into ~~such the~~ fund  
 45 by ~~each a~~ judge shall be credited to the individual  
 46 account of ~~such the~~ judge. ~~In the event~~ If a judge of  
 47 ~~the municipal, superior, district or supreme court, or~~  
 48 ~~court of appeals, including district associate judges,~~  
 49 covered under this article becomes separated from  
 50 service as ~~such a~~ judge before the judge completes an

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1 aggregate of six years of service as a judge of one or  
 2 more of ~~such the~~ courts, the total amount of ~~the~~  
 3 ~~judge's contribution to the fund in the judge's~~  
 4 individual account shall be returned to ~~said the~~ judge  
 5 or the judge's legal representatives; ~~and in the event~~  
 6 within one year of the separation. If a judge, who is  
 7 covered under this article and who has completed an  
 8 aggregate of six years or more of service as a judge  
 9 of one or more of ~~such the~~ courts, dies before  
 10 retirement, without a survivor, the total amount of  
 11 ~~the judge's contribution to the fund in the judge's~~  
 12 individual account shall be paid in one sum to the  
 13 judge's legal representatives; ~~and in the event~~ within  
 14 one year of the judge's death. If an annuitant under  
 15 this section dies without a survivor, and without  
 16 having received in annuities an amount equal to the  
 17 total amount remaining to the annuitant's credit in  
 18 the judge's individual account at the time of  
 19 separation from service, the amount remaining to the  
 20 annuitant's credit shall be paid in one sum to the  
 21 annuitant's legal representatives within one year of  
 22 the annuitant's death.

23 Sec. \_\_\_\_ . Section 602.9114, Code 1985, is amended  
 24 to read as follows:

## 25 602.9114 FORFEITURE OF BENEFITS -- REFUND.

26 ~~In the event~~ If a judge of the ~~supreme, district or~~  
 27 ~~municipal court including a district associate judge,~~  
 28 ~~or a judge of the court of appeals, covered under this~~  
 29 ~~part~~ is removed for cause other than permanent  
 30 disability the judge and the judge's survivor shall  
 31 forfeit the right to any retirement benefits under the  
 32 system but the total amount of ~~the judge's~~  
 33 contribution to the fund in the judge's individual

34 account shall be returned to the judge or the judge's  
35 legal representative representatives within one year  
36 of the removal.

37 Sec. \_\_\_\_ . Section 602.9115, Code 1985, is amended  
38 to read as follows:

39 602.9115 ANNUITY FOR SURVIVOR OF ANNUITANT.

40 The survivor of a judge who was qualified for  
41 retirement compensation under the system at the time  
42 of the judge's death, is entitled to receive an  
43 annuity of one-half of the amount of the annuity the  
44 judge was receiving or would have been entitled to  
45 receive at the time of the judge's death, or if the  
46 judge died before age sixty-five, then one-half of the  
47 amount the judge would have been entitled to receive  
48 at age sixty-five based on the judge's years of  
49 service for which contributions were made to the  
50 system. The annuity shall begin on the judge's death

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1 or upon the survivor survivor's reaching age sixty,  
2 whichever is later. However, a survivor less than  
3 sixty years old may elect to receive a decreased  
4 retirement annuity to begin on the judge's death by  
5 filing a written election with the state court  
6 administrator. The election is subject to the  
7 approval of the state court administrator. The amount  
8 of the decreased retirement annuity shall be the  
9 actuarial equivalent of the amount of the annuity  
10 otherwise payable to the survivor under this section.

11 For the purposes of this article "survivor" means  
12 the surviving spouse of a person who was a judge, if  
13 married to the judge for at least five years next one  
14 year preceding the judge's death; but does not include  
15 a surviving spouse who remarries.

16 In the event If the judge dies leaving a survivor  
17 but without receiving in annuities an amount equal to  
18 the judge's credit, the balance shall be credited to  
19 the account of the judge's survivor, and if the  
20 survivor dies without remarrying and without receiving  
21 in annuities an amount equal to said the balance, the  
22 amount then remaining shall be paid to the survivor's  
23 legal representative representatives within one year  
24 of the survivor's death.

25 Sec. \_\_\_\_ . NEW SECTION. 602.9115A OPTIONAL  
26 ANNUITY FOR JUDGE AND SURVIVOR.

27 In lieu of the annuities and refunds provided for  
28 judges and judges' survivors under sections 602.9107,  
29 602.9108, 602.9115, 602.9204, 602.9208, and 602.9209,  
30 judges may elect to receive an optional retirement

31 annuity during the judge's lifetime and have the  
 32 optional retirement annuity, or a designated fraction  
 33 of the optional retirement annuity, continued and paid  
 34 to the judge's survivor after the judge's death and  
 35 during the lifetime of the survivor.

36 The judge shall make the election request in  
 37 writing to the state court administrator prior to  
 38 retirement. The election is subject to the approval  
 39 of the state court administrator. The judge may  
 40 revoke the election prior to retirement by written  
 41 request to the state court administrator, but cannot  
 42 revoke the election after retirement.

43 The optional retirement annuity shall be the  
 44 actuarial equivalent of the amounts of the annuities  
 45 payable to judges and survivors under sections  
 46 602.9107, 602.9115, 602.9204, 602.9208, and 602.9209.  
 47 The actuarial equivalent shall be based on the  
 48 mortality and interest assumptions set out in section  
 49 602.9107, subsection 3.

50 If the judge dies without a survivor, prior to re-

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1 tirement or prior to receipt in annuities of an amount  
 2 equal to the total amount remaining to the judge's  
 3 credit at the time of separation from service, the  
 4 election is null and void and the refunding provisions  
 5 of section 602.9108 apply.

6 If the judge dies with a survivor prior to  
 7 retirement, the election remains valid and the  
 8 survivor is entitled to receive the annuity beginning  
 9 at the death of the judge.

10 If the judge dies with a survivor and the survivor  
 11 subsequently dies prior to receipt in annuities by  
 12 both the judge and the survivor of an amount equal to  
 13 the total amount remaining to the judge's credit at  
 14 the time of separation from service, the election  
 15 remains valid and the refunding provision of section  
 16 602.9115 applies.

17 Sec. \_\_\_\_ . Section 602.9204, Code 1985, is amended  
 18 to read as follows:

19 **602.9204 ANNUITY OF SENIOR JUDGE AND RETIRED**  
 20 **SENIOR JUDGE.**

21 A senior judge or a retired senior judge shall not  
 22 be paid a salary. A senior judge or retired senior  
 23 judge shall be paid an annuity under the judicial  
 24 retirement system in the manner provided in section  
 25 602.9109, but computed under this section in lieu of  
 26 section 602.9107, as follows: The annuity paid to a  
 27 senior judge or retired senior judge shall be an

28 amount equal to three percent of the current ~~base~~  
 29 basic salary, as of the time each payment is made, of  
 30 the office in which the senior judge last served as a  
 31 judge before retirement as a judge or senior judge,  
 32 multiplied by the judge's years of service prior to  
 33 retirement as a judge of one or more of the courts  
 34 included under this ~~chapter~~ article, for which  
 35 contributions were made to the system, except the  
 36 annuity of the senior judge or retired senior judge  
 37 shall not exceed fifty percent of ~~such~~ the current  
 38 ~~base~~ basic salary."

39 27. Page 17, by inserting after line 3 the fol-  
 40 lowing:

41 "Sec. \_\_\_\_ . A member of the peace officers' retire-  
 42 ment system employed by the department of public  
 43 safety as an arson investigator on the effective date  
 44 of this Act who became a member of the peace officers'  
 45 retirement system on July 1, 1976 shall receive credit  
 46 for membership service under the peace officers'  
 47 retirement system for the member's period of  
 48 employment as an arson investigator prior to July 1,  
 49 1976."

50 28. Page 17, by inserting after line 3 the fol-

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1 lowing:

2 "Sec. \_\_\_\_ . Section 1A of this Act takes effect  
 3 July 1, 1986 for members receiving an ordinary  
 4 disability retirement allowance prior to the effective  
 5 date of this Act."

6 29. Page 17, by inserting after line 3 the  
 7 following:

8 "Sec. \_\_\_\_ . Section 602.9105, Code 1985, is  
 9 repealed. Section 602.9103, Code Supplement 1985, is  
 10 repealed."

COMMITTEE ON STATE GOVERNMENT  
 ROBERT CARR, Chairperson

S-5940

1 Amend the House amendment S-5936 to Senate File  
 2 2305 as amended, passed and reprinted by the Senate  
 3 as follows:

## DIVISION S-5940A

- 4 1. Page 1, line 21, by striking the figure "\$2,000,000"
- 5 and inserting the figure "\$3,000,000".
- 6 2. Page 1, by striking lines 22 and 23.
- 7 3. Page 1, line 35, by striking the figure "\$1,000,000"
- 8 and inserting the figure "\$1,500,000".

## DIVISION S-5940B

- 9 4. Page 1, by striking line 36.

RICHARD DRAKE  
CHARLES BRUNER  
JOE WELSH

## S-5941

- 1 Amend House File 2483, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 17, line 8, by inserting after the word
- 4 "members" the following: ", to determine the cost of
- 5 vested buybacks,".

JOHN N. NYSTROM

## S-5942

- 1 Amend House File 2483, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 17, line 8, by inserting after the word
- 4 "members" the following: ", to determine the cost of
- 5 vested buybacks, to determine the cost of providing
- 6 earlier retirement benefits for motor vehicle enforce-
- 7 ment officers employed by the department of transpor-
- 8 tation,".

CALVIN O. HULTMAN

HOUSE AMENDMENT TO  
SENATE FILE 2296

S-5943

1 Amend Senate File 2296, as amended, passed and  
2 reprinted by the Senate, as follows:

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

5 "Sec. \_\_\_\_ . Section 321.1, subsection 43,  
6 unnumbered paragraphs 1 and 4, Code Supplement 1985,  
7 is amended to read as follows:

8 "Chauffeur" means a person who operates a motor  
9 vehicle, including a school bus, in the transportation  
10 of persons for wages, compensation or hire, or a  
11 person who operates a truck tractor, road tractor or  
12 any motor truck which is required to be registered at  
13 a gross weight classification exceeding five tons, or  
14 any such motor vehicle exempt from registration which  
15 would be within the gross weight classification if not  
16 so exempt. A person is not a chauffeur when the  
17 operation of the motor vehicle, other than a truck  
18 tractor, by the owner or operator is occasional and  
19 merely incidental to the owner or operator's principal  
20 business.

21 Subject to section 321.179, a farmer or the  
22 farmer's hired help is not a chauffeur when operating  
23 a truck, other than a truck tractor, owned by the  
24 farmer and used exclusively in connection with the  
25 transportation of the farmer's own products or  
26 property."

27 2. Page 1, line 12, by inserting after the word  
28 "~~truck~~," the following: "A "special truck" does not  
29 include a truck tractor operated more than seventy-  
30 five hundred miles annually."

31 3. Page 1, by striking lines 13 through 18 and  
32 inserting the following:

33 "Sec. \_\_\_\_ . Section 321.121, Code 1985, is amended  
34 to read as follows:

35 321.121 SPECIAL TRUCKS FOR FARM USE.

36 The registration fee for a special truck shall be  
37 eighty dollars for a gross weight of six tons, one  
38 hundred dollars for a gross weight of seven tons, one  
39 hundred twenty dollars for a gross weight of eight  
40 tons, and in addition, fifteen dollars for each ton  
41 over eight tons and not exceeding eighteen tons. The  
42 registration fee for a special truck with a gross  
43 weight registration exceeding eighteen tons but not  
44 exceeding nineteen tons shall be three hundred twenty-  
45 five dollars and for a gross weight registration  
46 exceeding nineteen tons but not exceeding twenty tons

47 the registration fee shall be three hundred seventy-  
 48 five dollars. ~~Any~~ The additional registration fee for  
 49 a special truck for a gross weight registration in  
 50 excess of twenty tons is twenty-five dollars for each

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1 ton over twenty tons and not exceeding thirty-two  
 2 tons.  
 3 PARAGRAPH DIVIDED. A person convicted of or found  
 4 by audit to be using a truck motor vehicle registered  
 5 as a special truck for any purpose other than  
 6 permitted by section 321.1, subsection 71, shall, in  
 7 addition to any other penalty imposed by law, be  
 8 required to pay regular motor ~~truck vehicle~~  
 9 registration fees upon such ~~truck motor vehicle~~.  
 10 Sec. \_\_\_\_ . Section 321.122, subsection 1,  
 11 unnumbered paragraph 1, Code 1985, is amended to read  
 12 as follows:  
 13 1. The annual registration fee for truck tractors,  
 14 road tractors, and motor trucks, except motor trucks  
 15 registered as special trucks, shall be based on the  
 16 combined gross weight of the vehicle or combination of  
 17 vehicles. All trucks, truck tractors, or road  
 18 tractors shall be registered for a gross weight equal  
 19 to or in excess of the unladen weight of the vehicle  
 20 or combination of vehicles. The annual registration  
 21 fee for such vehicles or combination of vehicles,  
 22 except special trucks, shall be:"  
 23 4. By renumbering, relettering, or redesignating  
 24 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
 SENATE FILE 2304

S-5944

1 Amend Senate File 2304 as amended and passed by the  
 2 Senate as follows:  
 3 1. Page 5, line 9, by inserting after the word  
 4 "program," the following: "hypertension program,".  
 5 2. Page 16, by inserting after line 16 the  
 6 following:  
 7 "Sec. \_\_\_\_ . The governor may transfer funds not  
 8 exceeding one million one hundred eighty thousand  
 9 (1,180,000) dollars from funds already appropriated  
 10 from the general fund of the state before June 30,  
 11 1986, to the department of human services for purposes  
 12 specified in the 1985 Iowa Acts, chapter 268, section

13 9, subsection 3.

14 Sec. \_\_\_\_ . This Act, being deemed of immediate  
15 importance, takes effect on and after its publication  
16 in the Ames Daily Tribune, a newspaper published in  
17 Ames, Iowa, and in the Grinnell Herald-Register, a  
18 newspaper published in Grinnell, Iowa.”

19 3. Title page, line 6, by inserting after the  
20 word “grants” the following: “and providing an  
21 effective date”.

22 4. By renumbering, relettering, or redesignating  
23 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE FILE 2208

S-5945

1 Amend Senate File 2208 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 22.7, Code Supplement 1985, is  
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 21. Applications and accompanying  
8 information filed pursuant to sections 524.1808 and  
9 524.1809 regarding acquisition of a bank or bank  
10 holding company by an out-of-state holding company.

11 Sec. 2. Section 524.803, subsection 1, Code 1985,  
12 is amended by adding the following new lettered  
13 paragraph:

14 NEW LETTERED PARAGRAPH. f. Subject to the prior  
15 approval of the superintendent, organize, acquire, or  
16 invest in a subsidiary for the purpose of engaging in  
17 the selling of securities pursuant to section 524.825.

18 Sec. 3. Section 524.814, Code 1985, is amended by  
19 adding the following new subsection:

20 NEW SUBSECTION. 3. To provide any margin for  
21 trading financial futures, forward, or standby  
22 contracts under section 524.901, subsection 1,  
23 paragraph “f”.

24 Sec. 4. Section 524.805, Code 1985, is amended by  
25 adding the following new subsection:

26 NEW SUBSECTION. 10. A state bank shall credit a  
27 deposit of a check to the account to which the deposit  
28 is made in the manner prescribed in section 554.4110.

29 Sec. 5. NEW SECTION. 524.825 SECURITIES  
30 ACTIVITIES.

31 Subject to the prior approval of the  
32 superintendent, a subsidiary of a state bank organized

33 or acquired pursuant to section 524.803, subsection 1,  
 34 paragraph "f" may engage in directly, or may organize,  
 35 acquire, or invest in a subsidiary for the purpose of  
 36 engaging in securities activities and any aspect of  
 37 the securities industry, including, but not limited  
 38 to, any of the following:

39 1. Issuing, underwriting, selling, or distributing  
 40 stocks, bonds, debentures, notes, mutual funds, money  
 41 market type mutual funds, or other securities.

42 2. Organizing, sponsoring, and operating one or  
 43 more mutual funds.

44 3. Acting as a securities broker-dealer licensed  
 45 under chapter 502. The business relating to  
 46 securities shall be conducted through, and in the name  
 47 of, the broker-dealer.

48 The requirements of chapter 502 apply to any  
 49 business of the broker-dealer transacted in this  
 50 state.

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1 Sec. 6. Section 524.901, subsection 1, Code  
 2 Supplement 1985, is amended by adding the following  
 3 new lettered paragraph:  
 4 NEW LETTERED PARAGRAPH. f. Subject to the prior  
 5 approval of the superintendent and pursuant to  
 6 applicable federal laws and regulations governing such  
 7 contracts; futures, forward, and standby contracts to  
 8 purchase and sell any of the securities permitted in  
 9 this subsection. However, the activity shall be  
 10 conducted in accordance with safe and sound banking  
 11 practices and with levels of the activity being  
 12 reasonably related to the state bank's business needs  
 13 and capacity to fulfill its obligations under the  
 14 contracts.

15 Sec. 7. Section 524.901, subsection 3, paragraph  
 16 d, Code Supplement 1985, is amended to read as  
 17 follows:

18 d. Shares in a corporation which the state bank is  
 19 authorized to acquire and hold pursuant to section  
 20 524.803, subsection 1, paragraphs "c", "d", and "e",  
 21 and "f".

22 Sec. 8. Section 524.901, subsection 3, Code  
 23 Supplement 1985, is amended by adding the following  
 24 new lettered paragraph:

25 NEW LETTERED PARAGRAPH. i. Shares or obligations  
 26 of a corporation or a fund established by a  
 27 corporation which has been approved by the  
 28 superintendent and whose shares or obligations are  
 29 secured by the United States government or by an

30 agency or instrumentality of the United States  
31 government, or whose investments are guaranteed by the  
32 United States government or by an agency or  
33 instrumentality of the United States government.  
34 However, the aggregate amount invested in any one  
35 corporation or fund under this paragraph shall not  
36 exceed twenty percent of the capital and surplus of  
37 the state bank.

38 Sec. 9. Section 524.901, Code Supplement 1985, is  
39 amended by adding the following new subsection:  
40 NEW SUBSECTION. 6. A state bank may invest in  
41 obligations, bonds, notes, shares, certificates or  
42 securities, as provided in subsections 1 through 5, in  
43 amounts that exceed the allowable percentage of the  
44 capital and surplus of the bank provided in those  
45 subsections with the approval of and pursuant to any  
46 conditions prescribed by the superintendent. The  
47 state bank shall submit a written application to the  
48 superintendent setting forth such information as the  
49 superintendent deems necessary to determine whether  
50 and on what conditions to grant a waiver of the

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1 limitations provided in subsections 1 through 5. A  
2 waiver granted pursuant to this subsection shall be  
3 for a limited time, to be determined by the  
4 superintendent at the time the waiver is granted. A  
5 waiver granted pursuant to this subsection means that  
6 the superintendent will not take administrative action  
7 to enforce the normal capital and surplus standards  
8 set forth in this section. The superintendent shall  
9 adopt rules that establish conditions under which this  
10 subsection may be used. In establishing the  
11 conditions, the superintendent shall take into account  
12 procedures adopted by the federal deposit insurance  
13 corporation.

14 Sec. 10. Section 524.904, Code 1985, is amended by  
15 adding the following new subsection:  
16 NEW SUBSECTION. 5. A state bank may make or  
17 maintain loans which exceed the limitations set forth  
18 in subsection 2 with the approval of and pursuant to  
19 any conditions prescribed by the superintendent. The  
20 state bank shall submit a written application to the  
21 superintendent setting forth such information as the  
22 superintendent deems necessary to determine whether  
23 and on what conditions to grant a waiver of the  
24 limitations set forth in subsection 2. A waiver  
25 granted pursuant to this subsection shall be for a  
26 limited time, to be determined by the superintendent

27 at the time the waiver is granted. A waiver granted  
 28 pursuant to this subsection means that the  
 29 superintendent will not take administrative action to  
 30 enforce the normal capital and surplus standards set  
 31 forth in this section. The superintendent shall adopt  
 32 rules that establish conditions under which this  
 33 subsection may be used. In establishing the  
 34 conditions, the superintendent shall take into account  
 35 procedures adopted by the federal deposit insurance  
 36 corporation.

37 Sec. 11. Section 524.910, subsection 2, Code  
 38 Supplement 1985, is amended to read as follows:

39 2. Real property purchased by a state bank at  
 40 sales upon foreclosure of mortgages or deeds of trust  
 41 owned by it, or acquired upon judgments or decrees  
 42 obtained or rendered for debts due it, or real  
 43 property conveyed to it in satisfaction of debts  
 44 previously contracted in the course of its business,  
 45 or real property obtained by it through redemption as  
 46 a junior mortgagee or judgment creditor, shall be sold  
 47 or otherwise disposed of by the state bank within five  
 48 years after title is vested in the state bank, unless  
 49 the time is extended by the superintendent.  
 50 Agricultural land held by a state bank pursuant to

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1 this subsection shall be valued on the books of the  
 2 bank at a value determined by obtaining the per acre  
 3 average of the valuations for the current year and the  
 4 four previous years for agricultural land in the  
 5 county in which the agricultural land is located as  
 6 published by Iowa state university of science and  
 7 technology. If an appraisal conducted by an  
 8 independent real estate appraiser is available for the  
 9 current year, the five-year county average shall be  
 10 adjusted by either adding or subtracting from the  
 11 five-year average the percentage by which the  
 12 particular farm's current appraised value exceeds or  
 13 is less than the current year's county average value.  
 14 To the extent permitted by federal law, national banks  
 15 may value agricultural land on the same basis as state  
 16 banks. Before the state bank sells or otherwise  
 17 disposes of agricultural land held pursuant to this  
 18 subsection, the state bank shall first offer the  
 19 immediately prior owner the opportunity to repurchase  
 20 the agricultural land on the terms the state bank  
 21 proposes to sell or dispose of the agricultural land  
 22 if less than five years have passed since the bank has  
 23 acquired that land. The immediately prior owner has

24 thirty days from the time the offer is made to  
 25 exercise the right to accept the offer. After the  
 26 lapse of that time, the bank may sell or otherwise  
 27 dispose of that land to any other person on the terms  
 28 upon which it has offered the land to the immediately  
 29 prior owner. As used in this subsection, "immediately  
 30 prior owner" means the titleholder which immediately  
 31 prior to the foreclosure had owned the property.  
 32 However, if the titleholder had entered into a land  
 33 sales contract, then "immediately prior owner" means  
 34 the latest holder of the contract that was not in  
 35 default on the contract obligations at the time of the  
 36 foreclosure. If there is no such holder of the  
 37 contract, then the titleholder is the immediately  
 38 prior owner.

39 Sec. 12. Section 524.1805, Code 1985, is amended  
 40 to read as follows:

41 524.1805 OUT-OF-STATE HOLDING COMPANIES.

42 1. Nothing in Except as provided in subsection 2  
 43 and sections 524.1808 and 524.1809, this division  
 44 shall be construed to does not authorize a bank  
 45 holding company which is with respect to the state of  
 46 Iowa an "out-of-state bank holding company", as  
 47 defined or referred to in 12 U.S.C. § 1842(d), as  
 48 amended to January 1, 1971, to acquire any of the  
 49 voting shares of, any interest in, all or  
 50 substantially all of the assets of, or power to

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1 control in any manner the election of any of the  
 2 directors of any a bank in this state, unless such the  
 3 bank holding company was on January 1, 1971 registered  
 4 with the federal reserve board as a bank holding  
 5 company, and on that date owned at least two banks in  
 6 this state.  
 7 2. Notwithstanding the restrictions of subsection  
 8 1, an out-of-state bank holding company which had  
 9 entered into a contract on or before July 1, 1984 to  
 10 directly or indirectly acquire voting shares, an  
 11 interest in all or substantially all of the assets of,  
 12 or control of a bank holding company or a bank located  
 13 in this state is declared to have established a  
 14 specific presence in this state as of the date on  
 15 which the respective contract was executed, and may on  
 16 or after January 1, 1988, consummate the transaction  
 17 and acquire the voting shares, an interest in or  
 18 substantially all of the assets of, or control of the  
 19 bank holding company or bank located in this state as  
 20 provided in the contract upon approval by the

21 appropriate regulatory authorities and may make  
 22 changes as may be required by the regulatory  
 23 authorities in the terms of the acquisition. This  
 24 subsection shall be void and of no force or effect if,  
 25 prior to the implementation of any transactions  
 26 authorized and accommodated by this subsection, it is  
 27 determined by any court or federal regulatory agency  
 28 having jurisdiction over the parties to the  
 29 transaction that the United States congress has passed  
 30 and the president has approved a federal law which  
 31 provides that the enactment of this subsection and the  
 32 implementation of any transaction authorized by this  
 33 section results in the loss, whether immediately or as  
 34 of a subsequent date, of the right of this state to  
 35 restrict the acquisition of Iowa banks by out-of-state  
 36 bank holding companies on the basis of the states in  
 37 which out-of-state bank holding companies are located.  
 38 Sec. 13. NEW SECTION. 524.1808 EMERGENCY  
 39 ACQUISITION OF FAILED BANK.

40 1. As used in this section, unless the context  
 41 otherwise requires:

- 42 a. "Acquire" means either of the following:
- 43 (1) To acquire all or a portion of the capital
- 44 stock of a failed bank, or purchase all or a portion
- 45 of the assets and assume all or a portion of the
- 46 liabilities of a failed bank.
- 47 (2) To acquire all or a portion of the capital
- 48 stock of a new state bank or new national bank which
- 49 will merge or consolidate with, or which will purchase
- 50 all or a portion of the assets and assume all or a

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- 1 portion of the liabilities of a failed bank.
- 2 b. "Failed bank" means a state or national bank
- 3 which has its principal place of business in this
- 4 state, is insolvent, and is under the receivership of
- 5 the federal deposit insurance corporation.
- 6 c. "Qualified bidder" means any person who in the
- 7 judgment of the superintendent is financially,
- 8 legally, and otherwise qualified to submit a binding
- 9 bid or offer to acquire a failed bank.
- 10 d. "Reasonable good-faith bid" means a bid or
- 11 offer which is submitted to the federal deposit
- 12 insurance corporation pursuant to an auction or other
- 13 procedure involving the purchase of assets and
- 14 assumption of liabilities of a failed bank, and which
- 15 is determined by the superintendent to be a reasonable
- 16 bid or offer submitted in good faith by a qualified
- 17 bidder.

18 2. Effective July 1, 1986, a bank holding company  
19 which is with respect to this state an "out-of-state  
20 bank holding company", as defined or referred to in 12  
21 U.S.C. § 1842(d), as amended to January 1, 1971, and  
22 which is located in either Illinois, Minnesota,  
23 Missouri, Nebraska, South Dakota, or Wisconsin may  
24 acquire a failed bank upon a written application  
25 submitted to and approved by the superintendent as  
26 provided in this section. For purposes of this  
27 subsection, a bank holding company is deemed to be  
28 located in the state in which the operations of its  
29 banking subsidiaries are "principally conducted", as  
30 defined in 12 U.S.C. § 1842(d), as amended to January  
31 1, 1971.

32 3. An emergency acquisition under this section  
33 shall be subject to the following terms and  
34 conditions:

35 a. The superintendent shall not approve an  
36 acquisition if the superintendent determines that a  
37 reasonable good-faith bid for the acquisition of the  
38 failed bank is received from any person who is  
39 eligible to acquire ownership or control of the failed  
40 bank without reliance on this section, or if the  
41 superintendent is unable to make this determination.

42 b. The superintendent shall not approve an  
43 acquisition if the terms and conditions of that  
44 acquisition are materially different from those which  
45 were presented by the federal deposit insurance  
46 corporation for the purpose of soliciting bids from  
47 qualified bidders who are eligible to acquire  
48 ownership or control of the failed bank without  
49 reliance on this section. If a material change is  
50 made in any of the terms and conditions during the

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1 bidding process, an acquisition shall not be approved  
2 unless all qualified bidders are afforded an  
3 opportunity to submit a bid based upon the modified  
4 terms and conditions.

5 c. The superintendent shall not approve an  
6 acquisition unless the superintendent finds that all  
7 of the following conditions are satisfied:

8 (1) Approval of the acquisition is, on balance and  
9 without applying any presumptions, preferable to  
10 permitting the liquidation of the failed bank,  
11 considering both of the following:

12 (a) The convenience and needs of the communities  
13 principally served by the failed bank.

14 (b) The extent to which, if any, the closing of

15 the failed bank would be more detrimental to its  
16 depositors and creditors, considering the availability  
17 of insurance, guarantees, and assets which would be  
18 available for distribution, than the effects upon  
19 those persons if the acquisition were to be approved.  
20 For purposes of this subparagraph part, "creditors"  
21 does not include creditors who also are shareholders  
22 or officers of the failed bank or of a bank holding  
23 company which owns the failed bank.

24 (2) The applicant has done all of the following:

25 (a) Provided all information and documents

26 requested by the superintendent under this section.

27 (b) Demonstrated an acceptable prior record of  
28 meeting the credit needs of the local communities in  
29 which it has engaged in the banking business.

30 (c) Demonstrated a commitment and willingness to  
31 meet the credit needs of the local Iowa communities it  
32 will serve if the application is approved.

33 (d) Demonstrated financial resources, prior  
34 investment policies, and managerial capabilities which  
35 will enable it adequately to serve the local Iowa  
36 communities in which it will engage in the banking  
37 business if the acquisition is approved.

38 (3) The application and the applicant has  
39 satisfied any other conditions or requirements  
40 established by the superintendent.

41 d. The acquisition shall be limited to the  
42 business locations constituting the principal place of  
43 business and bank offices of the failed bank as of the  
44 date it was closed, or such fewer number of business  
45 locations as may be agreed upon by the applicant and  
46 the federal deposit insurance corporation. An out-of-  
47 state bank holding company which acquires a failed  
48 bank under this section shall not acquire direct or  
49 indirect ownership or control, within the meaning of  
50 section 524.1802, of any other state or national bank

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1 located in this state, except that it may acquire  
2 other failed banks upon application and approval under  
3 this section and subject to the limitation contained  
4 in section 524.1802.

5 4. An application for an approval under this  
6 section shall be in the form and contain the  
7 information required by rules adopted by the  
8 superintendent under chapter 17A. The applicant shall  
9 submit a nonrefundable filing fee of one thousand  
10 dollars at the time the application is filed. An  
11 application not approved or denied within thirty days

12 following the date of filing shall be deemed denied.  
13 5. Until such time as a failed bank has been  
14 acquired under this section or its disposition  
15 otherwise has been determined by the federal deposit  
16 insurance corporation, information regarding the  
17 failed bank, any applications and supporting  
18 information received under this section, and all other  
19 information received by the superintendent of the  
20 department of banking in relation to the failed bank  
21 shall be confidential and not subject to public  
22 disclosure under chapters 21 or 22. This subsection  
23 does not restrict the authority of the superintendent  
24 to communicate with bank regulatory agencies or  
25 otherwise to perform official duties.

26 6. The superintendent may investigate the books,  
27 records, and financial affairs of a failed bank and an  
28 affiliate of a failed bank as deemed necessary by the  
29 superintendent to permit the proper consideration of  
30 an application under this section. The superintendent  
31 may make any examinations, investigations, or  
32 inquiries deemed necessary by the superintendent for  
33 the proper performance of duties established by this  
34 section including, but not limited to, the seeking of  
35 the advice and counsel of federal bank regulatory  
36 officials.

37 7. The superintendent shall consult with the  
38 federal deposit insurance corporation prior to  
39 adopting administrative rules and prior to granting  
40 any approval under this section. It is the intent of  
41 the general assembly that this section shall not be  
42 implemented unless the federal deposit insurance  
43 corporation cooperates with the superintendent by  
44 establishing procedures for submitting all bids or  
45 other offers for acquisitions of failed banks for  
46 review by the superintendent, and by adopting policies  
47 and procedures as may be necessary to enable the  
48 superintendent to make the determinations required by  
49 subsection 3, paragraphs "a" and "b".

50 8. This section is enacted in the exercise of the

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1 police powers of this state, and the provisions of  
2 this section are not severable. If any court or  
3 administrative officer or agency of this state or of  
4 the United States determines that a condition or  
5 requirement of this section is invalid or is  
6 unenforceable as against a bank or a bank holding  
7 company for any reason whatever, then this section  
8 shall be void, and any pending or subsequent

9 acquisition based upon the authority of this section  
10 shall be ineffective. However, any acquisition that  
11 has been consummated may be maintained.

12 Sec. 14. NEW SECTION. 524.1809 EMERGENCY  
13 ACQUISITION OF DISTRESSED BANK HOLDING COMPANY.

14 1. As used in this section, unless the context  
15 otherwise requires:

16 a. "Acquire" means any of the following:

17 (1) To directly or indirectly acquire all of the  
18 assets of a distressed bank holding company,  
19 including, but not limited to the Iowa bank  
20 subsidiaries of a distressed bank holding company.

21 (2) To directly or indirectly acquire all of the  
22 capital stock of a distressed bank holding company.

23 (3) To directly or indirectly acquire the capital  
24 stock of another bank holding company which will  
25 acquire a distressed bank holding company.

26 (4) To merge or consolidate with a distressed bank  
27 holding company.

28 b. A "distressed bank holding company" means a  
29 bank holding company which meets both of the following  
30 conditions:

31 (1) Has two or more Iowa bank subsidiaries that  
32 have in the aggregate over one billion dollars in time  
33 and demand deposits as determined by the  
34 superintendent on the basis of the most recent reports  
35 of those banks submitted to their supervisory  
36 authorities and available to the superintendent.

37 (2) Is subject to the jurisdiction of the United  
38 States bankruptcy court for the southern or northern  
39 districts of Iowa under chapter 11 of the United  
40 States bankruptcy code.

41 c. "Iowa bank" means a state or national bank  
42 having its principal place of business in this state.

43 d. "Qualified bidder" means any person who in the  
44 judgment of the superintendent is financially,  
45 legally, and otherwise qualified to submit a binding  
46 bid or offer to acquire a distressed bank holding  
47 company.

48 2. Subject to subsections 3, 4, 5, and 7, an out-  
49 of-state bank holding company which is located in  
50 Illinois, Indiana, Kentucky, Michigan, Minnesota,

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1 Missouri, Nebraska, Ohio, South Dakota, or Wisconsin  
2 may acquire one or more distressed bank holding  
3 companies. This section shall not be deemed,  
4 construed, or interpreted to authorize any acquisition  
5 except one consisting of a transfer of ownership of a

6 distressed bank holding company as a whole, in its  
7 entirety, and in a single transaction.

8 3. An acquisition pursuant to subsection 2 is  
9 subject to the approval of the bankruptcy court and  
10 the superintendent. The out-of-state bank holding  
11 company desiring to make an acquisition under  
12 subsection 2 and the distressed bank holding company  
13 which is proposed to be acquired shall file an  
14 application with the bankruptcy court and the  
15 superintendent. The application shall contain  
16 information the bankruptcy court and the  
17 superintendent deem necessary or appropriate for the  
18 purpose of making a determination under this section.  
19 The application and the supporting information thus  
20 obtained shall be confidential and privileged and not  
21 subject to public disclosure, except that the  
22 application and supporting information may be  
23 disclosed to appropriate federal or state bank  
24 regulatory agencies.

25 4. If applications are submitted by a qualified  
26 bidder who is eligible to acquire a distressed bank  
27 holding company without reliance on this section, and  
28 by a qualified bidder who is an out-of-state bank  
29 holding company, and the terms and conditions of the  
30 proposed acquisitions are not materially different,  
31 including the amounts of assistance requested or the  
32 premiums bid for the assets and liabilities, the  
33 bankruptcy court and the superintendent shall give  
34 preference to and shall approve the application of the  
35 qualified bidder who is eligible to acquire the  
36 distressed bank holding company without reliance on  
37 this section.

38 5. In determining whether to approve an  
39 application under this section, the bankruptcy court  
40 and the superintendent shall consider all of the  
41 following:

42 a. The financial institution structure of this  
43 state.

44 b. The economy of this state and the need for  
45 access to credit, financial services, and capital.

46 c. The convenience and needs of the communities  
47 principally served by the Iowa bank subsidiaries of  
48 the distressed bank holding company.

49 d. Alternative actions that may be taken without  
50 reliance on this section to resolve the difficulties

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1 of the distressed bank holding company.

2 e. Other factors deemed relevant by the court or  
3 the superintendent.

4 f. Whether the applicant has done all of the  
5 following:

6 (1) Provided all information and documents  
7 requested under this section.

8 (2) Demonstrated an acceptable prior record of  
9 meeting the credit needs of the communities in which  
10 it has engaged in the banking business, if applicable.

11 (3) Demonstrated a commitment and willingness to  
12 meet the credit needs of the Iowa communities it will  
13 serve if the application is approved.

14 (4) Demonstrated financial resources, prior  
15 investment policies, and managerial capabilities which  
16 will enable it to adequately serve the Iowa  
17 communities in which it will engage in the banking  
18 business if the application is approved.

19 6. An out-of-state bank holding company which  
20 acquires a distressed bank holding company under the  
21 authority of this section thereafter may acquire  
22 direct or indirect ownership or control, within the  
23 meaning of section 524.1802, of other state or  
24 national banks located in this state, subject to the  
25 limitation contained in section 524.1802.

26 7. An application for the acquisition of a  
27 distressed bank holding company pursuant to this  
28 section shall not be filed or approved prior to  
29 January 1, 1988.

30 Sec. 15. Section 527.2, subsection 2, Code 1985,  
31 is amended to read as follows:

32 2. "Data processing center" means a facility,  
33 wherever located, at which electronic impulses or  
34 other indicia of a transaction originating at a  
35 satellite terminal are received and are processed in  
36 order to enable the satellite terminal to perform any  
37 function for which it is designed. However, "data  
38 processing center" does not include a facility which  
39 is directly connected to a satellite terminal and  
40 which performs only the functions of direct  
41 transmission of all requested transactions from that  
42 terminal to a data processing facility without  
43 performing any review of the requested transactions  
44 for the purpose of categorizing, separating, or  
45 routing.

46 Sec. 16. Section 527.2, Code 1985, is amended by  
47 adding the following new subsections:

48 NEW SUBSECTION. 8. "Municipal corporation" means

49 an incorporated city.

50 NEW SUBSECTION. 9. "Unincorporated area" means a

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1 location within this state not within the boundaries  
2 of a municipal corporation.

3 NEW SUBSECTION. 10. "On-line real time basis"  
4 means the immediate and instantaneous delivery or  
5 return of an individual message through transmission  
6 of electronic impulses.

7 NEW SUBSECTION. 11. "Batch basis" means the  
8 periodic delivery of an accumulation of messages  
9 representing electronic funds transfer transactions  
10 authorized or rejected at a prior time.

11 Sec. 17. Section 527.4, subsection 3, paragraph a,  
12 Code 1985, is amended by striking the paragraph and  
13 inserting in lieu thereof the following:

14 a. A financial institution may establish any  
15 number of satellite terminals in any of the following  
16 locations:

17 (1) Within the boundaries of a municipal  
18 corporation if the principal place of business or an  
19 office of the financial institution is also located  
20 within the boundaries of the municipal corporation.

21 (2) Within an urban complex composed of two or  
22 more Iowa municipal corporations each of which is  
23 contiguous to or corners upon at least one of the  
24 other municipal corporations within the complex if the  
25 principal place of business or an office of the  
26 financial institution is also located in the urban  
27 complex.

28 (3) Within the unincorporated area of a county in  
29 which the financial institution has its principal  
30 place of business or an office if another financial  
31 institution does not have its principal place of  
32 business or an office located within a one-mile radius  
33 of the proposed location of the satellite terminal.

34 (4) Within a municipal corporation located in the  
35 same county as the principal place of business or an  
36 office of the financial institution if another  
37 financial institution has not located its principal  
38 place of business or an office within the municipal  
39 corporation.

40 (5) At any location within this state if the  
41 satellite terminal is designed or configured to not  
42 accept deposits and to not dispense cash or script or  
43 other negotiable instruments and if the satellite  
44 terminal is utilized only for the purpose of making  
45 payment to a retailer for goods or services purchased

46 at the location of the satellite terminal.  
47 A financial institution shall not establish a  
48 satellite terminal at any other location except  
49 pursuant to an agreement with a financial institution  
50 which is authorized by this paragraph "a" to establish

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1 a satellite terminal at that location and which will  
2 utilize the satellite terminal at that location.  
3 Nothing in this paragraph "a" shall be interpreted to  
4 amend, modify, or supersede any provision of chapter  
5 524 regulating the number or locations of bank offices  
6 of a state or national bank, or to authorize the  
7 establishment by a financial institution of any  
8 offices or other facilities except satellite terminals  
9 at locations permitted by this paragraph "a".  
10 Sec. 18. Section 527.5, Code 1985, is amended by  
11 adding the following new subsection:  
12 NEW SUBSECTION. 9. Satellite terminals located in  
13 this state shall be directly connected to either of  
14 the following:  
15 a. A central routing unit licensed pursuant to  
16 this chapter.  
17 b. A data processing center which is directly  
18 connected to a central routing unit licensed pursuant  
19 to this chapter.  
20 If a data processing center which is directly  
21 connected to a satellite terminal located in this  
22 state does not authorize a transaction originated at  
23 that terminal, the transaction shall be immediately  
24 transmitted by the data processing center to a central  
25 routing unit licensed pursuant to this chapter, unless  
26 either the transaction is not authorized because of a  
27 mechanical failure of the data processing center or  
28 satellite terminal, or the transaction does not relate  
29 to a deposit account held by a financial institution  
30 with its principal office in this state.  
31 This subsection does not limit the authority of a  
32 data processing center to authorize or reject  
33 transactions requested by customers of a financial  
34 institution pursuant to an agreement in which the data  
35 processing center authorizes transactions on behalf of  
36 the financial institution and provides to the  
37 financial institution, on a batch basis and not on an  
38 on-line real time basis, information concerning  
39 authorized or rejected transactions of customers of  
40 the financial institution.  
41 Sec. 19. Section 527.5, subsection 5, Code 1985,  
42 is amended to read as follows:

43 5. The satellite terminal shall bear a sign or  
44 label identifying each type of financial institution  
45 utilizing the terminal. A satellite terminal location  
46 shall not be used to advertise individual financial  
47 institutions or ~~any~~ a group of financial institutions.  
48 However, if a satellite terminal is located inside or  
49 consolidated into the wall of the principal place of  
50 business or any other authorized office of a financial

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1 institution which has established the terminal, the  
2 satellite terminal may bear a sign or other  
3 advertisement of the establishing institution. The  
4 administrator is ~~empowered to~~ may authorize such  
5 methods of identification as the administrator deems  
6 necessary to enable the general public to determine  
7 the accessibility of the satellite terminal.

8 Sec. 20. Section 527.9, subsection 2, Code 1985,  
9 is amended by adding the following new lettered  
10 paragraph:

11 NEW LETTERED PARAGRAPH. f. A representation and  
12 undertaking that the proposed central routing unit is  
13 directly connected to every data processing center  
14 that is directly connected to a satellite terminal  
15 located in this state, and that the proposed central  
16 routing unit will provide for direct connection in the  
17 future with any data processing center that becomes  
18 directly connected to a satellite terminal located in  
19 this state.

20 Sec. 21. Section 527.9, Code 1985, is amended by  
21 adding the following new subsection:

22 NEW SUBSECTION. 5. a. Effective July 1, 1986, a  
23 person owning or operating a central routing unit  
24 authorized under this section shall include public  
25 representation on any board setting policy for the  
26 central routing unit. Four public members shall be  
27 appointed to the board in the following manner:

28 (1) Two members shall be appointed by the  
29 superintendent of banking.

30 (2) One member shall be appointed by the  
31 administrator of the credit union department.

32 (3) One member shall be appointed by the  
33 supervisor of savings and loan associations.

34 b. The superintendent of banking, administrator of  
35 the credit union department, and the supervisor of  
36 savings and loan associations shall form a committee  
37 to set, in conjunction with the entity owning or  
38 operating the central routing unit, the term of  
39 office, the rate of compensation, and the rate of

40 reimbursement for each public member. However, the  
41 public members shall be entitled to reasonable  
42 compensation and reimbursement from the board.  
43 c. Each public member is entitled to all the  
44 rights of participation and voting as any other member  
45 of the board. The public members are to represent the  
46 interest of consumers and the business and  
47 agricultural communities in establishing policies for  
48 the central routing unit.  
49 d. It is the intention of the general assembly  
50 that the ratio of public members to the overall

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1 membership of the board shall not be less than one  
2 public member for each seven members of the board. If  
3 the number of members on the board is increased, then  
4 the number of members appointed pursuant to paragraph  
5 "a" shall be increased to maintain the minimum ratio.  
6 In this event, a committee composed of the  
7 superintendent of banking, the administrator of the  
8 credit union department, and the supervisor of savings  
9 and loan associations shall appoint additional public  
10 members in order to maintain the minimum ratio.  
11 e. An individual shall not be appointed as a  
12 public member pursuant to this subsection if the  
13 individual is directly employed by a financial  
14 institution doing business in this state.  
15 Sec. 22. Section 533.4, subsection 5, Code  
16 Supplement 1985, is amended by adding the following  
17 new paragraphs:  
18 NEW PARAGRAPH. i. Deposits, obligations,  
19 participations, or other instruments insured by a  
20 state-chartered deposit insurance corporation.  
21 NEW PARAGRAPH. j. Commercial paper issued by  
22 United States corporations as defined by the  
23 administrator by rule.  
24 Sec. 23. Section 533.5, Code 1985, is amended by  
25 striking the section and inserting in lieu thereof the  
26 following:  
27 533.5 MEMBERSHIP.  
28 The membership of a credit union shall consist of  
29 those persons in the common bond, duly admitted, who  
30 have paid any required one-time or periodic membership  
31 fee, or both, have subscribed to one or more shares,  
32 and have complied with other requirements the articles  
33 of incorporation and bylaws specify. To continue  
34 membership, a member shall comply with any changes in  
35 the par value of the share. The common bond shall be  
36 determined by the board of directors. If adopted as a

37 policy by the board of directors of a credit union,  
 38 members who cease to meet qualifications of membership  
 39 may retain their credit union membership and all  
 40 membership privileges. Organizations, incorporated or  
 41 otherwise, may be members.

42 Sec. 24. Section 533.9, unnumbered paragraph 1,  
 43 Code 1985, is amended to read as follows:

44 Within five days following the organization meeting  
 45 and each annual meeting the directors shall elect from  
 46 their own number a chairperson of the board, a vice  
 47 chairperson, ~~president and~~ a secretary, ~~of whom the~~  
 48 ~~last two may be the same individual, and also a~~ chief  
 49 elected financial officer whose title shall be  
 50 designated by the board of directors, a credit

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1 committee of not less than three members, and an  
 2 auditing committee of not less than three members, and  
 3 may also elect alternate members of the credit  
 4 committee. ~~It shall be the duty of the~~ The board may  
 5 appoint an executive committee to act on its behalf  
 6 when designated for that purpose. The directors to  
 7 have responsibility for the general management of the  
 8 affairs of the credit union; ~~particularly to:~~

9 Sec. 25. Section 533.9, subsections 1 through 7,  
 10 Code 1985, are amended by striking the subsections.

11 Sec. 26. Section 533.9, unnumbered paragraph 2,  
 12 Code 1985, is amended by striking the unnumbered  
 13 paragraph.

14 Sec. 27. Section 533.11, subsections 1 and 2, Code  
 15 1985, are amended to read as follows:

16 1. Make or cause to be made an examination of the  
 17 affairs of the credit union at least ~~quarterly~~ semi-  
 18 annually, including an audit of its books and, ~~in the~~  
 19 ~~event said~~ if the committee feels such the action to  
 20 be necessary, it shall call the members together  
 21 ~~thereafter~~ after the examination and submit to them  
 22 its report.

23 2. ~~Make~~ In addition, make or cause to be made an  
 24 annual ~~audit and~~ report and submit ~~the same~~ it at the  
 25 annual meeting of the members.

26 Sec. 28. Section 533.34, subsection 1, Code 1985,  
 27 is amended to read as follows:

28 1. A state credit union may convert into a federal  
 29 credit union with the approval of the administrator of  
 30 the national credit union administration and by the  
 31 affirmative vote of a majority of the credit union's  
 32 members ~~eligible to~~ who vote on the proposal. This  
 33 vote, if taken, shall be at a ~~special~~ meeting called

34 for that purpose and shall be in the manner prescribed  
 35 by the bylaws. ~~Any member eligible to vote and not~~  
 36 ~~present at the meeting may, within twenty days after~~  
 37 ~~the date on which the meeting was held, vote in favor~~  
 38 ~~of conversion by signing a statement in a form~~  
 39 ~~satisfactory to the administrator of the credit union~~  
 40 ~~department. This vote shall have the same force and~~  
 41 ~~effect as if cast at the meeting.~~

42 Sec. 29. Section 533.38, unnumbered paragraph 1,  
 43 Code Supplement 1985, is amended to read as follows:

44 A corporate central credit union may be  
 45 established. Credit unions organized under this  
 46 chapter, the Federal Credit Union Act, or any other  
 47 credit union act ~~act~~ Act, and credit union organizations  
 48 may be members. In addition, regulated financial  
 49 institutions, nonprofit organizations, and cooperative  
 50 organizations may be members to the extent and manner

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1 provided for in the bylaws of the corporate central  
 2 credit union. The corporate central credit union  
 3 ~~shall have~~ has all the powers, restrictions, and  
 4 obligations imposed upon, or granted to a credit union  
 5 under this chapter, except that the corporate central  
 6 credit union may exercise any of the following  
 7 additional powers subject to the adoption of rules by  
 8 the administrator pursuant to chapter 17A and with the  
 9 prior written approval of the administrator:

10 Sec. 30. NEW SECTION. 533.48 CREDITING OF  
 11 CHECKS.

12 A credit union shall credit a deposit of a check to  
 13 the account to which the deposit is made in the manner  
 14 prescribed in section 554.4110.

15 Sec. 31. NEW SECTION. 533.49 INVESTMENT IN BANKS  
 16 OR SAVINGS AND LOAN ASSOCIATIONS.

17 1. With the prior approval of the administrator  
 18 and the superintendent of banking, a credit union may  
 19 invest in the capital stock, obligations, or other  
 20 securities of a bank.

21 2. With the prior approval of the administrator  
 22 and the supervisor of savings and loan associations, a  
 23 credit union may invest in the capital stock,  
 24 obligations, or other securities of a state savings  
 25 and loan association.

26 3. The administrator shall not grant an approval  
 27 under subsection 1 or 2, except after making one of  
 28 the following findings:

29 a. Based upon a preponderance of the evidence  
 30 presented, the proposed investment will not have the

31 immediate effect of significantly reducing competition  
 32 between depository financial institutions located in  
 33 the same community in which the institution whose  
 34 shares would be acquired is located.

35 b. Based upon a preponderance of the evidence  
 36 presented, the proposed investment would have the  
 37 anticompetitive effect specified in paragraph "a", but  
 38 other factors, to be specifically cited, outweigh the  
 39 anticompetitive effect so that there will be a net  
 40 public benefit as a result of the investment.

41 4. An investment under this section shall not be  
 42 grounds for denying the incorporation of another bank  
 43 or savings and loan association in the community of  
 44 the acquired bank or savings and loan association.

45 Sec. 32. Section 534.102, Code Supplement 1985, is  
 46 amended by adding the following new subsections:

47 NEW SUBSECTION. 34. "Mutual holding company"  
 48 means a corporation which is organized under chapter  
 49 496A and of which the sole shareholders are persons  
 50 who would be members of a stock association which is

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1 wholly owned by the corporation if the stock  
 2 association were a mutual association.

3 NEW SUBSECTION. 35. "Stock holding company" means  
 4 an association holding company which is not a mutual  
 5 holding company.

6 Sec. 33. Section 534.207, subsection 1, paragraph  
 7 a, Code 1985, is amended to read as follows:

8 a. Loans secured by ~~first~~ liens or ~~first~~ claims on  
 9 residential real estate, participation interests in  
 10 groups of loans secured by ~~first~~ liens or ~~first~~ claims  
 11 on residential real estate, securities that are  
 12 secured by groups of loans secured by ~~first~~ liens or  
 13 ~~first~~ claims on residential real estate, or property  
 14 improvement loans for the making of improvements upon  
 15 residential real property, or a combination of these.

16 Sec. 34. Section 534.209, subsection 2, Code 1985,  
 17 is amended to read as follows:

18 2. As an annual average, based on monthly  
 19 computations, an association ~~may~~ shall hold not more  
 20 than one percent of its assets in commercial loans;  
 21 ~~provided that.~~ However, this limitation shall  
 22 increase to two percent of assets on July 1, 1983, to  
 23 three percent of assets on July 1, 1984, to four  
 24 percent of assets on July 1, 1985, and to five percent  
 25 of assets on July 1, 1986; ~~but further provided that,~~  
 26 In addition, commencing on the effective date of any  
 27 federal statute or federal rule or regulation removing

28 all limitations or controls on the rates of interest  
 29 that may be paid by banks and savings and loan  
 30 associations on savings accounts, an association may  
 31 hold not more than ~~ten~~ forty percent of its assets in  
 32 commercial loans and consumer loans.

33 Sec. 35. NEW SECTION. 534.309 CREDITING OF  
 34 CHECKS.

35 An association shall credit a deposit of a check to  
 36 the account to which the deposit is made in the manner  
 37 prescribed in section 554.4110.

38 Sec. 36. NEW SECTION. 534.518 MUTUAL HOLDING  
 39 COMPANY SHAREHOLDERS.

40 A mutual holding company shall not issue stock  
 41 certificates to its shareholders. A shareholder shall  
 42 have all voting rights as specified in chapter 496A.  
 43 A shareholder is entitled to the same number of votes  
 44 the shareholder would have in a mutual association if  
 45 the stock association which is a wholly owned  
 46 subsidiary of the mutual holding company were the  
 47 mutual association. Upon dissolution of the mutual  
 48 holding company, each shareholder has the same rights  
 49 relative to other shareholders as the shareholder  
 50 would have upon dissolution of a mutual association if

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1 the stock association which is a wholly owned  
 2 subsidiary of the mutual holding company were such  
 3 mutual association. This section supersedes  
 4 conflicting provisions of chapter 496A and other  
 5 sections of this chapter.

6 Sec. 37. NEW SECTION. 534.519 FORMATION OF  
 7 MUTUAL HOLDING COMPANY.

8 A mutual holding company may be formed as provided  
 9 in one or more transactions authorized in this  
 10 section.

11 1. PLAN OF REORGANIZATION. The board of directors  
 12 of a mutual association shall adopt a plan of  
 13 reorganization providing for all of the following:

14 a. The organization of a corporation under chapter  
 15 496A to become the mutual holding company.

16 b. The incorporation of a stock association under  
 17 this chapter.

18 c. The transfer from the mutual association to the  
 19 stock association of a substantial part of its assets.

20 d. The assumption by the stock association of all  
 21 of the deposit account liabilities of the mutual  
 22 association.

23 e. The transfer from the mutual association to the  
 24 mutual holding company of a portion of its assets.

25 f. The issuance by the stock association of all of  
26 its common stock to the mutual holding company.  
27 g. The members of the mutual association becoming  
28 shareholders of the mutual holding company.  
29 h. Any other lawful provisions as determined by  
30 the board of directors.  
31 2. APPROVAL AND NOTIFICATION. The approval of the  
32 plan of reorganization by the members of the mutual  
33 association is not required. The plan of  
34 reorganization shall be submitted to the supervisor  
35 for approval as provided in section 534.509,  
36 subsection 4, for a plan of conversion. The board of  
37 directors shall also submit to the supervisor for  
38 approval a summary of the plan of reorganization which  
39 shall be mailed to the members of the mutual  
40 association after approval of the plan of  
41 reorganization by the supervisor.  
42 Sec. 38. NEW SECTION. 534.520 CONVERSION OF  
43 MUTUAL HOLDING COMPANY.  
44 A mutual holding company may be converted to a  
45 stock holding company as provided in this section.  
46 1. PLAN OF CONVERSION. The board of directors of  
47 the mutual holding company shall adopt a plan of  
48 conversion providing for the issuance of stock  
49 certificates to the shareholders of the mutual holding  
50 company as of a specified date of conversion and

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1 providing for any other lawful provisions as  
2 determined by the board of directors.  
3 2. APPROVAL AND NOTIFICATION. The approval of the  
4 plan of conversion by the shareholders of the mutual  
5 holding company is not required. The plan of  
6 conversion shall be submitted to the supervisor for  
7 approval as provided in section 534.509, subsection 4,  
8 for a plan of conversion of an association. The board  
9 of directors shall also submit to the supervisor for  
10 approval a summary of the plan of conversion which  
11 shall be mailed to the shareholders of the mutual  
12 holding company after approval of the plan of  
13 conversion by the supervisor.  
14 Sec. 39. Section 535.8, subsection 2, paragraph b,  
15 Code Supplement 1985, is amended by adding the  
16 following new unnumbered paragraph:  
17 NEW UNNUMBERED PARAGRAPH. Upon request of the  
18 borrower, the lender shall provide the borrower with a  
19 copy of any document or report that the lender used in  
20 processing the loan and for which the borrower was  
21 charged under this paragraph "b". The borrower's

22 right to copies under this paragraph is retroactive  
23 and may be exercised for any loan on property in which  
24 the borrower has an ownership interest at the time of  
25 the request.

26 Sec. 40. Section 535.10, subsection 2, Code 1985,  
27 is amended by striking the subsection and inserting  
28 the following:

29 2. A home equity line of credit is subject to  
30 chapter 537 regardless of whether the amount financed,  
31 as defined in section 537.1301, subsection 4,  
32 paragraph "b", exceeds twenty-five thousand dollars  
33 and regardless of whether the debt is incurred  
34 primarily for a personal, family or household purpose  
35 as long as the account is secured by real estate which  
36 is the consumer's principal dwelling. However,  
37 sections 537.2307, 537.2402, and 537.2510 do not apply  
38 to a home equity line of credit.

39 Sec. 41. Section 536A.22, Code 1985, is amended to  
40 read as follows:

41 536A.22 THRIFT CERTIFICATES.

42 Licensed industrial loan companies may sell senior  
43 debt to the general public in the form of thrift  
44 certificates, installment thrift certificates,  
45 certificates of indebtedness, promissory notes, or  
46 similar evidences of indebtedness. The total amount  
47 of ~~such the~~ thrift certificates, installment thrift  
48 certificates, certificates of indebtedness, promissory  
49 notes, or similar evidences of indebtedness  
50 outstanding and in the hands of the general public

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1 shall not at any time exceed ten times the total  
2 amount of capital, surplus, and undivided profits and  
3 ~~subordinated debt that gives priority to such~~  
4 ~~securities~~ of the issuing industrial loan company.

5 Except as provided in chapter 536B, the sale of ~~such~~  
6 ~~the securities shall be is~~ subject to ~~the provisions~~  
7 of chapter 502, and ~~shall is not be construed to be~~  
8 ~~exempt therefrom from~~ chapter 502 by reason of ~~the~~  
9 ~~provisions of section 502.202, subsection 10, except~~  
10 that the sale of thrift certificates or installment  
11 thrift certificates which are redeemable by the holder  
12 ~~thereof~~ either upon demand or within a period not in  
13 excess of one hundred eighty days ~~shall be are~~ exempt  
14 from sections 502.201 and 502.602.

15 Sec. 42. NEW SECTION. 554.4110 CREDITING OF  
16 CHECKS.

17 1. As used in this section, unless the context  
18 otherwise requires:

- 19 a. "Account" means a demand deposit account or  
20 other similar transaction account including, but not  
21 limited to, a negotiable order of withdrawal account  
22 or a share draft account at a financial institution.
- 23 b. "Business day" means any day other than  
24 Saturday, Sunday, or a legal holiday.
- 25 c. "Cashier's check" means a check which is drawn  
26 on a financial institution, is signed by an officer or  
27 employee of the financial institution, and is a direct  
28 obligation of the financial institution.
- 29 d. "Certified check" means a check with respect to  
30 which a financial institution certifies that the  
31 signature on the check is genuine and the financial  
32 institution has set aside funds from the account which  
33 are equal to the amount of the check and are to be  
34 used only to pay the check.
- 35 e. "Check" means any negotiable demand draft drawn  
36 on or payable through a financial institution.
- 37 f. "Depository check" means a cashier's check,  
38 certified check, teller's check, or other functionally  
39 equivalent instrument.
- 40 g. "Financial institution" means a bank, savings  
41 and loan association, savings bank, or credit union.
- 42 h. "Teller's check" means a check issued by a  
43 financial institution and drawn on another depository  
44 institution.
- 45 2. Funds deposited in an account at a financial  
46 institution doing business in this state by check  
47 shall be available on two business days following the  
48 business day on which the check was deposited if  
49 either of the following is applicable:
- 50 a. The check is an amount of one hundred dollars

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- 1 or less.
- 2 b. The check is deposited in the same financial  
3 institution on which it is drawn or is deposited in a  
4 office or a branch of the same financial institution  
5 on which it is drawn.
- 6 3. Not more than four business days shall  
7 intervene between the business day on which funds are  
8 deposited in an account at a financial institution  
9 doing business in this state by a check drawn on a  
10 financial institution located in this state and the  
11 business day on which the funds are available for  
12 withdrawal.
- 13 4. The time limitations contained in subsections 2  
14 and 3 may be extended by one business day if the  
15 deposit is at a shared automatic teller machine.

16 5. The time limitations in subsections 2 and 3 may  
17 be extended by one business day if the financial  
18 institution in which the check is deposited utilizes a  
19 correspondent or depository financial institution in  
20 the check clearing process.

21 6. The time limitations contained in subsections 2  
22 and 3 do not apply to a check deposited in an account  
23 that has been open less than thirty calendar days.

24 7. In the case of funds deposited on any business  
25 day in an account at a financial institution by checks  
26 the aggregate amount of which exceeds five thousand  
27 dollars, subsections 2 and 3 shall apply only with  
28 respect to the first five thousand dollars of such  
29 aggregate amount.

30 8. In the case of a check which was returned  
31 unpaid by the originating financial institution,  
32 subsections 2 and 3 shall not apply to any subsequent  
33 redeposit of such check in an account at a financial  
34 institution.

35 9. In any case in which, on three separate and  
36 distinct occasions within any six-month period, any  
37 account (or successor account) of a depositor has been  
38 the subject of checks which were written by such  
39 depositor and which were in excess of the available  
40 funds in the account involved, subsections 2 and 3  
41 shall not apply to any such account for a period of  
42 six months following the last occasion involved.

43 10. Subsections 2 and 3 shall not apply in any  
44 case in which a check is drawn on a financial  
45 institution, or an office of a financial institution,  
46 located outside of the United States.

47 11. A financial institution shall post in a  
48 conspicuous place in each location where deposits are  
49 accepted by individuals employed by the financial  
50 institution, a specific notice which describes the

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1 time periods applicable to the availability of funds  
2 deposited in a customer's account.

3 12. In the case of an automated teller machine at  
4 which funds are received for deposit in an account at  
5 a financial institution, the owner or operator of the  
6 automated teller machine shall post a general notice  
7 that funds deposited in the machine may not be  
8 immediately available for withdrawal.

9 Sec. 43. NEW SECTION. 654.2A FORECLOSURE ON  
10 HOMESTEAD --NOTICE, RIGHT TO CURE DEFAULT.

11 1. A creditor shall not initiate an action  
12 pursuant to this chapter to foreclose on a deed of

13 trust or mortgage on a homestead, as defined in  
14 chapter 561, until the creditor has complied with this  
15 section.

16 2. A creditor who believes in good faith that a  
17 borrower on a deed of trust or mortgage on a homestead  
18 is in default shall give the borrower a notice of  
19 right to cure as provided in section 654.2B. A  
20 creditor gives the notice when the creditor delivers  
21 the notice to the consumer or mails the notice to the  
22 borrower's residence.

23 3. The borrower has a right to cure the default  
24 within thirty days from the date the creditor gives  
25 the notice.

26 4. a. The creditor shall not accelerate the  
27 maturity of the unpaid balance of the obligation,  
28 demand or otherwise take possession of the land,  
29 otherwise than by accepting a voluntary surrender of  
30 it, or otherwise attempt to enforce the obligation  
31 until thirty days after a proper notice of right to  
32 cure is given.

33 b. Until the expiration of thirty days after  
34 notice is given, the borrower may cure the default by  
35 tendering either the amount of all unpaid installments  
36 due at the time of tender, without acceleration, or  
37 the amount stated in the notice of right to cure,  
38 whichever is less, or by tendering any other  
39 performance necessary to cure a default which is  
40 described in the notice of right to cure.

41 5. The act of curing a default restores to the  
42 borrower the borrower's rights under the obligation  
43 and the deed of trust or mortgage.

44 6. This section does not prohibit a borrower from  
45 voluntarily surrendering possession of the homestead  
46 and does not prohibit the creditor from enforcing the  
47 creditor's interest in the land at any time after the  
48 creditor has complied with this section and the  
49 borrower did not cure the alleged default.

50 Sec. 44. NEW SECTION. 654.2B REQUIREMENTS OF

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1 NOTICE OF RIGHT TO CURE.

2 The notice of right to cure shall be in writing and  
3 shall conspicuously state the name, address, and  
4 telephone number of the creditor to which payment is  
5 to be made, a brief identification of the obligation  
6 secured by the deed of trust or mortgage and of the  
7 borrower's right to cure the default, a statement of  
8 nature of the right to cure the default, a statement  
9 of the nature of the alleged default, a statement of

10 the total payment or other performance necessary to  
 11 cure the alleged default, the exact date by which the  
 12 amount must be paid or performance tendered and a  
 13 statement that if the borrower does not cure the  
 14 alleged default that the creditor is entitled to  
 15 proceed with initiating a foreclosure action.  
 16 Sec. 45. Section 654.18, Code Supplement 1985, is  
 17 amended by adding the following new subsection:  
 18 NEW SUBSECTION. 5. The agreement provided for in  
 19 subsection 1 is not enforceable against the mortgagor  
 20 if the agreement is entered into more than three  
 21 months prior to the recording of the conveyance from  
 22 the mortgagor to the mortgagee described in subsection  
 23 1, subparagraph (a). A prior agreement or arrangement  
 24 between the mortgagor and mortgagee, that they will  
 25 enter into an agreement provided for in subsection 1  
 26 if the mortgagor is unable to make payments or  
 27 otherwise is in danger of default, is void.  
 28 Sec. 46. Sections 43 and 44 of this Act shall  
 29 apply to any foreclosure on a homestead in which an  
 30 action pursuant to chapter 652 was initiated on or  
 31 after January 1, 1986.  
 32 Sec. 47. If the federal government enacts  
 33 legislation concerning the subject matter contained in  
 34 sections 4, 30, 35, and 42 of this Act, the attorney  
 35 general shall determine whether the federal  
 36 legislation preempts any part of this subject matter  
 37 contained in those sections. If the attorney general  
 38 determines that there is any preemption, sections 4,  
 39 30, 35, and 42 of this Act shall be deemed totally  
 40 preempted and shall be void.  
 41 Sec. 48. Sections 4, 30, 35, and 42 of this Act  
 42 are effective January 1, 1987.”  
 43 2. Title page, by striking lines 1 through 4 and  
 44 inserting the following: “An Act relating to  
 45 financial transactions.”

S-5946

- 1 Amend the House amendment, S-5945, to Senate File
- 2 2208 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. By striking page 20, line 39 through page 21,
- 5 line 14.
- 6 2. Renumber as necessary.

BERL E. PRIEBE

S-5947

1 Amend the House amendment, S-5945, to Senate File  
2 2208 as amended, passed, and reprinted by the Senate  
3 as follows:

4 1. Page 4, line 42, by striking the word and  
5 figure "subsection 2" and inserting the following:  
6 "subsections 2 and 3".

7 2. Page 5, by inserting after line 37 the  
8 following:

9 "3. a. An out-of-state bank holding company  
10 located in a state which is in the midwestern region  
11 of the United States may acquire, directly or  
12 indirectly, voting shares, an interest in, or control  
13 of banks located in Iowa if the state in which it is  
14 located permits bank holding companies located in Iowa  
15 to acquire voting shares, an interest in, or control  
16 of banks located within that state.

17 b. If it is ultimately determined that the  
18 limitation in paragraph "a" restricting reciprocity to  
19 states in the midwestern region of the United States  
20 is invalid, then all of paragraph "a" is void and no  
21 reciprocity is allowed. However, if paragraph "a"  
22 becomes void an out-of-state bank holding company,  
23 directly or indirectly, owning voting shares, an  
24 interest in, or control of a bank located in Iowa may  
25 maintain the interest and may expand holdings not to  
26 exceed the limitations contained in section 524.1802.

27 c. For the purposes of this subsection, a bank  
28 holding company is deemed to be located in the state  
29 in which the operations of its banking subsidiaries  
30 are "principally conducted" as defined in 12 U.S.C. §  
31 1842(d), as amended to January 1, 1971. For the  
32 purposes of this subsection, "midwestern region of the  
33 United States" includes the states of Iowa, Missouri,  
34 Nebraska, Kansas, South Dakota, North Dakota,  
35 Minnesota, Wisconsin, and Illinois."

JOHN A. PETERSON

S-5948

1 Amend the House amendment, S-5945, to Senate File  
2 2208 as amended, passed, and reprinted by the Senate  
3 as follows:

4 1. Page 4, by inserting after line 38 the  
5 following:

6 "Sec. \_\_\_\_ . Section 524.1201, Code 1985, is amended

7 to read as follows:

8 524.1201 GENERAL PROVISIONS.

9 ~~No bank shall open or maintain a branch bank.~~ A  
 10 state bank may establish and operate bank offices at  
 11 any location within this state and in any number as  
 12 deemed desirable by the bank, subject to approval and  
 13 regulation of the superintendent ~~and to the~~  
 14 ~~restrictions upon location and number imposed by~~  
 15 ~~section 524.1202.~~ A bank office may furnish all  
 16 banking services ordinarily furnished to customers and  
 17 depositors at the principal place of business of the  
 18 state bank which operates the office, and a bank  
 19 office manager or an officer of the bank shall be  
 20 physically present at each bank office during a  
 21 majority of its business hours. The central executive  
 22 and official business and principal record-keeping  
 23 functions of a state bank shall be exercised only at  
 24 its principal place of business, except that data  
 25 processing services referred to in section 524.804 may  
 26 be performed for the state bank at some other point.  
 27 All transactions of a bank office shall be immediately  
 28 transmitted to the principal place of business of the  
 29 state bank which operates the office, and no current  
 30 record-keeping functions shall be maintained at a bank  
 31 office except to the extent the state bank which  
 32 operates the office deems it desirable to keep there  
 33 duplicates of the records kept at the principal place  
 34 of business of the state bank.

35 Sec. \_\_\_\_ . Section 524.1204, Code 1985, is amended  
 36 to read as follows:

37 524.1204 PRIVILEGES EXTENDED TO NATIONAL BANKS.

38 The privileges extended to state banks by ~~section~~  
 39 ~~sections~~ 524.1201; ~~524.1202~~ and 524.1212 and chapter  
 40 527 shall be available on the same conditions to  
 41 national banks to the extent they are so authorized by  
 42 federal law.”

43 2. Page 24, by inserting after line 42 the  
 44 following:

45 “\_\_\_\_ . Section 524.1202, Code Supplement 1985, is  
 46 repealed”.

47 3. By renumbering as necessary.

JOHN A. PETERSON

S-5949

1 Amend the House amendment, S-5945, to Senate File  
 2 2208 as amended, passed, and reprinted by the Senate  
 3 as follows:

4 1. By striking page 1, line 3 through page 24,  
 5 line 45 and inserting the following:  
 6 "\_\_\_\_. Page 1, by inserting after line 21 the  
 7 following:  
 8 "Sec. \_\_\_\_ . The legislative council shall appoint  
 9 an interim study committee of members of both the  
 10 majority and minority parties of both the senate and  
 11 house of representatives to study the issue of the  
 12 current state and possible future directions of the  
 13 financial industry in the state. The committee shall  
 14 examine factors including, but not limited to, the  
 15 desirability of permitting interstate banking,  
 16 measures to assure that local community credit and  
 17 deposit needs are being met, lending and investment  
 18 policies and practices of financial institutions in  
 19 the state, the desirability of revising the state  
 20 limitation on branch banking and effects of federal  
 21 deregulation on financial institutions and customers  
 22 in this state.""  
 23 2. Title page, by striking lines 1 through 4 and  
 24 inserting the following: "An Act relating to  
 25 financial institutions and financial transactions."

JOHN PETERSON

S-5950

1 Amend House File 2492 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 3, by inserting after line 22 the  
 4 following:  
 5 "Sec. \_\_\_\_ . There is appropriated from the road use  
 6 tax fund to the following person the amount set  
 7 opposite that person's name in full settlement of the  
 8 person's claim which that person may have against the  
 9 state of Iowa:  
 10 Claimant Claim No. Nature of Claim Amount  
 11 Doyle D. G85-0654 Registration \$95.99  
 12 Felton Fee Refund".  
 13 2. Renumber sections and correct internal references  
 14 as necessary in accordance with this amendment.

RAY TAYLOR

S-5951

1 Amend House amendment S-5944 to Senate File  
 2 2304 as amended, passed and reprinted by the  
 3 Senate as follows:

- 4 1. Page 1, line 11, by inserting after the  
 5 figure "1986," the words "and funds shall not  
 6 revert to the general fund prior to such transfer".

CHARLES BRUNER

S-5952

- 1 Amend House File 2492 as amended, passed and re-  
 2 printed by the House as follows:  
 3 1. Page 2, by striking line 24 through page 3,  
 4 line 22.  
 5 2. Page 3, by striking lines 23 through 24.

DOUGLAS RITSEMA

S-5953

- 1 Amend the House Amendment, S-5945, to Senate File  
 2 2208 as amended, passed, and reprinted by the Senate  
 3 as follows:

DIVISION S-5953A

- 4 1. Page 1, by striking lines 5 through 10.

DIVISION S-5953B

- 5 2. Page 1, by striking lines 11 through 17.

DIVISION S-5953C

- 6 3. Page 1, by striking lines 18 through 23.

DIVISION S-5953E

- 7 4. Page 1, by striking lines 24 through 28.

DIVISION S-5953B (cont'd.)

- 8 5. Page 1, by striking lines 29 through 50.

DIVISION S-5953C (cont'd.)

- 9 6. Page 2, by striking lines 1 through 14.

DIVISION S-5953B (cont'd.)

- 10 7. Page 2, by striking lines 15 through 21.

## DIVISION S-5953F

11 8. Page 2, by striking lines 22 through 37.

## DIVISION S-5953G

12 9. By striking page 2, line 38 through page 3,  
13 line 13.

## DIVISION S-5953H

14 10. Page 3, by striking lines 14 through 36.

## DIVISION S-5953I

15 11. By striking page 3, line 37 through page 4,  
16 line 38.

## DIVISION S-5953D

17 12. By striking page 4, line 39 through page 5,  
18 line 37.

## DIVISION S-5953A (cont'd.)

19 13. By striking page 5, line 38 through page 9,  
20 line 11.

21 14. By striking page 9, line 12 through page 11,  
22 line 29.

## DIVISION S-5953J

23 15. Page 11, by striking lines 30 through 45.

24 16. By striking page 11, line 46 through page 12,  
25 line 10.

26 17. By striking page 12, line 11 through page 13,  
27 line 9.

28 18. Page 13, by striking lines 10 through 40.

29 19. By striking page 13, line 41 through page 14,  
30 line 7.

31 20. Page 14, by striking lines 8 through 19.

32 21. By striking page 14, line 20 through page 15,  
33 line 14.

## DIVISION S-5953K

34 22. Page 15, by striking lines 15 through 23.

## DIVISION S-5953L

35 23. Page 15, by striking lines 24 through 41.

## DIVISION S-5953M

36 24. By striking page 15, line 42 through page 16,  
37 line 8.

38 25. Page 16, by striking lines 9 and 10.

39 26. Page 16, by striking lines 11 through 13.

40 27. Page 16, by striking lines 14 through 25.

## DIVISION S-5953N

41 28. Page 16, by striking lines 26 through 41.

## DIVISION S-5953O

42 29. By striking page 16, line 42 through page 17,  
43 line 9.

## DIVISION S-5953E (cont'd.)

44 30. Page 17, by striking lines 10 through 14.

## DIVISION S-5953P

45 31. Page 17, by striking lines 15 through 44.

## DIVISION S-5953Q

46 32. By striking page 17, line 45 through page 18,  
47 line 5.

## DIVISION S-5953R

48 33. Page 18, by striking lines 6 through 15.

## DIVISION S-5953S

49 34. Page 18, by striking lines 16 through 32.

## DIVISION S-5953E (cont'd.)

50 35. Page 18, by striking lines 33 through 37.

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## DIVISION S-5953Q (cont'd.)

- 1 36. By striking page 18, line 38 through page 19,  
2 line 5.
- 3 37. Page 19, by striking lines 6 through 41.
- 4 38. By striking page 19, line 42 through page 20,  
5 line 13.

## DIVISION S-5953T

- 6 39. Page 20, by striking lines 14 through 25.

## DIVISION S-5953U

- 7 40. Page 20, by striking lines 26 through 38.

## DIVISION S-5953V

- 8 41. By striking page 20, line 39 through page 21,  
9 line 14.

## DIVISION S-5953E (cont'd.)

- 10 42. By striking page 21, line 15 through page 23,  
11 line 8.

## DIVISION S-5953W

- 12 43. Page 23, by striking lines 9 through 49.
- 13 44. By striking page 23, line 50 through page 24,  
14 line 15.

## DIVISION S-5953X

- 15 45. Page 24, by striking lines 16 through 27.

## DIVISION S-5953W (cont'd.)

- 16 46. page 24, by striking lines 28 through 31.

## DIVISION S-5953E (cont'd.)

- 17 47. Page 24, by striking lines 32 through 40.
- 18 48. Page 24, by striking lines 41 through 42.

## DIVISION S-5953Y

- 19 49. Page 24, by striking lines 43 through 45.  
 20 50. Renumber as necessary.

GEORGE R. KINLEY

## S-5954

- 1 Amend House File 2492 as passed by the House as  
 2 follows:  
 3 1. Page 1, line 32, by striking the words  
 4 "department of elder affairs,".  
 5 2. Page 1, line 35, by inserting after the word  
 6 "affairs," the following: "department of elder  
 7 affairs,".  
 8 3. Page 2, lines 3 and 4, by striking the words  
 9 "executive secretary of the state board of regents,".  
 10 4. Page 2, line 10, by inserting after the word  
 11 "transportation," the following: "executive secretary  
 12 of the state board of regents,".

COMMITTEE ON APPROPRIATIONS  
 JOE WELSH, Chairman

## S-5955

- 1 Amend House File 2492, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, line 28, by striking the words "of  
 4 fourteen" and inserting the following: "~~of fourteen~~".  
 5 2. Page 2, by striking lines 29 and 30 and  
 6 inserting the following: "~~thousand six hundred~~  
 7 ~~dollars for the year 1985 and subsequent years for a~~  
 8 calendar year equal to the average statewide starting  
 9 salary for teachers for the school year beginning the  
 10 preceding July 1 while serving as a member of the  
 11 general assembly. The".  
 12 3. Page 2, line 32, by striking the words "of  
 13 seventeen thousand one" and inserting the following:  
 14 "~~of seventeen thousand one~~".  
 15 4. Page 2, by striking line 33 and inserting the  
 16 following: "~~hundred dollars for the year 1985 and~~  
 17 subsequent years for a calendar year equal to the  
 18 average statewide salary for teachers for the school  
 19 year beginning the preceding July 1 while".

JOE BROWN

S-5956

- 1 Amend House File 2489 as passed by the House as  
2 follows:  
3 1. Page 1, line 33, by striking the words "All or  
4 a portion" and inserting the following: "Up to sixty  
5 percent".

FORREST V. SCHWENGELS  
JULIA B. GENTLEMAN  
DALE TIEDEN  
HURLEY W. HALL

S-5957

- 1 Amend House File 2476 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 5, line 19, by striking the words "two  
4 hundred fifty" and inserting the words "one hundred".  
5 2. Page 5, line 21, by striking the words "one  
6 hundred" and inserting the words "twenty-five".

CALVIN O. HULTMAN

S-5958

- 1 Amend House File 2476 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 2, by striking line 11 and inserting the  
4 following:  
5 "(5) A candidate would be eligible to receive a  
6 public grant in an amount equal to one dollar for one  
7 dollar of qualifying contributions received from  
8 individuals and political action committees but not to  
9 exceed two hundred fifty thousand dollars."  
10 2. Page 2, by striking line 23 and inserting the  
11 following:  
12 "(5) A candidate would be eligible to receive a  
13 public grant in an amount equal to one dollar for one  
14 dollar of qualifying contributions received from  
15 individuals and political action committees but not to  
16 exceed twenty-five thousand dollars."  
17 3. Page 2, by striking line 33 and inserting the  
18 following:  
19 "(5) A candidate would be eligible to receive a  
20 public grant in an amount equal to one dollar for one  
21 dollar of qualifying contributions received from

22 individuals and political action committees but not to  
23 exceed six thousand dollars.”

24 4. Page 3, by striking line 8 and inserting the  
25 following:

26 “(5) A candidate would be eligible to receive a  
27 public grant in an amount equal to one dollar for one  
28 dollar of qualifying contributions received from  
29 individuals and political action committees but not to  
30 exceed the three thousand dollars.”

31 5. Page 5, line 17, by striking the word “twice”.

32 6. Page 5, line 18, by inserting after the word  
33 “individuals” the words “and political action  
34 committees”.

35 7. Page 5, line 27, by inserting after the word  
36 “individuals” the words “and political action  
37 committees”.

CALVIN O. HULTMAN

S-5959

1 Amend House File 2476 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 1, by striking lines 8 through 11.

4 2. Page 1, line 32, by striking the word  
5 “action”.

6 3. Page 1, line 34, by striking the word  
7 “action”.

8 4. Page 2, line 5, by striking the word “action”.

9 5. Page 2, line 7, by striking the word “action”.

10 6. Page 2, line 17, by striking the word  
11 “action”.

12 7. Page 2, line 19, by striking the word  
13 “action”.

14 8. Page 2, line 27, by striking the word  
15 “action”.

16 9. Page 2, line 29, by striking the word  
17 “action”.

18 10. Page 3, line 2, by striking the word  
19 “action”.

20 11. Page 3, line 4, by striking the word  
21 “action”.

CALVIN O. HULTMAN

S-5960

1 Amend the House amendment, S-5945, to Senate File  
2 2208 as amended, passed and reprinted by the Senate as  
3 follows:

4 1. Page 4, by inserting after line 38 the  
5 following:

6 "Sec. \_\_\_\_ . Section 524.1202, subsection 1, Code  
7 Supplement 1985, is amended to read as follows:

8 1. Except as otherwise provided in subsection 2 of  
9 ~~this section or section 524.1421~~, ~~no~~ a state bank  
10 shall not establish a bank office outside the  
11 corporate limits of a municipal corporation or in a  
12 municipal corporation in which there is already an  
13 established state or national bank or office, ~~however~~,  
14 However, the subsequent chartering and establishment  
15 of ~~any~~ a state or national bank, through the opening  
16 of its principal place of business within the  
17 municipal corporation where the bank office is  
18 located, shall not affect the right of the bank office  
19 to continue in operation in that municipal  
20 corporation. The existence and continuing operation  
21 of a bank office shall not be affected by the  
22 subsequent discontinuance of a municipal corporation  
23 pursuant to ~~the provisions of~~ sections 368.11 to  
24 368.22. A bank office existing and operating on July  
25 1, 1976, which is not located within the confines of a  
26 municipal corporation, shall be allowed to continue  
27 its existence and operation without regard to this  
28 subsection.

29 Sec. \_\_\_\_ . NEW SECTION. 524.1421 REORGANIZATION  
30 OF BANK AFFILIATES.

31 1. Notwithstanding any other provision of this  
32 chapter, the resulting bank of a merger or  
33 consolidation of two or more banks, which have been  
34 affiliates as defined in section 524.1101 for more  
35 than five years prior to the effective date of the  
36 merger or consolidation, may retain and operate as its  
37 retained bank offices the principal places of business  
38 and all bank offices of the affiliate banks which are  
39 merged or consolidated into the resulting bank.

40 2. The resulting bank may establish bank offices  
41 allowed by other sections of this chapter to the same  
42 extent as if the merger or consolidation had not  
43 occurred.

44 3. This section does not permit the resulting bank  
45 to establish after the effective date of the merger or  
46 consolidation any bank offices in addition to those  
47 allowed to the resulting bank by other sections of

48 this chapter. However, the resulting bank may  
49 establish and operate facilities which in the absence  
50 of the merger or consolidation would be considered

**Page 2**

1 under section 524.1202, subsection 2, paragraphs "c"  
2 and "d", to be an integral part of the former  
3 principal places of business of the affiliates which  
4 are merged or consolidated into the resulting bank.

5 4. Retained bank offices as provided in subsection  
6 1 shall be operated by the resulting bank in the same  
7 manner as bank offices established under section  
8 524.1201. The banks which are merged or consolidated  
9 under this section shall retain an advisory board of  
10 directors to advise on the operations of the retained  
11 bank office. The board shall be comprised of citizens  
12 residing in the area served by the bank office.

13 5. This section does not alter the limitations  
14 upon bank holding companies contained in section  
15 524.1802.

16 6. The privileges of this section are available on  
17 the same conditions to national banks.

18 7. This section shall be strictly construed as an  
19 exception to the bank office location limitations  
20 contained in section 524.1202 and it is the intent of  
21 the general assembly that a court or regulatory agency  
22 interpreting this section shall not interpret it to  
23 permit statewide branch banking or the location of a  
24 bank office in this state other than as provided in  
25 this section and in sections 524.312 and 524.1202.

26 This section does not authorize the establishment of  
27 bank offices at any time or by any bank except when  
28 done as the direct and immediate consequence of a  
29 merger or consolidation, does not authorize the  
30 establishment of the principal place of business of  
31 the resulting bank of a merger or consolidation at any  
32 location other than one actually occupied and operated  
33 as a principal place of business of one of the parties  
34 to the merger or consolidation, does not authorize a  
35 bank office at any location other than one actually  
36 occupied and operated as a principal place of business  
37 or bank office by one of the parties to the merger or  
38 consolidation, and does not authorize a greater number  
39 of bank offices within the municipality or urban  
40 complex of the principal place of business of the  
41 resulting bank than is expressly permitted by section

42 524.1202, subsection 2.”  
43 2. Renumber as necessary.

WILLIAM D. PALMER  
WALLY E. HORN  
ARTHUR A. SMALL, JR.

S-5961

1 Amend House File 2489 as passed by the House as  
2 follows:  
3 1. Page 2, line 7, by striking the words “stamp  
4 revenue”.  
5 2. Page 2, line 24, by inserting after the word  
6 “acquisition.” the following: “However, the  
7 commission shall not have a total principal amount of  
8 bonds outstanding at anytime in excess of eight  
9 million dollars.”  
10 3. Page 2, line 29, by striking the words  
11 “wildlife habitat stamp”.  
12 4. Page 4, line 23, by striking the words  
13 “wildlife habitat stamp”.  
14 5. Page 6, by striking lines 1 through 10 and  
15 inserting the following:  
16 “1. Provide that the bonds be secured by a first  
17 lien on the revenues and receipts received or to be  
18 received into the wildlife habitat bond fund from  
19 income from the investment of the wildlife habitat  
20 bond fund, from moneys received from the sale of  
21 bonds, and from any other moneys which are available  
22 for the payment of bond service charges.  
23 2. Pledge for the benefit of the bondholders any  
24 part of the receipts in the wildlife habitat bond  
25 fund. The pledge shall be effective without physical  
26 delivery or further act and moneys in the fund may be  
27 applied for the purposes as pledged without the  
28 necessity of an Act of appropriation.”  
29 6. Page 7, lines 10 and 11, by striking the words  
30 “wildlife habitat stamp”.

JOE WELSH

S-5962

1 Amend the House amendment, S-5945, to Senate File  
2 2208 as amended, passed, and reprinted by the Senate  
3 as follows:  
4 1. Page 1, by inserting after line 10 the

5 following:

6 "Sec. \_\_\_\_ . Section 422.61, subsection 1, Code  
7 Supplement 1985, is amended to read as follows:

8 1. "Financial institution" means a state bank as  
9 defined in section 524.103, subsection 19, a national  
10 banking association ~~having its principal office within~~  
11 this, a state bank chartered by another state, a trust  
12 company, a federally chartered savings and loan  
13 association, a financial institution chartered by the  
14 federal home loan bank board, an association  
15 incorporated or authorized to do business under  
16 chapter 534, or a production credit association.

17 Sec. \_\_\_\_ . Section 453.4, Code 1985, is amended by  
18 striking the section and inserting in lieu thereof the  
19 following:

20 453.4 LOCATION OF DEPOSITORIES.

21 1. Public funds deposited pursuant to section  
22 453.1 may be deposited in any depository located in  
23 the state.

24 2. Deposits may be made in depositories outside of  
25 the state for the purpose of paying principal and  
26 interest on bonded indebtedness of any municipality  
27 when the deposit is made not more than ten days before  
28 the date the principal or interest becomes due. In  
29 addition, the treasurer of state may maintain an  
30 account outside the state of Iowa for the purpose of  
31 providing custodial services for the state and state  
32 retirement fund accounts."

33 2. Page 5, by inserting after line 37 the  
34 following:

35 "As used in this subsection, the term "appropriate  
36 regulatory authorities" includes the state  
37 superintendent of banking. The superintendent shall  
38 require the bank holding company proposing to make the  
39 acquisition to immediately file all information  
40 required pursuant to section 453.6A relating to the  
41 commitment to and history of community reinvestment.  
42 The superintendent shall not approve an acquisition  
43 unless the superintendent finds that the bank holding  
44 company has done all of the following:

45 a. Provided all information and documents  
46 requested by the superintendent under this section.  
47 b. Demonstrated an acceptable prior record of  
48 meeting the credit and deposit needs of the local  
49 communities in which it has engaged in the banking  
50 business.

Page 2

1 c. Demonstrated a commitment and willingness to  
2 meet the credit and deposit needs of the local Iowa  
3 communities it will serve if the application is  
4 approved.

5 d. Demonstrated financial resources, prior  
6 investment policies, and managerial capabilities which  
7 will enable it adequately to serve the local Iowa  
8 communities in which it will engage in the banking  
9 business if the acquisition is approved.

10 e. Satisfied any other conditions or requirements  
11 established by the superintendent.

12 In making the determinations under this subsection,  
13 the superintendent shall review documents filed with  
14 federal regulatory authorities pursuant to the  
15 Community Reinvestment Act, 12 U.S.C. §2901 et seq.  
16 and regulations adopted pursuant to the Act regarding  
17 the bank holding company which proposes the  
18 acquisition, and financial institutions owned or  
19 controlled by the bank holding company. In addition,  
20 consistent with the confidentiality of financial  
21 institution records, the superintendent shall consider  
22 other factors including the factors enumerated in  
23 section 453.6A, subsection 4, paragraph "a" through  
24 "h". Notwithstanding section 22.7, subsection 21, if  
25 the application is approved, as soon as practical the  
26 superintendent shall make documents filed under this  
27 subsection relating to community reinvestment  
28 available and accessible for examination by citizens."

29 3. Page 7, line 28, by inserting after the word  
30 "credit" the following: "and deposit".

31 4. Page 7, line 31, by inserting after the word  
32 "credit" the following: "and deposit".

33 5. Page 7, by inserting after line 40 the  
34 following:

35 " \_\_\_\_ . In making the determinations under paragraph  
36 "c", the superintendent shall require the bank holding  
37 company proposing to make the acquisition to  
38 immediately file all information required pursuant to  
39 section 453.6A relating to the commitment to and  
40 history of community reinvestment. The superintendent  
41 shall review documents filed with federal regulatory  
42 authorities pursuant to the Community Reinvestment  
43 Act, 12 U.S.C. §2901 et seq. and regulations adopted  
44 pursuant to the Act, regarding the bank holding  
45 company which proposes to acquire the failed bank, and  
46 financial institutions owned or controlled by the bank  
47 holding company. In addition, consistent with the  
48 confidentiality of financial institution records, the

49 superintendent shall consider other factors including  
50 the factors enumerated in section 453.6A, subsection

**Page 3**

1 4, paragraph "a" through "h". Notwithstanding section  
2 22.7, subsection 21, if the application is approved,  
3 as soon as practical the superintendent shall make  
4 documents filed under this section relating to  
5 community reinvestment available and accessible for  
6 examination by citizens."

7 6. Page 11, line 9, by inserting after the word  
8 "credit" the following: "and deposit".

9 7. Page 11, line 12, by inserting after the word  
10 "credit" the following: "and deposit".

11 8. Page 11, by inserting after line 18 the  
12 following:

13 " \_\_\_\_ . In making the determinations under  
14 subsection 5, the superintendent shall require the  
15 bank holding company proposing to make the acquisition  
16 to immediately file all information required pursuant  
17 to section 453.6A relating to the commitment to and  
18 history of community reinvestment. The superintendent  
19 and the court shall review documents filed with  
20 federal regulatory authorities pursuant to the  
21 Community Reinvestment Act, 12 U.S.C. §2901 et seq.  
22 and regulations adopted pursuant to the Act regarding  
23 the bank holding company which proposes to acquire the  
24 distressed bank holding company, and financial  
25 institutions owned or controlled by the bank holding  
26 company. In addition, consistent with the  
27 confidentiality of financial institution records, the  
28 superintendent shall consider other factors including  
29 the factors enumerated in section 453.6A, subsection  
30 4, paragraphs "a" through "h". Notwithstanding  
31 section 22.7, subsection 21, if the application is  
32 approved, as soon as practical, the superintendent  
33 shall make documents filed under this section relating  
34 to community reinvestment available and accessible for  
35 examination by citizens."

36 9. Renumber as necessary.

S-5963

- 1 Amend House File 2493 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 25, by striking lines 5 through 13.

JIM LIND

S-5964

- 1 Amend House File 2492, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 15, by striking the word  
4 "services" and inserting the following: "appeal".  
5 2. Page 1, line 16, by striking the figure "2"  
6 and inserting the following: "3".  
7 3. Page 1, by inserting after line 16 the  
8 following:  
9 "The salary ranges referred to in subsections 2  
10 through 4 mean the salary ranges specified in 1983  
11 Iowa Acts, chapter 205, section 7."

ROBERT M. CARR

S-5965

- 1 Amend House File 2492 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 3, line 12, by striking the words "~~twenty-~~  
4 ~~five~~ thirty-five" and inserting in lieu thereof the  
5 words "twenty-five".

JULIA GENTLEMAN

S-5966

- 1 Amend House File 2492 as amended, assed and re-  
2 printed by the House as follows:  
3 1. Page 3, by inserting after line 22 the words  
4 "Every member of the general assembly shall receive,  
5 for interim committee work, a per diem stipend of  
6 sixty dollars in addition to expenses paid."

ARTHUR SMALL

S-5967

1 Amend House File 2492, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 3, by inserting before line 25 the  
4 following:

5 Sec. \_\_\_\_ . Section 14.13, subsection 1, paragraphs  
6 c and d, Code Supplement 1985, are amended to read as  
7 follows:

8 c. Correct internal references to sections which  
9 are cited erroneously or have been repealed, and names  
10 of agencies, officers, or other entities which have  
11 been changed, when there appears to be no doubt as to  
12 the proper methods of making the corrections. The  
13 Code editor shall ~~compile a list~~ maintain a record of  
14 the corrections made under this paragraph ~~in Code~~  
15 ~~editor's notes to the edition of the Code in which the~~  
16 ~~corrections are made. This list~~ The record shall be  
17 available to the public.

18 d. Transpose sections or divide sections so as to  
19 give to distinct subject matters a section number but  
20 without changing the meaning and add or amend  
21 headnotes to sections and subsections. Pursuant to  
22 section 3.3, the headnotes are not part of the law.

23 Sec. \_\_\_\_ . Section 14.13, subsections 2 and 3, Code  
24 Supplement 1985, are amended to read as follows:

25 2. The Code editor or designee, in carrying out  
26 the duties specified in this chapter relating to  
27 publication of the Code and the Iowa administrative  
28 code, shall edit ~~the Code~~ them in order that words  
29 which designate one gender will be changed to reflect  
30 both genders when the provisions of law apply to  
31 persons of both genders. The Code editor or designee  
32 shall not make any substantive changes to the Code or  
33 Iowa administrative code while performing the  
34 editorial work. The Code editor or designee shall  
35 seek direction from the senate committee on judiciary  
36 and the house committee on judiciary and law  
37 enforcement when making ~~any~~ Code changes, and from the  
38 administrative rules review committee and the  
39 administrative rules coordinator when making Iowa  
40 administrative code changes, which appear to require  
41 substantial editing and which might otherwise be  
42 interpreted to exceed the scope of the Code editor's  
43 authority. The Code editor or designee shall maintain  
44 a record of the changes made under this subsection.  
45 The record shall be available to the public.

46 3. The effective date of all editorial changes in  
47 an edition of the Code or supplement to the Code is  
48 the date the legislative council approves the printing  
49 contract for publication of that edition or  
50 supplement. The effective date of all editorial

Page 2

- 1 changes for the Iowa administrative code is the date  
2 those changes are published in the Iowa administrative  
3 code.  
4 2. By renumbering sections as necessary.

BERL E. PRIEBE

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2473

S-5968

- 1 Amend the Senate amendment H-6112 to House File  
2 2473 as amended, passed and reprinted by the House as  
3 follows:  
4 1. By striking page 1, line 3 through page 3,  
5 line 23, and inserting the following:  
6 2. Page 3, line 31, by striking the word "ten"  
7 and inserting the word "twenty".  
8 3. Page 4, by striking lines 25 through 28 and  
9 inserting the following: "agricultural land so  
10 acquired shall be sold or otherwise disposed of within  
11 two years after title is transferred. Pending the  
12 sale or disposition, the land shall not be used for  
13 any".  
14 4. Page 4, line 33, by inserting after the figure  
15 "172C.4." the following: "Agricultural land which has  
16 been acquired pursuant to this paragraph shall not be  
17 acquired or utilized by the nonresident alien, foreign  
18 business, or foreign government, or an agent, trustee,  
19 or fiduciary thereof, under either paragraph "d" or  
20 paragraph "e".  
21 5. Page 7, line 23, by striking the word "ten"  
22 and inserting the word "twenty".  
23 6. Page 8, by striking lines 6 through 24.  
24 7. Page 9, line 30, by striking the word "ten"  
25 and inserting the word "twenty".  
26 8. Page 13, line 26, by striking the word "ten"  
27 and inserting the word "twenty".  
28 9. Page 14, line 2, by inserting after the word  
29 "Iowa" the following: ", but not later than July 1,  
30 1986".  
31 10. Title page, line 3, by striking the word  
32 "default," and inserting the words "default and".  
33 11. Title page, lines 3 and 4, by striking the

34 words “, and the separate redemption of a homestead”.  
35 12. By renumbering, relettering, or redesignating  
36 and correcting internal references as necessary.  
37 hf,2473.H

S-5969

1 Amend House File 2493 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. 321J.1 DEFINITIONS.  
6 As used in this chapter unless the context  
7 otherwise requires:  
8 1. “Alcohol concentration” means the number of  
9 grams of alcohol per any of the following:  
10 a. One hundred milliliters of blood.  
11 b. Two hundred ten liters of breath.  
12 c. Sixty-seven milliliters of urine.  
13 2. “Alcoholic beverage” includes alcohol, wine,  
14 spirits, beer, or any other beverage which contains  
15 ethyl alcohol and is fit for human consumption.  
16 3. “Arrest” includes but is not limited to taking  
17 into custody pursuant to section 232.19.  
18 4. “Department” means the state department of  
19 transportation.  
20 5. “Director” means the director of transportation  
21 or the director’s designee.  
22 6. “Motor vehicle license” means any license or  
23 permit issued to a person to operate a motor vehicle  
24 in this state, including but not limited to an  
25 operator, chauffeur, or motorized bicycle license and  
26 an instruction or temporary permit.  
27 7. “Peace officer” means:  
28 a. A member of the highway patrol.  
29 b. A police officer under civil service as  
30 provided in chapter 400.  
31 c. A sheriff.  
32 d. A regular deputy sheriff who has had formal  
33 police training.  
34 e. Any other law enforcement officer who has  
35 satisfactorily completed an approved course relating  
36 to motor vehicle operators under the influence of  
37 alcoholic beverages at the Iowa law enforcement  
38 academy or a law enforcement training program approved  
39 by the department of public safety.  
40 8. “Serious injury” means a bodily injury which  
41 creates a substantial risk of death, or which causes  
42 serious permanent disfigurement, or which causes

43 protracted loss or impairment of the function of any  
44 bodily organ or major bodily member, or which causes  
45 the loss of any bodily member.  
46 Sec. 2. NEW SECTION. 321J.2 OPERATING WHILE  
47 UNDER THE INFLUENCE OF ALCOHOL OR A DRUG OR WHILE  
48 HAVING AN ALCOHOL CONCENTRATION OF .10 OR MORE. (OWI)  
49 1. A person commits the offense of operating while  
50 intoxicated if the person operates a motor vehicle in

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1 this state in either of the following conditions:  
2 a. While under the influence of an alcoholic  
3 beverage or other drug or a combination of such  
4 substances.  
5 b. While having an alcohol concentration as  
6 defined in section 321J.1 of .10 or more.  
7 2. A person who violates this section commits:  
8 a. A serious misdemeanor for the first offense and  
9 shall be imprisoned in the county jail for not less  
10 than forty-eight hours to be served as ordered by the  
11 court, less credit for any time the person was  
12 confined in a jail or detention facility following  
13 arrest, and assessed a fine of not less than five  
14 hundred dollars nor more than one thousand dollars.  
15 As an alternative to a portion or all of the fine, the  
16 court may order the person to perform not more than  
17 two hundred hours of unpaid community service. The  
18 court may accommodate the sentence to the work  
19 schedule of the defendant.  
20 b. An aggravated misdemeanor for a second offense  
21 and shall be imprisoned in the county jail or  
22 community-based correctional facility not less than  
23 seven days, which minimum term cannot be suspended  
24 notwithstanding section 901.5, subsection 3 and  
25 section 907.3, subsection 2, and assessed a fine of  
26 not less than seven hundred fifty dollars.  
27 c. A class "D" felony for a third offense and each  
28 subsequent offense and shall be imprisoned in the  
29 county jail or community-based correctional facility  
30 for not less than thirty days, which minimum term  
31 cannot be suspended notwithstanding section 901.5;  
32 subsection 3, and section 907.3, subsection 2, and  
33 assessed a fine of not less than seven hundred fifty  
34 dollars.  
35 3. No conviction for, deferred judgment for, or  
36 plea of guilty to, a violation of this section which  
37 occurred more than six years prior to the date of the  
38 violation charged shall be considered in determining  
39 that the violation charged is a second, third, or

40 subsequent offense. For the purpose of determining if  
41 a violation charged is a second, third, or subsequent  
42 offense, deferred judgments pursuant to section 907.3  
43 for violations of this section and convictions or the  
44 equivalent of deferred judgments for violations in any  
45 other states under statutes substantially  
46 corresponding to this section shall be counted as  
47 previous offenses. The courts shall judicially notice  
48 the statutes of other states which define offenses  
49 substantially equivalent to the one defined in this  
50 section and can therefore be considered corresponding

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1 statutes. Each previous violation shall be considered  
2 a separate previous offense without regard to whether  
3 each was complete as to commission and conviction or  
4 deferral of judgment following or prior to any other  
5 previous violation.

6 4. A person shall not be convicted and sentenced  
7 for more than one violation of this section if the  
8 violation is shown to have been committed by either or  
9 both of the means described in subsection 1 in the  
10 same occurrence.

11 5. The clerk of court shall immediately certify to  
12 the department a true copy of each order entered with  
13 respect to deferral of judgment, deferral of sentence  
14 or pronouncement of judgment and sentence for a  
15 defendant under this section.

16 6. This section does not apply to a person  
17 operating a motor vehicle while under the influence of  
18 a drug if the substance was prescribed for the person  
19 and was taken under the prescription and in accordance  
20 with the directions of a medical practitioner as  
21 defined in section 155.3, subsection 11, if there is  
22 no evidence of the consumption of alcohol and the  
23 medical practitioner had not directed the person to  
24 refrain from operating a motor vehicle.

25 7. In any prosecution under this section, evidence  
26 of the results of analysis of a specimen of the  
27 defendant's blood, breath, or urine is admissible upon  
28 proof of a proper foundation. The alcohol  
29 concentration established by the results of an  
30 analysis of a specimen of the defendant's blood,  
31 breath, or urine withdrawn within two hours after the  
32 defendant was driving or in physical control of a  
33 motor vehicle is presumed to be the alcohol  
34 concentration at the time of driving or being in  
35 physical control of the motor vehicle.

36 8. The court shall order a defendant convicted of

37 or receiving a deferred judgment for a violation of  
38 this section to make restitution, in an amount not to  
39 exceed two thousand dollars, for damages resulting  
40 directly from the violation. An amount paid pursuant  
41 to this restitution order shall be credited toward any  
42 adverse judgment in a subsequent civil proceeding  
43 arising from the same occurrence. However, other than  
44 establishing a credit, a restitution proceeding  
45 pursuant to this section shall not be given  
46 evidentiary or preclusive effect in a subsequent civil  
47 proceeding arising from the same occurrence.  
48 9. In any prosecution under this section, the  
49 results of a chemical test may not be used to prove a  
50 violation of paragraph "b" of subsection 1 if the

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1 alcohol concentration indicated by the chemical test  
2 minus the established margin of error inherent in the  
3 device or method used to conduct the chemical test  
4 does not equal an alcohol concentration of .10 or  
5 more.

6 Sec. 3. **NEW SECTION. 321J.3 COURT ORDERED**  
7 **SUBSTANCE ABUSE EVALUATION OR TREATMENT.**

8 1. On a conviction for a violation of section  
9 321J.2, the court may order the defendant to attend a  
10 course for drinking drivers under section 321J.22. If  
11 the defendant submitted to a chemical test on arrest  
12 for the violation of section 321J.2 and the test  
13 indicated an alcohol concentration of .20 or higher,  
14 the court shall order the defendant, on conviction, to  
15 undergo a substance abuse evaluation and the court may  
16 order the defendant to follow the recommendations  
17 proposed in the substance abuse evaluation for  
18 appropriate substance abuse treatment for the  
19 defendant. Court ordered substance abuse treatment is  
20 subject to the periodic reporting requirements of  
21 section 125.86. If a defendant is committed by the  
22 court to a substance abuse treatment facility, the  
23 administrator of the facility shall report to the  
24 court when it is determined that the defendant has  
25 received the maximum benefit of treatment at the  
26 facility and the defendant shall be released from the  
27 facility. The time for which the defendant is  
28 committed for treatment shall be credited against the  
29 defendant's sentence. The court may prescribe the  
30 length of time for the evaluation and treatment or it  
31 may request that the area school conducting the course  
32 for drinking drivers which the person is ordered to  
33 attend or the treatment program to which the person is

34 committed immediately report to the court when the  
35 person has received maximum benefit from the course  
36 for drinking drivers or treatment program or has  
37 recovered from the person's addiction, dependency, or  
38 tendency to chronically abuse alcohol or drugs. A  
39 person committed under this section who does not  
40 possess sufficient income or estate to make payment of  
41 the costs of the treatment in whole or in part shall  
42 be considered a state patient and the costs of  
43 treatment shall be paid as provided in section 125.44.  
44 A defendant who fails to carry out the order of the  
45 court or who fails to successfully complete or attend  
46 a course for drinking drivers or an ordered substance  
47 abuse treatment program shall be confined in the  
48 county jail for twenty days in addition to any other  
49 imprisonment ordered by the court or may be ordered to  
50 perform unpaid community service work, and shall be

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1 placed on probation for one year with a violation of  
2 this probation punishable as contempt of court.  
3 2. As a condition of a suspended sentence or  
4 portion of sentence for a second, third, or subsequent  
5 offense in violation of section 321J.2, the court upon  
6 hearing may commit the defendant for inpatient  
7 treatment of alcoholism or drug addiction or  
8 dependency to any hospital, institution, or community  
9 correctional facility in Iowa providing such  
10 treatment. The time for which the defendant is  
11 committed for treatment shall be credited against the  
12 defendant's sentence. The court may prescribe the  
13 length of time for the evaluation and treatment or it  
14 may request that the hospital to which the person is  
15 committed immediately report to the court when the  
16 person has received maximum benefit from the program  
17 of the hospital or institution or has recovered from  
18 the person's addiction, dependency, or tendency to  
19 chronically abuse alcohol or drugs. A person  
20 committed under this section who does not possess  
21 sufficient income or estate to make payment of the  
22 costs of the treatment in whole or in part shall be  
23 considered a state patient and the costs of treatment  
24 shall be paid as provided in section 125.44.

#### 25 Sec. 4. NEW SECTION. 321J.4 REVOCATION OF MOTOR 26 VEHICLE LICENSE ON CONVICTION OR COURT ORDER.

27 1. If a defendant is convicted of a violation of  
28 section 321J.2 and the defendant's motor vehicle  
29 license or nonresident operating privilege has not  
30 been revoked under section 321J.9 or 321J.12 for the

31 occurrence from which the arrest arose, the department  
32 shall revoke the defendant's motor vehicle license or  
33 nonresident operating privilege for one hundred eighty  
34 days if the defendant has had no previous conviction  
35 under section 321J.2 or revocation under section  
36 321J.9 or 321J.12 within the previous six years and  
37 for one year if the defendant has had one or more  
38 previous convictions or revocations under those  
39 sections within the previous six years.

40 2. If the court defers judgment pursuant to  
41 section 907.3 for a violation of section 321J.2, the  
42 court shall order the department to revoke the  
43 defendant's motor vehicle license or nonresident  
44 operating privilege for a period of not less than  
45 thirty days nor more than ninety days if the  
46 defendant's motor vehicle license or nonresident  
47 operating privilege has not been revoked under section  
48 321J.9 or 321J.12 for the occurrence from which the  
49 arrest arose. The court shall immediately require the  
50 defendant to surrender to it all Iowa licenses or

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1 permits held by the defendant, which the court shall  
2 forward to the department with a copy of the order  
3 deferring judgment.

4 3. a. Upon a plea or verdict of guilty of a third  
5 or subsequent violation of section 321J.2, the court  
6 shall order the department to revoke the defendant's  
7 motor vehicle license or nonresident operating  
8 privilege for a period of six years. The court shall  
9 require the defendant to surrender to it all Iowa  
10 licenses or permits held by the defendant, which the  
11 court shall forward to the department with a copy of  
12 the order for revocation.

13 b. After two years from the date of the order for  
14 revocation, the defendant may apply to the court for  
15 restoration of the defendant's eligibility for a motor  
16 vehicle license. The application may be granted only  
17 if all of the following are shown by the defendant by  
18 a preponderance of the evidence:

19 (1) The defendant has completed an evaluation and,  
20 if recommended by the evaluation, a program of  
21 treatment for chemical dependency and is recovering,  
22 or has substantially recovered, from that dependency  
23 or on tendency to abuse alcohol or drugs.

24 (2) The defendant has not been convicted, since  
25 the date of the revocation order, of any subsequent  
26 violations of section 321J.2 or 123.46, or any  
27 comparable city or county ordinance, and the defendant

28 has not, since the date of the revocation order,  
29 submitted to a chemical test under this chapter that  
30 indicated an alcohol concentration as defined in  
31 section 321J.1 of .10 or more, or refused to submit to  
32 chemical testing under this chapter.

33 (3) The defendant has abstained from the excessive  
34 consumption of alcoholic beverages and the consumption  
35 of controlled substances, except at the direction of a  
36 licensed physician or pursuant to a valid  
37 prescription.

38 (4) The defendant's motor vehicle license is not  
39 currently subject to suspension or revocation for any  
40 other reason.

41 c. The court shall forward to the department a  
42 record of any application submitted under paragraph  
43 "b" and the results of the court's disposition of the  
44 application.

45 4. Upon a plea or verdict of guilty of a violation  
46 of section 321J.2 which involved a personal injury,  
47 the court shall determine in open court, from  
48 consideration of the information in the file and any  
49 other evidence the parties may submit, whether a  
50 serious injury was sustained by any person other than

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1 the defendant and, if so, whether the defendant's  
2 conduct in violation of section 321J.2 caused the  
3 serious injury. If the court so determines, the court  
4 shall order the department to revoke the defendant's  
5 motor vehicle license or nonresident operating  
6 privilege for a period of one year in addition to any  
7 other period of suspension or revocation. The  
8 defendant shall surrender to the court any Iowa  
9 license or permit and the court shall forward it to  
10 the department with a copy of the order for  
11 revocation.

12 5. Upon a plea or verdict of guilty of a violation  
13 of section 321J.2 which involved a death, the court  
14 shall determine in open court, from consideration of  
15 the information in the file and any other evidence the  
16 parties may submit, whether a death occurred and, if  
17 so, whether the defendant's conduct in violation of  
18 section 321J.2 caused the death. If the court so  
19 determines, the court shall order the department to  
20 revoke the defendant's motor vehicle license or  
21 nonresident operating privilege for a period of six  
22 years. The defendant shall surrender to the court any  
23 Iowa license or permit and the court shall forward it  
24 to the department with a copy of the order for

25 revocation.

26 6. If a license or permit to operate a motor  
27 vehicle is revoked or denied under this section or  
28 section 321J.9 or 321J.12, the period of revocation or  
29 denial shall be the period provided for such a  
30 revocation or until the defendant reaches the age of  
31 eighteen whichever period is longer.

32 Sec. 5. NEW SECTION. 321J.5 PRELIMINARY  
33 SCREENING TEST.

34 When a peace officer has reasonable grounds to  
35 believe that a motor vehicle operator may be violating  
36 or has violated section 321J.2, or the operator has  
37 been involved in a motor vehicle collision resulting  
38 in injury or death, the peace officer may request the  
39 operator to provide a sample of the operator's breath  
40 for a preliminary screening test using a device  
41 approved by the commissioner of public safety for that  
42 purpose. The results of this preliminary screening  
43 test may be used for the purpose of deciding whether  
44 an arrest should be made and whether to request a  
45 chemical test authorized in this chapter, but shall  
46 not be used in any court action except to prove that a  
47 chemical test was properly requested of a person  
48 pursuant to this chapter.

49 Sec. 6. NEW SECTION. 321J.6 IMPLIED CONSENT TO  
50 TEST.

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1 1. A person who operates a motor vehicle in this  
2 state under circumstances which give reasonable  
3 grounds to believe that the person has been operating  
4 a motor vehicle in violation of section 321J.2 is  
5 deemed to have given consent to the withdrawal of  
6 specimens of the person's blood, breath, or urine and  
7 to a chemical test or tests of the specimens for the  
8 purpose of determining the alcohol concentration or  
9 presence of drugs, subject to this section. The  
10 withdrawal of the body substances and the test or  
11 tests shall be administered at the written request of  
12 a peace officer having reasonable grounds to believe  
13 that the person was operating a motor vehicle in  
14 violation of section 321J.2, and if any of the  
15 following conditions exist:

16 a. A peace officer has lawfully placed the person  
17 under arrest for violation of section 321J.2.

18 b. The person has been involved in a motor vehicle  
19 accident or collision resulting in personal injury or  
20 death.

21 c. The person has refused to take a preliminary

22 breath screening test provided by this chapter.

23 d. The preliminary breath screening test was  
24 administered and it indicated an alcohol concentration  
25 as defined in section 321J.1 of .10 or more.

26 e. The preliminary breath screening test was  
27 administered and it indicated an alcohol concentration  
28 of less than .10 and the peace officer has reasonable  
29 grounds to believe that the person was under the  
30 influence of a drug other than alcohol or a  
31 combination of alcohol and another drug.

32 2. The peace officer shall determine which of the  
33 three substances, breath, blood, or urine, shall be  
34 tested. Refusal to submit to a chemical test of urine  
35 or breath is deemed a refusal to submit, and section  
36 321J.9 applies. A refusal to submit to a chemical  
37 test of blood is not deemed a refusal to submit, but  
38 in that case, the peace officer shall then determine  
39 which one of the other two substances shall be tested  
40 and shall offer the test. If the peace officer fails  
41 to offer a test within two hours after the preliminary  
42 screening test is administered or refused or the  
43 arrest is made, whichever occurs first, a test is not  
44 required, and there shall be no revocation under  
45 section 321J.9.

46 3. Notwithstanding subsection 2, if the peace  
47 officer has reasonable grounds to believe that the  
48 person was under the influence of a drug other than  
49 alcohol or a combination of alcohol and another drug,  
50 a urine test may be required even after a blood or

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1 breath test has been administered. Section 321J.9  
2 applies to a refusal to submit to a chemical test of  
3 urine requested under this subsection.

4 **Sec. 7. NEW SECTION. 321J.7 DEAD OR UNCONSCIOUS**  
5 **PERSONS.**

6 A person who is dead, unconscious, or otherwise in  
7 a condition rendering the person incapable of consent  
8 or refusal is deemed not to have withdrawn the consent  
9 provided by section 321J.6, and the test may be given  
10 if a licensed physician certifies in advance of the  
11 test that the person is dead, unconscious, or  
12 otherwise in a condition rendering that person  
13 incapable of consent or refusal.

14 **Sec. 8. NEW SECTION. 321J.8 STATEMENT OF**  
15 **OFFICER.**

16 A person who has been requested to submit to a  
17 chemical test shall be advised by a peace officer of  
18 the following:

19 1. If the person refuses to submit to the test,  
20 the person's license or operating privilege will be  
21 revoked by the department for the applicable period  
22 under section 321J.9.

23 2. If the person submits to the test and the  
24 results indicate an alcohol concentration as defined  
25 in section 321J.1 of .10 or more, the person's license  
26 or operating privilege will be revoked by the  
27 department for the applicable period under section  
28 321J.12.

29 This section does not apply in any case involving a  
30 person described in section 321J.7.

31 Sec. 9. NEW SECTION. 321J.9 REFUSAL TO SUBMIT --  
32 REVOCATION.

33 If a person refuses to submit to the chemical  
34 testing, a test shall not be given, but the  
35 department, upon the receipt of the peace officer's  
36 certification, subject to penalty for perjury, that  
37 the officer had reasonable grounds to believe the  
38 person to have been operating a motor vehicle in  
39 violation of section 321J.2, that specified conditions  
40 existed for chemical testing pursuant to section  
41 321J.6, and that the person refused to submit to the  
42 chemical testing, shall revoke the person's motor  
43 vehicle license and any nonresident operating  
44 privilege for a period of two hundred forty days if  
45 the person has no previous revocation within the  
46 previous six years under this chapter; and five  
47 hundred forty days if the person has one or more  
48 previous revocations within the previous six years  
49 under this chapter; or if the person is a resident  
50 without a license or permit to operate a motor vehicle

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1 in this state, the department shall deny to the person  
2 the issuance of a license or permit for the same  
3 period a license or permit would be revoked, subject  
4 to review as provided in this chapter. The effective  
5 date of revocation shall be twenty days after the  
6 department has mailed notice of revocation to the  
7 person by certified mail or, on behalf of the  
8 department, a peace officer offering or directing the  
9 administration of a chemical test may serve immediate  
10 notice of intention to revoke and of revocation on a  
11 person who refuses to permit chemical testing. If the  
12 peace officer serves that immediate notice, the peace  
13 officer shall take the Iowa license or permit of the  
14 driver, if any, and issue a temporary license  
15 effective for only twenty days. The peace officer

16 shall immediately send the person's license to the  
17 department along with the officer's certificate  
18 indicating the person's refusal to submit to chemical  
19 testing.

20 Sec. 10. NEW SECTION. 321J.10 TESTS PURSUANT TO  
21 WARRANTS.

22 1. Refusal to consent to a test under section  
23 321J.6 does not prohibit the withdrawal of a specimen  
24 for chemical testing pursuant to a search warrant  
25 issued in the investigation of a suspected violation  
26 of section 707.5 if all of the following grounds  
27 exist:

28 a. A traffic accident has resulted in a death or  
29 personal injury reasonably likely to cause death.

30 b. There are reasonable grounds to believe that  
31 one or more of the persons whose driving may have been  
32 the proximate cause of the accident was violating  
33 section 321J.2 at the time of the accident.

34 2. Search warrants may be issued under this  
35 section in full compliance with chapter 808 or they  
36 may be issued under subsection 3.

37 3. Notwithstanding section 808.3, the issuance of  
38 a search warrant under this section may be based upon  
39 sworn oral testimony communicated by telephone if the  
40 magistrate who is asked to issue the warrant is  
41 satisfied that the circumstances make it reasonable to  
42 dispense with a written affidavit. The following  
43 shall then apply:

44 a. When a caller applies for the issuance of a  
45 warrant under this section and the magistrate becomes  
46 aware of the purpose of the call, the magistrate shall  
47 place under oath the person applying for the warrant.

48 b. The person applying for the warrant shall  
49 prepare a duplicate warrant and read the duplicate  
50 warrant, verbatim, to the magistrate who shall enter,

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1 verbatim, what is read to the magistrate on a form  
2 that will be considered the original warrant. The  
3 magistrate may direct that the warrant be modified.

4 c. The oral application testimony shall set forth  
5 facts and information tending to establish the  
6 existence of the grounds for the warrant and shall  
7 describe with a reasonable degree of specificity the  
8 person or persons whose driving is believed to have  
9 been the proximate cause of the accident and from whom  
10 a specimen is to be withdrawn and the location where  
11 the withdrawal of the specimen or specimens is to take  
12 place.

13 d. If a voice recording device is available, the  
14 magistrate may record by means of that device all of  
15 the call after the magistrate becomes aware of the  
16 purpose of the call. Otherwise, the magistrate shall  
17 cause a stenographic or longhand memorandum to be made  
18 of the oral testimony of the person applying for the  
19 warrant.

20 e. If the magistrate is satisfied from the oral  
21 testimony that the grounds for the warrant exist or  
22 that there is probable cause to believe that they  
23 exist, the magistrate shall order the issuance of the  
24 warrant by directing the person applying for the  
25 warrant to sign the magistrate's name on the duplicate  
26 warrant. The magistrate shall immediately sign the  
27 original warrant and enter on its face the exact time  
28 when the issuance was ordered.

29 f. The person who executes the warrant shall enter  
30 the time of execution on the face of the duplicate  
31 warrant.

32 g. The magistrate shall cause any record of the  
33 call made by means of a voice recording device to be  
34 transcribed, shall certify the accuracy of the  
35 transcript, and shall file the transcript and the  
36 original record with the clerk. If a stenographic or  
37 longhand memorandum was made of the oral testimony of  
38 the person who applied for the warrant, the magistrate  
39 shall file a signed copy with the clerk.

40 h. The clerk of court shall maintain the original  
41 and duplicate warrants along with the record of the  
42 telephone call and any transcript or memorandum made  
43 of the call in a confidential file until a charge, if  
44 any, is filed.

45 4. Search warrants issued under this section shall  
46 authorize and direct peace officers to secure the  
47 withdrawal of blood specimens by medical personnel  
48 under section 321J.11. Reasonable care shall be  
49 exercised to ensure the health and safety of the  
50 persons from whom specimens are withdrawn in execution

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1 of the warrants. If a person from whom a specimen is  
2 to be withdrawn objects to the withdrawal of blood,  
3 and the person is capable of giving a specimen of  
4 breath, and a direct breath testing instrument is  
5 readily available, the warrant may be executed by the  
6 withdrawal of a specimen of breath for chemical  
7 testing.

8 5. The act of any person knowingly resisting or  
9 obstructing the withdrawal of a specimen pursuant to a

10 search warrant issued under this section constitutes a  
11 contempt punishable by a fine not exceeding one  
12 thousand dollars or imprisonment in a county jail not  
13 exceeding one year or by both such fine and  
14 imprisonment. Also, if the withdrawal of a specimen  
15 is so resisted or obstructed, sections 321J.9 and  
16 321J.16 apply.

17 6. Nonsubstantive variances between the contents  
18 of the original and duplicate warrants shall not cause  
19 a warrant issued under subsection 3 of this section to  
20 be considered invalid.

21 7. Specimens obtained pursuant to warrants issued  
22 under this section are not subject to disposition  
23 under section 808.9 or chapter 809.

24 8. Subsections 1 to 7 of this section do not apply  
25 where a test may be administered under section 321J.7.

26 9. Medical personnel who use reasonable care and  
27 accepted medical practices in withdrawing blood  
28 specimens are immune from liability for their actions  
29 in complying with requests made of them pursuant to  
30 search warrants or pursuant to section 321J.11.

31 Sec. 11. NEW SECTION. 321J.11 TAKING SAMPLE FOR  
32 TEST.

33 Only a licensed physician, physician's assistant as  
34 defined in section 148C.1, subsection 6, medical  
35 technologist, or registered nurse, acting at the  
36 request of a peace officer, may withdraw a specimen of  
37 blood for the purpose of determining the alcohol  
38 concentration or the presence of drugs. However, any  
39 peace officer, using devices and methods approved by  
40 the commissioner of public safety, may take a specimen  
41 of a person's breath or urine for the purpose of  
42 determining the alcohol concentration or the presence  
43 of drugs. Only new equipment kept under strictly  
44 sanitary and sterile conditions shall be used for  
45 drawing blood.

46 The person may have an independent chemical test or  
47 tests administered at the person's own expense in  
48 addition to any administered at the direction of a  
49 peace officer. The failure or inability of the person  
50 to obtain an independent chemical test or tests does

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1 not preclude the admission of evidence of the results  
2 of the test or tests administered at the direction of  
3 the peace officer. Upon the request of the person who  
4 is tested, the results of the test or tests  
5 administered at the direction of the peace officer  
6 shall be made available to the person.

7 Sec. 12. NEW SECTION. 321J.12 TEST RESULT  
8 REVOCATION.

9 Upon certification, subject to penalty for perjury,  
10 by the peace officer that there existed reasonable  
11 grounds to believe that the person had been operating  
12 a motor vehicle in violation of section 321J.2, that  
13 there existed one or more of the necessary conditions  
14 for chemical testing described in section 321J.6,  
15 subsection 1, and that the person submitted to  
16 chemical testing and the test results indicated an  
17 alcohol concentration as defined in section 321J.1 of  
18 .10 or more, the department shall revoke the person's  
19 motor vehicle license or nonresident operating  
20 privilege for a period of one hundred eighty days if  
21 the person has had no revocation within the previous  
22 six years under this chapter, and one year if the  
23 person has had one or more previous revocations within  
24 the previous six years under this chapter.

25 The effective date of the revocation shall be  
26 twenty days after the department has mailed notice of  
27 revocation to the person by certified mail. The peace  
28 officer who requested or directed the administration  
29 of the chemical test may, on behalf of the department,  
30 serve immediate notice of revocation on a person whose  
31 test results indicated an alcohol concentration of .10  
32 or more.

33 If the peace officer serves that immediate notice,  
34 the peace officer shall take the person's Iowa license  
35 or permit, if any, and issue a temporary license valid  
36 only for twenty days. The peace officer shall  
37 immediately send the person's driver's license to the  
38 department along with the officer's certificate  
39 indicating that the test results indicated an alcohol  
40 concentration of .10 or more.

41 The results of a chemical test may not be used as  
42 the basis for a revocation of a person's motor vehicle  
43 license or nonresident operating privilege if the  
44 alcohol concentration indicated by the chemical test  
45 minus the established margin of error inherent in the  
46 device or method used to conduct the chemical test  
47 does not equal an alcohol concentration of .10 or  
48 more.

49 Sec. 13. NEW SECTION. 321J.13 HEARING ON  
50 REVOCATION --APPEAL.

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1 1. Notice of revocation of a person's motor  
2 vehicle license or operating privilege served pursuant  
3 to section 321J.9 or 321J.12 shall include a form

4 accompanied by a preaddressed envelope on which the  
5 person served may indicate by a checkmark if the  
6 person wishes to request a temporary restricted  
7 license only or if the person wishes a hearing to  
8 contest the revocation. The form shall clearly state  
9 on its face that the form must be completed and  
10 returned within twenty days of receipt or the person's  
11 right to a hearing to contest the revocation is  
12 foreclosed. The form shall also be accompanied by a  
13 statement of the operation of and the person's rights  
14 under this chapter.

15 2. The department shall grant the person an  
16 opportunity to be heard within thirty days of receipt  
17 of a request for a hearing if the request is made not  
18 later than twenty days after receipt of notice of  
19 revocation served pursuant to section 321J.9 or  
20 321J.12. The hearing shall be before the department  
21 in the county where the alleged events occurred,  
22 unless the director and the person agree that the  
23 hearing may be held in some other county, or the  
24 hearing may be held by telephone conference at the  
25 discretion of the agency conducting the hearing. The  
26 hearing may be recorded and its scope shall be limited  
27 to the issues of whether a peace officer had  
28 reasonable grounds to believe that the person was  
29 operating a motor vehicle in violation of section  
30 321J.2 and either of the following:

31 a. Whether the person refused to submit to the  
32 test or tests.

33 b. Whether a test was administered and the test  
34 results indicated an alcohol concentration as defined  
35 in section 321J.1 of .10 or more.

36 3. After the hearing the department shall order  
37 that the revocation be either rescinded or sustained.  
38 In the event that the revocation is sustained, the  
39 administrative hearing officer who conducted the  
40 hearing has authority to issue a temporary restricted  
41 license to the person whose motor vehicle license or  
42 operating privilege was revoked. Upon receipt of the  
43 decision of the department to sustain a revocation,  
44 the person contesting the revocation shall have ten  
45 days to file a request for review of the decision by  
46 the director. The director or the director's designee  
47 shall review the decision within fifteen days and  
48 shall either rescind or sustain the revocation or  
49 order a new hearing. If the director orders a new  
50 hearing, the department shall grant the person a new

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1 hearing within thirty days of the director's order.  
2 4. A person whose motor vehicle license or  
3 operating privilege has been revoked under section  
4 321J.9 or 321J.12 may reopen a department hearing on  
5 the revocation if the person submits a petition  
6 stating that new evidence has been discovered which  
7 provides grounds for rescission of the revocation, or  
8 if the person submits a petition stating that a  
9 criminal action on a charge of a violation of section  
10 321J.2 filed as a result of the same circumstances  
11 which resulted in the revocation has resulted in a  
12 decision in which the court has held that the peace  
13 officer did not have reasonable grounds to believe  
14 that a violation of section 321J.2 had occurred to  
15 support a request for or to administer a chemical test  
16 or which has held the chemical test to be otherwise  
17 inadmissible or invalid. Such a decision by the court  
18 is binding on the department.

19 5. The department shall stay the revocation of a  
20 person's motor vehicle license or operating privilege  
21 for the period that the person is contesting the  
22 revocation under this section or section 321J.14 if it  
23 is shown to the satisfaction of the department that  
24 the new evidence is material and that there were valid  
25 reasons for failure to present it in the contested  
26 case proceeding before the department.

27 6. If the department fails to comply with the time  
28 limitations of this section regarding granting a  
29 hearing, review by the director or the director's  
30 designee, or granting a new hearing, and if the  
31 request for a hearing or review by the director was  
32 properly made under this section, the revocation of  
33 the motor vehicle license or operating privilege of  
34 the person who made the request for a hearing or  
35 review shall be rescinded. This subsection shall not  
36 apply in those cases in which a continuance to the  
37 hearing has been granted at the request of either the  
38 person who requested the hearing or the peace officer  
39 who requested or administered the chemical test.

40 Sec. 14. NEW SECTION. 321J.14 JUDICIAL REVIEW.

41 Judicial review of an action of the department may  
42 be sought in accordance with the terms of the Iowa  
43 administrative procedure Act, chapter 17A.  
44 Notwithstanding the terms of that chapter, a petition  
45 for judicial review may be filed in the district court  
46 in the county where the alleged events occurred or in  
47 the county in which the administrative hearing was  
48 held.

49 Sec. 15. NEW SECTION. 321J.15 EVIDENCE IN ANY  
50 ACTION.

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1 Upon the trial of a civil or criminal action or  
2 proceeding arising out of acts alleged to have been  
3 committed by a person while operating a motor vehicle  
4 in violation of section 321J.2, evidence of the  
5 alcohol concentration or the presence of drugs in the  
6 person's body substances at the time of the act  
7 alleged as shown by a chemical analysis of the  
8 person's blood, breath, or urine is admissible. If it  
9 is established at trial that an analysis of a breath  
10 specimen was performed by a certified operator using a  
11 device and methods approved by the commissioner of  
12 public safety, no further foundation is necessary for  
13 introduction of the evidence.

14 Sec. 16. NEW SECTION. 321J.16 PROOF OF REFUSAL  
15 ADMISSIBLE.

16 If a person refuses to submit to a chemical test,  
17 proof of refusal is admissible in any civil or  
18 criminal action or proceeding arising out of acts  
19 alleged to have been committed while the person was  
20 operating a motor vehicle in violation of section  
21 321J.2.

22 Sec. 17. NEW SECTION. 321J.17 CIVIL PENALTY --  
23 SEPARATE FUND -- REINSTATEMENT.

24 When the department revokes a person's motor  
25 vehicle license or nonresident operating privilege  
26 under this chapter, the department shall assess the  
27 person a civil penalty of one hundred dollars. The  
28 money collected by the department under this section  
29 shall be transmitted to the treasurer of state who  
30 shall deposit the money in a separate fund dedicated  
31 to and used for the purposes of chapter 912, and for  
32 the operation of a missing person clearinghouse and  
33 domestic abuse registry by the department of public  
34 safety. A temporary restricted license shall not be  
35 issued or a motor vehicle license or nonresident  
36 operating privilege reinstated until the civil penalty  
37 has been paid.

38 Sec. 18. NEW SECTION. 321J.18 OTHER EVIDENCE.

39 This chapter does not limit the introduction of any  
40 competent evidence bearing on the question of whether  
41 a person was under the influence of an alcoholic  
42 beverage or a drug, including the results of chemical  
43 tests of specimens of blood, breath or urine obtained  
44 more than two hours after the person was operating a  
45 motor vehicle.

46 Sec. 19. NEW SECTION. 321J.19 INFORMATION  
47 RELAYED TO OTHER STATES.

48 When it has been finally determined under this  
49 chapter that a nonresident's privilege to operate a  
50 motor vehicle in this state has been revoked or

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1 denied, the department shall give information in  
2 writing of the action taken to the official in charge  
3 of traffic control or public safety of the state of  
4 the person's residence and of any state in which the  
5 person has a license.

6 Sec. 20. NEW SECTION. 321J.20 TEMPORARY  
7 RESTRICTED LICENSE.

8 1. The department may, on application, issue a  
9 temporary restricted license to a person whose motor  
10 vehicle license is revoked under this chapter allowing  
11 the person to drive to and from the person's home and  
12 specified places at specified times which can be  
13 verified by the department and which are required by  
14 the person's full-time or part-time employment,  
15 continuing health care or the continuing health care  
16 of another who is dependent upon the person,  
17 continuing education while enrolled in an educational  
18 institution on a part-time or full-time basis and  
19 while pursuing a course of study leading to a diploma,  
20 degree, or other certification of successful  
21 educational completion, substance abuse treatment, and  
22 court-ordered community service responsibilities if  
23 the person's motor vehicle license has not been  
24 revoked under 321J.4, 321J.9, or 321J.12 within the  
25 previous six years and if any of the following apply:  
26 a. The person's motor vehicle license is revoked  
27 under section 321J.4, subsection 1, 2, 4, or 6.  
28 b. The person's motor vehicle license is revoked  
29 under section 321J.9 and the person has entered a plea  
30 of guilty on a charge of a violation of section 321J.2  
31 which arose from the same set of circumstances which  
32 resulted in the person's motor vehicle license  
33 revocation under section 321J.9 and the guilty plea is  
34 not withdrawn at the time of or after application for  
35 the temporary restricted license.  
36 c. The person's motor vehicle license is revoked  
37 under section 321J.12.

38 However, a temporary restricted license may be  
39 issued if the person's motor vehicle license is  
40 revoked under section 321J.9, and the revocation is a  
41 second revocation under this chapter, and the first  
42 three hundred and sixty days of the revocation have

43 expired.

44 2. This section does not apply to a person whose  
45 license was revoked under section 321J.4, subsection 3  
46 or 5, or to a person whose license is suspended or  
47 revoked for another reason.

48 3. A person holding a temporary restricted license  
49 issued by the department under this section shall not  
50 operate a motor vehicle for pleasure.

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1 Sec. 21. NEW SECTION. 321J.21 DRIVING WHILE  
2 LICENSE DENIED OR REVOKED.

3 A person whose motor vehicle license or nonresident  
4 operating privilege has been denied or revoked as  
5 provided in this chapter and who drives a motor  
6 vehicle upon the highways of this state while the  
7 license or privilege is denied or revoked commits a  
8 serious misdemeanor. The department, upon receiving  
9 the record of the conviction of a person under this  
10 section upon a charge of driving a motor vehicle while  
11 the license of the person was revoked or denied, shall  
12 extend the period of revocation or denial for an  
13 additional like period, and the department shall not  
14 issue a new license during the additional period.

15 Sec. 22. NEW SECTION. 321J.22 COURT-ORDERED  
16 DRINKING DRIVERS COURSE.

17 1. As used in this section, unless the context  
18 otherwise requires:

19 a. "Course for drinking drivers" means an approved  
20 course designed to inform the offender about drinking  
21 and driving and encourage the offender to assess the  
22 offender's own drinking and driving behavior in order  
23 to select practical alternatives.

24 b. "Satisfactory completion of a course" means  
25 receiving at the completion of a course a grade from  
26 the course instructor of "C" or "2.0," or better.

27 2. After a conviction for, or a plea of guilty of,  
28 a violation of section 321J.2, the court in addition  
29 to its power to commit the defendant for treatment of  
30 alcoholism under section 321J.3, may order the  
31 defendant, at the defendant's own expense, to enroll  
32 in, attend, and successfully complete a course for  
33 drinking drivers. The court may alternatively or  
34 additionally require the defendant to seek evaluation,  
35 treatment or rehabilitation services under section  
36 125.33 at the defendant's expense and to furnish  
37 evidence of successful completion. A copy of the  
38 order shall be forwarded to the department.

39 3. The course provided in this section shall be

40 offered on a regular basis at each area school as  
41 defined in section 280A.2. Enrollment in the courses  
42 is not limited to persons ordered to enroll, attend  
43 and successfully complete the course under subsection  
44 2, and any person convicted of a violation of section  
45 321J.2 who was not ordered to enroll in a course may  
46 enroll in and attend a course for drinking drivers.  
47 The course required by this section shall be taught by  
48 the area schools under the department of public  
49 instruction and approved by the department. The  
50 department of public instruction shall establish

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1 reasonable fees to defray the expense of obtaining  
2 classroom space, instructor salaries, and class  
3 materials. A person shall not be denied enrollment in  
4 a course by reason of the person's indigency.

5 4. An employer shall not discharge a person from  
6 employment solely for the reason of work absence to  
7 attend a course required by this section. Any  
8 employer who violates this section is liable for  
9 damages which include but are not limited to actual  
10 damages, court costs, and reasonable attorney fees.  
11 The person may also petition the court for imposition  
12 of a cease and desist order against the person's  
13 employer and for reinstatement to the person's  
14 previous position of employment.

15 5. The department of public instruction shall  
16 prepare a list of the locations of the courses taught  
17 under this section, the dates and times taught, the  
18 procedure for enrollment, and the schedule of course  
19 fees. The list shall be kept current and a copy of  
20 the list shall be sent to each court having  
21 jurisdiction over offenses provided in this chapter.

22 6. The department of public instruction shall  
23 maintain enrollment, attendance, successful and  
24 unsuccessful completion data on the persons ordered  
25 to enroll, attend and successfully complete a course  
26 for drinking drivers. This data shall be forwarded to  
27 the court.

28 **Sec. 23. NEW SECTION. ROADBLOCKS CONDUCTED BY LAW**  
29 **ENFORCEMENT AGENCIES.**

30 1. The law enforcement agencies of this state may  
31 conduct emergency vehicle roadblocks in response to  
32 immediate threats to the health, safety, and welfare  
33 of the public; and otherwise may conduct routine  
34 vehicle roadblocks only as provided in this section.  
35 Routine vehicle roadblocks may be conducted to enforce  
36 compliance with the law regarding any of the

37 following:

38 a. The licensing of operators of motor vehicles.

39 b. The registration of motor vehicles.

40 c. The safety equipment required on motor  
41 vehicles.

42 d. The provisions of chapters 109 and 110.

43 2. Any routine vehicle roadblock conducted under  
44 this section shall meet the following requirements:

45 a. The location of the roadblock, the time during  
46 which the roadblock will be conducted, and the  
47 procedure to be used while conducting the roadblock,  
48 shall be determined by policymaking administrative  
49 officers of the law enforcement agency.

50 b. The roadblock location shall be selected for

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1 its safety and visibility to oncoming motorists, and  
2 adequate advance warning signs, illuminated at night  
3 or under conditions of poor visibility, shall be  
4 erected to provide timely information to approaching  
5 motorists of the roadblock and its nature.

6 c. There shall be uniformed officers and marked  
7 official vehicles of the law enforcement agency or  
8 agencies involved, in sufficient quantity and  
9 visibility to demonstrate the official nature of the  
10 roadblock.

11 d. The selection of motor vehicles to be stopped  
12 shall not be arbitrary.

13 e. The roadblock shall be conducted to assure the  
14 safety of and to minimize the inconvenience of the  
15 motorists involved.

16 Sec. 24. NEW SECTION. 123.151 POSTING NOTICE ON  
17 DRUNK DRIVING LAWS REQUIRED.

18 State liquor stores and holders of liquor control  
19 licenses, wine permits, or beer permits shall post in  
20 a prominent place in the state liquor stores or  
21 licensed premises notice explaining the operation of  
22 and penalties of the laws which prohibit the operation  
23 of a motor vehicle by a person who is intoxicated.  
24 The size, print size, location, and content of the  
25 notice shall be established by rule of the department.

26 Sec. 25. Section 125.44, unnumbered paragraph 6,  
27 Code 1985, is amended to read as follows:

28 The department is liable for the cost of care,  
29 treatment, and maintenance of a substance abuser  
30 admitted to the facility voluntarily or pursuant to  
31 section 125.75, 125.81, or 125.91 or section ~~321.281,~~  
32 ~~321.283, subsection 3,~~ 321J.3 or 204.409, subsection 2  
33 only to those facilities that have a contract with the

34 department under this section, only for the amount  
35 computed according to and within the limits of  
36 liability prescribed by this section, and only when  
37 the substance abuser is unable to pay the costs and  
38 there is no other person, firm, corporation or  
39 insurance company bound to pay the costs.  
40 Sec. 26. NEW SECTION. 217A.30 ASSIGNMENT TO  
41 TREATMENT FACILITIES.  
42 1. The director of the department of corrections  
43 may assign an offender committed to the custody of the  
44 director for a felony violation of chapter 321J to a  
45 facility which meets all of the following  
46 requirements:  
47 a. Is a treatment facility meeting the licensure  
48 standards of the division of substance abuse of the  
49 department of public health.  
50 b. Is a facility meeting applicable standards of

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1 the American corrections association.  
2 c. Is a facility which meets any other rule or  
3 requirement adopted by the department pursuant to  
4 chapter 17A.  
5 2. The assignment of an offender pursuant to  
6 subsection 1 shall be for purposes of substance abuse  
7 treatment and education, and may include work programs  
8 for the offender at times when the offender is not in  
9 substance abuse treatment or education.  
10 3. Offenders assigned to a facility pursuant to  
11 this section shall not be included in calculations  
12 used to determine the existence of a prison  
13 overcrowding state of emergency.  
14 4. The director shall prepare proposed  
15 administrative rules for the consideration of the  
16 administrative rules review committee for the funding  
17 of the program by means of self contribution by the  
18 offenders, insurance reimbursement on behalf of  
19 offenders, or other forms of funding, program  
20 structure, criteria for the evaluation of facilities  
21 and offenders for participation in the programs, and  
22 all other issues the director shall deem appropriate.  
23 Proposed rules prepared pursuant to this subsection  
24 shall be submitted to the administrative rules review  
25 committee on or before September 15, 1986.  
26 Sec. 27. Section 307.27, subsection 5, Code 1985,  
27 is amended to read as follows:  
28 5. Administer the provisions of chapters 321A,  
29 ~~321B~~, 321E, ~~and 321F~~, and 321J relating to motor  
30 vehicle financial responsibility, the implied consent

31 law, the movement of vehicles of excessive size and  
32 weight and the leasing and renting of vehicles.

33 Sec. 28. Section 321.178, subsection 1, unnumbered  
34 paragraph 1, Code 1985, is amended to read as follows:

35 An approved driver education course as programmed  
36 by the department of public instruction shall consist  
37 of at least thirty clock hours of classroom  
38 instruction, and six or more clock hours of laboratory  
39 instruction of which at least three clock hours shall  
40 consist of street or highway driving. An approved  
41 course shall include a minimum of two hours of  
42 classroom instruction concerning substance abuse as  
43 part of its curriculum. After the student has  
44 completed three clock hours of street or highway  
45 driving and has demonstrated to the instructor an  
46 ability to properly operate a motor vehicle and upon  
47 written request of a parent or guardian, the  
48 instructor may waive the remaining required laboratory  
49 instruction.

50 Sec. 29. Section 321.191, unnumbered paragraph 2,

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1 Code 1985, is amended to read as follows:

2 There shall be a fee of twenty dollars for  
3 reinstatement of a chauffeur's license or operator's  
4 license which is, after notice and opportunity for  
5 hearing, suspended or revoked pursuant to sections  
6 321.193, 321.209 and 321.210, except subsection 4  
7 thereof, 321.513, 321.560, 321A.6, and chapter ~~321B~~  
8 ~~321J~~. The twenty-dollar fee shall be collected only  
9 if the person whose license was suspended or revoked  
10 was served personally with notice. If the person  
11 whose license was suspended or revoked was served  
12 notice by certified mail, the reinstatement fee shall  
13 be ten dollars.

14 Sec. 30. Section 321.196, Code Supplement 1985, is  
15 amended by adding the following new unnumbered  
16 paragraph:

17 **NEW UNNUMBERED PARAGRAPH.** Prior to the renewal of  
18 a license pursuant to this section, the department  
19 shall issue to each applicant information on the law  
20 relating to the operation of a motor vehicle while  
21 intoxicated and statistical information relating to  
22 the number of injuries and fatalities occurring as a  
23 result of the operation of motor vehicles while  
24 intoxicated.

25 Sec. 31. Section 321.209, subsection 2, Code 1985,  
26 is amended by striking the subsection.

27 Sec. 32. Section 321.210, Code 1985, is amended by

28 adding the following new unnumbered paragraph:  
 29 NEW UNNUMBERED PARAGRAPH. The department shall not  
 30 consider or assess any points for speeding violations  
 31 of ten miles per hour or less over the legal speed  
 32 limit in speed zones that have a legal speed limit  
 33 greater than thirty-five miles per hour in determining  
 34 a license suspension under this section. This  
 35 paragraph shall apply to only the first two such  
 36 violations which occur within any twelve-month period.  
 37 Sec. 33. Section 321.213, Code 1985, is amended to  
 38 read as follows:  
 39 321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO  
 40 VIOLATIONS BY JUVENILE DRIVERS.  
 41 Upon the entering of an order at the conclusion of  
 42 an adjudicatory hearing under section 232.47 that the  
 43 child violated a provision of this chapter or chapter  
 44 321A or chapter 321J for which the penalty is greater  
 45 than a simple misdemeanor, or that the child refused  
 46 to submit to chemical testing under section 321B.4,  
 47 the clerk of the juvenile court in the adjudicatory  
 48 hearing shall forward a copy of the adjudication to  
 49 the department. Notwithstanding section 232.55, a  
 50 final adjudication in a juvenile court that the child

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1 violated a provision of this chapter or chapter 321A  
 2 or chapter 321J constitutes a final conviction of a  
 3 violation of a provision of this chapter or chapter  
 4 321A or chapter 321J for purposes of section 321.189,  
 5 subsection 2, paragraph "b", and sections 321.193,  
 6 321.194, 321.200, 321.209, 321.210, 321.215, and  
 7 321A.17. ~~Notwithstanding section 232.55, the director~~  
 8 ~~shall revoke the license or permit of a child under~~  
 9 ~~section 321B.13 upon receipt of a copy of the final~~  
 10 ~~adjudication in a juvenile court that the child~~  
 11 ~~refused to submit to chemical testing under section~~  
 12 ~~321B.4.~~  
 13 Sec. 34. Section 321.218, unnumbered paragraph 1,  
 14 Code Supplement 1985, is amended to read as follows:  
 15 A person whose operator's or chauffeur's license or  
 16 driving privilege has been denied, canceled, suspended  
 17 or revoked as provided in this chapter, and who drives  
 18 a motor vehicle upon the highways of this state while  
 19 the license or privilege is denied, canceled,  
 20 suspended, or revoked commits a simple misdemeanor.  
 21 However, a person whose license or driving privilege  
 22 has been revoked under section 321.209 or chapter 321B  
 23 and who drives a motor vehicle upon the highways of  
 24 this state while the license or privilege is revoked

25 commits a serious misdemeanor. The sentence imposed  
26 under this section shall not be suspended by the  
27 court, notwithstanding section 907.3 or any other  
28 statute. The department, upon receiving the record of  
29 the conviction of a person under this section upon a  
30 charge of driving a motor vehicle while the license of  
31 the person was suspended or revoked, shall, except for  
32 licenses suspended under section 321.513, extend the  
33 period of suspension or revocation for an additional  
34 like period, and the department shall not issue a new  
35 license during the additional period.

36 Sec. 35. Section 321.228, subsection 2, Code 1985,  
37 is amended to read as follows:

38 2. The provisions of sections 321.261 to 321.274;  
39 ~~section and sections~~ 321.277 and ~~sections~~ 321.280 to  
40 ~~321.282~~ shall apply upon highways and elsewhere  
41 throughout the state.

42 Sec. 36. Section 321.233, unnumbered paragraph 1,  
43 Code Supplement 1985, is amended to read as follows:

44 This chapter, except ~~section sections~~ 321.277 and  
45 ~~sections~~ 321.280 to ~~321.282~~ does not apply to persons  
46 and motor vehicles and other equipment while actually  
47 engaged in work upon the surface of a highway  
48 officially closed to traffic but does apply to such  
49 persons and vehicles when traveling to or from such  
50 work. The minimum speed restriction of section

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1 321.285, subsection 8, and the provisions of sections  
2 321.297 and 321.298 do not apply to road workers  
3 operating maintenance equipment owned by or under  
4 lease to any state or local authority while engaged in  
5 road maintenance, road blading, snow and ice control  
6 and removal, and granular resurfacing work on a  
7 highway, whether or not the highway is closed to  
8 traffic.

9 Sec. 37. Section 321.555, subsection 1, paragraph  
10 b, Code 1985, is amended to read as follows:

11 b. Operating a motor vehicle in violation of  
12 section ~~321.281~~ 321J.2.

13 Sec. 38. Section 321A.17, subsection 1, Code 1985,  
14 is amended to read as follows:

15 1. Whenever the director, under any law of this  
16 state, suspends or revokes the license of any person  
17 upon receiving record of a conviction or a forfeiture  
18 of bail or revokes the license of any person pursuant  
19 to chapter ~~321B~~ 321J, the director shall also suspend  
20 the registration for all motor vehicles registered in  
21 the name of the person, except that the director shall

22 not suspend the registration, unless otherwise  
23 required by law, if the person has previously given or  
24 immediately gives and thereafter maintains proof of  
25 financial responsibility with respect to all motor  
26 vehicles registered by the person.

27 Sec. 39. Section 331.653, subsection 33, Code  
28 Supplement 1985, is amended to read as follows:

29 33. Carry out duties relating to the enforcement  
30 of laws prohibiting the operation of a motor vehicle  
31 while under the influence of an alcoholic beverage as  
32 provided in chapter ~~321B~~ 321J.

33 Sec. 40. Section 602.8102, subsection 51, Code  
34 Supplement 1985, is amended to read as follows:

35 51. Forward to the department of transportation a  
36 copy of the record of each conviction or forfeiture of  
37 bail of a person charged with the violation of the  
38 laws regulating the operation of vehicles on public  
39 roads as provided in sections ~~321.281~~ 321J.2 and  
40 321.491.

41 Sec. 41. NEW SECTION. 707.6A HOMICIDE BY  
42 VEHICLE.

43 1. A person commits a class "D" felony when the  
44 person unintentionally causes the death of another by  
45 either of the following means:

46 a. Operating a motor vehicle while under the  
47 influence of alcohol or a drug or a combination of  
48 such substances or while having an alcohol  
49 concentration of .10 or more, in violation of section  
50 321J.2.

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1 b. Driving a motor vehicle in a reckless manner  
2 with willful or wanton disregard for the safety of  
3 persons or property, in violation of section 321.277.

4 2. A person commits an aggravated misdemeanor when  
5 the person unintentionally causes the death of another  
6 by operating a motor vehicle in any of the following  
7 manners:

8 a. Drag racing, in violation of section 321.278.

9 b. Eluding or attempting to elude a pursuing law  
10 enforcement vehicle, in violation of section 321.279.

11 3. As used in this section, "motor vehicle"  
12 includes any vehicle defined as a motor vehicle in  
13 section 321.1.

14 Sec. 42. Section 804.31, unnumbered paragraph 2,  
15 Code Supplement 1985, is amended to read as follows:

16 This section does not prohibit the request for and  
17 administration of a preliminary breath screening test  
18 or the request for and administration of a chemical

19 test of a body substance or substances under chapter  
 20 ~~321B~~ 321J prior to the arrival of a qualified  
 21 interpreter for a hearing impaired person who is  
 22 believed to have committed a violation of section  
 23 ~~321.281~~ 321J.2. However, upon the arrival of the  
 24 interpreter the officer who requested the chemical  
 25 test shall explain through the interpreter the reason  
 26 for the testing, the consequences of the person's  
 27 consent or refusal, and the ramifications of the  
 28 results of the test, if one was administered.  
 29 Sec. 43. Section 902.3, Code 1985, is amended to  
 30 read as follows:  
 31 902.3 INDETERMINATE SENTENCE.  
 32 When a judgment of conviction of a felony, other  
 33 than a class "A" felony is entered against a person,  
 34 the court, in imposing a sentence of confinement,  
 35 shall commit the person into the custody of the  
 36 director of the Iowa department of corrections for an  
 37 indeterminate term, the maximum length of which shall  
 38 not exceed the limits as fixed by section 707.3 or  
 39 section 902.9 nor shall the term be less than the  
 40 minimum term imposed by law, if a minimum sentence is  
 41 provided. However, the court may sentence a person  
 42 convicted of a class "D" felony for a violation of  
 43 section 321J.2 to imprisonment for up to one year in a  
 44 county jail under section 902.9, subsection 4, and the  
 45 person shall not be under the custody of the director  
 46 of the Iowa department of corrections.  
 47 Sec. 44. Section 902.9, subsection 4, Code 1985,  
 48 is amended to read as follows:  
 49 4. A class "D" felon, not an habitual offender,  
 50 shall be confined for no more than five years, and in

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1 addition may be sentenced to a fine of not more than  
 2 seven thousand five hundred dollars. A class "D"  
 3 felon, such felony being for a violation of section  
 4 321J.2, may be sentenced to imprisonment for up to one  
 5 year in the county jail.  
 6 Sec. 45. Section 907.3, subsection 1, paragraph g,  
 7 Code 1985, is amended to read as follows:  
 8 g. The offense is a violation of section ~~321.281~~  
 9 321J.2 and, within the previous six years, the person  
 10 has been convicted of a violation of that section or  
 11 the person's driver's license has been revoked  
 12 pursuant to that section or chapter ~~321B~~ section  
 13 321J.4, 321J.9, or 321J.12.  
 14 Sec. 46. Section 912.1, subsection 4, Code 1985,  
 15 is amended to read as follows:

16 4. "Crime" means conduct that occurs or is  
17 attempted in this state, poses a substantial threat of  
18 personal injury or death, and is punishable as a  
19 felony, an aggravated misdemeanor, or a serious  
20 misdemeanor, or would be so punishable but for the  
21 fact that the person engaging in the conduct lacked  
22 the capacity to commit the crime under the laws of  
23 this state. "Crime" does not include conduct arising  
24 out of the ownership, maintenance, or use of a motor  
25 vehicle, motorcycle, motorized bicycle, train, boat,  
26 or aircraft except for violations of section ~~321.281~~  
27 321J.2 or when the intention is to cause personal  
28 injury or death. A plea or verdict of guilty of a  
29 charge under section ~~321.281~~ 321J.2 or a license  
30 revocation under section ~~321B.13~~ 321J.9 or ~~321B.16~~  
31 321J.12 shall be considered by the department as  
32 evidence of a violation of section ~~321.281~~ 321J.2 for  
33 the purposes of this chapter.

34 Sec. 47. Section 321.281, Code Supplement 1985, is  
35 repealed.

36 Sec. 48. Section 321.282, Code 1985, is repealed.

37 Sec. 49. Section 321.283, Code Supplement 1985, is  
38 repealed.

39 Sec. 50. Chapter 321B, Code 1985 and Code  
40 Supplement 1985, is repealed.

41 Sec. 51. References in chapter 321J to actions  
42 which occurred previously under "this chapter" or  
43 "this section" include the preceding Code chapter or  
44 section which covers the same or substantially similar  
45 actions.

46 Sec. 52. This Act applies to any judicial or  
47 administrative action which arises due to violation of  
48 a section of this Act or an implementing rule, and  
49 which occurs after the effective date of this Act.  
50 This Act also applies to any judicial or

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1 administrative action which arose prior to the  
2 effective date of this Act due to a violation of a  
3 preceding Code section or implementing rule which was  
4 the same or substantially similar to a section in this  
5 Act, or an implementing rule if the defendant or  
6 defendant's counsel requests that the action proceed  
7 under this Act."

S-5970

- 1 Amend House File 2490, as passed by the House, as  
 2 follows:  
 3 1. Page 1, lines 2 and 3, by striking the words  
 4 and figure "one hundred thousand (100,000)" and  
 5 inserting the words and figure "fifty thousand  
 6 (50,000)".  
 7 2. Page 1, by striking lines 8 through 22.

COMMITTEE ON APPROPRIATIONS  
 JOE J. WELSH, Chairperson

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2484

S-5971

- 1 Amend the Senate amendment, H-6103, to House File  
 2 2484, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, line 4, by striking the figure  
 5 "3,300,000" and inserting the figure "3,000,000".  
 6 2. Page 1, by striking lines 15 and 16.  
 7 3. Page 1, by striking lines 32 through 35.  
 8 4. Page 1, by striking lines 48 and 49.  
 9 5. Page 2, lines 43 and 44, by striking the words  
 10 and figure "four hundred twenty-five thousand four  
 11 hundred ten (425,410)" and inserting the words and  
 12 figure "seven hundred twenty-five thousand four  
 13 hundred ten (725,410)".  
 14 6. By striking page 2, line 45 through page 3,  
 15 line 2 and inserting the following:  
 16 "\_\_\_\_. Page 6, line 33, by striking the figure  
 17 "1,000,000" and inserting the figure "620,000".  
 18 7. Page 3, by striking line 21.  
 19 8. Page 3, by inserting after line 38 the  
 20 following:  
 21 "\_\_\_\_. Page 15, by inserting after line 6 the  
 22 following:  
 23 "Sec. 1001. Section 573.2, Code 1985, is amended  
 24 to read as follows:  
 25 573.2 PUBLIC IMPROVEMENTS -- BOND AND CONDITIONS.  
 26 Contracts for the construction of a public  
 27 improvement shall, when the contract price equals or  
 28 exceeds twenty-five thousand dollars, be accompanied  
 29 by a bond, with surety, conditioned for the faithful

30 performance of the contract, and for the fulfillment  
31 of other requirements as provided by law. The bond  
32 may also be required when the contract price does not  
33 equal that amount. However, if a contractor provides  
34 a performance or maintenance bond as required by a  
35 public improvement contract governed by this chapter  
36 and subsequently the surety company becomes insolvent  
37 and the contractor is required to purchase a new bond,  
38 the contractor may apply for reimbursement from the  
39 governmental agency that required a second bond and  
40 the claims shall be reimbursed from funds allocated  
41 for road construction purposes.”

42 9. Page 5, by inserting before line 17 the  
43 following:

44 “\_\_\_ . Page 15, by inserting after line 11 the  
45 following:

46 “Sec. 1003. Section 1001 shall apply retroactively  
47 to July 1, 1985 and the reimbursement may be applied  
48 for until August 31, 1986.”

49 10. Page 5, by striking lines 21 through 37.

50 11. Page 6, line 10, by striking the figure

## Page 2

1 “1,088,693” and inserting the figure “1,058,693”.

2 12. Page 6, by striking lines 13 and 14.

3 13. Page 6, by striking lines 15 through 18.

4 14. Page 6, by striking lines 19 through 21.

5 15. Page 6, by striking lines 22 and 23.

6 16. Page 6, by striking lines 24 through 30.

7 17. Page 6, by striking lines 31 and 32.

8 18. Page 6, by striking lines 33 through 44.

9 19. Page 6, by inserting before line 45 the

10 following:

11 “\_\_\_ . Page 19, by inserting before line 19 the  
12 following:

13 “Of the funds identified in this paragraph for  
14 funding for the evaluator approval process, an amount  
15 not to exceed ten thousand (10,000) dollars of those  
16 funds shall be used by the department of education to  
17 develop a mental retardation model curriculum. The  
18 department shall develop a model curriculum for  
19 teachers of grades one through twelve on mental  
20 retardation prevention and related issues. The  
21 department may use existing staff members or may  
22 contract with outside parties for developing the model  
23 curriculum. The model curriculum shall be distributed  
24 to school districts and area education agencies prior  
25 to July 1, 1988. The funds allocated for the  
26 development of the mental retardation model curriculum

27 are not subject to reversion pursuant to section 8.33  
 28 until June 30, 1988.””  
 29 20. Page 6, line 46, by striking the figure  
 30 “210,000” and inserting the figure “110,000”.  
 31 21. Page 6, lines 49 and 50, by striking the  
 32 words and figure “two hundred thousand (200,000)” and  
 33 inserting the words and figure “one hundred thousand  
 34 (100,000)”.  
 35 22. Page 7, line 7, by inserting after the word  
 36 “institution” the following: “of higher education”.  
 37 23. Page 7, lines 9 and 10, by striking the words  
 38 “, professional, and scientific employees”.  
 39 24. Page 7, lines 11 and 12, by striking the  
 40 words “, professional, and scientific employees”.  
 41 25. Page 7, line 12, by inserting after the word  
 42 “institutions” the following: “of higher education”.  
 43 26. Page 7, line 44, by striking the figure  
 44 “10,453,403” and inserting the figure “10,343,403”.  
 45 27. Page 8, by inserting after line 31 the  
 46 following:  
 47 “\_\_\_ . Page 38, by inserting after line 1 the  
 48 following:  
 49 “Sec. \_\_\_ . The Iowa college aid commission shall  
 50 notify eligible high school seniors in writing that

### Page 3

1 the supplemental grant program established in sections  
 2 261.61 through 261.63 has been retained by the general  
 3 assembly and nine hundred thousand (900,000) dollars  
 4 is appropriated in section 261.63 for the payments.  
 5 The letter shall include notification that it  
 6 supersedes correspondence previously received by the  
 7 student stating that the program was abolished.””  
 8 28. Page 9, line 47, by striking the figure  
 9 “1985” and inserting the following: “1984”.  
 10 29. Page 9, line 50, by striking the figure  
 11 “1985” and inserting the following: “1984”.  
 12 30. Page 10, line 5, by striking the figure  
 13 “1985” and inserting the following: “1984”.  
 14 31. Page 10, by striking lines 12 through 16.  
 15 32. Page 10, by striking lines 23 and 24.  
 16 33. Page 11, by striking lines 25 and 26.  
 17 34. By striking page 16, line 40 through page 17,  
 18 line 46.  
 19 35. By striking page 17, line 48 through page 18,  
 20 line 34 and inserting the following:  
 21 “\_\_\_ . Page 98, line 18, by inserting after the  
 22 word “requires.” the following: “The department shall  
 23 maintain the confidentiality of all information which

24 would identify any person named in a report. However,  
25 the identifying information may be released for bona  
26 fide research purposes if the confidentiality of the  
27 identifying information is maintained by the  
28 researchers, or the identifying information may be  
29 released by the person with the brain injury or by the  
30 person's guardian or, if the person is a minor, by the  
31 person's parent.”

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

34 “\_\_\_ . Page 113, by striking lines 10 and 11 and  
35 inserting the following: “academy. However, no  
36 charge shall be made to officer candidates being  
37 tested on behalf of state agencies.””

38 37. Page 23, by inserting after line 24 the  
39 following:

40 “\_\_\_ . Page 113, by striking line 17 and inserting  
41 the following: “officers employed by state  
42 agencies.””

43 38. Page 23, line 35, by striking the figure  
44 “3,440,635” and inserting the figure “3,420,635”.

45 39. Page 24, by striking lines 8 through 11.

46 40. Page 25, by inserting before line 9 the  
47 following:

48 “\_\_\_ . Page 127, by inserting after line 30 the  
49 following:

50 “Notwithstanding section 99D.5, subsection 4,

#### Page 4

1 members of the racing commission shall receive an  
2 annual salary of six thousand (6,000) dollars for the  
3 fiscal year beginning July 1, 1986 and ending June 30,  
4 1987 and the fiscal year beginning July 1, 1987 and  
5 ending June 30, 1988. This section shall prevail over  
6 any inconsistent provisions of 1986 Iowa Acts, Senate  
7 File 2175 and any provision of 1986 Iowa Acts, Senate  
8 File 2175 relating to compensation for members of the  
9 racing commission shall not be applicable for the  
10 fiscal year beginning July 1, 1986 and ending June 30,  
11 1987 or the fiscal year beginning July 1, 1987 and  
12 ending June 30, 1988.”

13 41. Page 25, by striking lines 13 through 24.

14 42. Page 25, line 26, by striking the figure  
15 “1,943,000” and inserting the figure “1,868,000”.

16 43. Page 25, line 28, by striking the figure  
17 “2,664,790” and inserting the figure “2,614,790”.

18 44. Page 25, by striking lines 29 and 30.

19 45. Page 25, line 32, by striking the figure  
20 “1,079,000” and inserting the figure “1,044,000”.

21 46. Page 25, by striking lines 33 and 34 and  
 22 inserting the following:  
 23 " \_\_\_\_ . By striking page 129, line 22 through page  
 24 130, line 6, and inserting the following:  
 25 "Sec. \_\_\_\_ . Notwithstanding section 123.53, there  
 26 is appropriated from the beer and liquor control fund  
 27 to the alcoholic beverages control division of the  
 28 department of commerce for the fiscal year beginning  
 29 July 1, 1986 and ending June 30, 1987 the sum of nine  
 30 million two hundred thirty-five thousand (9,235,000)  
 31 dollars for salaries, support, maintenance and other  
 32 operational purposes, including funds to maintain  
 33 existing warehouse distribution positions for the  
 34 fiscal year beginning July 1, 1986 and ending June 30,  
 35 1987 or additional funds as necessary for the orderly  
 36 and efficient operation of the liquor system, subject  
 37 to the approval of the department of management.  
 38 Funds appropriated by this section may also be  
 39 expended for the transition expenses.  
 40 The state liquor inventory shall be placed on a  
 41 bailment system.""

42 47. Page 25, by inserting before line 35 the  
 43 following:  
 44 " \_\_\_\_ . Page 130, by inserting after line 20 the  
 45 following:  
 46 "It is the intent of the general assembly that the  
 47 discount table for commutations in 500 Iowa Admin.  
 48 Code §6.3, which was in effect immediately prior to  
 49 March 20, 1985 and which was based on a simple rather  
 50 than compound interest factor, shall be uniformly

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1 applied to all commutations approved by the industrial  
 2 commissioner prior to March 20, 1985 as a valid  
 3 interpretation of the general assembly's intent to  
 4 commute future workers' compensation payments to a  
 5 present worth lump sum payment pursuant to sections  
 6 85.45 and 85.47. It is further the intent of the  
 7 general assembly that the supreme court's  
 8 reinterpretation of the general assembly's intent,  
 9 concerning the commutation of future workers'  
 10 compensation payments to a present worth lump sum  
 11 payment under sections 85.45 and 85.47, shall be  
 12 uniformly applied to all commutations approved by the  
 13 industrial commissioner on or after March 20, 1985.""  
 14 48. Page 26, by striking lines 30 through 32.  
 15 49. By striking page 28, line 46 through page 29,  
 16 line 17.  
 17 50. Page 29, by inserting after line 17 the

18 following:

19 “ — . Page 145, by inserting after line 6 the

20 following:

21 “Savings achieved in providing telecommunications  
22 services shall be used by the department of general  
23 services to increase efficiencies in the provision of  
24 those services.””

25 51. Page 29, by striking lines 18 through 24.

26 52. Page 29, line 40, by striking the figure  
27 “44,597,000” and inserting the figure “44,000,000”.

28 53. Page 29, lines 44 through 46, by striking the  
29 words and figure “seventeen million six hundred sixty-  
30 seven thousand nine hundred forty (17,667,940)” and  
31 inserting the words and figure “sixteen million six  
32 hundred seventeen thousand nine hundred forty  
33 (16,617,940)”.

34 54. Page 29, by striking lines 47 and 48.

35 55. By striking page 29, line 49 through page 30,  
36 line 28.

37 56. By striking page 30, line 29 through page 33,  
38 line 46 and inserting the following:

39 “ — . Page 155, by striking lines 9 and 10 and  
40 inserting the following: “127.8, subsection 1, and  
41 offer for sale and deliver such intoxicating liquors  
42 and wine for sale through the state liquor stores to  
43 class “E””.

44 57. Page 157, line 27, by inserting after the  
45 word “licensees” the following: “without regard for  
46 the quantity of purchase or the distance for  
47 delivery”.

48 58. Page 158, line 31, by striking the words “at  
49 least equal” and inserting the words “of up”.

50 59. Page 158, line 34, by striking the word

## Page 6

1 “reduce” and inserting the word “increase”.

2 60. Page 159, line 2, by striking the words  
3 “equals or exceeds” and inserting the words “does not  
4 exceed”.

5 61. Page 160, line 15, by inserting after the  
6 word “chapter.” the following: “The department shall  
7 deliver alcoholic liquor purchased by class “E” liquor  
8 control licensees. Class “E” liquor control licensees  
9 may deliver alcoholic liquor purchased by class “A”  
10 ”B”, or “C” liquor control licensees, and class “A”  
11 ”B”, or “C” liquor control licensees may transport  
12 alcoholic liquor purchased from class “E” liquor  
13 control licensees.”

14 62. Page 160, line 29, by striking the words “a

15 class "E".

16 63. Page 163, line 31, by inserting after the  
17 word "sum" the following: "of not less than seven  
18 hundred and fifty dollars, and not more than seven  
19 thousand five hundred dollars as".

20 64. By striking page 168, line 13 through page  
21 169, line 1.

22 65. Page 170, line 35, by inserting after the  
23 word "retailers." the following: "The division shall  
24 not close a state liquor store before June 30, 1987  
25 unless a class "E" liquor control licensee begins  
26 operations within the particular store's market area.  
27 However, the division shall not operate a liquor store  
28 after June 30, 1987."

29 66. Page 171, line 1, by striking the word and  
30 figures "December 31, 1986" and inserting the  
31 following: "June 30, 1987. The provisions of the  
32 Code concerning the operation of state liquor stores  
33 shall remain in effect to the extent applicable in the  
34 form as they existed prior to the effective date of  
35 this Act and they shall so remain in effect until the  
36 division ceases operation of any liquor stores."

37 67. Page 171, by inserting after line 3 the  
38 following:

39 "Sec. \_\_\_\_ . Effective July 1, 1986 the division  
40 shall cease offering for sale and selling wine at  
41 wholesale to liquor control licensees and class "B"  
42 wine permittees. The state shall continue to sell  
43 wine at retail to purchasers at state liquor stores as  
44 provided by this Act.

45 Sec. \_\_\_\_ . Notwithstanding section 741 of this Act  
46 which creates a new lettered paragraph "e" to section  
47 123.30, subsection 3, Code Supplement 1985, a person  
48 operating an agency store may obtain a class "E"  
49 liquor control license for the premises designated as  
50 an agency store despite the fact that gasoline is also

**Page 7**

1 sold on the premises.

2 Sec. \_\_\_\_ . The division shall not contract for any  
3 other agency stores nor allow the operation of any  
4 other agency stores other than those agency stores  
5 operating on May 1, 1986.

6 Sec. \_\_\_\_ . No state liquor store shall be  
7 discontinued before March 1, 1987 and no class "E"  
8 liquor control licensee shall be allowed to begin  
9 doing business before March 1, 1987. However, the  
10 division shall not operate a liquor store after June  
11 30, 1987.

12 Sec. \_\_\_\_ . The division shall adopt rules prior to  
13 October 1, 1986 for the approval of applications for  
14 class "E" liquor control licenses.""  
15 68. Page 33, by striking lines 49 and 50 and  
16 inserting the following:  
17 "\_\_\_\_ . Page 177, by inserting after line 4 the  
18 following:  
19 "Sec. 765. Section 8.33, unnumbered paragraph 2,  
20 Code 1985, is amended to read as follows:  
21 No payment of an obligation for goods and services  
22 shall be charged to an appropriation subsequent to the  
23 last day of the fiscal term for which the  
24 appropriation is made unless such goods or services  
25 are received on or before ~~September 15~~ the last day of  
26 the ~~following~~ fiscal year, except that repair  
27 projects, purchase of specialized equipment and  
28 furnishings, and other contracts for services and  
29 capital expenditures for the purchase of land or the  
30 erection of buildings or new construction or  
31 remodeling, which were committed and in progress prior  
32 to the end of the fiscal term are excluded from this  
33 provision.""  
34 69. Page 34, by inserting after line 22 the  
35 following:  
36 "\_\_\_\_ . Page 178, by inserting after line 29 the  
37 following:  
38 "Sec. \_\_\_\_ . Section 765 of this Act is retroactive  
39 to March 1, 1986.""  
40 70. Page 34, by striking lines 23 through 32 and  
41 inserting the following:  
42 "\_\_\_\_ . Page 178, line 30, by striking the figure  
43 "139" and inserting the figure "144"."  
44 71. By renumbering, relettering, or redesignating  
45 and correcting internal references as necessary.

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2483

S-5972

1 Amend the Senate amendment, H-6139, to House File  
2 2483 as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, by striking lines 18 through 27.  
5 2. Page 2, by inserting after line 3 the  
6 following:  
7 "\_\_\_\_ . Page 5, line 15, by striking the figure  
8 "7." and inserting the following: "7. a.""

9 3. Page 2, line 6, by striking the word "A" and  
10 inserting the following: "b. A".

11 4. Page 2, by striking lines 25 through 30 and  
12 inserting the following:

13 "The annual contribution necessary to pay for the  
14 additional benefits provided in this paragraph, shall  
15 be paid by the employer and employee in the same  
16 proportion that employer and employee contributions  
17 are made under section 97B.11."

18 5. Page 2, line 31, by inserting after the word  
19 "DIVIDED," the following: "c."

20 6. Page 2, by inserting after line 32 the  
21 following:

22 "\_\_\_. Page 5, line 35, by striking the words  
23 "this subsection" and inserting the following:  
24 "paragraph "a" and for the employer portion of the  
25 benefits provided in paragraph "b"".

26 7. By striking page 2, line 35 through page 3,  
27 line 37.

28 8. Page 3, line 39, by striking the word "four"  
29 and inserting the following: "five".

30 9. Page 3, line 44, by striking the word "four"  
31 and inserting the following: "five".

32 10. By striking page 3, line 48 through page 4,  
33 line 20.

34 11. Page 5, by striking lines 16 through 25.

35 12. Page 5, line 30, by striking the word "A" and  
36 inserting the following: "Upon the written approval  
37 of the applicable county board of supervisors and city  
38 council, to the Iowa public employees' retirement  
39 system, a".

40 13. Page 6, line 2, by striking the words "and  
41 the" and inserting the following: "together with the  
42 employer contribution for that period of service plus  
43 the interest that accrued on the contributions for  
44 that period equal to two percent plus the interest  
45 dividend rate applicable for each year. The".

46 14. Page 6, line 7, by inserting after the word  
47 "amount" the following: "of the accumulated  
48 contributions as defined in section 97B.41, subsection  
49 12,".

50 15. Page 6, line 15, by striking the word "The"

## Page 2

1 and inserting the following:

2 "If the amount of the employer contributions  
3 transferred is less than the amount that would have  
4 been contributed by the employer under section 411.5,  
5 subsection 12, paragraph "b", plus the interest that

6 would have accrued on the contributions, the".  
 7 16. Page 6, by striking lines 17 through 20 and  
 8 inserting the following: "remaining contribution  
 9 amount due."

S-5973

1 Amend amendment S-5969 to House File 2493 as amended,  
 2 passed and reprinted by the House as follows:  
 3 1. Page 20, by striking lines 16 through 25.

JIM LIND

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2490

S-5974

1 Amend the Senate amendment H-6145 to House File  
 2 2490 as follows:  
 3 1. Page 1, by striking line 7.

HOUSE AMENDMENT TO  
 SENATE FILE 2231

S-5975

1 Amend Senate File 2231 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, line 28, by striking the word "three"  
 4 and inserting the word "five".  
 5 2. Page 1, line 31, by striking the words  
 6 "receives an earnest inquiry or".  
 7 3. Page 1, line 35, by striking the words  
 8 "inquiry or".  
 9 4. Page 2, line 3, by striking the words "made  
 10 the inquiry or".  
 11 5. Page 2, line 10, by inserting after the word  
 12 "owner." the following: "A state bank shall not  
 13 retain mineral rights to the land upon the sale of  
 14 agricultural land held by the bank."  
 15 6. Page 2, by inserting after line 10 the  
 16 following:  
 17 "Sec. \_\_\_\_ . **NEW SECTION. 535.14 AGRICULTURAL LAND**  
 18 **HELD BY CERTAIN FINANCIAL INSTITUTIONS.**  
 19 1. A state chartered bank, state chartered savings

20 and loan association, nationally chartered bank,  
 21 insurance company, agricultural credit corporation,  
 22 federal land bank, or federal capital corporation  
 23 which purchases agricultural land at sales upon  
 24 foreclosure of mortgages or deeds of trust owned by  
 25 it, or which acquires agricultural land upon judgments  
 26 or decrees obtained or rendered for debts due it, or  
 27 which has agricultural land conveyed to it in  
 28 satisfaction of debts previously contracted in the  
 29 course of its business, or which obtains agricultural  
 30 land through redemption as a junior mortgagee or  
 31 judgment creditor, shall, if less than five years have  
 32 passed since the acquisition of the land, notify the  
 33 immediately prior owner if the institution begins  
 34 negotiation as to the possible sale of the  
 35 agricultural land. The institution shall give the  
 36 immediately prior owner notice of the negotiation at  
 37 least twenty days before the institution accepts the  
 38 tender of an offer to purchase the agricultural land  
 39 from the person who was involved in the negotiation.  
 40 Upon tender of an offer to the institution by a  
 41 prospective buyer, the institution shall notify the  
 42 immediately prior owner of the price and terms of the  
 43 tendered and acceptable offer at least ten days prior  
 44 to accepting the offer. If the prior owner submits  
 45 within the ten-day period an intervening offer of  
 46 equal or better price, the agricultural land shall be  
 47 sold to the immediately prior owner.  
 48 2. If an institution listed in subsection 1  
 49 acquires agricultural land by a means described in  
 50 subsection 1, the institution shall not retain mineral

**Page 2**

1 rights to the land upon the sale of the agricultural  
 2 land.”  
 3 7. Title page, by striking lines 1 through 3 and  
 4 inserting the following: “An Act relating to  
 5 agricultural land held by financial institutions, by  
 6 providing a first right of refusal to immediately  
 7 prior owners, and prohibiting the retention of mineral  
 8 rights upon the sale of agricultural land.”

HOUSE AMENDMENT TO  
 SENATE FILE 421

S-5976

1 Amend Senate File 421 as amended, passed and  
 2 reprinted by the Senate as follows:

- 3 1. Page 1, line 10, by striking the word "may"  
4 and inserting the word "shall".
- 5 2. Page 1, line 11, by striking the word "may".
- 6 3. Page 1, line 12, by inserting after the word  
7 "person." the following: "After a third conviction,  
8 the director shall dismiss the person.".



**REPORTS OF CONFERENCE COMMITTEES  
(Senate Files)**

**Filed During The  
SEVENTY-FIRST GENERAL ASSEMBLY  
1986 Regular Session**

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 97

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 97, a bill for an Act establishing the legal age for the purpose of laws relating to beer and alcoholic beverages at twenty-one years, respectfully make the following report:

1. That the Senate recede from its amendment to the House amendment.
2. That the House recede from its amendment.
3. That Senate File 97 as amended, passed, and reprinted by the Senate be amended as follows:

1. Page 1, by striking lines 1 through 6 and inserting the following:

"Section 1. Chapter 123, Code 1985, is amended by adding the following new section:

**NEW SECTION. 123.47A PERSONS AGE NINETEEN AND TWENTY.**

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 nineteen or twenty. A person age nineteen or twenty shall not purchase or possess alcoholic liquor, wine, or beer. However, a person age 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 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 this section commits a scheduled violation of section 805.8, subsection 10. A licensee or permittee who violates this section 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 is the only penalty which shall be imposed against a licensee or permittee who violates this section.

Sec. 2. Section 1 of this Act does not apply to persons born on or before September 1, 1967.

Sec. 3. Section 805.8, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 10. ALCOHOLIC BEVERAGE VIOLATIONS. For violations of section 123.47A, the scheduled fine is fifteen dollars.”

ON THE PART OF THE SENATE:

DONALD V. DOYLE, Chair  
 TOM MANN, JR.  
 ARTHUR A. SMALL, JR.  
 RICHARD F. DRAKE

ON THE PART OF THE HOUSE:

DANIEL J. JAY, Chair  
 ROD HALVORSON  
 RICHARD J. VARN  
 DONALD F. HERMANN  
 MIKE VAN CAMP

REPORT OF THE CONFERENCE COMMITTEE  
 ON SENATE FILE 447

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 difference between the Senate and the House of Representatives on Senate File 447, a bill for an Act to license operators of radiation emitting equipment, respectfully make the following report:

1. That the House amendment, S-5254, to Senate File 447, as passed by the Senate, is amended as follows:

1. Page 1, by inserting after line 21 the following:

“The department shall establish a technical advisory committee made up of two radiologic technologists, two physicians, including one radiologist and one private practitioner, and a representative of the department. The advisory committee shall assist the department in developing and establishing criteria for continuing education and examinations.”

ON THE PART OF THE SENATE:

ROBERT M. CARR, Chair  
 WILLIAM W. DIELEMAN  
 WALLY E. HORN  
 DOUGLAS RITSEMA  
 FORREST SCHWENGELS

ON THE PART OF THE HOUSE:

GENE BLANSHAN, Chair  
 DALE M. COCHRAN  
 JANE TEAFORD  
 DARRELL HANSON  
 BOB RENKEN

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2052

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 2052, a bill for an Act relating to contributions by judges to the judicial retirement fund, and providing an effective date, respectively make the following report:

1. That the Senate recedes from its amendment, H-5805.
2. That the House recedes from its amendment, S-5587.
3. That Senate File 2052, as passed by the Senate, is amended as follows:

1. Page 1, by striking lines 1 through 7 and inserting the following:

“Section 1. Section 602.9104, subsection 1, Code 1985, as amended by 1985 Iowa Acts, chapter 197, section 27, is amended by striking the subsection and inserting in lieu thereof the following:

1. Each judge coming within the purview of this article shall, on or before retirement, pay to the court administrator for deposit with the treasurer of state to the credit of a fund to be known as the “judicial retirement fund”, hereinafter called the “fund”, a sum equal to four percent of the judge’s basic salary for services as such judge for the total period of service as a judge of a municipal, superior, district or supreme court, or the court of appeals, including district associate judges, before the date of said notice, and after the date of the notice there shall be deducted and withheld from the basic salary of each judge coming within the purview of this article a sum equal to four percent of such basic salary. Provided that the maximum amount which any judge shall be required to contribute for past service shall not exceed for municipal or superior or district associate judges thirty-five hundred dollars, for district judges four thousand dollars, for court of appeals judges four thousand five hundred dollars, and for supreme court judges five thousand dollars.

Sec. 2. This Act takes effect upon the final decision in the case of *Junkins v. Branstad*, No. CL 062 36310 (Polk County Dist. Ct.), and is retroactive to July 1, 1985."

ON THE PART OF THE HOUSE:

GENE BLANSHAN, Chair  
MINNETTE DODERER  
JOHNIE HAMMOND  
BOB RENKEN  
GEORGE R. SWEARINGEN

ON THE PART OF THE SENATE:

WILLIAM W. DIELEMAN, Chair  
JOHN N. NYSTROM  
FORREST SCHWENGELS

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2116

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 2116, a bill for an Act relating to grain dealers and warehouses, by providing licensing requirements, establishing a grain depositors and sellers indemnity fund, and providing an effective date, respectfully make the following report:

1. That the House recede from its amendment.

2. That Senate File 2116 as amended, passed, and reprinted by the Senate be amended as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section 542.1, subsection 3, Code Supplement 1985, is amended to read as follows:

3. "Grain dealer" means a person who buys during any calendar month five hundred bushels of grain or more from the producers of the grain for purposes of resale, milling, or processing. However, "grain dealer" does not include a producer of grain who is buying grain for the producer's own use as seed or feed; a person solely engaged in buying grain future contracts on the board of trade; a person who purchases grain only for sale in a registered feed; a person who purchases grain for sale in a nonregistered customer-formula feed regulated by chapter 198, who purchases less than a total of fifty thousand bushels of grain annually, and who is also exempt as an incidental warehouse operator under chapter 543; a person engaged in the business of selling agricultural seeds regulated by chapter 199; a person buying grain only as a farm manager; an executor, administrator, trustee, guardian,

or conservator of an estate; a bargaining agent as defined in section 542A.1; or a custom livestock feeder.”

2. Page 1, by striking lines 11 and 12, and inserting the following:

“a. The grain dealer shall have and maintain a net worth of at least”.

3. Page 1, by striking lines 16 through 21, and inserting the following: “net worth deficiency. However, a person”.

4. By striking page 1, line 35 through page 2, line 7, and inserting the following: “commission. The grain dealer may elect, however, to submit a financial statement ~~satisfying the requirements of subsection 5, paragraph “b,”~~ 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, and if a grain dealer makes this election the commission shall cause the grain dealer to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four month period without good cause, in the manner provided in section 542.9. In addition, the commission shall cause a grain dealer who makes this election to submit to the commission, in a form and manner prescribed by the commission, an interim financial statement no less than once in every three calendar month period. 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.”

5. Page 2, by striking lines 8 and 9, and inserting the following:

“c. The grain dealer shall have and maintain current assets equal to at”.

6. By striking page 2, line 29, through page 3, line 15.

7. Page 4, line 5, by inserting after the word “commission.” the following: “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, and if a grain dealer makes this election the commission shall cause the grain dealer to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four month period without good cause, in the manner provided in section 542.9. In addition, the commission shall cause a grain dealer who makes this election to submit to the commission, in a form and manner prescribed by the commission, an interim financial statement no less than once in every three calendar month period. 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.”

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

“Sec. \_\_\_\_ . Section 542.3, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A deficiency bond or irrevocable letter of credit filed with the commission pursuant to this section shall not be canceled by the issuer on less than ninety days’ notice by certified mail to the commissioner and the principal.”

9. Page 7, by inserting after line 9 the following:

“Sec. \_\_\_\_ . Section 542.15, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A licensed grain dealer purchasing grain by credit sale contract and who does not submit a financial statement that is accompanied by an unqualified opinion based upon an audit performed by a certified public accountant licensed in this state shall at all times maintain grain, rights in grain, proceeds from the sale of grain, or a combination thereof totaling at least ninety percent of the dealer’s obligation for grain purchased by credit sale contract. The required amount shall be evidenced or represented by one or more of the following:

- a. Grain actually held by the dealer in licensed storage facilities.
- b. Rights in grain evidenced or represented by one or more of the following:

(1) A warehouse receipt issued by a warehouse licensed under chapter 543 or under the United States Warehouse Act, or by other documentation acceptable as evidence of inventory under the United States Warehouse Act.

(2) Evidence of grain forwarded to another warehouse under provisions of 543.39.

c. Sufficient proceeds from and of the grain evidenced or represented by one or more of the following:

(1) Cash on hand or cash held on account in federally or state chartered financial institutions.

(2) Short term investments held in time accounts with federally or state chartered financial institutions.

(3) Balances on grain margin accounts.

(4) Credit sales contracts for grain shipped to a processor, terminal, or recognized grain merchandising entity, less any payment or advance that has been received provided that the price term of the contract remains open.

(5) Other evidence or proceeds from or of grain acceptable to the commission, including an irrevocable letter of credit.

For the purpose of computing the dollar value of inventories and credit sale obligations, the value of grain shall be figured at the then current market.

A grain dealer shall keep records of credit sale obligations and evidence of grain, rights in grain and the proceeds from or of grain so as to clearly indicate compliance with the requirements of this subsection."

10. Page 8, by inserting after line 9 the following:

"Sec. \_\_\_\_ . Section 543.1, subsection 8, Code 1985, is amended to read as follows:

8. "Warehouse operator" means ~~any~~ a person engaged in the business of operating or controlling a warehouse for the storing, shipping, handling or processing of agricultural products, but does not include an incidental warehouse operator.

Sec. \_\_\_\_ . Section 543.1, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 23. "Incidental warehouse operator" means a person regulated under chapter 198 whose grain storage capacity does not exceed twenty-five thousand bushels which is used exclusively for grain owned or grain which will be returned to the depositor for use in a feeding operation or as an ingredient in a customer-formula feed, as defined in section 198.1."

11. Page 8, line 18, by striking the word "The" and inserting the following: "The Except as provided in section 543.6, the".

12. Page 12, by striking lines 26 through 32 and inserting the following: "commission. The warehouse operator may elect, however, to submit a financial statement ~~satisfying the requirements of subsection 5, paragraph "b," 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, and if a warehouse operator makes this election the commission shall cause the warehouse ~~operator~~ to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four month period without good cause, in the manner provided in section 543.2. In addition, the commission shall cause a warehouse operator who makes this election to submit to the commission, in a form and manner prescribed by the commission, an interim financial statement no less than once in every three calendar month period."

13. Page 13, line 20, by inserting after the word "commission." the following: "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, and if a warehouse operator makes this election the commission

shall cause the warehouse to be inspected not less than twice during each twelve-month period, but not more than five times in a twenty-four month period without good cause, in the manner provided in section 543.2. In addition, the commission shall cause a warehouse operator who makes this election to submit to the commission, in a form and manner prescribed by the commission, an interim financial statement no less than once in every three calendar month period."

14. Page 13, by inserting after line 20 the following:

"Sec. \_\_\_\_ . Section 543.6, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A deficiency bond or irrevocable letter of credit filed with the commission pursuant to this section shall not be canceled by the issuer on less than one hundred twenty days' notice by certified mail to the commission and the principal."

15. Page 13, line 23, by inserting before the word "When" the figure "1."

16. Page 14, line 15, by striking the word "section" and inserting the words "section subsection".

17. Page 14, line 19, by inserting before the word "If" the figure "2."

18. Page 14, line 24, by striking the word "sixty" and inserting the word "thirty".

19. Page 14, line 26, by striking the word "sixty-day" and inserting the word "thirty-day".

20. Page 14, line 27, by striking the word "ninety" and inserting the word "sixty".

21. Page 15, line 3, by striking the word "section" and inserting the word "subsection".

22. Page 15, by inserting after line 5 the following:

"3. When the commission receives notice that a deficiency bond or irrevocable letter of credit is being canceled by the issuer, and determines that upon the cancellation the warehouse operation will not be in compliance with section 543.6, the commission shall suspend the warehouse operator's license if a new deficiency bond or irrevocable letter of credit is not received by the commission within sixty days of receipt by the commission of the notice of cancellation. If a new deficiency bond or irrevocable letter of credit is not received by the commission within thirty days following suspension, the warehouse operator's license shall be revoked. When a license is revoked, the commission shall notify each holder of an outstanding warehouse receipt and all known persons who have grain retained in open storage of the

revocation, and shall further notify each receipt holder and all known persons who have grain retained in open storage that the grain must be removed from the warehouse not later than the thirtieth day following revocation. The notice shall be sent by ordinary mail to the last known address of each person having grain in storage as provided in this subsection.”

23. Page 15, by striking lines 17 through 20 and inserting the following:

“1. A warehouse operator who stores only agricultural products other than bulk grain shall have and maintain a net worth of at least ten percent of the value of the warehouse capacity, or 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 net worth deficiency. However, a person shall not be eligible for a license to store only agricultural products other than bulk grain if the person has a net worth of less than ten thousand dollars.”

24. Page 15, by striking lines 21 and 22 and inserting the following:

“3. A bond, deficiency bond, or irrevocable letter of credit on agricultural products other than bulk grain shall not be canceled by the issuer on less than one hundred twenty days’ notice by certified mail to the commission and the principal. When the commission receives notice from an issuer that it has canceled the bond, deficiency bond, or irrevocable letter of credit on agricultural”.

25. Page 15, line 26, by inserting after the word “bond” the words “, deficiency bond,”.

26. Page 15, line 31, by inserting after the word “bond” the words “, deficiency bond,”.

27. Page 16, line 34, by inserting after the word “and” the words “, if the claim relates to bulk grain,”.

28. Page 17, line 2, by inserting before the word “the” the words “, if the claim relates to bulk grain,”.

29. Page 18, by inserting after line 22 the following:

“Sec. \_\_\_\_ . Section 543.18, subsection 3, Code 1985, is amended to read as follows:

3. A statement that the receipt is issued subject to the Iowa bonded warehouse Act and the rules and regulations prescribed ~~thereunder~~ pursuant to the Act.”

30. Page 19, by inserting after line 12 the following:

"1. "Board" means the Iowa grain indemnity fund board created in section 543A.4."

31. Page 19, by striking line 23 and inserting the words "but does not include agricultural products other than bulk grain."

32. Page 19, by inserting after line 23 the following:

"4A. "Grain bank" means grain which is deposited in a warehouse until removed for the personal use of the depositor.

4B. "Grain sold" means grain which crosses the scales of a grain dealer or warehouse operator other than for grain bank storage, and other grain purchased by a grain dealer. "Grain sold" includes the pledge or other encumbrance of grain as security for a loan extended under a federal price support loan program. The date of sale of grain which is security for a loan extended under a federal price support loan program is the date the grain is delivered to the warehouse operator. The purchase price of the grain is the principal amount of the loan extended and the purchase invoice for the grain is the documentation required for extension of the loan."

33. Page 19, by inserting after line 28 the following:

"6A. "Loss" means the amount of a claim held by a seller or depositor against a grain dealer or warehouse operator which has not been recovered through other legal and equitable remedies including the liquidation of assets."

34. By striking page 20, line 16 through page 21, line 12 and inserting the following: "depositors and sellers indemnity fund under section 543A.6. The fund consists of a per-bushel fee on grain sold remitted by licensed grain dealers, licensed warehouse operators, and participating federally licensed grain warehouses; an annual fee charged to and remitted by licensed grain dealers, licensed warehouse operators, and participating federally licensed grain warehouses; sums collected by the commission by legal action on behalf of the fund; and interest, property, or securities acquired through the use of moneys in the fund. The moneys collected under this section and deposited in the fund shall be used exclusively to indemnify depositors and sellers as provided in section 543A.6 and to pay the administrative costs of this chapter.

2. The grain dealer, warehouse operator, or participating federally licensed warehouse shall forward the per-bushel fee to the commission in the manner and using the forms prescribed by the commission. If the per-bushel fee has not been forwarded to the commission by the date required by the commission, the grain dealer, warehouse operator, or participating federally licensed warehouse is subject to an interest penalty for each day the grain dealer, warehouse operator, or participating federally licensed warehouse fails to forward the fee. Interest shall be simple interest, and shall be the maximum lawful rate of interest for the month the payment was due. If the per-bushel fee has not been forwarded to the commission within thirty days after the payment was due, the grain dealer's or warehouse operator's license or the

participating warehouse operator's cooperative agreement shall be suspended. The per-bushel fee shall be collected only once on each bushel of grain.

3. a. All licensed grain dealers, licensed warehouse operators, and participating federally licensed grain warehouses shall annually remit a fee to be deposited into the fund which is determined as follows:

(1) For class 1 grain dealers, five hundred dollars.

(2) For class 2 grain dealers, two hundred fifty dollars.

(3) For warehouse operators or participating federally licensed grain warehouses:

(a) For intended storage of bulk grain in any quantity less than twenty thousand bushels, forty-two dollars plus seven dollars for each two thousand bushels or fraction thereof in excess of twelve thousand bushels.

(b) For intended storage of bulk grain in any quantity not less than twenty thousand bushels and not more than fifty thousand bushels, seventy dollars plus four and a half dollars for each three thousand bushels or fraction thereof in excess of twenty thousand bushels.

(c) For intended storage of bulk grain in any quantity not less than fifty thousand bushels and not more than seventy thousand bushels, one hundred fifteen dollars plus four and a half dollars for each four thousand bushels or fraction thereof in excess of fifty thousand bushels.

(d) For intended storage of bulk grain in any quantity not less than seventy thousand bushels, one hundred thirty-seven and a half dollars plus two and three-quarters dollars for each five thousand bushels or fraction thereof in excess of seventy thousand bushels.

b. Payment of the required amount shall be made before the grain dealer's or warehouse operator's license is renewed, or before the participating federal licensee's agreement with the commission is ratified.

4. A person who applies for a grain dealer's or warehouse operator's license or a federal licensee who elects to participate in the fund who has not previously paid the full fee required by subsection 3, shall pay that amount before the license is issued or the agreement is ratified.

5. All disbursements from the fund shall be paid by the treasurer of state pursuant to vouchers authorized by the commission.

6. The administrative costs of this chapter shall be paid from the fund after approval of the costs by the board.

Sec. 4. NEW SECTION, 543A.4 INDEMNITY FUND BOARD.

The Iowa grain indemnity fund board is established to advise the commission on matters relating to the fund and to perform the duties provided in this chapter. The board is composed of the secretary of the department of agriculture or a designee who shall serve as president; the director of the department of insurance or a designee who shall serve as secretary; the state treasurer or a designee who shall serve as treasurer; and two representatives of the grain industry appointed by the governor, subject to confirmation by the senate, one of whom shall be a representative of grain depositors and sellers and one of whom shall be a representative of grain dealers and warehouse operators, each of whom shall be selected from a list of three nominations made by the secretary of agriculture. The term of membership of the grain industry representatives is three years, and the representatives are eligible for reappointment. The grain industry representatives are entitled to forty dollars per diem for each day spent in the performance of the duties of the board, plus actual expenses incurred in the performance of those duties. Three members of the board constitute a quorum, and the affirmative vote of three members is necessary for any action taken by the board, except that a lesser number may adjourn a meeting. A vacancy in the membership of the board does not impair the rights of a quorum to exercise all the rights and perform all the duties of the board."

35. Page 21, line 13, by striking the figure "543A.4" and inserting the figure "543A.5".

36. Page 21, line 14, by striking the word "commission" and inserting the word "board".

37. Page 21, by striking lines 17 through 29 and inserting the following: "the per-bushel fee required under section 543A.3, subsection 2, and the dealer-warehouse fee required under section 543A.3, subsection 3 that are necessary to maintain the fund within the limits established under this section. Not later than the first day of May of each year, the board shall determine the proposed amount of the per-bushel fee based on the expected volume of grain on which the fee is to be collected and that is likely to be handled under this chapter. The per-bushel fee and the dealer-warehouse fee shall be adjusted on a pro rata basis. The board shall make any changes in the previous year's fees in accordance with chapter 17A. Changes in the fees shall become effective on the following first day of July. The per-bushel fee shall not exceed one-quarter cent per bushel on all grains on which the fee is to be paid. Until the per-bushel fee is adjusted or waived as provided in this section, the per-bushel fee is one-quarter cent on all other grains on which the fee is paid."

38. Page 21, line 31, by striking the word "eight" and inserting the word "six".

39. Page 21, line 32, by inserting before the word "fee" the word "per-bushel".

40. Page 21, by striking line 33 and inserting the following: "under section 543A.3, subsection 2, and the dealer-warehouse fee required under section 543A.3, subsection 3, shall be waived until the board reinstates the fees on a pro rata basis."

41. Page 21, line 34, by striking the words "the commission" and inserting the words "The board".

42. Page 22, line 1, by striking the word "six" and inserting the word "three".

43. Page 22, line 2, by striking the figure "543A.5" and inserting the figure "543A.6".

44. Page 22, line 13, by striking the word "commission" and inserting the word "board".

45. Page 22, line 26, by striking the word "commission" and inserting the word "board".

46. Page 22, line 33, by striking the words "moneys that the depositor" and inserting the following: "a claim which arises on or after the effective date of this Act".

47. Page 22, by striking lines 34 and 35 and inserting the following: "for ninety percent of the loss, as determined under".

48. Page 23, line 1, by inserting after the figure "1" the words ", but not more than one hundred fifty thousand dollars per claimant".

49. Page 23, line 2, by striking the word "eighty" and inserting the word "ninety".

50. Page 23, line 4, by striking the word "eighty" and inserting the word "ninety".

51. Page 23, line 6, by striking the word "eighty" and inserting the word "ninety".

52. Page 23, line 8, by striking the word "commission" and inserting the word "board".

53. Page 23, line 18, by striking the word "commission" and inserting the word "board".

54. Page 24, line 11, by striking the figure "543A.6" and inserting the figure "543A.7".

55. Page 24, line 31, by striking the word "June" and inserting the word "September".

56. By striking page 24, line 35 through page 25, line 1, and inserting the following: "the indemnity fund is liable for claims which arise on or after the effective date of this Act but before October 1, 1986 only if the".

57. Page 25, line 8, by striking the word "July" and inserting the word "October".

58. Title page, line 3, by inserting after the word "fund" the following: "providing a penalty,".

ON THE PART OF THE SENATE:

EMIL J. HUSAK, Chair  
 EUGENE FRAISE  
 ARTHUR L. GRATIAS  
 ALVIN V. MILLER  
 JOHN E. SOORHOLTZ

ON THE PART OF THE HOUSE:

DEO A. KOENIGS, Chair  
 LOUIS J. MUHLBAUER  
 WENDELL C. PELLETT  
 BOB SKOW

REPORT OF THE CONFERENCE COMMITTEE ON  
 SENATE FILE 2175

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 2175, a bill for an Act relating to the organization and structure of state government, including the areas of education, personnel, management, natural resources, agriculture, cultural affairs, public services, corrections, public defense, public safety, general services, commerce, audits and appeals, economic development, labor, and transportation; altering the duties and powers of certain executive branch agencies and positions; establishing, altering, and repealing agencies in the legislative and judicial branches; making specified coordinating amendments to the Code; subject certain violators to certain penalties; abolishing and creating certain state agencies and repealing and modifying provisions of law relating to such agencies; and providing transition principles, directions, and procedures relating to state government organization and structure, respectfully make the following report:

#1. That the House recede from its amendment.

#2. That Senate File 2175 as amended, passed and reprinted by the Senate be amended as follows:

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

"1. **DECLARATION OF POLICY: THREE BRANCHES OF GOVERNMENT.** The separation of powers within state government among the legislative, the executive, and the judicial branches of the government is a traditional American concept. The legislative branch has the broad

objective of determining policies and programs and review of program performance for programs previously authorized, the executive branch carries out the programs and policies, and the judicial branch has the responsibility for adjudicating any conflicts which might arise from the interpretation or application of the laws."

#4. Page 1, by striking lines 15 and 16 and inserting the following:

"c. The executive branch shall be organized on a functional basis, so that programs can".

#5. Page 2, by inserting immediately after line 11 the following:

"Sec. 2. NEW SECTION. 7E.2 OFFICES, DEPARTMENTS AND INDEPENDENT AGENCIES.

The constitutional and statutory offices, administrative departments, and independent agencies which comprise the executive branch of state government are structured as follows:

1. SEPARATE CONSTITUTIONAL OFFICES. The elective constitutional and statutory officers who do not head operating departments each head a staff to be termed the "office" of the respective elective officer, but the office of the governor shall be known as the "executive office".

2. PRINCIPAL ADMINISTRATIVE UNITS. The principal administrative unit of the executive branch is a "department" and there may be one or more "independent agencies".

3. INTERNAL STRUCTURE.

a. The director of each department, subject to applicable statute, approval by the governor, and the provisions of subsection 4 of this section, may establish the internal structure within the office of the director so as to best suit the purposes of the department.

b. For field operations, departments may establish district or area offices which may cut across divisional lines of responsibility.

c. For their internal structure, all departments shall adhere to the following standard terms unless otherwise specified by law, and independent agencies are encouraged to review their internal structure and to adhere as much as possible to the following standard terms:

(1) The principal subunit of the department is the "division". Each division shall be headed by an "administrator".

(2) The principal subunit of the division is the "bureau". Each bureau shall be headed by a "chief".

(3) If further subdivision is necessary, bureaus may be divided into subunits which shall be known as "sections" and which shall be headed by "supervisors" and sections may be divided into subunits which shall be known as "units" and which shall be headed by "unit managers".

4. INTERNAL ORGANIZATION AND ALLOCATION OF FUNCTIONS. Subject to applicable law, the head of each department or independent agency shall, subject to the approval of the governor, establish the internal organization of the department or independent agency and allocate and reallocate duties and functions not assigned by law to an officer or any subunit of the department or independent agency to promote economic and efficient administration and operation of the department or independent agency.

5. ATTACHMENT FOR LIMITED PURPOSES. Any commission, board, or other unit attached under this section to a department or independent agency, or a specified division of one, shall be a distinct unit of that department, independent agency, or specified division. Any commission, board, or other unit so attached shall exercise its powers, duties, and functions as may be prescribed by law, including rulemaking, licensing and regulation, and operational planning within the area of program responsibility of the commission, board, or other unit independently of the head of the department or independent agency, but budgeting, program coordination, and related management functions shall be performed under the direction and supervision of the head of the department or independent agency, unless otherwise provided by law.

Sec. — . NEW SECTION. 7E.2A HEADS OF DEPARTMENTS AND INDEPENDENT AGENCIES -- POWERS AND DUTIES.

Each head of a department or independent agency shall, except as otherwise provided by law:

1. SUPERVISION. Plan, direct, coordinate, and execute the functions vested in the department or independent agency.

2. BUDGET. Annually compile a comprehensive program budget which reflects all fiscal matters related to the operation of the department or independent agency and each program, subprogram, and activity in the department or agency.

3. ADVISORY BODIES. In addition to any councils specifically created by law, create by rule and appoint such councils or committees as the operation of the department or independent agency requires. Members of councils and committees created under this general authority shall serve without compensation, but may be reimbursed for their expenses.

4. ANNUAL REPORT. Unless otherwise provided by law, submit a report in November of each year to the governor and the legislature on the operation of the department or independent agency during the fiscal year concluded on the preceding June 30, and projecting the goals and objectives of the department or independent agency as developed in the program budget report for the fiscal year underway. Any department or independent agency may issue such additional reports on its findings and recommendations as its operations require.

Sec. — . NEW SECTION. 7E.2B DEFINITIONS AND TERMINOLOGY FOR EXECUTIVE BRANCH ORGANIZATION.

In statutory references and administrative usage, the following terminology and definitions shall be used as guidelines for the terminology applicable to state governmental structure and organization to the extent practicable:

1. "Department" means a principal administrative agency within the executive branch of state government, but does not include independent agencies.

2. "Division", "bureau", "section", and "unit" mean the subunits of a department, whether specifically created by law or created by the head of the department for the more economic and efficient administration and operation of the programs assigned to the department.

3. "Independent agency" is an administrative unit which, because of its unique operations, does not fit into the general pattern of operating departments.

4. "Authority" means a body with independent power to issue and sell bonds.

5. "Head of the department" means the elective officer, director, or other official in charge of a department.

6. "Commission" means a policymaking body that has rule-making powers.

7. a. "Board" means a policymaking body that has the power to hear contested cases.

b. A policymaking body that has powers for both rule-making and hearing contested cases shall be termed a "board".

8. "Examining board" means a body which sets standards of professional competence and conduct for the profession or occupation under its supervision, which may prepare and grade the examinations of prospective new practitioners when authorized by law, which may issue licenses when authorized by law, which investigates complaints of alleged unprofessional conduct, and which performs other functions assigned to it by law.

9. "Council" means an advisory body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government.

10. "Committee" means a part-time body appointed to study a specific problem and to recommend a solution or policy alternative with respect to that problem, and intended to terminate on the completion of its assignment."

#6. Page 2, line 17, by striking the word "office" and inserting the following: "department".

#7. Page 2, line 31, by striking the word "audits" and inserting the following: "inspections".

#8. Page 2, line 35, by inserting after the word "agriculture" the following: "and land stewardship".

#9. Page 3, line 4, by inserting after the word "agriculture" the following: "and land stewardship".

#10. Page 3, line 5, by striking the words "and industry".

#11. Page 3, line 15, by inserting after the word "training," the following: "employment safety, labor standards, workers' compensation."

#12. By striking page 3, line 35 through page 4, line 4 and inserting the following: "education at the elementary and secondary levels and for supervising the merged area schools."

#13. Page 4, by striking line 29 and inserting the following: "women, persons with disabilities, community action agencies, deaf."

#14. Page 4, by inserting immediately after line 30 the following:

"u. In the area of higher education, an agency headed by the state board of regents and including all the institutions administered by the state board of regents, which has primary responsibility for state involvement in higher education."

#15. By striking page 4, line 31 through page 5, line 2 and inserting the following:

"2. a. There is a civil rights commission, a public employment relations board, an interstate cooperation commission, campaign finance disclosure commission, and an Iowa law enforcement academy."

#16. Page 5, line 25, by striking the word "OFFICE" and inserting the word "DEPARTMENT".

#17. Page 5, by striking line 27 and inserting the following: “~~There is created an office of state comptroller~~ The department of”.

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

“Sec. \_\_\_\_ . Section 8.6, Code Supplement 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 21. TARGETED SMALL BUSINESSES. To assist the director of the department of economic development as requested in the establishment and implementation of the Iowa targeted small business procurement Act and the targeted small business loan guarantee program.

NEW SUBSECTION. 22. STATE PROGRAMS FOR EQUAL OPPORTUNITY. To perform specific powers and duties as provided in chapter 19B and other provisions of law with respect to oversight and the imposition of sanctions in connection with state programs emphasizing equal opportunity through affirmative action, contract compliance policies, and procurement set-aside requirements.”

#19. Page 6, line 12, by striking the word “office” and inserting the word “department”.

#20. By striking page 6, line 34 through page 8, line 1.

#21. Page 8, line 7, by striking the word “office” and inserting the word “department”.

#22. Page 8, line 9, by striking the word “office” and inserting the word “department”.

#23. Page 8, line 33, by striking the word “office” and inserting the word “department”.

#24. Page 8, by inserting after line 34 the following:

“Sec. 110. Section 24.48, unnumbered paragraphs 4 and 7, Code 1985, are amended to read as follows:

The city finance committee shall have officially notified any city of its approval, modification or rejection of the city’s appeal of the decision of the director of the department of management regarding a city’s request for a suspension of the statutory property tax levy limitation prior to thirty-five days before March 15.

For the purpose of this section, the city finance committee shall be the state appeal board when the political subdivision is a city when the political subdivision is a city, the director of the department of management, and the city finance committee on appeal of the director’s decision, shall be the state appeal board.”

#25. Page 9, line 4, by striking the word “office” and inserting the words “office department”.

#26. Page 9, line 7, by striking the word “office” and inserting the words “office department”.

#27. Page 9, line 12, by striking the word “office” and inserting the words “office department”.

#28. Page 9, line 16, by striking the word “office” and inserting the words “office department”.

#29. Page 9, line 23, by striking the word “office” and inserting the words “office department”.

#30. Page 9, line 30, by striking the word “office” and inserting the words “office department”.

#31. Page 10, line 2, by striking the word "office" and inserting the word "department".

#32. Page 11, by striking lines 6 through 12.

#33. Page 11, line 27, by striking the word "office" and inserting the word "department".

#34. Page 11, line 34, by striking the word "office" and inserting the word "department".

#35. Page 12, line 13, by striking the word "office" and inserting the word "department".

#36. Page 12, line 21, by striking the word "office" and inserting the word "department".

#37. Page 12, line 31, by striking the word "office" and inserting the word "department".

#38. Page 13, by inserting after line 3 the following:

"Sec. \_\_\_\_ . Section 333A.2, subsection 1 and paragraph b, Code 1985, is amended to read as follows:

1. There is created a county finance committee consisting of ~~nine~~ eight members. The members of the committee shall be:

b. ~~The state comptroller or a designee of the state comptroller.~~

Sec. \_\_\_\_ . Section 333A.3, subsections 1 and 3, Code 1985, are amended to read as follows:

1. The committee is located for administrative purposes within the ~~office of state comptroller~~ department of management. The ~~state comptroller director~~ shall provide office space, staff assistance, and necessary supplies and equipment for the committee. The ~~state comptroller director~~ shall budget funds to pay the compensation and expenses of the committee.

3. The committee shall select its own officers ~~except that the state comptroller or a designee of the state comptroller shall serve as chairperson and meet at the call of the director of the department of management.~~

#39. Page 13, by striking lines 4 through 14.

#40. Page 13, by striking lines 15 through 19 and inserting the following:

"Sec. 119. Section 384.13, unnumbered paragraph 1, and subsections 2, 4, and 5, Code 1985, are amended to read as follows:

As used in this division, unless the context otherwise requires, "committee" means the city finance committee and "director" means the director of the department of management. A ~~ten-member~~ nine-member city finance committee is created. Members of the committee are:

2. ~~The state comptroller or the state comptroller's designee.~~

4. Five city officials who are regularly involved in budget preparation. One official must be from a city with a population of not over two thousand five hundred, one from a city with a population of over two thousand five hundred but not over fifteen thousand, one from a city with a population of over fifteen thousand but not over fifty thousand, one from a city with a population of over fifty thousand and one from any size city. The governor shall select and appoint ~~subject to confirmation by the senate~~, the city officials.

5. One certified public accountant experienced in city accounting, to be selected and appointed by the governor; ~~subject to confirmation by the senate.~~

#41. Page 13, by inserting after line 26 the following:

"Sec. 121. Section 384.15, subsection 2, and subsection 7, unnumbered paragraph 1, Code 1985, are amended to read as follows:

2. Select its officers; except that the state comptroller or a designee of the state comptroller shall serve as chairperson and meet at the call of the director of the department of management or upon an appeal of the director's decision.

7. Administer Adopt rules for the administration of a law enforcement officer training reimbursement program by the director of the department of management. A decision of the director may be appealed by a city or county to the committee. The program shall provide reimbursement to a city or county for necessary and actual expenses incurred in training a law enforcement officer who resigns from law enforcement service with the city or county within four years after completion of the law enforcement training. The reimbursable training expenses include mileage, food, lodging, tuition, replacement of an officer while the officer is in training if the replacement officer is a temporary employee hired for that purpose only or is on overtime status, and salary costs of the officer while in training. The law enforcement training eligible for reimbursement is the minimum law enforcement officer training required under chapter 80B and, if funding is available, approved advanced law enforcement training. The committee shall adopt rules prescribing application forms, expense documentation, and procedures necessary to administer the reimbursement program."

#42. By striking page 13, line 27 through page 14, line 11.

#43. Page 14, by inserting before line 12 the following:

"Sec. \_\_\_\_ . Section 602.1301, subsection 2, paragraph b, Code Supplement 1985, is amended to read as follows:

b. Before December 1, the supreme court shall submit to the state comptroller director of management an estimate of the total expenditure requirements of the judicial department. 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."

#44. Page 14, line 18, by striking the words and figures "and 18.141 through 18.143," and inserting the words and figures "18.141 through 18.143, and 333A.5,".

#45. Page 14, lines 19 and 20, by striking the words and figures ", and chapter 333A, Code 1985".

#46. Page 15, by inserting after line 12 the following:

"g. Employment relations, including the negotiation and administration of collective bargaining agreements on behalf of the executive branch of the state and its departments and agencies as provided in chapter 20. However, the state board of regents, for the purposes of implementing and administering collective bargaining pursuant to chapter 20, shall act as the exclusive representative of the state with respect to its faculty, scientific, and other professional staff."

#47. Page 15, line 15, by striking the words "merit employment" and inserting the word "personnel".

#48. By striking page 15, line 35 through page 16, line 4 and inserting the following: "the director. The director shall be appointed by the governor, subject to confirmation by the senate. The director serves at the pleasure

of the governor and is subject to reconfirmation after four years in office. The person appointed shall be”.

#49. Page 16, line 29, by inserting after the figure “2,” the figure “3,”.

#50. Page 16, by inserting after line 34 the following:

“3. “Commission” means the Iowa merit employment personnel commission.”

#51. By striking page 17, line 22 through page 18, line 14, and inserting the following:

“Sec. \_\_\_\_ . Section 19A.3, Code Supplement 1985, is amended by striking the section and inserting in lieu thereof the following:

19A.3 APPLICABILITY -- EXCEPTIONS.

The merit system shall apply to all employees of the state and to all positions in state government now existing or hereafter established except the following:

1. The general assembly, employees of the general assembly, other officers elected by popular vote, and persons appointed to fill vacancies in elective offices.

2. All judicial officers and court employees.

3. The staff of the governor.

4. All board members and commissioners whose appointments are provided for by the Code.

5. All presidents, deans, directors, teachers, professional and scientific personnel, and student employees under the jurisdiction of the state board of regents. The state board of regents shall adopt rules not inconsistent with the objectives of this chapter for all of its employees not cited specifically in this subsection. The rules are subject to approval by the director of the department of personnel. If at any time the director determines that the board of regents merit system does not comply with the intent of this chapter, the director may direct the board to correct the rules. The rules of the board are not in compliance until the corrections are made.

6. All appointments which are by law made by the governor.

7. All personnel of the armed services under state jurisdiction.

8. Part-time persons who are paid a fee on a contract-for-services basis.

9. Seasonal employees appointed during the period of April 15 through October 15.

10. Residents, patients, or inmates employed in state institutions, or persons on parole employed in work experience programs for a period no longer than one year.

11. Professional employees under the supervision of the attorney general, the appellate defender, the auditor of state, the treasurer of state, and the public employment relations board. However, employees of the consumer advocate division of the department of justice, other than the consumer advocate, are subject to the merit system.

12. Production and engineering personnel under the jurisdiction of the Iowa public broadcasting board.

13. Members of the Iowa highway safety patrol and other peace officers employed by the department of public safety. The commissioner of public safety shall adopt rules not inconsistent with the objectives of this chapter for the persons described in this subsection.

14. Professional employees of the arts division of the department of cultural affairs.

15. The chief deputy administrative officer and each division head of each executive department not otherwise specifically provided for in this section, and physicians not otherwise specifically provided for in this section. As used in this subsection, "division head" means a principal administrative position designated by a chief administrative officer and approved by the department of personnel or as specified by law.

16. All confidential employees.

17. Other employees specifically exempted by law.

The director of the department of personnel shall negotiate agreements with the administrator of the division for the blind of the department of human rights and with the director of the department of education concerning the applicability of the merit system to the professional employees of their respective agencies."

#52. Page 18, by striking line 17 and inserting the following:

"19A.4 MERIT EMPLOYMENT DEPARTMENT PERSONNEL COMMISSION CREATED."

#53. Page 18, line 22, by striking the words "merit employment" and inserting the following: "merit employment personnel".

#54. Page 18, line 25, by striking the figure "4" and inserting the figure "2".

#55. Page 18, by inserting after line 26 the following:

"2. The governor shall appoint members of the merit employment personnel commission. Members appointed to the commission are subject to confirmation by the senate. Members shall be appointed to staggered terms of six years beginning and ending as provided in section 69.19. Where a vacancy exists, the governor shall appoint for the unexpired portion of the term."

#56. Page 18, by striking lines 27 through 33.

#57. Page 19, line 12, by striking the figures "3, and 4" and inserting the following: "and 3".

#58. Page 20, by striking lines 12 through 21.

#59. Page 20, line 25, by striking the words "commission director" and inserting the following: "personnel commission".

#60. Page 20, line 27, by striking the words "The director" and inserting the following: "The director".

#61. Page 20, by striking line 28 and inserting the following: "shall prepare and submit proposed rules to the commission."

#62. Page 21, lines 1 and 2, by striking the words "as approved by the executive council" and inserting the following: "as approved by the executive council".

#63. Page 21, by striking lines 8 and 9 and inserting the following: "geographical area. After such the classification has been approved by the commission, the director shall allocate".

#64. Page 21, line 17, by striking the words "the director. An appeal" and inserting the words "the director. An appeal".

#65. Page 21, by striking line 18 and inserting the following: "may be made to the commission or to a qualified classification".

#66. Page 21, line 19, by striking the words "commission director" and inserting the word "commission".

#67. Page 21, line 30, by striking the words "with the approval of the executive council" and inserting the following: "~~with the approval of the executive council~~".

#68. Page 21, line 31, by striking the words "commission director" and inserting the word "commission".

#69. Page 22, by striking lines 1 and 2 and inserting the following: "reviewed at least once each year by the governor ~~and submitted to the executive council for continuing approval.~~"

#70. Page 22, by striking lines 11 through 14 and inserting the following: "the commission. ~~The pay plan becomes effective only after it has been approved by the executive council after submission from the commission.~~ Review of the pay plan for revisions shall be made".

#71. Page 22, lines 23 and 24, by striking the words "commission director" and inserting the word "commission".

#72. Page 24, line 10, by striking the words "commission director" and inserting the words "personnel commission".

#73. Page 24, by striking lines 14 through 20 and inserting the following:  
NEW SUBSECTION. 24. For the establishment of a career executive program whereby interested permanent merit system employees qualified by education and experience to fill upper level executive positions are designated for a career executive pool. The career executive pool may be used as a source of candidates for vacant executive level positions in the exempt service. The rules shall provide that an employee accepting an appointment to an exempt position under the career executive program may return to the employee's last merit service status within six months after the date of appointment to the exempt position."

#74. By striking page 25, line 15 through page 26, line 7 and inserting the following:

"Sec. \_\_\_\_ . Section 19A.14, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

19A.14 MERIT APPEALS.

1. EMPLOYEE DISCIPLINE. A merit system employee who is discharged, suspended, demoted, or otherwise reduced in pay, except during the employee's probationary period, may appeal to the appointing authority for a review of the action. If not satisfied, the employee may, within thirty calendar days following the date of the discharge, suspension, demotion, or reduction in pay, file an appeal with the public employment relations board for hearing. The employee has the right to a hearing closed to the public, but the employee may request a public hearing. The hearing shall otherwise be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act. Decisions rendered shall be based upon a standard of just cause. If the public employment relations board finds that the action taken by the appointing authority was for political, religious, racial, national origin, sex, age, or other reasons not constituting just cause, the employee may be reinstated without loss of pay or benefits for the elapsed period or the public employment relations board may fashion other appropriate remedies. Decisions by the public employment relations board constitute final agency action.

2. EMPLOYEE GRIEVANCES. A merit system employee who has exhausted all available steps of the uniform grievance procedure of the department of personnel may, within thirty calendar days following the date a decision was received or should have been received by the employee at the second step of the grievance procedure, file an appeal with the director. The director may grant the relief sought, and that decision constitutes final agency action. However, if the director does not grant the relief sought, the employee may, within thirty calendar days following the date of filing of the appeal, file the appeal with the public employment relations board for hearing. The hearing shall be conducted in accordance with the rules of the public employment relations board and the Iowa administrative procedure Act. Decisions rendered shall be based upon a standard of substantial compliance with this chapter and the rules of the department of personnel. Decisions by the public employment relations board constitute final agency action."

#75. Page 26, by striking lines 8 through 19.

#76. Page 26, line 34, by striking the words "~~commission~~ director" and inserting the word "commission".

#77. Page 28, line 23, by striking the words "STATE POLICY" and inserting the following: "EQUAL OPPORTUNITY IN STATE EMPLOYMENT -- AFFIRMATIVE ACTION".

#78. Page 28, by inserting after line 32 the following:

"It is the policy of this state to permit special appointments by bypassing the usual testing procedures for any applicant for whom the division of vocational rehabilitation of the department of education or the commission for the blind of the department of human rights has certified the applicant's disability and competence to perform the job. The department of personnel, in cooperation with the commission for the blind and the division of vocational rehabilitation, shall develop appropriate certification procedures. This paragraph should not be interpreted to bar promotional opportunities for blind and physically or mentally disabled persons. If this paragraph conflicts with any other provisions of this chapter, the provisions of this paragraph govern."

#79. Page 28, line 34, by inserting after the word "PERSONNEL" the following: "AND BOARD OF REGENTS".

#80. By striking page 28, line 35 through page 30, line 3, and inserting the following:

"1. The department of personnel is responsible for the administration and promotion of equal opportunity and affirmative action efforts in the recruitment, appointment, assignment, and advancement of personnel by all state agencies except the state board of regents and the institutions under its jurisdiction. In carrying out this responsibility the department shall do all of the following with respect to state agencies other than the state board of regents and its institutions:

a. Designate a position as the state affirmative action administrator.

b. Propose affirmative action standards applicable to each state agency based on the population of the community in which the agency functions, the population served by the agency, or the persons that can be reasonably recruited.

c. Gather data necessary to maintain an ongoing assessment of affirmative action efforts in state agencies.

d. Monitor accomplishments with respect to affirmative action remedies identified in affirmative action plans of state agencies.

e. Conduct studies of preemployment and postemployment processes in order to evaluate employment practices and develop improved methods of dealing with all employment issues related to equal employment opportunity and affirmative action.

f. Establish a state recruitment coordinating committee to assist in addressing affirmative action recruitment needs, with members appointed by the director of the department of personnel.

g. Address equal opportunity and affirmative action training needs of all state agencies by:

(1) Providing appropriate training for managers and supervisors.

(2) Insuring that all state agencies make training available for all staff members whose duties relate to personnel administration.

(3) Investigating means for training in the area of career development.

h. Coordinate and develop equal employment opportunity reports, including the initiation of the processes necessary for the completion of the annual EEO-4 report required by the federal equal employment opportunity commission.

i. Address equal opportunity and affirmative action policies with respect to employee benefits and leaves of absence.

j. Adopt equal employment opportunity and affirmative action rules in accordance with chapter 17A.

2. The state board of regents is responsible for the administration and promotion of equal opportunity and affirmative action efforts in the recruitment, appointment, assignment, and advancement of personnel by the board and the institutions under its jurisdiction. In carrying out this responsibility the board shall do all of the following with respect to the board and its institutions:

a. Designate a position as the regents' affirmative action coordinator.

b. Propose affirmative action standards applicable to the board and each institution under its jurisdiction.

c. Gather data necessary to maintain an ongoing assessment of affirmative action efforts.

d. Monitor accomplishments with respect to affirmative action remedies identified in affirmative action plans.

e. Conduct studies of preemployment and postemployment processes in order to evaluate employment practices and develop improved methods of dealing with all employment issues related to equal employment opportunity and affirmative action.

f. Establish an equal employment committee to assist in addressing affirmative action needs, including recruitment.

g. Address equal opportunity and affirmative action training needs by:

(1) Providing appropriate training for managers and supervisors.

(2) Insuring that the board and its institutions make training available for all staff members whose duties relate to personnel administration.

(3) Investigating means for training in the area of career development.

h. Require development of equal employment opportunity reports, including the initiation of the processes necessary for the completion of the annual EEO-6 reports required by the federal equal employment opportunity commission.

i. Address equal opportunity and affirmative action policies with respect to employee benefits and leaves of absence.

j. Adopt equal employment opportunity and affirmative action rules in accordance with chapter 17A."

#81. Page 30, by striking lines 6 through 8 and inserting the following:

"1. Each state agency, including the state board of regents and its institutions, shall annually prepare an affirmative action plan. State agencies other than the state board of regents and its institutions shall submit their plans to the department of personnel. Institutions under the jurisdiction of the state board of regents shall submit their plans to that board. The plans shall be submitted between December 15 and December 31 each year. Each plan shall contain a clear and"

#82. Page 30, line 11, by inserting after the word "agency" the following: "including the state board of regents and its institutions,".

#83. Page 30, line 16, by inserting after the word "agency" the following: "other than the state board of regents and its institutions".

#84. Page 30, by striking lines 22 and 23 and inserting the following: "agencies covered by subsection 1 by January 31 of each year to the department of management.

3. The state board of regents shall submit an annual report of the affirmative action accomplishments of the board and its institutions by January 31 of each year to the department of management."

#85. By striking page 30, line 24 through page 31, line 2, and inserting the following:

"Sec. \_\_\_\_ . NEW SECTION. 19B.6 RESPONSIBILITIES OF DEPARTMENT OF MANAGEMENT -- AFFIRMATIVE ACTION.

The department of management shall oversee the implementation of sections 19B.1 through 19B.5 and shall work with the governor to ensure compliance with those sections, including the attainment of affirmative action goals and timetables, by all state agencies, including the state board of regents and its institutions."

#86. Page 32, by inserting after line 5 the following:

"Sec. \_\_\_\_ . NEW SECTION. 19B.7A SANCTIONS.

The department of management may impose appropriate sanctions on individual state agencies, including the state board of regents and its institutions, in order to ensure compliance with state programs emphasizing equal opportunity through affirmative action, contract compliance policies, and requirements for procurement set-asides for targeted small businesses."

#87. Page 32, line 8, by striking the words "PUBLIC INSTRUCTION" and inserting the following: "EDUCATION".

#88. Page 33, by inserting after line 1 the following:

"Sec. \_\_\_\_ . Section 20.1, Code 1985, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** The general assembly declares that the purposes of the public employment relations board established by this chapter are to implement the provisions of this chapter and adjudicate and conciliate employment-related cases involving the state of Iowa and other public employers and employee organizations. For these purposes the powers and duties of the board include but are not limited to the following:

1. Determining appropriate bargaining units and conducting representation elections.

2. Adjudicating prohibited practice complaints and fashioning appropriate remedial relief for violations of this chapter.

3. Adjudicating and serving as arbitrators regarding state merit system grievances and grievances arising under collective bargaining agreements between public employers and certified employee organizations.

4. Providing mediators, fact-finders, and arbitrators to resolve impasses in negotiations.

5. Collecting and disseminating information concerning the wages, hours, and other conditions of employment of public employees.

6. Assisting the attorney general in the preparation of legal briefs and the presentation of oral arguments in the district court and the supreme court in cases affecting the board."

#89. Page 33, by inserting before line 2 the following:

"Sec. \_\_\_\_ . Section 20.4, subsection 10, Code 1985, is amended by striking the subsection."

#90. Page 33, by striking lines 30 through 35.

#91. Page 34, line 14, by striking the words "director of the department of personnel" and inserting the words "personnel commission".

#92. Page 34, line 31, by inserting before the word "director" the word "the".

#93. Page 35, line 4, by striking the words "director of the department of personnel" and inserting the words "personnel commission".

#94. By striking page 35, line 6 through page 36, line 4.

#95. Page 37, line 25, by striking the words "director of the" and inserting the following: "director of the".

#96. Page 37, line 26, by striking the words "department of personnel" and inserting the words "personnel commission".

#97. Page 40, by striking lines 22 through 35.

#98. Page 46, line 34, by striking the words "Code Supplement 1985, is" and inserting the following: "unnumbered paragraphs 1 and 2, Code Supplement 1985, are".

#99. Page 47, line 35, by striking the word "president" and inserting the following: "president majority leader".

#91. Page 48, line 4, by striking the word "president" and inserting the words "president majority leader".

#100. Page 48, by striking lines 9 through 30.

#101. Page 51, by striking line 32 through page 52, line 9.

#102. Page 52, by inserting before line 10 the following:

"Sec. \_\_\_\_ . Section 601A.16, subsection 1, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

A person claiming to be aggrieved by an unfair or discriminatory practice must initially seek an administrative relief by filing a complaint with the commission in accordance with section 601A.15. This provision also applies to persons claiming to be aggrieved by an unfair or discriminatory practice committed by the state or an agency or political subdivision of the state, notwithstanding the terms of the Iowa administrative procedure Act. A complainant after the proper filing of a complaint with the commission, may subsequently commence an action for relief in the district court if all of the following conditions have been satisfied:"

#103. Page 52, by inserting before line 13 the following:

"Sec. \_\_\_\_ . Section 2.43, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The legislative council in co-operation with the officers of the senate and house shall have the duty and responsibility for preparing for each session of the general assembly. Pursuant to such duty and responsibility, the legislative council ~~may shall~~ assign the use of areas in the state capitol ~~or other state buildings~~ except for the areas used by the governor and the courts as of January 1, 1986 and, in consultation with the director of the department of general services and the capitol planning commission, may assign areas in other state office buildings for use of the general assembly or legislative agencies. The legislative council may authorize the renovation, remodeling and preparation of the physical facilities used or to be used by the general assembly or legislative agencies subject to the jurisdiction of the legislative council and award contracts pursuant to such authority to carry out such preparation. The legislative council may purchase supplies and equipment deemed necessary for the proper functioning of the legislative branch of government."

#104. Page 53, by inserting after line 24 the following:

"Sec. \_\_\_\_ . Section 18.8, unnumbered paragraph 5, Code 1985, is amended to read as follows:

The Except for buildings and grounds described in section 601B.6, subsection 9, and section 2.43, unnumbered paragraph 1, the director shall assign office space in at the capitol building, other state buildings; ~~except the buildings and grounds referred to in section 601B.6, subsection 9,~~ and elsewhere in the city of Des Moines, for all executive and judicial state agencies. Assignments may be changed at any time. The various officers to whom rooms have been so assigned may control the same while the assignment to them is in force. Official apartments shall be used only for the purpose of conducting the business of the state. The term "capitol" or "capitol building" as used in the Code shall be descriptive of all buildings upon the capitol grounds. The capitol building itself is reserved for the operations of the general assembly, the governor and the courts and the assignment and use of physical facilities for the general assembly shall be pursuant to section 2.43.

Sec. \_\_\_\_ . Section 18.11, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The director shall establish, publish, and enforce rules regulating, restricting, or prohibiting the use by state officials, state employees, and the public, of motor vehicle parking facilities at the state capitol complex. The assignment of legislative parking spaces shall be under the control of the legislative council. The rules established by the director may establish fines

for violations and a procedure for payment of the fines. The director may order payment of a fine and enforce the order in the district court."

#105. Page 53, by inserting after line 30 the following:

"Sec. \_\_\_\_ . Section 18.133, subsection 1, Code 1985, is amended to read as follows:

1. "State communications" ~~means a system~~ refers to the transmission of voice, data, video, the written word or other visual signals by electronic means to serve communications the needs of state agencies but does not include communications activities ~~exempt under section 18.135, subsection 3 and of the state board of regents,~~ radio and television facilities under the Iowa department division of public broadcasting, department of transportation distributed data processing and mobile radio network, or law enforcement communications systems."

#106. Page 53, line 35, by inserting after the word "agencies." the following: "A political subdivision receiving communications services from the state as of April 1, 1986 may continue to do so until January 1, 1988. The rates charged to the political subdivision shall be the same as the rates charged to state agencies."

#107. Page 53, by inserting after line 35 the following:

"Sec. \_\_\_\_ . Section 18.135, subsections 2 and 3, Code 1985, is amended by striking the subsections."

#108. Page 54, by striking lines 1 through 16.

#109. Page 56, line 12, by inserting after the word "services." the following: "In the execution of the duties provided by this chapter, the state registrar of voters and the state commissioner of elections shall provide the maximum public access to the electoral process permitted by law."

#110. By striking page 63, line 10 through page 65, line 4.

#111. Page 68, line 13, by inserting after the word "revenue" the words "and finance".

#112. Page 69, line 1, by striking the word "subsection" and inserting the word "subsections".

#113. Page 69, by inserting after line 2 the following:

"NEW SUBSECTION. 28. Assume the accounting functions of the state comptroller's office."

#114. Page 70, by inserting after line 24 the following:

"Sec. \_\_\_\_ . NEW SECTION. 421.31 POWERS AND DUTIES.

In addition to the powers and duties transferred to the director of revenue and finance, the director has the following powers and duties:

1. AUDIT OF CLAIMS. To audit all demands by the state, and to preaudit all accounts submitted for the issuance of warrants.

2. CONTRACTS. To certify, record, and encumber all formal contracts to prevent overcommitment of appropriations and allotments.

3. 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.

4. FAIR BOARD AND BOARD OF REGENTS. To control the financial operations of the state fair board and the institutions under the state board of regents:

a. By charging all warrants issued to the respective educational institutions and the state fair board to an advance account to be further accounted for and not as an expense which requires no further accounting.

b. By charging all collections made by the educational institutions and state fair board to the respective advance accounts of the institutions and state fair board, and by crediting all such repayment collections to the respective appropriations and special funds.

c. By charging all disbursements made to the respective allotment accounts of each educational institution or state fair board and by crediting all such disbursements to the respective advance and inventory accounts.

d. By requiring a monthly abstract of all receipts and of all disbursements, both money and stores, and a complete account-current each month from each educational institution and the state fair board.

5. CUSTODY OF RECORDS. To have the custody of all books, papers, records, documents, vouchers, conveyances, leases, mortgages, bonds, and other securities appertaining to the fiscal affairs and property of the state, which are not required to be kept in some other office.

6. APPORTIONMENT OF INTEREST. To apportion the interest of the permanent school fund on the first Monday of March of each year, among the area education agencies of this state as provided in section 302.13.

7. DEPARTMENT OF HUMAN SERVICES. Assign an employee of the department of revenue and finance to check and audit all claims against the administrators of the divisions of the department of human services controlling state institutions, before the claims are approved by the human services administrators. The director of the department of revenue and finance shall keep all records and accounts relating to the expenditures of the human services administrators. The employee, in the checking and auditing of claims against the human services directors and keeping the records and accounts of the human services administrators, is under the direction and supervision of the director of the department of revenue and finance, and acts as an agent of that director. The director of the department of human services shall furnish the employee of the director of the department of revenue and finance with office space and help and assistance as necessary to properly perform the duties specified in this subsection.

Sec. \_\_\_\_ . NEW SECTION. 421.32 ACCOUNTING.

The director of the department of revenue and finance may at any time require any person receiving money, securities, or property belonging to the state, or having the management, disbursement, or other disposition of them, an account of which is kept in the department of revenue and finance, to render statements thereof and information in reference thereto.

Sec. \_\_\_\_ . NEW SECTION. 421.33 STATING ACCOUNT.

If an officer who is accountable to the treasury for any money or property neglects to render an account to the director of the department of revenue and finance within the time prescribed by law, or, if no time is so prescribed, within twenty days after being required so to do by the director of the department of revenue and finance, the director of the department of revenue and finance shall state an account against the officer from the books of the

officer's office, charging ten percent damages on the whole sum appearing due, and interest at the rate of six percent per annum on the aggregate from the time when the account should have been rendered; all of which may be recovered by action brought on the account, or on the official bond of the officer.

Sec. — . NEW SECTION. 421.34 COMPELLING PAYMENT.

If an officer fails to pay into the treasury the amount received by the officer within the time prescribed by law, or, having settled with the director of the department of revenue and finance, fails to pay the amount found due, the director of the department of revenue and finance shall charge the officer with twenty percent damages on the amount due, with interest on the aggregate from the time it became due at the rate of six percent per annum, and the whole may be recovered by an action brought on the account, or on the official bond of the officer, and the officer shall forfeit the officer's commission.

Sec. — . NEW SECTION. 421.35 DEFENSE TO CLAIM.

The penal provisions in sections 421.33 and 421.34 are subject to any legal defense which the officer may have against the account as stated by the director of the department of revenue and finance, but judgment for costs shall be rendered against the officer in the action, whatever its result, unless the officer rendered an account within the time named in those sections.

Sec. — . NEW SECTION. 421.36 REQUESTED CREDITS -- OATH REQUIRED.

When a county treasurer or other receiver of public money seeks to obtain credit on the books of the department of revenue and finance for payment made to the treasurer, before giving such credit the director of the department of revenue and finance shall require that person to take and subscribe an oath that the person has not used, loaned, nor appropriated any of the public money for the person's private benefit, nor for the benefit of any other person.

Sec. — . NEW SECTION. 421.37 REQUISITION FOR INFORMATION.

In those cases where the director of the department of revenue and finance is authorized to call upon persons or officers for information, or statements, or accounts, the comptroller may issue a requisition therefor in writing to the person or officer called upon, allowing reasonable time, which, having been served and return made to the director of the department of revenue and finance, as a notice in a civil action, is evidence of the making of the requisition.

Sec. — . NEW SECTION. 421.38 LIMITS ON CLAIMS.

The director of the department of revenue and finance is limited in authorizing the payment of claims, as follows:

1. THREE MONTHS LIMIT. A claim shall not be allowed by the department of revenue and finance if the claim is presented after the lapse of three months from its accrual. However, claims by state employees for benefits pursuant to chapters 85, 85A, and 86 are subject to limitations provided in those chapters.

2. CONVENTION EXPENSES. No claims for expenses in attending conventions, meetings, conferences, or gatherings of members of any association or society organized and existing as a quasi-public association or society outside the state of Iowa shall be allowed at public expense, unless authorized by the executive council; and claims for such expenses outside

of the state shall not be allowed unless the voucher is accompanied by so much of the minutes of the executive council, certified to by its secretary, showing that the expense was authorized by the council. This section does not apply to claims in favor of the governor, attorney general, Iowa state commerce commissioners, or to trips referred to in section 217.20.

3. **PAYMENT FROM FEES.** No claims for per diem and expenses payable from fees shall be approved for payment in excess of those fees if the law provides that such expenditures are limited to the special funds collected and deposited in the state treasury.

Sec. \_\_\_\_ . NEW SECTION. 421.39 CLAIMS -- APPROVAL.

The director of the department of revenue and finance before approving a claim shall determine:

1. That the creation of the claim is clearly authorized by law.
2. That the claim has been authorized by an officer or official body having legal authority to so authorize and that the fact of authorization has been certified to the director of the department of revenue and finance by such officer or official body.
3. That all legal requirements have been observed, including notice and opportunity for competition, if required by law.
4. That the claim is in proper form as the state comptroller may provide.
5. That the charges are reasonable, proper, and correct and no part of the claim has been paid.

Sec. \_\_\_\_ . NEW SECTION. 421.40 VOUCHERS -- INTEREST.

Before a warrant or its equivalent is issued for a claim payable from the state treasury, the department shall file an itemized voucher showing in detail the items of service, expense, thing furnished, or contract for which payment is sought. The claimant's original invoice shall be attached to a department's approved voucher. The director of the department of revenue and finance shall adopt rules specifying the form and contents for invoices submitted by a vendor to a department. The requirements apply to acceptance of an invoice by a department. A department shall not impose additional or different requirements on submission of invoices than those contained in rules of the director of the department of revenue and finance unless the director exempts the department from the invoice requirements or a part of the requirements upon a finding that compliance would result in poor accounting or management practices.

Sec. \_\_\_\_ . NEW SECTION. 421.41 WARRANTS -- FORM.

Each warrant shall bear on its face the signature or its facsimile of the director of the department of revenue and finance, or the signature or its facsimile of an assistant in case of a vacancy in the office of the director; a proper number, date, amount, and name of payee; a reference to the law under which it is drawn; whether for salaries or wages, services, or supplies, and what kind of supplies; and from what office or department, or for what other general or special purposes; or in lieu thereof, a coding system may be used, which particulars shall be entered in a warrant register kept for that purpose in the order of issuance; and as soon as practicable after issuing a warrant register, the director shall certify a duplicate of it to the treasurer.

Sec. \_\_\_\_ . NEW SECTION. 421.42 REQUIRED PAYEE.

All warrants shall be drawn to the order of the person entitled to payment or compensation, except that when goods or material are purchased in foreign countries, warrants may be drawn upon the treasurer of state, payable to bearer for the net amount of invoice and current exchange, and the treasurer of state shall furnish a foreign draft payable to the order of the person from whom purchase is made.

Sec. \_\_\_\_ . NEW SECTION. 421.43 PROHIBITED PAYEE.

In no case shall warrants be drawn in the name of the certifying office, department, board, or institution, or in the name of an employee of it, except for personal service rendered or expense incurred by the employee, unless there is express statutory authority therefor.

Sec. \_\_\_\_ . NEW SECTION. 421.44 CLAIMS EXCEEDING APPROPRIATIONS.

No claim shall be allowed when the claim will exceed the amount specifically appropriated for it.

Sec. \_\_\_\_ . NEW SECTION. 421.45 CANCELLATION OF STATE WARRANTS.

The director of the department of revenue and finance, as of March 31, June 30, September 30, and December 31 of each year shall cancel and request the treasurer of state to stop payment on all state warrants which have been outstanding and unredeemed by the state treasurer for one year or longer."

#115. By striking page 70, line 30 through page 71, line 5.

#116. Page 71, by inserting after line 20 the following:

"Sec. \_\_\_\_ . Section 426.6, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The agricultural land tax credit allowed each year shall be computed as follows: On or before the first of June the county auditor shall list by school districts all tracts of agricultural lands which they are entitled to credit ~~hereunder~~, together with the taxable value for the previous year, together with the budget from each school district for the previous year, and the tax rate determined for the general fund of the district in the manner prescribed in section 444.3 for the previous year, and if such tax rate is in excess of five dollars and forty cents per thousand dollars of assessed value, the auditor shall multiply the tax levy which is in excess of five dollars and forty cents per thousand dollars of assessed value by the total taxable value of the agricultural lands entitled to credit ~~hereunder~~ in the district, and on or before the first of June certify the amount thereof to the ~~state comptroller~~ department of revenue and finance.

Sec. \_\_\_\_ . Section 426.8, Code 1985, is amended to read as follows:

426.8 APPORTIONMENT BY AUDITOR.

Upon receiving the pro rata percentage from the ~~state comptroller~~ director of revenue and finance, the county auditor shall determine the amount thereof to be credited to each tract of agricultural land, and shall enter upon tax lists as a credit against the tax levied on each tract of agricultural land on which there has been made an allowance of credit before delivering said tax lists to the county treasurer. Upon receipt of the ~~comptroller's~~ director's warrant by the county auditor, the auditor shall deliver said warrant to the county treasurer for apportionment. The county treasurer shall show on each tax receipt the amount of tax credit for each tract of agricultural land. In case of change of ownership the credit shall follow the title.

Sec. \_\_\_\_ . Section 426.10, Code 1985, is amended to read as follows:  
 426.10 RULES PRESCRIBED.

The ~~state comptroller~~ director of revenue and finance shall ~~have the power and authority to~~ prescribe forms and rules, not inconsistent with the provisions of this chapter, necessary to carry out ~~and effectuate~~ its purposes.

Sec. \_\_\_\_ . Section 427.17, subsection 3, Code 1985, is amended to read as follows:

3. On or before January 15, 1974, the county auditor of each county shall prepare a statement listing for each taxing district in the county the assessed or taxable values of all livestock assessed for taxation as of January 1, 1973. The statement shall also show the tax rates of the various taxing districts and the total amount of taxes which in the absence of this section would have been levied upon livestock assessed as of January 1, 1973. The county auditor shall certify and forward copies of the statement to the director of revenue ~~and finance~~ not later than January 15, 1974. The director of revenue ~~and finance~~ shall compute the applicable tax credit and ~~certify to the state comptroller~~ the amount due to each taxing district, which amount shall be the dollar amount which would be payable if all livestock so assessed were taxed, based upon those assessed as of January 1, 1973.

Sec. \_\_\_\_ . Section 427A.6, Code 1985, is amended to read as follows:  
 427A.6 LISTING BY AUDITOR.

On or before July 1 of each year, the auditor of each county shall prepare a statement listing for each taxing district in the county all personal property upon which taxes shall not be collected due to the tax credit granted in this chapter. The statement shall show the tax rates of the various taxing districts and the total amount of taxes which shall not be collected in each district because of the tax credit. The auditor shall certify and forward one copy of the statement to the ~~state comptroller~~ department of revenue and finance on or before July 15 of each year. The department of revenue and finance shall ~~have the responsibility of auditing~~ audit credits allowed in all counties in the state and the assessed values and assessment practices which affect the amounts of credits and the audit shall be completed within twenty-four months from July 1 of the year the claims were filed. A copy of the audit containing disallowed credits shall be sent to the county auditor; ~~and the county treasurer and state comptroller, and the individuals these officers~~ shall be directed to correct their books and records accordingly. A written notice of a disallowance shall be mailed by ordinary mail to the claimant at the claimant's last known address. The amount of any erroneous credit shall be charged to the county ~~by the state comptroller~~. The director of revenue ~~and finance~~ shall disallow any claim ~~where~~ if the audit or investigation revealed that the claimant was not entitled to the credit claimed. ~~Persons and business enterprises~~ Claimants may appeal any disallowed personal property credit to the state board of tax review.

Sec. \_\_\_\_ . Section 427B.11, unnumbered paragraph 3, Code 1985, is amended to read as follows:

The county auditor shall certify and forward one copy of the statement to the ~~state comptroller~~ department of revenue and finance not later than July 1 of each year."

#117. Page 75, by inserting after line 6 the following new section:

"Sec. \_\_\_\_ . Sections 8.7, 8.8, 8.9, 8.10, 8.11, 8.12, 8.13, 8.14, 8.15, 8.16, 8.17, 8.18, 8.19, and 8.20, Code 1985, are repealed."

#118. Page 75, line 7, by striking the word "AUDITS" and inserting the following: "INSPECTIONS".

#119. Page 75, line 13, by striking the word "audits" and inserting the following: "inspections".

#120. Page 75, line 15, by striking the word "audits" and inserting the following: "inspections".

#121. Page 75, line 19, by striking the word "audits" and inserting the following: "inspections".

#122. Page 77, by striking lines 7 through 11 and inserting the following: "denial, suspension, or revocation of a license. Hospital records, medical records, or the condition, diagnosis, care, or treatment of a patient or former patient or counselee, or former counselee, including outpatient, shall not be disclosed to the general public. This shall not be construed to prohibit the division from releasing the minimal amount of information necessary in its judgment to conduct audits, inspections, investigations, appeals and hearings, and shall not prohibit the introduction of such information as evidence at any hearing conducted by the department. The department may provide the".

#123. Page 77, line 35, by striking the word "audits" and inserting the following: "inspections".

#124. Page 78, line 26, by striking the words "Hearings and appeals" and inserting the following: "Appeals".

#125. Page 78, by striking lines 32 and 33 and inserting the following:

"Judicial review of the division's actions in these areas may be sought in accordance with the terms of chapter 17A."

#126. Page 79, by striking lines 5 through 7 and inserting the following: "facilities. Decisions of the division in this area are subject to review by the department of inspections and appeals.

h. Hearings and appeals relative to the administration of the department of public health. Decisions of the division in this area are subject to review by the department of public health."

#127. Page 80, line 5, by striking the word "audits" and inserting the following: "inspections".

#128. Page 80, line 29, by striking the word "audits" and inserting the following: "inspections".

#129. Page 81, line 30, by striking the word "audits" and inserting the following: "inspections".

#130. Page 82, by inserting after line 9 the following: "The division shall be the sole designated licensing authority for these programs and facilities."

#131. Page 82, line 23, by striking the word "audits" and inserting the following: "inspections".

#132. Page 85, line 15, by striking the word "audits" and inserting the following: "inspections".

#133. Page 85, line 25, by striking the word "audits" and inserting the following: "inspections".

#134. Page 85, by inserting after line 27 the following:

"Sec. \_\_\_\_ . Section 17A.16, subsection 2, Code 1985, is amended to read as follows:

2. Any party may file an application for rehearing, stating the specific grounds therefor and the relief sought, within twenty days after the issuance of any final decision by the agency in a contested case. A copy of such application shall be timely mailed by the ~~applicant~~ presiding agency to all parties of record not joining therein. Such an application for rehearing shall be deemed to have been denied unless the agency grants the application within twenty days after its filing."

#135. Page 85, line 34, by striking the word "audits" and inserting the following: "inspections".

#136. Page 87, line 30, by striking the word "audits" and inserting the following: "inspections".

#137. Page 89, line 22, by striking the word "audits" and inserting the following: "inspections".

#138. Page 89, by inserting after line 34 the following:

"Sec. \_\_\_\_ . Section 170.1, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 3. "Retail food store sanitation code" means the retail food store sanitation code recommended by the food and drug administration in 1982.

NEW SUBSECTION. 4. "Department" means the department of inspections and appeals.

NEW SUBSECTION. 5. "Director" means the director of the department of inspections and appeals.

Sec. \_\_\_\_ . Section 170.2, Code 1985, is amended to read as follows:

170.2 LICENSE REQUIRED.

~~No~~ A person shall not open or operate a food establishment until a license has been obtained from the department of agriculture inspections and appeals. ~~Each~~ A license shall expire one year from date of issue. A license is renewable. This section ~~shall~~ does not require the licensing of establishments exclusively engaged in the processing of meat and poultry which are licensed pursuant to section 189A.3.

Sec. \_\_\_\_ . Section 170.4, Code 1985, is amended to read as follows:

170.4 OPERATION WITHOUT INSPECTION OR LICENSE.

~~No~~ A person shall not open or operate a food establishment until inspection has been made by the department of agriculture inspections and appeals. Inspections shall be conducted according to the standards of the retail food store sanitation code.

Sec. \_\_\_\_ . Section 170.4, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A food establishment under section 170.2 which is also considered a food service establishment under section 170A.2 shall be inspected by the department, or a local board of health which has contracted with the department, for both purposes at the same time.

Sec. \_\_\_\_ . Section 170.5, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The department of agriculture inspections and appeals shall collect the following fees for licenses:

Sec. \_\_\_\_ . Section 170.46, Code 1985, is amended to read as follows:

170.46 ANNUAL REGULAR INSPECTION.

The department shall ~~inspect~~ provide for the inspection of each food establishment in the state at least once each calendar year in accordance with the standards of the retail food store sanitation code. The inspector may enter the food establishment at any reasonable hour to make the inspection. The management shall afford free access to every part of the premises and render all aid and assistance necessary to enable the inspector to make a thorough and complete inspection.

Sec. \_\_\_\_ . NEW SECTION. 170.55 AUTHORITY TO ENFORCE THE RETAIL FOOD STORE SANITATION CODE.

The director has sole and exclusive authority to regulate, license, and inspect food establishments and to enforce the retail food store sanitation code in Iowa. Municipal corporations shall not regulate, license, inspect, or collect license fees from food establishments except as provided for in agreements entered into between the director and the municipal corporations.

If a municipal corporation wants its local board of health to license, inspect, and otherwise enforce the retail food store sanitation code within its jurisdiction, the municipal corporation may enter into an agreement to do so with the director. The director may enter into such an agreement if the director finds that the local board of health has adequate resources to perform the required functions.

Sec. \_\_\_\_ . Section 170A.2, subsections 2, 3, 5, and 10, Code 1985, are amended to read as follows:

2. "~~Secretary Director~~" means the secretary of agriculture director of the department of inspections and appeals or the chief inspector of the inspections division of the department of inspections and appeals.

3. "Department" means the department of agriculture inspections and appeals.

5. "Food service establishment" means ~~any~~ a place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare sandwiches intended for individual portion service and food service operations in schools and summer camps. The term does not include private homes where food is prepared or stored for individual family consumption, ~~retail food stores,~~ the location of food vending machines, ~~and~~ supply vehicles, ~~and~~ retail food stores except grocery stores and convenience stores which include delicatessen-type operations or otherwise prepare food which is intended for individual portion service. The term does not include child day care facilities, and food service facilities subject to inspection by other agencies of the state and located in nursing homes, health care facilities, or hospitals.

10. "Regulatory authority" means the ~~state~~ department of ~~agriculture~~ or a local board of health that has entered into an agreement with the ~~secretary of agriculture director~~ pursuant to section 170A.4 for authority to enforce the Iowa food service sanitation code in its jurisdiction.

Sec. \_\_\_\_ . Section 170A.3, unnumbered paragraph 1, Code 1985, is amended to read as follows:

As soon as practicable, the secretary director shall adopt the food service sanitation ordinance, [~~section 170A.2(12)~~], subsection 12, by rule as part of the Iowa food service sanitation code with the following exceptions:

Sec. \_\_\_\_ . Section 170A.4, unnumbered paragraphs 1 through 4, Code 1985, are amended to read as follows:

The ~~secretary has sole and exclusive authority to~~ director shall regulate, license, and inspect food service establishments and ~~to enforce~~ the Iowa food service sanitation code in Iowa. Municipal corporations shall not regulate, license, inspect, or collect license fees from food service establishments except as provided for in the Iowa food service sanitation code.

If a municipal corporation wants its local board of health to license, inspect, and otherwise enforce the Iowa food service sanitation code within its jurisdiction, the municipal corporation may enter into an agreement to do so with the secretary director. The secretary director may enter into such an agreement if the secretary director finds that the local board of health has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the Iowa food service sanitation code if it also agrees to enforce the Iowa hotel sanitation code pursuant to section 170B.3 and ~~to enforce~~ the food and beverage vending machine laws pursuant to section 191A.14. To avoid duplication of inspection, the department, not a local board of health, shall inspect a food service establishment located within a food establishment, unless a local board of health has contracted with the department for inspections of food establishments and food service establishments.

If the secretary director enters into an agreement with a municipal corporation as provided by this section, the secretary director shall cause the inspection practices of a municipal corporation to be spot checked on a regular basis.

~~Each~~ A local board of health that is responsible for enforcing the Iowa food service sanitation code within its jurisdiction pursuant to an agreement shall make an annual report to the secretary director providing the following information:

Sec. \_\_\_\_ . Section 170A.4, subsection 4 and unnumbered paragraph 5, Code 1985, are amended to read as follows:

4. Other information the secretary director requests.

The secretary director shall monitor local boards of health to determine if they are enforcing the Iowa food service sanitation code within their respective jurisdictions. If the secretary director determines that the Iowa food service sanitation code is enforced by a local board of health, such enforcement shall be accepted in lieu of enforcement by the department in that jurisdiction. If the secretary director determines that the Iowa food service sanitation code is not enforced by a local board of health, the secretary director may rescind the agreement after reasonable notice and an opportunity for a hearing. If the agreement is rescinded, the secretary director shall assume responsibility for enforcement in the jurisdiction involved.

Sec. \_\_\_\_ . Section 170A.4, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A food service establishment under section 170A.2 which is also considered a food establishment under section 170.2 shall be inspected by the department for both purposes at the same time.

Sec. \_\_\_\_ . Section 170B.2, subsections 1, 2, and 7, Code 1985, are amended to read as follows:

1. "Secretary Director" means the secretary of agriculture director of the department of inspections and appeals or the chief inspector of the inspections division of the department of inspections and appeals.

2. "Department" means the department of agriculture inspections and appeals.

7. "Regulatory authority" means the ~~state~~ department of ~~agriculture~~ or a local board of health that has entered into an agreement with the secretary director pursuant to section 170B.3 for authority to enforce the Iowa hotel sanitation code in its jurisdiction.

Sec. \_\_\_\_ . Section 170B.3, unnumbered paragraphs 1, 2, and 3, Code 1985, are amended to read as follows:

The ~~secretary has sole and exclusive authority to~~ director shall regulate, license, and inspect hotels and to enforce the Iowa hotel sanitation code in Iowa. Municipal corporations shall not regulate, license, inspect, or collect license fees from hotels except as provided for in the Iowa hotel sanitation code.

If a municipal corporation wants its local board of health to license, inspect, and otherwise enforce the Iowa hotel sanitation code within its jurisdiction, the municipal corporation may enter into an agreement to do so with the secretary director. The secretary director may enter into the agreement if the secretary director finds that the local board of health has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the Iowa hotel sanitation code if it also agrees to enforce the Iowa food service sanitation code pursuant to section 170A.4 and to ~~enforce~~ the food and beverage vending machine laws pursuant to section 191A.14.

~~Each~~ A local board of health that is responsible for enforcing the Iowa hotel sanitation code within its jurisdiction; pursuant to an agreement, shall make an annual report to the secretary director providing the following information:

Sec. \_\_\_\_ . Section 170B.3, subsection 4 and unnumbered paragraph 4, Code 1985, are amended to read as follows:

4. Other information the secretary director requests.

The secretary director shall monitor local boards of health to determine if they are enforcing the Iowa hotel sanitation code within their respective jurisdictions. If the secretary director determines that the Iowa hotel sanitation code is enforced by a local board of health, such enforcement shall be accepted in lieu of enforcement by the department in that jurisdiction. If the secretary director determines that the Iowa hotel sanitation code is not enforced by a local board of health, the secretary director may rescind the agreement after reasonable notice and an opportunity for a hearing. If the agreement is rescinded, the secretary director shall assume responsibility for enforcement in the jurisdiction involved.

Sec. \_\_\_\_ . Section 191A.1, subsections 2, 3, and 10, Code 1985, are amended to read as follows:

2. "Secretary Director" means the secretary of agriculture director of the department of inspections and appeals or the chief inspector of the inspections division of the department of inspections and appeals.

3. "Department" means the department of agriculture inspections and appeals.

10. "Regulatory authority" means the state department of agriculture or a local board of health that has entered into an agreement with the secretary of agriculture director pursuant to section 191A.14 for authority to enforce the food and beverage vending machine laws in its jurisdiction.

Sec. \_\_\_\_ . Section 191A.3, Code 1985, is amended to read as follows:

191A.3 APPLICATION.

An application for a vending machine operator's license shall be made upon a form furnished by the regulatory authority. The application form shall provide for obtaining information relating to ownership of commissaries, location of commissaries, location of shops and other servicing centers, and the total number of licensable vending machines by general product type owned and operated by the applicant and other information required by the secretary director. The operator shall agree in the application to maintain within the jurisdiction of the regulatory authority a complete list of all vending machines and machine locations operated by the applicant and to make the list available to the regulatory authority at the time of inspection or auditing.

Sec. \_\_\_\_ . Section 191A.7, Code 1985, is amended to read as follows:

191A.7 DISCIPLINARY ACTION.

A license issued under this chapter may be revoked by the regulatory authority for violation by the licensee of a provision of this chapter or an applicable rule of the department. In lieu of license revocation, the regulatory authority may require the immediate discontinuance of operation of a vending machine or commissary ~~whenever~~ if it finds unsanitary conditions or other conditions which constitute a substantial hazard to the public health. The order shall apply only to the vending machines, commissary, or product involved. A person whose license is revoked, or who is ordered to discontinue the operation of a vending machine or commissary, may appeal that decision to the secretary director. The secretary director or the secretary's designee chief hearing officer of the department shall schedule and hold a hearing upon the appeal not later than thirty days from the time of revocation or the order of discontinuance. The secretary director or the chief hearing officer shall issue a decision immediately following the hearing. Judicial review may be sought in accordance with the terms of the Iowa administrative procedure Act.

Sec. \_\_\_\_ . Section 191A.14, Code 1985, is amended to read as follows:

191A.14 AUTHORITY TO ENFORCE THE FOOD AND BEVERAGE VENDING MACHINE LAWS.

The ~~secretary has sole and exclusive authority to~~ director shall regulate, license, and inspect food and beverage vending machines and operators and to otherwise enforce the food and beverage vending machine laws. Municipal corporations shall not regulate, license, inspect, or collect license fees for food and beverage vending machines or their operation except pursuant to this section.

If a municipal corporation wants its local board of health to enforce the food and beverage vending machine laws within its jurisdiction, the municipal corporation may enter into an agreement to do so with the secretary director. The secretary director may enter into such an agreement if the secretary director finds that the local board of health has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the food and beverage vending machine laws if it also agrees to enforce the Iowa food service sanitation code pursuant to section 170A.4 and to enforce the Iowa hotel sanitation code pursuant to section 170B.3.

Each A local board of health that is responsible for enforcing the food and beverage vending machine laws within its jurisdiction pursuant to an agreement shall make an annual report to the secretary director providing the following information:

1. The total number of food or beverage vending machine operator's licenses granted or renewed during the year.
2. The amount of money collected in license fees during the year.
3. Other information the secretary director requests.

The secretary director shall monitor local boards of health to determine if they are enforcing the food and beverage vending machine laws within their respective jurisdictions. If the secretary director determines that the food and beverage vending machine laws are enforced by a local board of health, the secretary director shall accept such enforcement in lieu of enforcement by the department in that jurisdiction. If the secretary director determines that the food and beverage vending machine laws are not enforced by a local board of health, the secretary director may rescind the agreement after reasonable notice and an opportunity for a hearing. If the agreement is rescinded, the secretary director shall assume responsibility for enforcement in the jurisdiction involved.

Sec. \_\_\_\_ . The department shall develop and adopt procedures and guidelines for contract agreements with local boards of health under section 170.55 no later than January 1, 1987."

#139. Page 90, line 4, by striking the word "audits" and inserting the following: "inspections".

#140. Page 90, line 18, by striking the word "audits" and inserting the following: "inspections".

#141. Page 90, line 26, by inserting after the word "AGRICULTURE" the following: "AND LAND STEWARDSHIP".

#142. Page 90, by inserting after line 26 the following:

"Sec. \_\_\_\_ . Section 83.2, subsections 2 and 3, Code 1985, are amended to read as follows:

2. "Department Division" means the department division of soil conservation within the department of agriculture and land stewardship.

3. "Director Administrator" means the administrative officer division administrator of the department division of soil conservation or a designee.

Sec. \_\_\_\_ . Section 83A.2, subsections 1 and 5, Code Supplement 1985, are amended to read as follows:

1. "Administrator" means the administrative officer division administrator of the department responsible for administration or enforcement of this chapter or that officer's division of soil conservation or a designee.

5. "Department Division" means the department division of soil conservation within the department of agriculture and land stewardship.

Sec. \_\_\_\_ . Sections 83A.4 and 83A.5, Code 1985, are repealed. Sections 83A.3 and 83A.6, Code Supplement 1985, are repealed.

Sec. \_\_\_\_ . Section 159.1, subsections 1 and 2, Code 1985, are amended to read as follows:

1. "Secretary" ~~shall mean~~ means the secretary of agriculture.

2. "Department" ~~shall mean~~ means the Iowa department of agriculture and land stewardship and wherever such if the department is required or authorized to do an act, unless otherwise provided, ~~it shall be construed as authorizing performance the act may be performed~~ by an officer, regular assistant, or duly authorized agent of ~~such the~~ department.

Sec. \_\_\_\_ . Section 159.2, subsection 2, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. To encourage a relationship between people and the land that recognizes land as a resource to be managed in a manner that avoids irreparable harm.

3. To develop and implement policies that inspire public confidence in the long-term future of agriculture as an economic activity as well as a way of life.

Sec. \_\_\_\_ . Section 159.3, Code 1985, is amended to read as follows:

159.3 CO-OPERATION COOPERATION.

The department ~~of agriculture~~ and the Iowa State University state university of science and technology shall ~~co-operate~~ cooperate in all ways that may be beneficial to the agricultural interests of the state, but without duplicating research or educational work conducted by ~~said the~~ university. ~~Nothing herein contained shall be construed to~~ This section does not subordinate either the department or the university in their several spheres of action.

The department ~~of agriculture~~ is hereby authorized to ~~co-operate~~ may cooperate with the United States department of agriculture as the ~~Iowa~~ department ~~may deem~~ deems wise and just.

Sec. \_\_\_\_ . Section 159.5, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The secretary of agriculture ~~shall be~~ is the head of the department of agriculture and land stewardship which shall:

Sec. \_\_\_\_ . Section 159.5, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 2B. Establish and maintain a division of soil conservation. The division administrator shall be appointed by the secretary and shall serve at the pleasure of the secretary."

#143. Page 90, by inserting after line 28 the following:

"12A. Coal mining and mines as set forth in chapters 83 and 83A."

#144. Page 90, by inserting after line 34 the following:

"Sec. \_\_\_\_ . Section 159.20, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

159.20 POWERS OF DIVISION.

A farm commodity division, hereinafter referred to as the division, is created within the Iowa department of agriculture and land stewardship. It is the duty of the division to do or cause to be done those things designed

to lead to more advantageous marketing of Iowa farm commodities. To implement this purpose the division is authorized to:

1. Investigate the subject of marketing farm commodities.
2. Promote their sales, distribution and merchandising.
3. Furnish information and assistance concerning farm commodities to the public.
4. Cooperate with the college of agriculture of the Iowa state university of science and technology in its farm marketing education and research.
5. Gather and diffuse useful information concerning all phases of the marketing of Iowa farm commodities in cooperation with other public or private agencies and, in that context, establish a farm commodity informational data base.
6. Investigate methods and practices in connection with the processing, handling, grading, classifying, sorting, weighing, packing, transportation, storage, inspection, and merchandising of farm commodities within this state.
7. Ascertain sources of supply of Iowa farm commodities, and prepare and periodically publish lists of names and addresses of producers and consignors of farm commodities, to be available upon request.
8. Perform inspection or grading, or both, of any farm commodity if requested by the person engaged in the production, marketing, or processing of the farm commodity, except that the person shall pay for the services as provided by the rules of the department.
9. Cooperate with the department of economic development to avoid duplication of efforts between the division and the agricultural marketing program operated by the department of economic development.

The division shall have a division administrator appointed by the secretary of agriculture.

As used in this division of this chapter, "farm commodity" means any unprocessed agricultural product, including animals, agricultural crops, and forestry products grown, raised, produced, or fed in Iowa for sale in commercial channels. "Commercial channels" means the processes of sale of a farm commodity or unprocessed product from the farm commodity to any person, public or private, who resells the farm commodity for breeding, processing, slaughter, or distribution.

Sec. \_\_\_\_ . Section 162.2, subsection 10, Code 1985, is amended by striking the subsection.

Sec. \_\_\_\_ . Section 163.26, subsections 1 and 2, Code 1985, are amended by striking the subsections.

Sec. \_\_\_\_ . Section 163.35, subsection 2, Code 1985, is amended by striking the subsection.

Sec. \_\_\_\_ . Section 163A.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec. \_\_\_\_ . Section 164.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec. \_\_\_\_ . Section 165.2, unnumbered paragraph 2, Code 1985, is amended to read as follows:

**It shall be the duty of each and every An owner of dairy or breeding cattle in the state to ~~shall~~ conform to and abide by the rules laid down by the ~~state department~~ and ~~the federal departments~~ department of agriculture**

and follow their instructions designed to suppress the disease, prevent its spread, and avoid reinfection of the herd.

Sec. \_\_\_\_ . Section 165.15, Code 1985, is amended to read as follows:

165.15 ACCREDITED VETERINARIAN.

An accredited veterinarian is one who has successfully passed an examination set by the state department and the federal departments department of agriculture and is ~~authorized to~~ may make tuberculin tests of accredited herds of cattle under the uniform methods and rules governing accredited herd work which are approved by the United States department of agriculture.

Sec. \_\_\_\_ . Section 166A.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec. \_\_\_\_ . Section 166B.1, subsection 3, Code 1985, is amended by striking the subsection.

Sec. \_\_\_\_ . Section 166C.2, subsections 1 and 2, Code 1985, are amended by striking the subsections.

Sec. \_\_\_\_ . Section 168.1, subsection 2, Code 1985, is amended by striking the subsection.

Sec. \_\_\_\_ . Section 172.1, subsection 4, Code 1985, is amended by striking the subsection.

Sec. \_\_\_\_ . Section 172A.1, subsections 5 and 6, Code 1985, are amended by striking the subsections.

Sec. \_\_\_\_ . Section 172B.1, subsection 4, Code 1985, is amended by striking the subsection."

#145. Page 91, line 3, by inserting after the word "agriculture" the words "and land stewardship".

#146. Page 91, by inserting after line 3 the following:

"Sec. \_\_\_\_ . Section 173.1, subsections 1 and 4, Code 1985, are amended by striking the subsections and inserting in lieu thereof the following:

1. The governor of the state, the secretary of agriculture, and the president of the Iowa state university of science and technology or their qualified representatives, who shall serve as nonvoting members of the board.

4. A secretary appointed by the secretary of agriculture from a list of three candidates nominated by the voting members of the board. The secretary of the board is a nonvoting member of the board.

5. A treasurer elected by the voting members of the board, who is a nonvoting member of the board.

Sec. \_\_\_\_ . Section 173.9, unnumbered paragraph 1, Code 1985, is amended by striking the paragraph and inserting in lieu thereof the following:

The secretary of the board shall serve at the pleasure of the secretary of agriculture. However, the voting members of the board shall make an annual recommendation to the secretary of agriculture as to whether the secretary of the board should be retained. The secretary of the board shall:

Sec. \_\_\_\_ . Section 175.2, subsection 3, Code Supplement 1985, is amended to read as follows:

3. "Authority" means the ~~Iowa family farm~~ agricultural development authority established in section 175.3.

Sec. \_\_\_\_ . Section 175.3, subsection 1, Code Supplement 1985, is amended to read as follows:

1. The Iowa family farm agricultural development authority is established, and within the department of agriculture and land stewardship. The authority is constituted a public instrumentality and agency of the state exercising public and essential governmental functions. The authority is established to undertake programs which assist beginning farmers in purchasing agricultural land and agricultural improvements and depreciable agricultural property for the purpose of farming, and programs which provide financing to farmers for permanent soil and water conservation practices on agricultural land within the state or for the acquisition of conservation farm equipment. The powers of the authority are vested in and exercised by a board of eleven members with nine members appointed by the governor subject to confirmation by the senate. The treasurer of state or the treasurer's designee and the secretary of agriculture or the secretary's designee are ex officio nonvoting members. No more than five appointed members shall belong to the same political party. As far as possible the governor shall include within the membership persons who represent financial institutions experienced in agricultural lending, the real estate sales industry, farmers, beginning farmers, average taxpayers, local government, and other persons specially interested in family farm development.

Sec. \_\_\_\_ . Section 175.7, subsection 1, Code 1985, is amended to read as follows:

1. The governor, subject to confirmation by the senate, secretary of agriculture shall appoint an executive director of the authority, who shall serve at the pleasure of the governor secretary. The executive director shall be selected primarily for administrative ability and knowledge in the field, without regard to political affiliation. The executive director shall not, directly or indirectly, exert influence to induce any other officers or employees of the state to adopt a political view, or to favor a political candidate for office.

Sec. \_\_\_\_ . Section 182.1, subsection 8, Code Supplement 1985, is amended by striking the subsection.

Sec. \_\_\_\_ . Section 183A.1, subsection 7, Code Supplement 1985, is amended by striking the subsection.

Sec. \_\_\_\_ . Section 185.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec. \_\_\_\_ . Section 185C.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec. \_\_\_\_ . Section 187.1, subsection 1, Code 1985, is amended by striking the subsection.

Sec. \_\_\_\_ . Section 189.1, subsections 2 and 3, Code 1985, are amended to read as follows:

2. "Department" ~~shall mean means~~ the department of agriculture; and land stewardship; and; ~~wherever said if the~~ department is required or authorized to do an act, it ~~shall be construed as authorizing performance the act may be performed~~ by a regular assistant or a duly authorized agent of ~~said the~~ department.

3. "Secretary" ~~shall mean means~~ the secretary of agriculture.

Sec. \_\_\_\_ . Section 189A.2, subsections 1 and 2, Code 1985, are amended by striking the subsections.

Sec. \_\_\_\_ . Section 192A.1, subsections 2 and 3, Code 1985, are amended by striking the subsections.

Sec. \_\_\_\_ . Section 194.3, subsection 1, Code 1985, is amended by striking the subsection.

Sec. \_\_\_\_ . Section 195.3, subsection 1, Code 1985, is amended by striking the subsection.

Sec. \_\_\_\_ . Section 196A.1, subsection 7, Code 1985, is amended by striking the subsection.

Sec. \_\_\_\_ . Section 198.3, subsection 1, Code 1985, is amended by striking the subsection.

Sec. \_\_\_\_ . Section 206.2, subsections 9 and 10, Code 1985, are amended by striking the subsections.

Sec. \_\_\_\_ . Section 214A.1, subsection 2, Code Supplement 1985, is amended by striking the subsection.

Sec. \_\_\_\_ . Section 467A.2, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

**467A.2 DECLARATION OF POLICY.**

It is hereby declared to be the policy of the legislature to integrate the conservation of soil and water resources into the production of agricultural commodities to insure the long term protection of the soil and water resources of the state of Iowa, and to encourage the development of farm management and agricultural practices that are consistent with the capability of the land to sustain agriculture, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist and maintain the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands and promote the health, safety and public welfare of the people of this state."

#147. Page 91, line 8, by inserting after the word "agriculture" the words "and land stewardship".

#148. Page 91, by inserting after line 8 the following:

"Sec. \_\_\_\_ . Section 467A.3, Code 1985, is amended by adding the following new subsection:

**NEW SUBSECTION. 3A.** "Division" means the division of soil conservation created within the department."

#149. Page 91, by striking lines 12 through 20, and inserting the following: "~~state and~~ The soil conservation division is established within the department to perform the functions conferred upon it in this chapter, ~~the department of soil conservation chapters 83, 83A, and 467A through 467D.~~ The department division shall be administered in accordance with the policies of the state soil conservation committee, which shall advise the division and which shall approve administrative rules proposed by the department division for the administration of chapters 83, 83A, and 467A through 467D before the rules are adopted pursuant to chapter 17A. The state soil conservation committee shall".

#150. Page 91, line 21, by striking the word "nine" and inserting the words "ten other".

#151. Page 91, lines 23 and 24, by striking the words "state agricultural extension service" and inserting the words "~~state agricultural~~ Iowa cooperative extension service in agriculture and home economics".

#152. Page 91, line 29, by striking the word "Seven" and inserting the word "Nine".

#153. Page 91, by striking line 35 and inserting the following: "county. The seventh, ~~and eighth,~~ and ninth appointive members".

#154. Page 92, lines 1 and 2, by striking the words "~~with one appointed~~" and inserting the following: "with one appointed".

#155. Page 92, line 2, by striking the words "~~and one~~" and inserting the words "~~and,~~ one".

#156. Page 92, by striking line 3, and inserting the following: "appointed to be a representative of the mining industry, and one appointee who is a farmer actively engaged in tree farming operations. The".

#157. Page 92, line 19, by striking the word "department" and inserting the words "department division".

#158. Page 94, line 8, by striking the words "~~department of soil conservation~~" and inserting the words "department division of soil conservation".

#159. Page 94, line 9, by striking the word "department" and inserting the word "division".

#160. Page 94, line 28, by striking the word "department" and inserting the word "division".

#161. Page 95, line 8, by striking the word "department" and inserting the word "division".

#162. Page 95, line 14, by striking the words "~~department, the department~~" and inserting the word "division, the ~~department~~ division".

#163. Page 96, line 2, by striking the word "department" and inserting the word "division".

#164. Page 96, line 11, by striking the word "department" and inserting the word "division".

#165. Page 96, line 12, by striking the word "department" and inserting the word "division".

#166. Page 96, line 29, by striking the word "department" and inserting the word "division".

#167. Page 96, line 31, by striking the word "department" and inserting the word "division".

#168. Page 97, line 3, by striking the word "department" and inserting the word "division".

#169. Page 97, line 12, by striking the word "department" and inserting the word "division".

#170. Page 97, line 20, by striking the word "department" and inserting the word "division".

#171. Page 97, line 29, by striking the word "department" and inserting the word "division".

#172. By striking page 97, line 34, and inserting the following: "division, and the estimates of the committee division as".

#173. Page 98, line 1, by striking the word "department" and inserting the words "department division".

#174. Page 98, by inserting after line 2 the following:

"Sec. \_\_\_\_ . Section 467A.42, subsection 1, Code 1985, is amended to read as follows:

1. "Soil loss limit" means the maximum amount of soil loss due to erosion by water or wind, expressed in terms of tons per acre per year, which the commissioners of the respective soil conservation districts shall determine is acceptable in order to meet the objectives expressed in section 467D.1, Code 1985."

#175. Page 98, line 9, by striking the word "department" and inserting the word "division".

#176. Page 98, line 14, by striking the word "department" and inserting the word "division".

#177. Page 98, line 19, by striking the word "department" and inserting the word "division".

#178. Page 98, line 24, by striking the word "department" and inserting the word "division".

#179. Page 98, line 29, by striking the word "department" and inserting the word "division".

#180. Page 98, line 34, by striking the word "DEPARTMENT" and inserting the word "DIVISION".

#181. Page 99, line 3, by striking the word "department" and inserting the word "division".

#182. Page 99, line 4, by striking the word "department" and inserting the word "division".

#183. Page 99, line 5, by striking the word "department" and inserting the word "division".

#184. Page 99, line 30, by striking the word "department" and inserting the word "division".

#185. Page 100, line 10, by striking the word "department" and inserting the word "division".

#186. Page 100, line 19, by striking the word "department" and inserting the word "division".

#187. By striking page 101, line 5 through page 102, line 4.

#188. Page 102, line 7, by striking the word "department" and inserting the word "division".

#189. Page 102, by inserting after line 7 the following:

"Sec. \_\_\_\_ . Section 467D.2, subsection 1, Code 1985, is amended to read as follows:

1. "Conservancy Watershed planning district" means one of the six conservancy watershed planning districts established by section 467D.3."

#190. Page 102, by striking lines 9 through 12 and inserting the following: "amended by striking the subsection and inserting in lieu thereof the following:

4. "Division" means the division of soil conservation established within the department of agriculture and land stewardship."

#191. Page 102, by inserting before line 13 the following:

"Sec. \_\_\_\_ . Section 467D.3, unnumbered paragraph 1, Code 1985, is amended to read as follows:

In furtherance of the policy set forth in section 467D.1, the entire area of the state of Iowa shall be divided into six conservancy watershed planning districts, and the same are hereby established as political subdivisions of the state of Iowa, as follows:"

#192. Page 104, by inserting after line 2 the following:

"Sec. \_\_\_\_ . Effective July 1, 1988, section 455B.280 and chapter 467D, Code 1985, are repealed, and section 467A.4, subsection 4, paragraphs "g" through "m", Code Supplement 1985, are amended by striking the paragraphs."

#193. Page 104, line 6, by inserting after the word "agriculture" the words "and land stewardship".

#194. Page 104, line 11, by inserting after the word "agriculture" the words "and land stewardship".

#195. Page 104, line 15, by inserting after the word "agriculture" the words "and land stewardship".

#196. By striking page 104, line 16 through page 105, line 31 and inserting the following:

"DEPARTMENT OF COMMERCE

Sec. 701. NEW SECTION. 546.1 DEFINITIONS.

When used in this chapter, unless the context otherwise requires:

1. "Department" means the department of commerce.
2. "Director" means the director of the department of commerce.

Sec. 702. NEW SECTION. 546.2 DEPARTMENT OF COMMERCE.

1. A department of commerce is created to coordinate and administer the various regulatory, service, and licensing functions of the state relating to the conducting of business or commerce in the state.

2. The chief administrative officer of the department is the director. The director shall be appointed by the governor, subject to the confirmation of the senate, and shall serve at the pleasure of the governor. The director is subject to reconfirmation after four years in office. The director shall be appointed on the basis of executive and administrative abilities but shall not have been an officer or employee of any bank, credit union, savings and loan association, or insurance company. The salary shall be fixed by the governor within a range established by the general assembly.

3. The department is administratively organized into the following divisions:

- a. Banking.
- b. Credit union.
- c. Savings and loan.
- d. Gaming.
- e. Utilities.
- f. Insurance.
- g. Alcoholic beverages.
- h. Professional licensing and regulation.

4. The director shall have the following responsibilities:

a. To establish general operating policies for the department to provide general uniformity among the divisions while providing for necessary flexibility.

b. To assemble a department structure and strategic plan that will provide optimal decentralization of responsibilities and authorities with sufficient coordination for appropriate growth and development.

c. To coordinate personnel services and shared ad-administrative support services to assure maximum support and assistance to the divisions.

d. To coordinate the development of an annual budget which quantifies the operational plans of the divisions.

e. To identify and, with the chief administrative officers of each division, facilitate the opportunities for consolidation and efficiencies within the department.

f. To maintain monitoring and control systems, procedures, and policies which will permit each level of responsibility to quickly and precisely measure its results with its plan and standards.

5. The chief administrative officer of each division shall have the following responsibilities:

a. To make rules pursuant to chapter 17A except to the extent that rulemaking authority is vested in a policymaking commission.

b. To hire, allocate, develop, and supervise employees of the division necessary to perform duties assigned to the division by law.

c. To supervise and direct personnel and other resources to accomplish duties assigned to the division by law.

d. To establish fees assessed to the regulated industry except to the extent this power is vested in a policymaking commission.

6. Each division is responsible for policymaking and enforcement duties assigned to the division under the law. Except as provided in section 546.11, subsection 3:

a. Each division shall adopt rules pursuant to chapter 17A to implement its duties.

b. Decisions by the divisions are final agency actions pursuant to chapter 17A."

#197. Page 106, line 29, by striking the words "COMMERCE COMMISSION" and inserting the following: "UTILITIES".

#198. Page 106, line 31, by striking the words "commerce commission" and inserting the following: "utilities".

#199. Page 107, line 1, by striking the word "commission" and inserting the following: "governor".

#200. Page 107, line 11, by striking the words "BEER AND LIQUOR CONTROL" and inserting the following: "ALCOHOLIC BEVERAGES".

#201. Page 107, line 13, by striking the words "beer and liquor control" and inserting the following: "alcoholic beverages".

#202. Page 107, line 15, by striking the words "beer and liquor control" and inserting the following: "alcoholic beverages".

#203. Page 107, lines 16 and 17, by striking the words "beer and liquor control" and inserting the following: "alcoholic beverages".

#204. Page 108, line 21, by striking the words "and industry".

#205. Page 109, by inserting after line 15 the following:

"Sec. \_\_\_\_ . Section 99D.5, subsection 1, Code 1985, is amended to read as follows:

1. There is created a A state racing commission is created within the department of commerce consisting of five members who shall be appointed by the governor subject to confirmation by the senate, and who shall serve not to exceed a three-year term at the pleasure of the governor. The term of each member shall begin and end as provided in section 69.19."

#206. Page 109, line 24, by striking the words "the commission" and inserting the following: "~~the commission~~ each member".

#207. Page 109, by inserting after line 30 the following:

"Sec. \_\_\_\_ . Section 99D.6, Code 1985, is amended to read as follows:

99D.6 CHAIRPERSON -- ADMINISTRATOR -- EMPLOYEES -- DUTIES -- BOND.

The commission shall elect in July of each year one of its members chairperson for the succeeding year. The commission ~~may employ a secretary and shall appoint an administrator of the gaming division of the department of commerce subject to confirmation by the senate. The administrator shall serve a four-year term. The term shall begin and end in the same manner as set forth in section 69.19. A vacancy shall be filled for the unexpired portion of the term in the same manner as a full-term appointment is made. The administrator may hire other assistants and employees as necessary to carry out its the division's~~ duties. Some or all of the information required of applicants in section 99D.8A, subsections 1 and 2, may also be required of employees of the commission division if the commission deems it necessary. The secretary administrator shall keep a record of the proceedings of the commission, and preserve the books, records, and documents entrusted to the secretary's administrator's care; ~~and perform other duties as the commission prescribes.~~ The commission shall require the secretary administrator to post a bond in a sum it may fix, conditioned upon the faithful performance of the secretary's administrator's duties. Subject to the approval of the governor, the commission shall fix the compensation of ~~its secretary the administrator~~ within salary range five as set by the general assembly. ~~The commission shall also fix the compensation of its other employees, subject to the approval of the governor.~~ The commission division shall have its headquarters in the city of Des Moines, and shall meet in July of each year and at other times and places as it finds necessary for the discharge of its duties."

#208. Page 110, line 2, by striking the words "~~and industry~~".

#209. Page 111, line 13, by striking the words "~~and industry~~".

#210. Page 111, line 29, by striking the words "~~and industry~~".

#211. Page 112, line 13, by striking the word "committee" and inserting the following: "committee council".

#212. Page 113, line 7, by striking the words "~~and industry~~".

#213. Page 113, line 26, by striking the words "~~and industry~~".

#214. Page 115, line 14, by striking the words "~~and industry~~".

#215. Page 116, line 5, by striking the words "~~and industry~~".

#216. Page 116, line 30, by striking the words "~~and industry~~".

#217. Page 118, line 2, by striking the words "~~and industry~~".

#218. Page 118, by striking line 24 and inserting the following:

"An Iowa beer ~~and liquor control department,~~ alcoholic beverages division is".

#219. Page 118, line 25, by striking the words "~~and industry~~".

#220. Page 118, by striking lines 34 and 35 and inserting the following:

"There is hereby created within the department an Iowa beer and liquor council, An alcoholic beverages commission is created within".

#221. By striking page 119, line 35 through page 120, line 1 and inserting the following: "positions of trust a bond with ~~such~~ sureties as the ~~beer and liquor control council shall approve~~ alcoholic beverages commission approves".

#222. Page 120, lines 7 and 8, by striking the words "beer and liquor control" and inserting the following: "alcoholic beverages".

#223. Page 121, line 4, by striking the word "department" and inserting the following: "department division".

#224. Page 121, line 7, by striking the word "department" and inserting the following: "department division".

#225. Page 121, line 8, by striking the word "department" and inserting the following: "department division".

#226. Page 121, line 13, by striking the word "department" and inserting the following: "department division".

#227. By striking page 121, line 25 through page 122, line 13 and inserting the following:

"The Iowa state commerce commission shall be A utilities division is created within the department of commerce. The policy-making body for the division is the utilities board which is created within the division. The board is composed of three members appointed by the governor and subject to confirmation by the senate, not more than two of whom shall be from the same political party, and each commissioner. Each member appointed shall serve for six-year staggered terms beginning and ending as provided by section 69.19. Vacancies shall be filled for the unexpired portion of the term in the same manner as full-term appointments are filled made.

On the second Tuesday of July of each year, the Iowa state commerce commission The utilities board shall organize by electing one of its members as chairperson, and appointing an executive secretary, who shall take the same oath as the commissioners members. The commission board shall set the salary of the executive secretary within the limits of the pay plan for exempt positions provided for in section 19A.9, subsection 2, unless otherwise provided by the general assembly. The commission board may employ additional personnel as it may find finds necessary. Subject to confirmation by the senate, the governor shall appoint a member as the chairperson of the board. The chairperson shall be the administrator of the utilities division. The appointment as chairperson shall be for a two-year term which begins and ends as provided in section 69.19.

As used in this chapter and chapter chapters 475A, the words 476, 476A, 478, and 479, "commission division" and "commerce commission utilities division" mean the Iowa state commerce commission utilities division of the department of commerce."

#228. Page 122, line 17, by striking the word "commission" and inserting the following: "commission board".

#229. Page 122, line 21, by striking the word "commission" and inserting the following: "commission board".

#230. Page 122, line 25, by striking the word "commission" and inserting the following: "commission board".

#231. Page 122, line 26, by striking the word "commission" and inserting the following: "commission board".

#232. Page 122, line 28, by striking the word "commission" and inserting the following: "commission board".

#233. Page 122, line 33, by striking the words "state commerce commissioner" and inserting the following: "state commerce commissioner utilities board member".

#234. Page 123, lines 17 and 18, by striking the words "as provided" and inserting the following: "as provided in the same manner as set forth".

#235. Page 123, by inserting after line 18 the following:

"Sec. \_\_\_\_ . Section 475A.1, subsection 5, Code 1985, is amended to read as follows:

5. REMOVAL. The governor attorney general may remove the consumer advocate for malfeasance or nonfeasance in office, or for any cause which renders the advocate ineligible for appointment, or incapable or unfit to discharge the duties of the advocate's office; and the advocate's removal, when so made, is final."

#236. Page 123, by striking lines 19 through 32 and inserting the following:

"Sec. \_\_\_\_ . Section 475A.3, subsections 1 and 2, Code 1985, are amended to read as follows:

1. OFFICE. The office of consumer advocate ~~is at the seat of the government shall be a separate division of the department of justice and located at the same location as the Iowa state commerce commission utilities division of the department of commerce. Administrative support services shall be provided to the consumer advocate division by the utilities division of the department of commerce.~~

2. EMPLOYEES. The consumer advocate may employ attorneys, legal assistants, secretaries, clerks, and other employees the consumer advocate finds necessary for the full and efficient discharge of the duties and responsibilities of the office. The consumer advocate may employ consultants as expert witnesses or technical advisors pursuant to contract in any proceeding in which the consumer advocate division is a party. Employees of the consumer advocate division, other than the consumer advocate, are subject to merit employment except as provided in section 19A.3."

#237. Page 124, line 2, by striking the words "and industry".

#238. Page 124, by inserting after line 7 the following:

"Sec. \_\_\_\_ . Section 475A.7, Code 1985, is amended to read as follows:

475A.7 CONSUMER ADVISORY PANEL.

The governor attorney general shall appoint ~~nine five~~ members and the governor shall appoint four members to a consumer advisory panel to meet at the request of the consumer advocate for consultation regarding public utility regulation. A member shall be appointed from each congressional district with the appointee residing within the congressional district at the time of appointment. The remaining appointees shall be members at large. No more than five members shall belong to the same political party as provided in section 69.16. The members appointed by the attorney general shall serve four-year terms at the pleasure of the governor attorney general and their appointments are not subject to confirmation. The members appointed by the governor shall serve four-year terms at the pleasure of the governor and their appointments are not subject to confirmation. The governor or attorney general shall fill a vacancy in the same manner as the original appointment for the unexpired portion of the member's term. ~~Members of the consumer advisory panel shall serve without compensation, but shall be reimbursed for actual expenses from funds appropriated to the office of consumer advocate."~~

#239. Page 124, line 24, by striking the words "and industry".

#240. Page 125, lines 19 and 20, by striking the words "and industry".

#241. Page 127, line 10, by striking the words "and industry".

#242. Page 127, lines 28 and 29, by striking the words "and industry".

#243. Page 128, lines 27 and 28, by striking the words "and industry".

#244. Page 129, by inserting after line 4 the following:

"Sec. \_\_\_\_ . It is the intent of the general assembly that sections 701 through 799 shall have temporary effect only, that chapter 546 is repealed on July 1, 1988 other than to implement the winding down of the operations of the department of commerce. The amendments in sections 712 through 799 made in this Act shall be stricken when chapter 546 is repealed."

#245. Page 129, by inserting after line 23 the following:

"4. "Small business" means any enterprise which is located in this state, which is operated for profit and under a single management, and which has either fewer than twenty employees or an annual gross income of less than three million dollars computed as the average of the three preceding fiscal years. This definition does not apply to any program or activity for which a definition for small business is provided for the program or activity by federal law or regulation or other state law.

5. "Targeted small business" means a small business which is fifty-one percent or more owned, operated, and actively managed by one or more women or minority persons. As used in this subsection, "minority person" means an individual who is a Black, Hispanic, Asian or Pacific Islander, or American Indian or Alaskan native."

#246. Page 129, line 27, by striking the word "eleven" and inserting the following: "nine".

#247. Page 129, line 27, by striking the word "six" and inserting the following: "seven".

#248. Page 129, line 30, by inserting after the words "of the" the following: "university of northern Iowa, the".

#249. Page 130, line 2, by striking the word "six" and inserting the following: "five".

#250. Page 130, line 3, by inserting after the word "party." the following: "The secretary of agriculture shall be one of the voting members."

#251. Page 130, line 4, by inserting after the words "appoint the" the following: "remaining eight".

#252. Page 131, by striking lines 5 through 21 and inserting the following:

"1. Develop and coordinate the implementation of a twenty-year comprehensive economic development plan of specific goals, objectives, and policies for the state. This plan shall be updated annually and revised as necessary. All other state agencies involved in economic development activities shall annually submit to the board for its review and potential inclusion in the plan their goals, objectives, and policies.

2. Prepare a five-year strategic plan for state economic growth to implement the specific comprehensive goals, objectives, and policies of the state. All other state agencies involved in economic development activities shall annually submit to the board for its review and inclusion in the strategic plan their specific strategic plans and programs. The five-year strategic plan for state economic growth shall be updated annually.

3. Develop a method of evaluation of the attainment of goals and objectives from pursuing the policies of the five-year and twenty-year plans.

4. Implement the requirements of chapter 73."

#253. Page 131, line 24, by striking the words "Approve the guidelines or procedures" and inserting the following: "Establish guidelines, procedures, and policies".

#254. Page 132, by inserting after line 29 the following:

"9. Have management authority over, prepare the budgets of, and have responsibility over the Iowa high technology council and the Iowa product development corporation.

10. Implement the requirements of chapter 73."

#255. Page 135, by inserting after line 3 the following:

"d. Aid in the promotion and development of the agricultural processing industry in the state."

#256. Page 137, lines 19 and 20, by striking the word and figure "to 15.204" and inserting the following: "and 15.202".

#257. Page 137, line 31, by inserting after the words "by the governor" the following: "and the Iowa district export council which advises the United States department of commerce".

#258. Page 141, line 22, by striking the words "'job start" program" and inserting the following: "'self-employment loan program'".

#259. Page 141, by striking lines 30 through 32 and inserting the following: "in the state including, but not limited to, the following:

(1) Evaluating the feasibility and economic viability of proposed employee-owned businesses.

(2) Working with the small business development centers to provide technical assistance and counseling services including, but not limited to, legal, tax, management, marketing, labor, and contract assistance to persons who seek to form employee-owned businesses.

(3) Assisting persons in obtaining financing for the purchase and operation of employee-owned businesses."

#260. Page 141, line 34, by inserting after the word "business" the words "targeted small business,".

#261. Page 142, by striking lines 2 through 9 and inserting the following:

"a. Receive and review complaints from individual small businesses that relate to rules or decisions of state agencies, and refer questions and complaints to a governmental agency where appropriate.

b. Establish and administer the regulatory information service provided for in section 28.17.

c. Aid in the development and implementation of the Iowa targeted small business procurement Act established in sections 73.15 through 73.21 and the targeted small business loan guarantee program of the Iowa finance authority established in section 220.95. The duties of the director under this paragraph include the following:

(1) The director, in conjunction with the director of the department of management, shall publicize the procurement set-aside program to targeted small businesses and to agencies of state government, attempt to locate targeted small businesses able to perform set-aside awards, and encourage program participation. The director may request the cooperation of the department of general services, the department of transportation, the state board of regents, or any other agency of state government in publicizing this program.

(2) The director, in conjunction with the director of the department of management, shall publicize the loan guarantee program of the Iowa finance authority to targeted small businesses.

(3) When the director determines, or is notified by the head of another agency of state government, that a targeted small business is unable to perform procurement set-aside awards, the director shall assist the small business in attempting to remedy the causes of the inability to perform. In assisting the small business, the director may use any management or financial assistance programs available through state or governmental agencies or private sources.

The director, in conjunction with the director of the department of management and jointly with the universities under the jurisdiction of the state board of regents, the area community colleges, and the area vocational schools, shall develop and make available in all areas of the state, programs to offer and deliver concentrated, in-depth advice and services to assist targeted small businesses. The advice and services shall extend to all areas of business management in its practical application, including but not limited to accounting, engineering, drafting, grant writing, obtaining financing, locating bond markets, market analysis, and projections of profit and loss.

(4) The director shall establish by rule standards and procedures for certifying that targeted small businesses are eligible to participate in the procurement set-aside program. The procedure for determination of eligibility shall not include self-certification by a business. Rules and guidelines adopted pursuant to this section are subject to review and approval by the director of the department of management. The director shall maintain a current directory of targeted small businesses which have been certified pursuant to this subparagraph.

(5) The director shall submit an annual report to the governor and the general assembly relating progress toward realizing the goals and objectives of the procurement set-aside program and the loan guarantee program of the Iowa finance authority during the preceding fiscal year. The Iowa finance authority and the director of the department of management shall assist in compiling the data to be included in the report. The report shall include the following information:

(a) The total dollar value and number of potential set-aside awards identified and the percentage of total state procurements this reflects.

(b) The total dollar value and number of set-aside contracts awarded to targeted small businesses with appropriate designation as to the total number and value of set-aside contracts awarded to each small business, and the percentages of the total state procurements the figures of total dollar value and the number of set-asides reflects.

(c) The number of contracts which were designated and set aside pursuant to sections 73.15 through 73.21, but which were not awarded to a targeted small business, the estimated total dollar value of these awards, the lowest offer or bid on each of these awards made by the small business and the price at which these contracts were awarded pursuant to the normal procurement procedures.

(d) The efforts undertaken to identify targeted small businesses and to publicize and encourage participation in the set-aside and loan guarantee programs during the preceding year.

(e) The efforts undertaken to develop technical assistance programs and to remedy the inability of targeted small businesses to perform on potential set-asides.

(f) Information about the number of applications received and processed by the Iowa finance authority under the loan guarantee program, the value of loans guaranteed, and follow-up information on targeted small businesses which have been awarded loan guarantees.

(g) The director's recommendations for strengthening the set-aside program and delivery of services to targeted small businesses. The director of the department of management shall provide recommendations to the director regarding strengthening contract compliance activities by state agencies.

(h) The department of general services, the department of transportation, the state board of regents, and all other agencies of state government shall provide all relevant information requested by the director for the preparation of the annual report."

#262. Page 142, by inserting after line 17 the following:

"e. Study the feasibility of reducing the total number of state licenses, permits, and certificates required to conduct small businesses.

f. Encourage and assist small businesses to obtain state contracts and subcontracts by cooperating with the directors of purchasing in the department of general services, the state board of regents, and the department of transportation in performing the following functions:

(1) Developing a uniform small business vendor application form which can be adopted by all agencies and departments of state government to identify small businesses and targeted small businesses which desire to sell goods and services to the state. This form shall also contain information which can be used to determine certification as a targeted small business pursuant to paragraph "c", subparagraph (4).

(2) Compiling and maintaining a comprehensive source list of small businesses.

(3) Assuring that responsible small businesses are solicited on each suitable purchase.

(4) Assisting small businesses in complying with the procedures for bidding and negotiating for contracts.

(5) Simplifying procurement specifications and terms in order to increase the opportunities for small business participation.

(6) When economically feasible, dividing total purchases into tasks or quantities to permit maximum small business participation.

(7) Preparing timely forecasts of repetitive contracting requirements by dollar volume and types of contracts to enhance the participation of responsible small businesses in the public purchasing process.

(8) Developing a mechanism to measure and monitor the amount of participation by small businesses in state procurement.

g. In addition, the department may establish a small business advisory council to:

(1) Advise and consult with the board and the department with respect to matters which are of concern to small business.

(2) Submit recommendations to the board relating to actual or proposed activities concerning small business.

(3) Submit recommendations for legislative or administrative actions.

(4) Review and monitor small business programs and agencies in order to determine their effectiveness and whether they complement or compete with each other, and to coordinate the delivery of programs and services aimed at small business.

(5) Initiate special small business economic studies as deemed necessary, including but not limited to analyses of trends and growth opportunities relative to small business.

(6) Provide other information or perform other duties which would be of assistance to small business."

#263. Page 143, line 11, by inserting after the word "state." the following: "However, the department in conjunction with other state agencies, including the board of regents, shall provide incentives to inventors whose research is funded in whole or in part by the state for having their products produced in the state. These incentives may include taking a smaller portion of the inventor's royalties or earnings than would otherwise occur under this paragraph or other provisions of the law."

#264. Page 143, by inserting after line 11 the following:

"d. Administer or oversee federal rural economic development programs in the state."

#265. Page 144, by inserting after line 2 the following:

"7. Aid in the promotion and development of the agricultural processing industry in the state."

#266. Page 144, by inserting after line 13 the following:

"Sec. \_\_\_\_ . NEW SECTION. 15.202A AGRICULTURAL PRODUCTS ADVISORY COUNCIL.

The department shall establish, in consultation with the department of agriculture and land stewardship, an agricultural products advisory council for the purpose of advising the two departments in relation to the sales, promotion, marketing, export of agricultural commodities, and value added agricultural products processed in Iowa and for the purpose of assisting in the coordination of the respective agricultural marketing programs of the two departments. The council shall consist of one member from each of the following associations, appointed by the secretary of agriculture: Iowa pork producers association, Iowa beef cattle producers association, Iowa sheep and wool promotion board, Iowa egg council, Iowa dairy industry commission, Iowa turkey marketing council, Iowa soybean promotion board, Iowa corn promotion board, Iowa wood industry association, and state horticulture society and up to an additional ten members, appointed by the director, who are experienced in exporting agricultural products, financing the export of agricultural products, and adding value to and processing of agricultural products.

The agricultural products advisory council shall submit recommendations to the departments of economic development and agriculture and land stewardship, the governor, and the general assembly."

#267. By striking page 144, line 14 through page 145, line 22.

#268. By striking page 147, line 20 through page 148, line 5.

#269. Page 148, by inserting after line 5 the following:

"Part 5

Sec. \_\_\_\_ . NEW SECTION. 15.251 TITLE.

This part shall be known as the "Iowa Business-Industry Information and Training Network Act".

Sec. — . NEW SECTION. 15.252 PURPOSE.

The purpose of this part is to establish through the merged areas a statewide network of regional offices to help coordinate job training programs with statewide, regional, and local economic development initiatives, and to promote the economic growth of this state.

Sec. — . NEW SECTION. 15.253 ACTIVITIES.

The activities of the network may include activities which foster the development of statewide programs designed to improve the coordination of job training programs with local and regional economic development efforts, provide technical assistance and information services to local and regional economic development organizations, promote the development of regional and local labor-management cooperative programs, and improve the quality and availability of business-industry and entrepreneurial training programs through the development of public and private partnerships.

Sec. — . NEW SECTION. 15.254 COORDINATION.

The network shall be coordinated through the department in cooperation with the departments of education and employment services. Each regional office of the network shall be part of the satellite centers established under section 28.101. The department shall develop the coordination criteria to be used by the regional network offices.

Sec. — . NEW SECTION. 15.255 FUNDING.

It is intended that multiple federal and state funding sources be used to help finance this network. To facilitate this cooperative funding strategy the following apply:

1. Under the terms of section 123 of the Job Training Partnership Act of 1982, Pub. L. No. 97-300, the department and the department of education shall enter into a cooperative agreement as a condition to providing funds under that section. The cooperative agreement shall focus on how section 123 funds will be used to enhance the following activities:

a. Providing financial assistance for special programs and services designed to meet the needs of rural areas outside major labor market areas.

b. Industry-wide training.

c. Activities under Title III of the Job Training Partnership Act of 1982.

d. Developing and providing to service delivery areas information on a state and local area basis regarding economic, industrial, and labor market conditions.

e. Providing preservice and inservice training for planning, management, and delivery staffs of administrative entities and private industry councils, as well as contractors for state supported programs.

f. Providing services to populations with special needs as identified by the state job training coordinating council.

2. The department of education shall prepare cooperative agreements with local education agencies reflecting the terms of the cooperative agreement between the department of education and the department of economic development.

Sec. — . NEW SECTION. 15.256 RULES.

The department shall adopt rules pursuant to chapter 17A to implement this part."

#270. Page 148, by inserting before line 6 the following:

"Sec. \_\_\_\_ . Section 7B.4, Code Supplement 1985, is amended by adding the following new subsection:

**NEW SUBSECTION.** Services under this section shall be available for assisting employee-owned businesses and employee-ownership groups which intend to start up an employee-owned business."

#271. Page 148, by striking line 11 and inserting the following: "and shall make".

#272. Page 148, lines 15 and 16, by striking the words "its bonding activities" and inserting the following: "the amount of bonds outstanding and each new bond issue".

#273. Page 148, line 28, by inserting after the word "obligations" the following: ", except that "authority" does not include the state board of regents".

#274. By striking page 148, line 31 through page 149, line 25 and inserting the following:

"2. Notwithstanding any other provision of the Code the treasurer shall coordinate the issuance of obligations by authorities. The treasurer, or the treasurer's designee, shall serve as ex officio nonvoting member of each authority. Prior to the issuance of obligations, an authority shall notify the treasurer of its intention to do so. The treasurer shall:

a. Select and fix the compensation for, in consultation with the respective authority, through a competitive selection procedure, attorneys, accountants, financial advisors, banks, underwriters, insurers, and other employees and agents which in the treasurer's judgment are necessary to carry out the authority's intention. Prior to the initial selection, the treasurer shall, after consultation with the authorities, establish a procedure which provides for a fair and open selection process including, but not limited to, the opportunity to present written proposals and personal interviews. The treasurer shall maintain a list of firms which have requested to be notified of requests for proposal. The selection criteria shall take into consideration, but is not limited to, compensation, expenses, experience with similar issues, scheduling, ability to provide the services of individuals with specific knowledge in the relevant subject matter and length of the engagement. The treasurer may waive the requirements for a competitive selection procedure for any specific employment upon written notice to the executive council stating why the waiver is in the public interest. Upon selection by the treasurer, the authority shall promptly employ the individual or firm and be responsible for payment of costs.

b. Submit an account to the respective authority for all costs incurred in each transaction. The treasurer will charge an authority for costs of administration. The authority shall disburse to the treasurer the amounts set forth in the account.

c. Direct the investment or deposit of the proceeds of the sale of the obligations, in accordance with the language of the documents drafted to effectuate issuance of the obligations, except for the proceeds necessary to fund the ongoing operations of the authority. This paragraph does not apply to proceeds of obligations issued before the effective date of this section.

d. Collect from an authority and other sources, any statistical and financial information necessary to draft an offering document or prepare a presentation necessary for the issuance or marketing of the obligations.

3. Each respective authority shall consult with the treasurer on the following:

a. Amount, terms, and conditions of the obligations to be issued by the authority including other provisions deemed necessary by the treasurer or the authority.

b. The documents or instruments necessary to effectuate issuance of the obligation.

c. Presentations to rating agencies and marketing activities. The treasurer may choose to participate in these presentations.

4. Professional services, including but not limited to attorneys, accountants, financial advisors, banks, underwriters, insurers, and other employees employed by a project sponsor may be selected by the project sponsor, if the obligation is issued in behalf of the project sponsor and the purchaser of the obligation does not have recourse to the authority or state.

5. The treasurer may delay implementation of this section for up to six months following the effective date of this section for an authority to facilitate an orderly transition."

#275. Page 149, by inserting after line 25 the following:

"Sec. \_\_\_\_ . Section 28.51, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The Iowa high technology council, hereafter referred to as the "council" is created. ~~The council shall be administratively integrated into the Iowa development commission for staff support and assistance. The council shall be an advisory body to the Iowa department of economic development. The department may provide staff support and assistance.~~

Sec. \_\_\_\_ . Section 28.52, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The purpose of the council shall be to encourage ~~the development of and advise the Iowa department of economic development regarding~~ high technology industries and research in Iowa which will establish net new employment opportunities for Iowa workers or assist in improving the efficiency, productivity, and viability of family farm operations and which will improve the quality of life in an environmentally sound manner. For high technologies consistent with this purpose, the council shall advise the department on how to:

Sec. \_\_\_\_ . Section 28.53, Code 1985, is amended to read as follows:

28.53 GRANTS, GIFTS, AND BEQUESTS.

The council ~~may receive and expend~~ shall advise the department on the receipt and expenditure of grants, gifts, and bequests, including but not limited to appropriations, federal funding, and other funding available for the purposes pursuant to section 28.52.

Sec. \_\_\_\_ . Section 28.55, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A public investment in commercial development by the council Iowa department of economic development may be made only in Iowa and in conjunction with private investment and shall be reflected in a public ownership interest in the commercial entity which is established. The public ownership interest shall be negotiated with the other investing parties, including but not limited to, educational institutions, inventors, and private investors. A provision relating to the terms of ownership and the circumstances

of disposal of the public ownership interest shall be made at the time of investment.

Sec. \_\_\_\_ . Section 28.83, subsections 3 and 6, Code 1985, are amended to read as follows:

3. The board of directors shall annually elect one member as chairperson and one member as secretary. The board may elect other officers of the corporation as necessary. Members ~~are entitled to receive forty dollars per diem for each day spent in performance of duties and~~ shall be reimbursed for necessary expenses incurred in the performance of duties from funds appropriated to the Iowa department of economic development commission.

6. The corporation shall be a part of the Iowa department of economic development commission for administrative purposes only which shall provide all staff and administrative assistance. The corporation shall submit to the department for its approval all plans, programs, initiatives and budgets.

Sec. \_\_\_\_ . Section 28.86, Code 1985, is amended to read as follows:

28.86 PRESIDENT.

The ~~board of directors~~ director of the department of economic development shall appoint a president of the corporation who shall serve at the pleasure of the ~~board director~~ and shall receive the compensation determined by the ~~board director~~. The president is a state employee. The president shall not be a member of the board of directors. The president is the chief administrative and operational officer of the corporation and shall direct and supervise the administrative affairs and the general management of the corporation subject to the direction and oversight of the director. The president may employ other employees as designated by the board. The president shall provide copies of all minutes, documents, and other records of the corporation and shall provide a certificate which attests to truthfulness of the copies, if requested. Persons dealing with the corporation may rely upon the certificates. The president shall keep a record of all proceedings, documents, and papers filed with the corporation."

#276. By striking page 149, line 26 through page 151, line 28.

#277. Page 151, by inserting before line 29 the following:

"Sec. \_\_\_\_ . NEW SECTION. 73.15 TITLE AND DEFINITIONS.

1. Sections 73.15 through 73.21 may be cited as the "Iowa targeted small business procurement Act."

2. As used in sections 73.15 through 73.21, unless the context requires otherwise, "small business" and "targeted small business" mean as defined in section 15.102.

Sec. \_\_\_\_ . NEW SECTION. 73.16 PROCUREMENTS FROM SMALL BUSINESSES AND TARGETED SMALL BUSINESSES -- SET-ASIDE REQUIREMENTS.

Notwithstanding any provision of law or rule relating to competitive bidding procedures:

1. Every agency, department, commission, board, committee, officer or other governing body of the state shall purchase goods and services supplied by small businesses and targeted small businesses in Iowa. In addition to the other provisions of this section relating to set-asides for targeted small businesses, all purchasing authorities shall assure that a proportionate share of small businesses and targeted small businesses identified under the uniform small business vendor application program of the department of economic

development are given the opportunity to bid on all solicitations issued by agencies and departments of state government.

2. The director of each agency or department of state government having purchasing authority shall designate and set aside for awarding to certified targeted small businesses identified pursuant to section 15.108, subsection 7, paragraph "c", at least two percent, and should set a goal of up to ten percent, of the value of anticipated procurements of goods and services, including construction, but not including utility services, each fiscal year. The director of each department and agency of state government shall cooperate with the director of the department of economic development and the director of the department of management and do all acts necessary to carry out the provisions of sections 73.15 through 73.21.

Sec. — . NEW SECTION. 73.17 TARGETED SMALL BUSINESS SET-ASIDE -- PRELIMINARY PROCEDURES.

Quarterly the director of each agency and department of state government shall review the agency's or department's anticipated purchasing requirements. The directors shall notify the director of the department of economic development of their anticipated purchases and recommended set-asides not later than August 15 of each fiscal year and quarterly thereafter. The directors may divide the procurements so designated into contract award units of economically feasible production runs to facilitate offers or bids from targeted small businesses. In designating set-aside procurements, the directors may vary the included procurements so that a variety of goods and services produced by different targeted small businesses may be set aside each year. The director of the department of economic development, in conjunction with the director of the department of management, shall review the information submitted and may require modifications from the agencies and departments.

Sec. — . NEW SECTION. 73.18 NOTICE OF SOLICITATION FOR BIDS -- IDENTIFICATION OF TARGETED SMALL BUSINESSES.

The director of each agency or department releasing a solicitation for bids or request for proposal under the set-aside program shall notify the director of 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 of any targeted small businesses which have been certified pursuant to section 15.108, subsection 7, paragraph "c", subparagraph (4), and which may be qualified to bid.

Sec. — . NEW SECTION. 73.19 NEGOTIATED PRICE OR BID CONTRACT.

In awarding a contract under the targeted small business set-aside program, a director of an agency or department having purchasing authority may use either a negotiated price or bid contract procedure. The amount of an award shall not exceed by more than five percent that director's estimated price for the goods or services if they were to be purchased on the open market or under the competitive bidding procedures of any provisions of law or rules relating to competitive bidding procedures, and not under this set-aside program. The director of the department of economic development or the director of the department of management may assist in the negotiation of a contract price under this section. Surety bonds guaranteed by the United States small business administration are acceptable security for a construction award under this section.

Sec. \_\_\_\_ . NEW SECTION. 73.20 DETERMINATION OF ABILITY TO PERFORM.

Before announcing the set-aside award, the purchasing authority shall evaluate whether the targeted small business scheduled to receive the award is able to perform the set-aside contract. This determination shall include consideration of production and financial capacity and technical competence. If the purchasing authority determines that the targeted small business may be unable to perform, the director of the department of economic development shall be notified and shall assist the targeted small business pursuant to section 15.108, subsection 7, paragraph "c", subparagraph (3).

Sec. \_\_\_\_ . NEW SECTION. 73.21 OTHER PROCUREMENT PROCEDURES.

All laws and rules pertaining to solicitations, bid evaluations, contract awards, and other procurement matters apply to procurement set-asides for targeted small businesses to the extent there is no conflict. If sections 73.15 through 73.21 conflict with other laws or rules, then sections 73.15 through 73.21 govern."

#278. Page 152, by inserting after line 19 the following:

"Sec. \_\_\_\_ . Section 220.1, subsection 28, Code Supplement 1985, is amended by adding after paragraph c the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. "Small business" includes an employee-owned business which has been an employee-owned business for less than three years or which meets the conditions of paragraphs "a" through "c."

#279. Page 152, by inserting after line 33 the following:

"Sec. \_\_\_\_ . NEW SECTION. 220.95 TARGETED SMALL BUSINESS LOAN GUARANTEE PROGRAM.

1. As used in this section:

a. "Small business" means any enterprise which is located in this state, which is operated for profit and under a single management, and which has either fewer than twenty employees or an annual gross income of less than three million dollars computed as the average of the three preceding fiscal years. This definition does not apply to any program or activity for which a definition for small business is provided for the program or activity by federal law or regulation or other state law.

b. "Targeted small business" means a small business, as defined in paragraph "a", which small business is fifty-one percent or more owned, operated, and actively managed by one or more women or minority persons. As used in this subsection, "minority person" means an individual who is a Black, Hispanic, Asian or Pacific Islander, or American Indian or Alaskan native.

2. The director of the department of economic development, in conjunction with the director of the department of management, may organize one or more advisory groups composed of representatives of women, minority persons, the business and financial community, and others interested in the loan guarantee program to serve on a volunteer basis in advising the authority concerning the implementation of this section. The authority shall consult with the director of the department of economic development and the director of the department of management to determine whether targeted small businesses which have expressed an interest in doing business with agencies

of state government under the provisions of sections 73.15 through 73.21 should be considered for application for guarantees under this section.

3. The authority may require an applicant for a loan guarantee under this section to consult with a designated small business assistance program as described in section 15.108, subsection 7, paragraph "c", subparagraph (3), prior to approval of the loan guarantee.

4. The authority shall adopt rules as necessary for the administration of the loan guarantee program under this section. Rules and guidelines adopted pursuant to this section are subject to review and approval by the director of the department of management.

5. The general assembly is not obligated to appropriate any moneys to pay for any defaults or to appropriate any moneys to be credited to the loan reserve account. The loan guarantee program does not obligate the state except to the extent provided in this section, and the authority in administering the program shall not give or lend the credit of the state of Iowa."

#280. Page 153, by striking lines 3 through 9.

#281. Page 153, by inserting before line 10 the following:

"Sec. \_\_\_\_ . Section 262.9, Code 1985, is amended by adding the following new subsection:

**NEW SUBSECTION.** In issuing bonds or notes under this chapter, chapter 262A, chapter 263A, or other provision of law, select and fix the compensation for, through a competitive selection procedure, attorneys, accountants, financial advisors, banks, underwriters, insurers, and other employees and agents which in the board's judgment are necessary to carry out the board's intention. Prior to the initial selection, the board shall establish a procedure which provides for a fair and open selection process including, but not limited to, the opportunity to present written proposals and personal interviews. The board shall maintain a list of firms which have requested to be notified of requests for proposal. The selection criteria shall take into consideration, but are not limited to, compensation, expenses, experience with similar issues, scheduling, ability to provide the services of individuals with specific knowledge in the relevant subject matter and length of engagement. The board may waive the requirements for a competitive selection procedure for any specific employment upon adoption of a resolution of the board stating why the waiver is in the public interest and shall provide the executive council with written notice of the granting of any such waiver."

#282. Page 155, line 10, by striking the words "Iowa family farm" and inserting the word "agricultural".

#283. Page 155, by inserting after line 23 the following:

"Sec. \_\_\_\_ . **NEW SECTION.** UNDERWRITERS DOING BUSINESS IN IOWA.

An underwriter employed to assist in the issuance of obligations by an authority, as defined in section 12.30, state board of regents, or other political subdivision, instrumentality, or agency of the state, shall meet the requirements for doing business in Iowa sufficient to be subject to tax under rules of the department of revenue."

#284. Page 155, line 25, by inserting after the figure "28.10," the following: "28.41 through 28.46,".

#285. Page 155, line 26, by striking the figures "159.20, 159.22" and inserting the following: "159.21".

#286. Page 155, line 27, by striking the word and figure "section 28.7," and inserting the following: "sections 28.7 and 18.175 through 18.180,".

#287. Page 155, by inserting after line 28 the following:

"Sec. \_\_\_\_ . NEW SECTION. 84A.1 DEPARTMENT OF EMPLOYMENT SERVICES -- DIRECTOR -- DIVISIONS --CREATED.

1. The department of employment services is created to administer the laws of this state relating to unemployment compensation insurance, job placement and training, employment safety, labor standards, and workers' compensation.

2. The chief executive officer of the department is the director who shall be appointed by the governor, subject to confirmation by the senate. The director shall serve at the pleasure of the governor. The director shall be subject to reconfirmation by the senate, under the confirmation procedures of section 2.32, during the regular session of the general assembly convening in January if the director will complete the director's fourth year in office on or before the following April 30. The governor shall set the salary of the director within the applicable salary range established by the general assembly. The director shall be selected solely on the ability to administer the duties and functions granted to the director and the department and shall devote full time to the duties of the director. If the office of director becomes vacant, the vacancy shall be filled in the same manner as the original appointment was made.

The director of the department of employment services shall prepare, administer, and control the budget of the department and its divisions and shall approve the employment of all personnel of the department and its divisions.

3. The department shall include the division of job service, the division of labor services, and the division of industrial services.

Sec. \_\_\_\_ . NEW SECTION. 84A.2 DEPARTMENT AND DIVISION RESPONSIBILITIES.

1. The division of job service is responsible for the administration of unemployment compensation benefits and for the collection of employer contributions under chapter 96. The division is responsible for the administration of the free public employment offices established pursuant to chapter 96, other job placement and training programs established pursuant to section 84A.3, and the administration of the offices of the division located throughout the state and for the personnel attached to those offices. The executive head of the division is the job service commissioner, appointed pursuant to section 96.10.

2. The division of labor services is responsible for the administration of the laws of this state relating to occupational health and safety, the inspection of amusement rides, the removal and encapsulation of asbestos, the inspection of boilers, wage payment collection, child labor, employment agency licensing, boxing and wrestling, inspection of elevators, and hazardous chemical risks under chapters 88, 88A, 88B, 89, 91, 91A, 91B, 92, 94, 95, 99C, 104, and 455D, and section 327F.37. The executive head of the division is the labor commissioner, appointed pursuant to section 91.2.

3. The division of industrial services is responsible for the administration of the laws of this state relating to workers' compensation under chapters 85, 85A, 85B, 86, and 87. The executive head of the division is the industrial commissioner, appointed pursuant to section 86.1.

4. The director shall form a coordinating committee composed of the job service commissioner, the labor commissioner, and the industrial commissioner. The committee shall monitor federal compliance issues relating to coordination of functions among the divisions.

Sec. \_\_\_\_ . NEW SECTION. 84A.3 JOB PLACEMENT AND TRAINING PROGRAMS.

1. The job service commissioner, in coordination with the department of economic development, may provide, with or without reimbursement, intake, client eligibility, and a significant portion of job placement services to individuals participating in the job training partnership program established under chapter 7B. The department of employment services and the department of economic development shall work together to develop policies encouraging coordination between job training, labor exchange, and economic development activities.

2. The job service commissioner, in cooperation with the department of elder affairs, shall establish an experimental retired Iowan employment program. The program shall encourage and promote the meaningful employment of retired citizens of the state.

3. The job service commissioner, in cooperation with the department of human rights, shall establish a program to provide job placement and training to persons with disabilities.

Sec. \_\_\_\_ . Section 17.3, subsections 8 and 10, Code Supplement 1985, are amended by striking the subsections."

#288. Page 158, line 27, by striking the word "its" and inserting the following: "its the".

#289. Page 159, by striking lines 1 through 9.

#290. Page 159, by inserting before line 10 the following:

"Sec. \_\_\_\_ . Section 86.8, Code 1985, is amended to read as follows:

86.8 DUTIES.

It shall be the ~~the~~ duty of the ~~The~~ commissioner shall:

1. ~~To establish~~ Adopt and enforce ~~all necessary~~ rules ~~not in conflict with the provisions of~~ necessary to implement this chapter and chapters 85, 85A, 85B, and 87 ~~for carrying out the purposes thereof.~~

2. ~~To prepare~~ Prepare and distribute the necessary blanks relating to computation, adjustment, and settlement of compensation ~~arising thereunder.~~

3. ~~To prepare~~ Prepare and publish statistical reports and analyses regarding the cost, occurrence, and sources of employment injuries.

4. ~~To administer~~ Administer oaths; and examine books and records of parties subject to ~~such provisions~~ the workers' compensation laws.

5. ~~In general to do all things not inconsistent with law in carrying out said provisions according to their true intent and purpose.~~

6 5. ~~To provide~~ Provide a seal for the authentication of orders and records and for ~~such~~ other purposes as required.

In carrying out the duties and responsibilities under this chapter, the industrial Subject to the approval of the director of the department of employment services, the commissioner may enter into contracts with any state agency, with or without reimbursement, for the purpose of obtaining the services, facilities, and personnel of such the agency and with the consent of any state agency or any political subdivision of the state, accept and use the services, facilities, and personnel of any the agency of the state or political subdivision, and employ experts and consultants or organizations in order to expeditiously, efficiently, and economically effectuate the purposes of this chapter. The provisions of agreements under this paragraph are subject to approval by the executive council where if approval is required by law.

Sec. \_\_\_\_ . Section 86.9, Code 1985, is amended to read as follows:

#### 86.9 REPORTS.

The director of the department of employment services, in consultation with the commissioner, shall, at the time provided by law, make a biennial an annual report to the governor setting forth in appropriate form the business and expense of the office division of industrial services for the two preceding years year, the number of claims before processed by the agency division and the disposition of the claims, and other matters pertaining to the office division which are of public interest, together with recommendations for change or amendment of the laws in this chapter and chapters 85, 85A, 85B, and 87, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.

The commissioner, after consultation with the director of the department of employment services, may make compile an annual report setting forth the final decisions, rulings, and orders of the office division for the preceding year and setting forth other matters or information that which the commissioner considers desirable for publication. These annual reports may be distributed by the state on request to public officials as set forth in chapter 17. Members of the public may obtain the annual report upon payment of its cost as set by the commissioner.

Sec. \_\_\_\_ . Section 86.24, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The decision of the industrial commissioner is final agency action and an appeal of the decision shall be made directly to the district court.

Sec. \_\_\_\_ . Section 88.2, subsections 1 and 4, Code 1985, are amended to read as follows:

1. The bureau of labor, established in chapter 91, is designated to labor commissioner, appointed pursuant to section 91.2, and the division of labor services of the department of employment services created in section 84A.1 shall administer this chapter.

4. In carrying out responsibilities of the commissioner under this chapter, the Subject to the approval of the director of the department of employment services, the labor commissioner is authorized to may enter into contracts with any state agency, with or without reimbursement, for the purpose of obtaining the services, facilities, and personnel of such the agency, and with the consent of any state agency or any political subdivision of the state, accept and use the services, facilities, and personnel of any the agency of the state or political subdivision, and employ experts and consultants or organizations,

in order to expeditiously, efficiently, and economically effectuate the purposes of this chapter. The provisions of agreements under this subsection are subject to approval of the executive council ~~where~~ if approval is required by law.

Sec. \_\_\_\_ . Section 88A.1, subsection 2, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. "Division" means the division of labor services of the department of employment services created under section 84A.1.

Sec. \_\_\_\_ . Section 88B.1, subsection 2, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. "Division" means the division of labor services of the department of employment services created under section 84A.1.

Sec. \_\_\_\_ . Section 88B.3, subsections 1 and 4, Code 1985, are amended to read as follows:

1. The bureau of labor commissioner shall administer this chapter.

4. At least once a year, during an actual asbestos project, the bureau division shall conduct an on-site inspection of each licensee's procedures for removing and encapsulating asbestos.

Sec. \_\_\_\_ . Section 91.1, Code 1985, is amended to read as follows:

#### 91.1 LABOR COMMISSIONER.

The bureau division of labor shall be services of the department of employment services, created under section 84A.1, is under the control of a labor commissioner, who shall have an office at the seat of government and shall devote the commissioner's entire time to the duties of the office.

Sec. \_\_\_\_ . Section 91.2, Code 1985, is amended to read as follows:

#### 91.2 APPOINTMENT.

The governor shall appoint in each odd-numbered year, subject to confirmation by the senate, a labor commissioner who shall serve for a period of ~~two six~~ six years beginning and ending as provided in section 69.19.

Sec. \_\_\_\_ . Section 91.4, subsection 5, Code 1985, is amended to read as follows:

5. Report to the governor biennially on all matters pertaining to the bureau of labor. The director of the department of employment services, in consultation with the labor commissioner, shall, at the time provided by law, make an annual report to the governor setting forth in appropriate form the business and expense of the division of labor services for the preceding year, the number of disputes or violations processed by the division and the disposition of the disputes or violations, and other matters pertaining to the division which are of public interest, together with recommendations for change or amendment of the laws in this chapter and chapters 88, 88A, 88B, 89, 91A, 91B, 92, 94, 95, 99C, 104, and 455D, and in section 327F.37, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed."

#291. Page 160, by inserting after line 30 the following:

"Sec. \_\_\_\_ . Section 94.2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

It shall be the duty of the director of the department of The job service commissioner, through the free employment service ~~to, shall."~~

#292. Page 163, by striking lines 12 through 22 and inserting the following:

"Sec. \_\_\_\_ . Section 96.10, Code 1985, is amended to read as follows:

#### 96.10 DEPARTMENT DIVISION OF JOB SERVICE.

There is established an Iowa department of job service. The chief executive officer of the division of job service of the department of employment services is the director of job service commissioner who shall be appointed by the governor subject to confirmation by the senate and shall serve at the pleasure of the governor. The commissioner shall be subject to reconfirmation by the senate, under the confirmation procedures of section 2.32, during the regular session of the general assembly convening in January if the commissioner will complete the commissioner's fourth year in office on or before the following April 30. The director commissioner shall be selected solely on the ability to administer the duties and functions granted to the department division and shall devote full time to the duties of director commissioner. If the office of director commissioner becomes vacant, the vacancy shall be filled in the same manner as the original appointment was made.

The salary of the director commissioner shall be set by the governor within the applicable salary range established by the general assembly.

The director of the department may establish, consolidate, and abolish divisions of the department when necessary for the efficient performance of the department.

Sec. \_\_\_\_ . Section 96.11, subsection 4, unnumbered paragraph 1, Code Supplement 1985, is amended by striking the unnumbered paragraph.

Sec. \_\_\_\_ . Section 96.19, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 39. "Department" means the department of employment services created in section 84A.1.

NEW SUBSECTION. 40. "Commissioner" means the job service commissioner of the division of job service of the department of employment services appointed pursuant to section 96.10."

#293. By striking page 163, line 33 through page 164, line 11 and inserting the following:

"Sec. \_\_\_\_ . Section 104.1, subsections 3, 4, 15, 16, and 17, Code 1985, are amended to read as follows:

3. "Division" means the elevator safety division of labor services of the department of employment services created by this chapter as a part of the bureau of labor under section 84A.1.

4. "Commissioner" means the labor commissioner, appointed pursuant to section 91.2, or the labor commissioner's designee.

15. "Inspector" means an inspector employed by the bureau of labor division for the purpose of administering this chapter.

16. "Special inspector" means an inspector licensed by the labor commissioner, and not employed by the bureau of labor division.

17. "Provisions of this chapter" includes rules adopted by the labor commissioner pursuant to this chapter.

Sec. \_\_\_\_ . Section 241.3, subsection 2, Code 1985, is amended to read as follows:

2. The department shall consult and co-operate with the department division of job service of the department of employment services, the United States commissioner of social security administration, the commission on division of the status of women of the department of human rights, the representative of the administrative agency administering the job training partnership Act, the state department of public instruction education and

other persons in the executive branch of the state government as the department considers appropriate to facilitate the co-ordination of multipurpose service programs established under this chapter with existing programs of a similar nature.

Sec. \_\_\_\_ . Section 455D.3, subsection 1, Code 1985, is amended by striking the subsection and inserting in lieu thereof the following:

1. "Division" means the division of labor services of the department of employment services created under section 84A.1.

Sec. \_\_\_\_ . Section 455D.8, subsections 2 and 4, Code 1985, are amended to read as follows:

2. The ~~bureau division of labor services~~ shall administer this division ~~of the chapter~~. The ~~bureau division~~ may exercise the enforcement powers set out in chapter 88 and the rules adopted pursuant to chapter 88 to enforce this division ~~of the chapter~~.

4. In addition to the chemical information required to be reported under federal hazard communication standard 29 C.F.R. sec. 1910.1200(d), the ~~bureau labor commissioner~~ may adopt by rule additional hazardous chemical information to be regulated; ~~if the interagency council recommends such action pursuant to section 455D.17.~~

Sec. \_\_\_\_ . Section 455D.12, subsection 2, Code 1985, is amended to read as follows:

2. The ~~bureau division of labor services~~ shall receive and handle requests for information and complaints under this division ~~of this chapter~~ which involve employer information covered under division II ~~of this chapter~~. The ~~bureau labor commissioner~~ shall adopt rules pursuant to chapter 17A regarding requests for information and the investigation and adjudication of complaints.

Sec. \_\_\_\_ . Section 455D.15, subsection 1, Code 1985, is amended to read as follows:

1. At the same time that an employer provides the information to employees required under division II, the employer shall submit to the local fire department a list of hazardous chemicals which are consistently generated by, used by, stored at, or transported from the employer's facility. The information shall be provided in sufficient specificity that the local fire department is informed of the nature of the hazardous chemicals, the hazards presented by the chemicals, and the appropriate response in dealing with an emergency involving the hazardous chemicals. The information shall conform to guidelines adopted by the ~~bureau from recommendations of the interagency council under section 455D.19 labor commissioner~~. The employer shall send the information by certified mail. The ~~bureau labor commissioner~~ shall adopt rules exempting employers from this requirement when buildings or structures do not contain significant amounts of a hazardous chemical."

#294. Page 164, by inserting after line 12 the following:

"Sec. \_\_\_\_ . CODIFICATION. In the codification of this Act, the Code editor may:

1. Transfer chapters 90 and 93A to chapter numbers less than 85 or greater than 97.

2. Transfer chapters 97C, 99C, 104, and 455D to chapter numbers between 84A and 97.

However, if the Code arrangement required by this section is not feasible or is not satisfactory to the Code editor, the Code editor may rearrange the affected chapters as necessary."

#295. By striking page 164, line 20 through page 166, line 4 and inserting the following:

"Sec. 1042. LEGISLATIVE FINDINGS AND DECLARATION.

The general assembly finds and declares that:

1. Iowa's elders constitute a fundamental resource which has been undervalued, and the means must be found to recognize and use the competence, wisdom, and experience of our elders for the benefit of all Iowans.

2. The number of persons in this state age sixty and older is increasing rapidly, and of these elders, the number of women, minorities, and persons eighty-five years of age or older is increasing at an even greater rate.

3. The social and health problems of older people are compounded by a lack of access to existing services and by the unavailability of a complete range of services in all areas of the state.

4. The ability of older people to maintain self sufficiency and to live their lives with dignity, productivity, and creativity is a matter of profound importance and concern for this state.

Sec. 1043. NEW SECTION. 249D.3 STATE POLICY AND OBJECTIVES.

The general assembly declares that it is the policy of the state to work toward attainment of the following objectives for Iowa's elders:

1. An adequate income in retirement.

2. Access to physical and mental health care without regard to economic status.

3. Suitable housing, appropriate to the special needs of older people.

4. Full restorative services for those who require institutional care, and a comprehensive array of community-based, long-term care services adequate to sustain older people in their communities and, whenever possible, in their homes.

5. Pursuit of meaningful activity within the widest range of civic, cultural, educational, recreational, and employment opportunities.

6. Suitable community transportation systems to assist in the attainment of independent movement.

7. Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives."

#296. Page 168, by striking lines 14 through 26 and inserting the following:

"The commission of elder affairs is established which shall consist of eleven members. Two members shall be appointed by the majority leader of the senate from the members of the senate to serve as ex officio nonvoting members with no more than one member being appointed from the same political party. Two members shall be appointed by the speaker of the house of representatives from the members of the house to serve as ex officio nonvoting members with no more than one member being appointed from the same political party. Seven members shall be appointed by the governor subject to confirmation by the senate. Not more than a simple majority of the governor's appointees shall belong to the same political party. At least four of the seven members appointed by the governor shall be fifty-five years of age or older when appointed.

Sec. 1046. NEW SECTION. 249D.12 TERMS.

All members of the commission shall be appointed for terms of four years, with staggered expiration dates. The terms of office shall commence on the first day of July. Any vacancy on the commission shall be filled for the unexpired term of the vacancy in the same manner as the original appointment. If a legislative member ceases to be a member of the general assembly the legislative member may continue to serve until a successor is appointed."

#297. By striking page 178, line 21 through page 179, line 2, and inserting the following:

"Sec. 1601. NEW SECTION. COORDINATION WITH JOB TRAINING PARTNERSHIP ACT.

The employment and training program administered by the department shall be coordinated with the training program for older individuals administered by the department of economic development under the job training partnership Act.

A proposed annual plan for coordinating these programs shall be developed jointly by the department of elder affairs, the department of economic development, the department of education, and the division of job service of the department of employment services for submittal to the state job training coordinating council. The state job training coordinating council shall take the proposed plan under advisement in preparing a final annual plan for coordinating these programs which will be submitted to the governor.

After the end of each annual planning period, the department of elder affairs, the department of economic development, the department of education, and the division of job service of the department of employment services shall submit a joint report to the state job training coordinating council describing the services provided to elderly lowans, assessing the extent to which coordination of programs was achieved, and making recommendations for improving coordination."

#298. Page 180, by striking lines 10 through 17.

#299. Page 180, line 28, by inserting after the word "Develop" the words ", for legislative review, the mechanisms and procedures necessary to implement, utilizing current personnel,".

#300. Page 181, line 14, by striking the word "February" and inserting the following: "January".

#301. Page 181, line 35, by striking the word "commissioner" and inserting the following: "~~commissioner~~ commission".

#302. Page 182, line 7, by striking the words "director of health" and inserting the following: "the director of public health".

#303. Page 182, line 10, by striking the words "seven nonlegislative".

#304. Page 182, by striking lines 30 and 31 and inserting the following:

"The director shall possess education and experience in public health."

#305. Page 183, line 12, by striking the word "State" and inserting the following: "State Iowa".

#306. Page 184, line 17, by striking the word "State" and inserting the following: "State Iowa".

#307. Page 185, line 29, by inserting after the figure "135C," the following: "135D".

#308. Page 186, by inserting after line 5 the following:

"Sec. \_\_\_\_ . NEW SECTION. 135.11A PROFESSIONAL LICENSURE DIVISION.

There shall be a professional licensure division within the department of public health. Each board of examiners specified under chapter 147 or under the administrative authority of the department, except the state board of nursing, state board of medical examiners, state board of dental examiners, and state board of pharmacy examiners, shall receive administrative and clerical support from the division and may not employ its own support staff for administrative and clerical duties."

#309. Page 186, line 27, by inserting after the word "of" the following: "public".

#310. Page 187, line 25, by striking the word "audits" and inserting the following: "inspections".

#311. Page 187, line 30, by inserting after the word "department" the following: "of inspections and appeals".

#312. Page 187, line 33, by striking the word "audits" and inserting the following: "inspections".

#313. By striking page 188, line 16 through page 189, line 19 and inserting the following:

"Sec. \_\_\_\_ . Section 135D.1, subsection 2, unnumbered paragraph 3, Code 1985, is amended to read as follows:

A mobile home park must be classified as to whether it is a residential mobile home park or a recreational mobile park or both. ~~Sections 135D.14 and 135D.15 shall apply only to recreational mobile home parks.~~ The mobile home park residential landlord tenant Act shall only ~~apply~~ applies to residential mobile home parks.

Sec. \_\_\_\_ . Section 135D.24, subsection 3, Code Supplement 1985, is amended to read as follows:

3. Each mobile home park ~~licensee owner~~ shall notify monthly the county treasurer concerning any mobile home or manufactured home arriving in or departing from the park without a tax clearance statement. The records of the ~~licensee owner~~ shall be open to inspection by a duly authorized representative of any law enforcement agency. Any property owner, manager or tenant shall report to the county treasurer mobile homes parked upon any property owned, managed, or rented by that person.

Sec. \_\_\_\_ . Section 331.304, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 10. A county shall not adopt or enforce any ordinance imposing any registration or licensing system or registration or license fees for owner-occupied mobile homes including the lots or lands upon which they are located. A county shall not adopt or enforce any ordinance imposing any registration or licensing system, or registration or license fees, or safety or sanitary standards for rental mobile homes unless similar registration or licensing system, or registration or license fees, or safety or sanitary standards are required for other rental properties intended for human habitation. This subsection does not preclude the investigation and abatement of a nuisance or the enforcement of a tiedown system, or the enforcement of any regulations of the state or local board of health if those regulations apply to other rental properties or to owner-occupied housing intended for human habitation.

Sec. \_\_\_\_ . Section 331.756, subsection 28, Code 1985, is amended by striking the subsection.

Sec. \_\_\_\_ . Section 364.3, Code Supplement 1985, is amended by adding the following new subsection:

**NEW SUBSECTION.** 5. A city shall not adopt or enforce any ordinance imposing any registration or licensing system or registration or license fees for owner-occupied mobile homes including the lots or lands upon which they are located. A city shall not adopt or enforce any ordinance imposing any registration or licensing system, or registration or license fees, or safety or sanitary standards for rental mobile homes unless similar registration or licensing system, or registration or license fees, or safety or sanitary standards are required for other rental properties intended for human habitation. This subsection does not preclude the investigation and abatement of a nuisance or the enforcement of a tiedown system, or the enforcement of any regulations of the state or local board of health if those regulations apply to other rental properties or to owner-occupied housing intended for human habitation."

#314. Page 189, by inserting before line 20 the following:

"Sec. \_\_\_\_ . Section 136.1, Code 1985, is amended to read as follows:

136.1 COMPOSITION OF BOARD.

The state board of health shall consist of the following members: ~~Nine~~ Five members learned in health-related disciplines and four members representing the general public.

The ~~commissioner~~ director of public health shall serve as secretary of the board."

#315. Page 190, line 2, by inserting after the word "of" the following: "public".

#316. Page 201, line 32, by inserting after the figure "135.37," the following: "135D.2 through 135D.8, 135D.11 through 135D.17, 135D.19 through 135D.21,".

#317. Page 201, by inserting after line 33 the following:

"Sec. \_\_\_\_ . Notwithstanding section 136.1, the governor shall appoint one member to the state board of health representing the general public in 1987, two members representing the general public in 1988, and one member representing the general public in 1989."

#318. Page 202, by striking line 11, and inserting the following:

"5. Division of community action agencies."

#319. Page 202, by striking line 13 and inserting the following:

"7. Division for the blind."

#320. Page 202, by striking line 15 and inserting the following: "DEPARTMENT COORDINATOR AND ADMINISTRATORS."

#321. Page 202, line 16, by striking the word "administrative" and inserting the following: "department".

#322. Page 202, line 18, by striking the word "administrative" and inserting the following: "department".

#323. Page 202, by striking lines 19 through 23 and inserting the following: "pleasure of the governor. The department coordinator shall:

1. Approve personnel decisions for the department, as submitted by the commissions.

2. Receive budgets submitted by each commission and reconcile the budgets among the divisions. The department coordinator shall submit a budget for the department, subject to the budget requirements pursuant to chapter 8."

#324. Page 202, line 24, by striking the words "division directors" and inserting the following: "administrators".

#325. Page 202, line 26, by striking the words "division director" and inserting the following: "administrator".

#326. Page 202, line 33, by striking the words "division directors" and inserting the following: "administrators".

#327. Page 203, line 16, by striking the word "administrative" and inserting the following: "department".

#328. Page 203, by striking line 22 and inserting the following:

"2. "Department coordinator" means the department".

#329. Page 203, by striking line 33 and inserting the following:

"3. "Administrator" means the administrator of the division".

#330. Page 204, line 23, by striking the words "division director" and inserting the following: "administrator".

#331. Page 204, by inserting after line 29 the following: "The administrator shall carry out programs and policies as determined by the commission."

#332. Page 205, line 16, by striking the word "Be" and inserting the following: "Pursuant to section 601K.2, be".

#333. Page 205, by inserting after line 17 the following:

"9. Maintain information on the qualifications of Spanish language interpreters and maintain and provide a list of those deemed qualified to Iowa courts or administrative agencies, as requested."

#334. Page 206, by striking line 9 and inserting the following:

"3. "Administrator" means the administrator of the division".

#335. Page 206, by striking lines 12 through 24 and inserting the following:

"Sec. — . NEW SECTION. 601K.31. POLICY FOR CHILDREN, YOUTH, AND FAMILIES.

It is the policy of the state of Iowa to promote the best interests of children, youth, and families. To further this policy there is created a division of children, youth, and families and the commission on children, youth, and their families. The division of children, youth, and families shall:

1. Promote coordination of federal, state and local services by developing a plan to streamline delivery of services and making recommendations to the governor and general assembly by December 1 of each year.

2. Work with state agencies in an advisory capacity to help plan needed services for children, youth, and their families.

3. Provide the administrator, general assembly and governor with recommendations and information to improve services for children, youth, and their families by December 1 of each year.

4. Identify state and federal resources that can be used in local areas; and

5. Provide information to parents to assist and support them in their parenting roles.

The commission shall examine the following issues related to the cycle of dependency which some families have on services, including, but not limited to, child care, chemical dependency, child welfare, youth employment, parent education, health, and education."

#336. Page 207, by striking line 3.

#337. Page 207, by striking lines 6 and 7 and inserting the following:

"d. One citizen, who shall be a professional family counselor.

e. Seven citizens who have expertise in the areas of child care, child welfare, youth employment, maternal and child health, chemical dependency, education, or law.

f. A person sixteen through eighteen years of age at the time of appointment."

#338. Page 207, by striking lines 8 and 9.

#339. Page 207, line 35, by striking the word "governor" and inserting the following: "members of the commission".

#340. Page 208, by striking lines 1 through 3 and inserting the following: "membership a chairperson of the commission. The commission shall meet at".

#341. Page 208, line 19, by striking the word "DIRECTOR" and inserting the following: "ADMINISTRATOR".

#342. Page 208, line 20, by striking the words "division director" and inserting the following: "administrator".

#343. Page 208, lines 21 and 22, by striking the words "division director" and inserting the following: "administrator".

#344. Page 208, line 22, by inserting after the word "and" the following: ", pursuant to section 601K.2,".

#345. Page 208, line 25, by inserting after the word "commission." the following: "The administrator shall carry out programs and policies as determined by the commission."

#346. Page 209, line 5, by striking the word "The" and inserting the following: "Pursuant to section 601K.2, the".

#347. Page 209, by striking line 16 and inserting the following:

"3. "Administrator" means the administrator of the division".

#348. Page 209, by striking lines 21 through 23 and inserting the following: "representing a cross section of the citizens of Iowa. No more than a simple majority of the commission shall be of the same political party."

#349. Page 209, line 24, by striking the word "governor" and inserting the following: "members of the commission".

#350. Page 209, line 25, by inserting after the word "chairperson" the following: "of the commission".

#351. Page 210, by striking lines 3 through 5 and inserting the following: "chairperson. The".

#352. Page 210, line 28, by striking the words "employees. The" and inserting the following: "employees. Pursuant to section 601K.2, the".

#353. Page 210, line 30, by inserting after the word "division." the following: "The administrator shall carry out programs and policies as determined by the commission."

#354. Page 211, by striking line 14.

#355. Page 212, by striking line 20 and inserting the following:

"3. "Administrator" means the administrator of the division".

#356. Page 212, line 27, by inserting after the word "following" the following: "or designee".

#357. Page 212, line 30, by striking the word "commissioner" and inserting the following: "director".

#358. Page 212, by striking line 33, and inserting the following:

"3. The director of the department of education."

#359. Page 212, by striking line 35 and inserting the following:

"5. The administrator of the division for the blind of the department of human rights."

#360. Page 213, by striking line 2 and inserting the following:

"7. The industrial commissioner."

#361. Page 213, by striking line 3 and inserting the following:

"8. The job service commissioner."

#362. Page 213, by striking lines 4 and 5 and inserting the following:

"9. The director of the department of personnel."

#363. Page 213, line 10, by inserting after the words "consist of" the following: "persons with disabilities, family members of persons with disabilities,".

#364. Page 213, line 24, by striking the word "governor" and inserting the following: "members of the commission".

#365. Page 213, line 25, by striking the word "governor" and inserting the following "commission".

#366. Page 213, line 35, by striking the words "disabled persons" and inserting the following: "persons with disabilities".

#367. Page 214, line 2, by striking the words "the disabled" and inserting the following: "persons with disabilities".

#368. Page 214, lines 4 and 5, by striking the words "the disabled" and inserting the following: "persons with disabilities".

#369. Page 214, line 8, by striking the words "the disabled" and inserting the following: "persons with disabilities".

#370. Page 214, by striking line 10, and inserting the following: "workers who are persons with disabilities".

#371. Page 214, line 11, by striking the words "disabled persons" and inserting the following: "persons with disabilities".

#372. Page 214, line 17, by striking the words "disabled persons" and inserting the following: "persons with disabilities".

#373. Page 214, line 18, by striking the word "Be" the following: "Pursuant to section 601K.2, be".

#374. Page 214, line 20, by striking the words "DIVISION DIRECTOR" and inserting the following: "ADMINISTRATOR".

#375. Page 214, line 22, by striking the words "division director" and inserting the following: "administrator".

#376. Page 214, line 27, by inserting after the word "part." the following: "The administrator shall carry out programs and policies as determined by the commission."

#377. Page 214, by striking line 34 and inserting the following:

"DIVISION OF COMMUNITY ACTION AGENCIES"

#378. Page 215, by striking line 12, and inserting the following:

"3. "Administrator" means the administrator of the division of"

#379. Page 215, by striking line 13, and inserting the following: "community action agencies of the department of human rights."

#380. Page 215, by striking line 16, and inserting the following:

"5. "Division" means the division of community action agencies".

#381. Page 215, line 19, by striking the words "division director" and inserting the following: "administrator".

#382. Page 219, line 3, by striking the word "director" and inserting the following: "administrator".

#383. Page 219, line 5, by inserting after the word "grant," the following: "administer the".

#384. Page 219, line 6, by striking the word "and".

#385. Page 219, line 7, by striking the word "Iowa" and inserting the following: "Iowa,".

#386. Page 219, line 13, by striking the words "division director" and inserting the following: "administrator".

#387. Page 219, by striking line 24 and inserting the following:

"3. "Administrator" means the administrator of the division".

#388. Page 219, line 30, by striking the words "advisory committee" and inserting the following: "commission".

#389. Page 219, line 35, by striking the word "governor" and inserting the following: "members of the commission".

#390. Page 219, line 35, by striking the word "select" and inserting the following: "appoint".

#391. Page 220, line 12, by striking the words "division director" and inserting the following: "administrator".

#392. Page 220, line 14, by inserting after the word "commission." the following: "The administrator shall carry out programs and policies as determined by the commission."

#393. Page 221, line 12, by striking the word "Be" and inserting the following: "Pursuant to section 601K.2, be".

#394. Page 221, by striking line 32 and inserting the following:  
"DIVISION FOR THE BLIND".

#395. Page 222, by striking line 2 and inserting the following:

"2. "Division" means the division for the blind".

#396. Page 222, by striking line 4 and inserting the following:

"3. "Administrator" means the administrator of the division".

#397. Page 222, line 5, by striking the words "of blind persons services" and inserting the following: "for the blind".

#398. Page 222, line 8, by striking the words "subject the" and inserting the following: "subject to".

#399. Page 222, line 9, by striking the word "committee" and inserting the following: "commission".

#400. Page 222, line 14, by striking the word "Committee" and inserting the following: "Commission".

#401. Page 222, by striking line 17 and inserting the following: "The members of the commission shall appoint officers for the commission. A".

#402. By striking page 222, line 20 through page 224, line 1.

#403. Page 224, line 3, by striking the words "division director" and inserting the following: "administrator".

#404. Page 224, line 12, by striking the word "clerical".

#405. Page 224, line 14, by striking the words "division director" and inserting the following: "administrator".

#406. Page 224, line 16, by inserting after the word "commission." the following: "The administrator shall carry out programs and policies as determined by the commission."

#407. Page 224, by inserting after line 33 the following:

"Sec. \_\_\_\_ . NEW SECTION. 601K.107 REPEAL.

This chapter is repealed effective July 1, 1987."

#408. By striking page 224, line 34 through page 225, line 34.

#408A. Page 226, by striking lines 13 through 15.

#409. By striking page 226, line 21 through page 249, line 23, and inserting the following:

“Sec. 1301. NEW SECTION. 303.1A DEPARTMENT OF CULTURAL AFFAIRS.

1. The department of cultural affairs is created. The department is under the control of a director who shall be appointed by the governor, subject to confirmation by the senate, and shall serve at the pleasure of the governor. The salary of the director shall be set by the governor within a range set by the general assembly.

2. The department has primary responsibility for development of the state's interest in the areas of the arts, history, libraries, and other cultural matters. In fulfilling this responsibility, the department will be advised and assisted by the state library commission, the state historical society and its board of trustees, the Iowa arts council, the Terrace Hill commission, and the Iowa public broadcasting board.

The department shall:

a. Develop a comprehensive, co-ordinated, and efficient policy to preserve, research, interpret, and promote to the public an awareness and understanding of local, state, and regional history.

b. Stimulate and encourage educational radio and television and other educational communications services as necessary to aid in accomplishing the educational objectives of the state.

c. Stimulate and encourage throughout the state the study and presentation of the performing and fine arts and public interest and participation in them.

d. Implement tourism-related art and history projects as directed by the general assembly.

e. Design a comprehensive, statewide, long-range plan with the assistance of the Iowa arts council to develop the arts in Iowa. The department is designated as the state agency for carrying out the plan.

f. Meet the informational needs of the three branches of state government.

g. Provide for the improvement of library services to all Iowa citizens and foster development and cooperation among libraries.

h. Establish a program of grants to cities and community groups for the development of community programs that provide local jobs for Iowa residents and at the same time promote a city's historical, ethnic, and cultural heritages through the development of festivals, music, drama, or cultural programs, or tourist attractions.

At least twenty-five percent of the funds appropriated for this program shall be used for the purpose of developing community programs eligible for grants under this subsection which were not in existence prior to the due date of grant applications each year.

A city or community group may submit applications to the administrator. Applications shall be reviewed by the arts council, the state historical society board, and the department of economic development, acting as an advisory committee to the department. The advisory committee shall submit recommendations to the director or designee regarding possible recipients and grant amounts.

The amount of a grant shall not exceed fifty percent of the cost of the community program and the application must demonstrate that the city or community group will provide the required matching money. In lieu of providing the entire match in money, a city or community group may substitute in-kind services for up to fifty percent of the matching requirement.

3. The department shall consist of the following:

- a. Historical division.
- b. Library division.
- c. Arts division.
- d. Public broadcasting division.
- e. Other divisions created by rule.
- f. Administrative section.

4. The director may create, combine, eliminate, alter or reorganize the organization of the department by rule except for those matters prescribed by sections 303.75 through 303.83.

5. The department by rule may establish advisory groups necessary for the receipt of federal funds or grants or the administration of any of the department's programs.

6. 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 administrator of the library division shall be appointed by and serve at the pleasure of the library commission. The administrators shall:

- a. Organize the activities of the division.
- b. Submit a biennial report to the governor on the activities and an evaluation of the division and its programs and policies.
- c. Control all property of the division.
- d. Perform other duties imposed by law.

Sec. 1302. NEW SECTION. 303.1B DIRECTOR'S DUTIES.

Except for those matters prescribed by sections 303.75 through 303.83, the director shall:

1. Adopt rules that are necessary for the effective administration of the department.

2. Direct and administer the programs and services of the department.

3. Prepare the departmental budget request by September first of each year on the forms furnished, and including the information required by the office of management.

4. Accept, receive, and administer grants or other funds or gifts from public or private agencies including the federal government for the various divisions and the department.

5. Appoint and approve the technical, professional, secretarial, and clerical staff necessary to accomplish the purposes of the department subject to chapter 19A.

The director may appoint a member of the staff to be acting director who shall have the powers delegated by the director, in the director's absence.

The director may delegate the powers and duties of that office to the administrators. The director is not liable for the activities of the division of public broadcasting.

Sec. 1303. NEW SECTION. 303.1C DIVISION RESPONSIBILITIES.

1. The administrative services section shall provide administrative, accounting, public relations and clerical services for the department, report to the director and perform other duties assigned to it by the director, except for those matters prescribed by sections 303.75 through 303.83. The administrative services section may provide services to the public broadcasting division.

2. The historical division shall:

a. Administer and care for historical sites under the authority of the division, and maintain collections within these buildings.

Except for the state board of regents, a state agency which owns, manages, or administers a historical site must enter into an agreement with the department of cultural affairs under chapter 28E to insure the proper management, maintenance, and development of the site. For the purposes of this section, "historical site" is defined as any district, site, building, or structure listed on the national register of historic sites or identified as eligible for such status by the state historic preservation officer or that is identified according to established criteria by the state historic preservation officer as significant in national, state, and local history, architecture, engineering, archaeology, or culture.

b. Encourage and assist local county and state organizations and museums devoted to historical purposes.

c. Develop standards and criteria for the acquisition of historic properties and for the preservation, restoration, maintenance, operation, and interpretation of properties under the jurisdiction of the division. The administrator of the division shall serve as the state historic preservation officer, certified by the governor, pursuant to federal requirements.

d. Administer the archives of the state as defined in section 303.12.

e. Identify and document historic properties.

f. Prepare and maintain a state register of historic places, including those listed on the national register of historic places.

g. Conduct historic preservation activities pursuant to federal and state requirements.

h. Publish matters of historical value to the public, and pursue historical, architectural, and archaeological research and development which may include but are not limited to continuing surveys, excavation, scientific recording, interpretation, and publication of the historical, architectural, archaeological, and cultural sites, buildings, and structures in the state.

3. The library division:

a. May enter into interstate library compacts on behalf of the state of Iowa with any state which legally joins in the compacts as provided in section 303A.8.

b. Shall determine policy for providing information service to the three branches of state government and to the legal and medical communities in this state.

c. Shall coordinate a statewide interregional interlibrary loan and information network among libraries in this state and support activities which increase cooperation among all types of libraries.

d. Shall establish and administer a program for the collection and distribution of state publications to depository libraries.

e. Shall develop and adopt, in conjunction with the Iowa regional library system, long-range plans for the continued improvement of library services in the state. To insure that the concerns of all types of libraries are addressed, the division shall establish a long-range planning committee to review and evaluate progress and report findings and recommendations to the division and to the trustees of the Iowa regional library system at an annual meeting.

f. Shall develop in cooperation with the Iowa regional library system an annual plan of service for the Iowa regional library system and its individual members to insure consistency with the state long-range plan.

g. Shall establish and administer a statewide continuing education program for librarians and trustees.

h. Shall give to libraries advice and counsel in specialized areas which may include, but are not limited to, building construction and space utilization, children's services, and technological developments.

i. Shall obtain from libraries reports showing the condition, growth, and development of services provided and disseminate this information in a timely manner to the citizens of Iowa.

j. Shall establish and administer certification guidelines for librarians not covered by other accrediting agencies.

4. The arts division shall:

a. Make surveys as deemed advisable of existing artistic and cultural programs and activities within the state, including but not limited to music, theatre, dance, painting, sculpture, architecture, and allied arts and crafts.

b. Administer the program of agreements for indemnification by the state in the event of loss of or damage to special exhibit items established by sections 304A.21 through 304A.30.

c. Submit a report to the governor and to the general assembly not later than ten calendar days following the commencement of each first session of the general assembly concerning the studies undertaken during the biennium and recommending legislation and other action as necessary for the implementation and enforcement of this article.

Sec. 1304. NEW SECTION. 303.1D INTRADEPARTMENTAL ADVISORY COUNCIL.

1. The cultural affairs department intradepartmental advisory council is created. The council shall consist of the following:

a. The chairpersons of the historical society board of trustees, the library commission, arts council and public broadcasting board.

b. Two members of the public and a professional historian, professional librarian, and professional artist appointed by the governor.

2. The appointments made under paragraph "b" of subsection 1 shall be for terms of four years, except that two of the initial terms shall be for two years. Not more than three of the members appointed under paragraph "b" of subsection 1 shall be of the same political party.

3. The council shall advise the director of the department on its operations.

Sec. 1305. Section 303.1, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

303.1 STATE HISTORICAL SOCIETY OF IOWA -- BOARD OF TRUSTEES.

A state historical society board of trustees is established consisting of seven members selected as follows:

1. Three members shall be elected by the members of the state historical society according to rules established by the board of trustees.

2. Four members shall be appointed by the governor, two of whom shall be professional historians or archaeologists on the faculty of a college or university in the state.

The term of office of members of the board of trustees is three years commencing and ending as provided in section 69.19.

Sec. 1306. Section 303.2, Code 1985, is amended to read as follows:

**303.2 OFFICERS -- MEETINGS.**

The state historical society board of trustees shall annually elect a chairperson and vice chairperson from its membership; ~~and the executive director shall serve as secretary to the board.~~ The board shall meet as often as deemed necessary, upon the call of the chairperson, or at the request of a majority of the members of the board.

Members of the board ~~shall be~~ entitled to be paid a forty-dollar per diem and shall be reimbursed for actual ~~and necessary~~ expenses while engaged in their official duties. Members may also be eligible for compensation as provided in section 7E.3.

Sec. 1307. Section 303.4, Code 1985, is amended to read as follows:

**303.4 MEMBERSHIP IN STATE HISTORICAL SOCIETY.**

1. The state historical society board of trustees shall ~~establish~~ recommend ~~to the director~~ rules for membership of the general public in the state historical society, including rules relating to membership fees. Members shall be persons who indicate an interest in the history, progress, and development of the state and who pay the prescribed fee. The members of the state historical society may meet at least one time per year to further the understanding of the history of this state. ~~The society may elect officers, and the executive director of the state historical department, or the executive director's designee, shall serve as secretary to the society.~~ The officers members of the society shall not determine policy for the state historical department of cultural affairs but may advise the director and perform functions to stimulate interest in the history of this state among the general public. The society may perform other activities related to history which are not contrary to this chapter; ~~subject to the approval of the state historical board.~~

1 2. As used in this chapter, "state historical society" means the Iowa state historical society of Iowa, an agency of the state ~~located in Iowa City~~ which is part of the department of cultural affairs. It does not mean or include any private entity.

2 3. Unless designated otherwise, a gift, bequest, devise, endowment, or grant to or application for membership in the state historical society shall be presumed to be to or in the state historical society of ~~the Iowa state historical~~ department.

Sec. 1308. Section 303.5, subsection 2, Code 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. c. Buy or receive by other means historical materials including, but not limited to, artifacts, art, books, manuscripts and images. Such materials are not personal property under section 18.12 and shall be received and cared for under the rules of the department. The historical division may sell or otherwise dispose of those

materials according to the rules of the department and be credited for any revenues credited by the disposal less the costs incurred.

Sec. 1309. Section 303.6, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

303.6 POWERS AND DUTIES OF BOARD AND DIVISION.

1. The state historical board shall:

a. Recommend to the department a comprehensive, coordinated, and efficient policy to preserve, research, interpret, and promote to the public an awareness and understanding of local, state, and regional history.

b. Make recommendations to the director on historically related matters.

c. Review and recommend to the director policy decisions regarding the division.

d. Recommend to the director for approval the state preservation plan submitted by the state historic preservation officer.

e. Perform other functions prescribed by law to further historically related matters in the state.

2. The department shall:

a. Have authority to acquire by fee simple title historic properties by gift, purchase, devise, or bequest; preserve, restore, transfer, and administer historic properties; and charge reasonable admission to historic properties.

b. Maintain research centers in Des Moines and Iowa City.

Sec. 1310. Section 303.12, Code 1985, is amended to read as follows:

303.12 ARCHIVES.

~~Archives~~ "Archives" means ~~those~~ documents, books, papers, photographs, sound recordings, or similar material produced or received pursuant to law in connection with official government business, which no longer have administrative, legal, or fiscal value to the office having present custody of them, and which have been appraised by the ~~executive~~ director of the ~~state historical~~ department as having sufficient historical, research, or informational value to warrant permanent preservation. The ~~executive~~ director of the ~~state historical~~ department is the trustee and custodian of the archives of Iowa, except that ~~archives do not include~~ county or municipal archives are not included unless they are voluntarily deposited with the ~~executive~~ director with the written consent of the ~~executive~~ director. The ~~executive~~ director shall prescribe rules for the systematic arrangement of archives as to the proper labeling to indicate the contents and order of filing and the archives must be labeled before the archives may be transferred to the ~~executive~~ director's custody.

Sec. 1311. Section 303.13, Code 1985, is amended to read as follows:

303.13 TRANSFER OF ARCHIVES.

The state, executive, and administrative departments, officers or offices, councils, boards, bureaus, and commissions, ~~may~~ shall transfer and deliver to the ~~state historical~~ department archives as defined in section 303.12 and as prescribed in the records management manual. Before transferring archives, the office of present custody shall file with the ~~executive~~ director a classified list of the archives being transferred in detail as the ~~executive~~ director prescribes. If the ~~executive~~ director, on receipt of the list, and after consultation with the chief executive of the office filing the classified list or with a representative designated by the executive, finds that, according to the records management manual, certain classifications of the archives

listed are not of sufficient historical, legal, or administrative value to justify permanent preservation, the ~~executive~~ director shall not accept the material for deposit in the state archives.

Sec. 1312. Section 303.14, Code 1985, is amended to read as follows:

**303.14 REMOVAL OF ORIGINAL.**

After archives have been received by the ~~executive~~ director, they shall not be removed from the ~~executive~~ director's custody without the ~~executive~~ director's consent except in obedience to a subpoena of a court of record or a written order of the state executive council.

The ~~executive~~ director is not required to preserve permanently vouchers, claims, canceled or redeemed state warrants, or duplicate warrant registers of the state comptroller and the treasurer of state, but may, after microfilming, destroy by burning or shredding any warrants having no historical value, that have been in the ~~executive~~ director's custody for a period of one year, and may destroy by burning or shredding any vouchers, claims, and duplicate warrant registers which have been in the director's custody for a period of one year. A properly authenticated reproduction of a microfilmed record is admissible in evidence in a court in this state.

Sec. 1313. Section 303.15, Code 1985, is amended to read as follows:

**303.15 CERTIFIED COPIES -- FEES.**

Upon request of a person, the ~~executive~~ director of the ~~state historical~~ department shall make a certified copy of any document, manuscript, or record contained in the archives or in the custody of the ~~state historical~~ department except ~~where~~ if reproduction is inappropriate because of legal, curatorial, or physical considerations. ~~When~~ If a copy is properly authenticated it has the same legal effect as though certified by the officer from whose office it was obtained or by the secretary of state. The copy may be made in writing, or by a suitable photographic process. The ~~executive~~ director shall charge and collect for copies the fees allowed by law to the official in whose office the document originates for certified copies. The ~~executive~~ director shall charge a person requesting a search of census records for the purpose of determining genealogy the actual cost of performing the search.

Sec. 1314. NEW SECTION. **303.16 HISTORICAL RESOURCE DEVELOPMENT PROGRAM.**

1. The department shall administer a program of grants and loans for historical resource development throughout the state, subject to funds for such grants and loans being made available through the appropriations process or otherwise provided by law.

2. The purpose of the historical resource development program is to preserve, conserve, interpret, and enhance historical resources that will encourage and support the economic health and development of the state and the communities in which the resources are located. For this purpose, the department may make grants and loans as otherwise provided by law with funds as may be made available by applicable law.

Sec. 1315. Section 303.20, subsection 4, Code 1985, is amended to read as follows:

4. "Department" means the ~~Iowa state historical~~ department of cultural affairs.

Sec. 1316. NEW SECTION. **303.70 TERRACE HILL COMMISSION.**

1. The Terrace Hill commission is created within the historical division of the department of cultural affairs. The commission consists of nine persons appointed by the governor who are knowledgeable in business management, and historic preservation and renovation. The governor shall appoint the chairperson. The terms of the committee members are for three years beginning on July 1 and ending on June 30.

2. The Terrace Hill commission may consult with the Terrace Hill Society, Terrace Hill Foundation, the executive and legislative branches of this state and other persons interested in the property and advise the director.

3. The Terrace Hill commission may enter into contracts, subject to chapter 18, to execute its purposes.

4. Notwithstanding section 303.1B, the commission may adopt rules to administer and implement the programs of the commission. The decision of the commission is final agency action under chapter 17A.

Sec. 1317. NEW SECTION. 303.75 DEFINITIONS.

As used in sections 303.75 through 303.83 unless the context otherwise requires:

1. "Board" means the Iowa public broadcasting board.

2. "Administrator" means the administrator of the public broadcasting division of the department of cultural affairs.

3. "Radio and television facility" means transmitters, towers, studios, and all necessary associated equipment for broadcasting, including closed circuit television.

Sec. 1318. NEW SECTION. 303.76 PUBLIC BROADCASTING DIVISION CREATED.

The public broadcasting division of the department of cultural affairs is created. The chief administrative officer of the division is the administrator who shall be appointed by and serve at the pleasure of the Iowa public broadcasting board. The governor shall set the division director's salary unless otherwise provided by law. Educational programming shall be the highest priority of the division.

Sec. 1319. NEW SECTION. 303.77 BOARD.

1. The Iowa public broadcasting board is created to plan, establish, and operate an educational radio and television facility and other educational communications services as necessary to aid in accomplishing the educational objectives of the state. The board shall be composed of nine members selected in the following manner:

a. Three members shall be appointed by the state board of public instruction from its own membership or from the personnel of the state department of education.

b. Three members shall be appointed by the state board of regents from its own membership or from among its employees or employees of institutions under the jurisdiction of the board.

c. Three members shall be appointed by the governor, at least one of whom shall be from a regionally accredited private four-year college or university.

2. Board members shall serve a three-year term commencing on July 1 of the year of appointment. A vacancy shall be filled in the same manner as the original appointment for the remainder of the term.

Membership on the board does not constitute holding a public office and members shall not be required to take and file oaths of office before serving. A member shall not be disqualified from holding any public office or employment by reason of appointment to the board nor shall a member forfeit an office or employment by reason of appointment to the board.

3. The board shall appoint at least two advisory committees as follows:

a. Advisory committee on general operations and policy.

b. Advisory committee on curricula and educational matters.

Duties of the advisory committees, and of additional advisory committees the board may from time to time appoint, shall be specified in rules of internal management adopted by the board.

Sec. 1320. NEW SECTION. 303.78 MEETINGS.

1. The board shall elect from among its members a president and a vice president to serve a one-year term. The board shall meet at least four times annually and shall hold special meetings at the call of the president or in the absence of the president by the vice president or by the president upon written request of four members. The board shall establish procedures and requirements relating to quorum, place, and conduct of meetings.

2. Board members shall receive actual expenses incurred in performing their official duties. Members may also be eligible for compensation as provided in section 7E.3.

Sec. 1321. NEW SECTION. 303.79 FACILITIES AND PERMITS.

1. The board may purchase, lease, and improve property, equipment, and services for proper educational communications uses, and may dispose of property and equipment when not necessary for its purposes. The board and division director may arrange for joint use of available services and facilities.

2. The board shall apply for channels, frequencies, licenses, and permits as required for broadcasting.

3. This section does not prohibit institutions under the state board of regents and merged area schools under the department of education from owning, operating, improving, and maintaining educational radio and television stations and transmitters now in existence and operation. The institutions and schools may enter into agreements with the board for the lease or purchase of equipment and facilities.

4. The board may locate its administrative offices and production facilities outside the city of Des Moines.

5. The board may adopt rules to implement and administer the programs of the division.

6. The decision of the board is final agency action under chapter 17A.

Sec. 1322. NEW SECTION. 303.80 COMPETITION WITH PRIVATE SECTOR.

It is the intent of the general assembly that the division shall not compete with the private sector by actively seeking revenue from its operations. It is not the intent of the general assembly to prohibit the receipt of charitable contributions as defined by section 170 of the Internal Revenue Code. The board, the governor, or the administrator may apply for and accept federal

or nonfederal gifts, loans, or grants of funds and may use the funds for projects under this chapter.

Sec. 1323. NEW SECTION. 303.82 TRUSTS.

Notwithstanding section 633.63, the board may accept and administer trusts and may authorize nonprofit foundations acting solely for the support of the educational radio and television facility to accept and administer trusts deemed by the board to be beneficial to the operation of the educational radio and television facility. The board and the foundations may act as trustees in such instances.

Sec. 1324. NEW SECTION. 303.83 REVENUE FROM CONTRACTS.

The board shall retain for its use revenues generated through contracts with nonprofit organizations or their affiliated organizations from the use of the educational radio and television facility and other educational communications services. The administrator may receive services from other divisions and state agencies.

Sec. 1325. NEW SECTION. 303.86 ARTS COUNCIL.

The Iowa state arts council is created as an advisory council, consisting of fifteen members, appointed by the governor from among citizens of Iowa who are recognized for their interest or experience in connection with the performing and fine arts. In making appointments, due consideration shall be given to the recommendations made by representative civic, educational, and professional associations and groups concerned with or engaged in the production or presentation of the performing and fine arts.

The term of office of each member of the Iowa state arts council is three years. The governor shall designate a chairperson and a vice chairperson from the members of the council to serve at the pleasure of the governor. All vacancies shall be filled for the balance of any unexpired term in the same manner as original appointments. The members of the council shall not receive compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the council. Members may also be eligible for compensation as provided in section 7E.3.

Sec. 1326. NEW SECTION. 303.87 DUTIES OF COUNCIL.

The arts council shall:

1. Advise the director with respect to policies, programs, and procedures for carrying out the administrator's functions, duties, or responsibilities.
2. Review programs to be supported and make recommendations on the programs to the director.

Sec. 1327. NEW SECTION. 303.89 ADMINISTRATOR'S POWERS AND AUTHORITY.

The arts division administrator may:

1. Make and sign any agreements and perform any acts which are necessary, desirable, or proper to carry out the purpose of the division.
2. Request and obtain assistance and data from any department, division, board, bureau, commission, or agency of the state.
3. Accept any federal funds granted, by Act of Congress or by executive order, for all or any purposes of this chapter, and receive and disburse as the official agent of the state any funds made available by the national endowment for the arts.

4. Accept gifts, contributions, bequests or other funds available for all or any of the purposes of the division.

Sec. 1328. NEW SECTION. 303.95 DIVISION OF LIBRARIES -- DEFINITIONS.

As used in sections 303.95 through 303.100, unless the context otherwise requires:

1. "Commission" means the state library commission.

2. "State agency" means a legislative, executive, or judicial office of the state and all of its respective officers, departments, divisions, bureaus, boards, commissions, and committees, except the state institutions of higher education governed by the state board of regents.

3. "State publications" means all multiple-produced publications regardless of format, which are issued by a state agency and supported by public funds, but it does not include:

a. Correspondence and memoranda intended solely for internal use within the agency or between agencies.

b. Materials excluded from this definition by the department through the adoption and enforcement of rules.

Sec. 1329. NEW SECTION. 303.97 STATE LIBRARY COMMISSION ESTABLISHED.

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 and five members 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.3.

2. The commission shall elect one of its members as chairperson. The commission shall meet at the time and place specified by call of the chairperson. Four members are a quorum for the transaction of business.

3. The department:

a. May receive and expend money for providing programs and services. The department may receive, accept, and administer any moneys appropriated or granted to it, separate from the general library fund, by the federal government or by any other public or private agency.

b. Shall foster public awareness of the condition of libraries in Iowa and of methods to improve library services to the citizens of the state.

c. Shall establish and administer standards for state agency libraries, the Iowa regional library system, and public libraries.

Sec. 1330. NEW SECTION. 303.99 STATE PUBLICATIONS.

Upon issuance of a state publication, a state agency shall deposit with the department at no cost to the department, seventy-five copies of the publication or a lesser number if specified by the department.

Sec. 1331. NEW SECTION. 303.100 MEDICAL AND LAW LIBRARY.

The state library includes, but is not limited to, a medical library and a law library.

1. The medical library shall be headed by a medical librarian, appointed by the director, subject to chapter 19A. The medical librarian shall:

a. Operate the medical library which shall always be available for free use by the residents of Iowa under rules the department adopts.

b. Give no preference to any school of medicine and shall secure books, periodicals, and pamphlets for every legally recognized school of medicine without discrimination.

c. Perform other duties imposed by law or prescribed by the rules of the division.

2. The law library shall be headed by a law librarian, appointed by the director with the approval of the Iowa supreme court, subject to chapter 19A. The law librarian shall:

a. Operate the law library department which shall be maintained in the state capitol or in rooms convenient to the state supreme court and which shall be available for free use by the residents of Iowa under rules the department adopts.

b. Maintain, as an integral part of the law library, reports of various boards and agencies and copies of bills, journals, and other information relating to current or proposed legislation.

c. Arrange to make exchanges of all printed material published by the states and the government of the United States.

d. Perform other duties imposed by law or by the rules of the department.

Sec. 1332. Section 303B.6, subsections 2, 9, 10, and 11, Code Supplement 1985, are amended to read as follows:

2. Subject to the approval of the annual plan of service by the ~~state library commission~~ director of the department of cultural affairs, may receive and expend state appropriated funds.

9. Shall develop and adopt, in cooperation with other members of the regional library system and the ~~state library of Iowa~~ director of the department of cultural affairs, a long-range plan for the region.

10. Shall prepare, in cooperation with all members of the regional library system and the ~~state library commission~~ director of the department of cultural affairs, an annual plan of service.

11. Shall provide data and prepare reports as directed by the ~~state library commission~~ director of the department of cultural affairs.

Sec. 1333. Section 304A.8, subsections 1 and 2, Code 1985, are amended to read as follows:

1. "State building" means any permanent structure, wholly or partially enclosed, which is intended to provide offices, laboratories, workshops, courtrooms, hearing and meeting rooms, storage space and other facilities for carrying on the functions of a state agency, including the board of regents; or auditoriums, meeting rooms, classrooms and other educational facilities; eating or sleeping facilities, medical or dental facilities, libraries and museums which are intended for the use or accommodation of the general public or state employees; together with all grounds and appurtenant structures and facilities; provided, however, it shall not mean maintenance sheds, separate garages, cellhouses or other secure sleeping facilities for prisoners, or buildings used solely as storage or warehouse facilities.

2. "Fine arts" means sculpture, fountains, bas-reliefs, mosaics, frescoes, wall hangings, crafts, photography, pictures or other enhancements to be integrated into the total environment of the building or complex of buildings.

Fine arts does not include the incidental ornamental detail of functional structural elements, or hardware and other accessories.

Sec. 1334. Section 304A.9, Code 1985, is amended to read as follows:

304A.9 CONSULTATION.

Whenever a state building is to be constructed, the contracting officer or principal user shall, at the time of engaging or directing an architect to prepare plans and specifications for the building, ~~co-ordinate with~~ contact the Iowa state arts council division of the department of cultural affairs, which shall ~~provide for consultation~~ have authority to ensure that the fine arts elements will be integrated within, on, or about the total environment of such construction. Notwithstanding this section and sections 304A.11 and 304A.12, if the state building is under the control of the state board of regents the work on the fine arts element shall be administered by the state board of regents in consultation with the arts division.

Sec. 1335. Section 304A.10, Code 1985, is amended to read as follows:

304A.10 COST OF FINE ARTS -- PERCENTAGE.

The total estimated cost of the fine arts elements included in a plan and specifications for a state building or group of state buildings in accordance with the purposes of this division shall in no case be less than one-half of one percent of the total estimated cost of such building or group of buildings. This percentage allocation shall not be diminished by professional fees. If deemed in the best interests of the citizens funds allocated for the acquisition of fine arts may be accumulated over more than one appropriation or fiscal period or combined to complete significant projects, however, this sentence does not authorize interproject transfers.

Sec. 1336. Section 304A.11, Code 1985, is amended to read as follows:

304A.11 ~~CO-OPERATING~~ COOPERATING PARTIES.

The arts division shall administer, in consultation with the contracting officer, the principal user and the building architect, ~~shall co-ordinate with~~ the Iowa state arts council all matters relating to the selection of the fine arts elements to be included or purchased for a state building as authorized by section 304A.10.

Sec. 1337. Section 304A.12, Code 1985, is amended to read as follows:

304A.12 SEPARATE CONTRACT.

Contracts for the fine arts elements shall be executed within the limits of the estimated actual costs as determined by section 304A.10. Funds shall be transferred to the arts division for administration of the program. All expenses related to the acquisition of the fine arts elements shall be contracted for separately by the arts division with the funds allocated for these purposes.

Sec. 1338. Section 304A.14, Code 1985, is amended to read as follows:

304A.14 TITLE IN STATE.

Title to all works of art acquired rests with the principal user or contracting agency in the name of the state. The principal user or contracting agency and the Iowa state arts council division upon agreement may loan works of art between state-owned buildings whenever in their judgment the loan will be to the benefit of the citizens of this state. However, all such works shall be returned to the principal user or the contracting agency at its request.

Sec. 1339. Section 103A.45, unnumbered paragraph 1 and subsection 4, Code 1985, are amended to read as follows:

The state ~~historic building code advisory~~, historical society board shall:

4. Consult with state agencies, including the state fire marshal and the Iowa state historical department of cultural affairs, governmental subdivisions, architects, engineers, and others who have knowledge of or interest in the rehabilitation, preservation, restoration, and relocation of historic buildings, with respect to matters relating to the state historic building code.

Sec. 1340. Sections 7.18, 103A.44, 303.3, 303.5, and 304A.1 through 304A.7, and chapter 18B, Code 1985, and sections 7A.51 through 7A.54, 18B.13 and 303A.1 through 303A.7, Code Supplement 1985, are repealed."

#410. Page 250, by striking line 9 and inserting the following:

"3. "Director" means the director of the department of education."

#411. Page 251, line 12, by striking the word "The" and inserting the following: "Except for the college aid commission, the".

#412. Page 252, line 1, by striking the word "commissioner" and inserting the following: "director of the department".

#413. Page 252, line 2, by striking the word "commissioner" and inserting the following: "director".

#414. Page 252, line 4, by striking the word "commissioner" and inserting the following "director".

#415. Page 252, line 25, by striking the word "COMMISSIONER" and inserting the following: "DIRECTOR".

#416. Page 252, line 26, by striking the word "The" and inserting the following: "Except for the college aid commission, the".

#417. Page 252, line 26, by striking the word "commissioner" and inserting the following: "director".

#418. Page 252, by inserting after line 26 the following:

"\_\_\_\_. Carry out programs and policies as determined by the state board."

#419. Page 252, line 35, by striking the word "commissioner" and inserting the following: "director".

#420. Page 253, by striking line 1 and inserting the following: "director and division administrators deemed necessary. They".

#421. Page 253, line 15, by striking the word "commissioner" and inserting the following: "director".

#422. Page 253, line 28, by striking the word "commissioner's" and inserting the following: "director's".

#423. Page 254, line 17, by striking the word "approved" and inserting the following: "accredited".

#424. Page 255, line 5, by striking the word "commissioner's" and inserting the following: "director's".

#425. Page 255, line 24, by inserting after the word "administrators" the following: ", members of the general assembly,".

#426. Page 256, line 6, by striking the word "commissioner" and inserting the following: "director".

#427. Page 256, line 13, by striking the word "commissioner" and inserting the following: "director".

#428. Page 256, line 23, by inserting after the word "standards" the following: "and a procedure".

#429. Page 256, line 28, by striking the word "approved" and inserting the following: "accredited".

#430. Page 260, line 32, by striking the word "commissioner" and inserting the following: "director".

#431. Page 260, line 33, by striking the word "commissioner" and inserting the following: "director".

#432. Page 261, line 2, by striking the word "commissioner" and inserting the following: "director".

#433. Page 261, line 4, by striking the word "commissioner" and inserting the following: "director".

#434. Page 261, line 35, by striking the word "commissioner" and inserting the following: "director".

#435. Page 262, line 18, by striking the word "commissioner" and inserting the following: "director".

#436. Page 262, line 25, by striking the word "accreditation" and inserting the following: "approval".

#437. Page 262, by striking lines 31 through 35 and inserting the following:

"10. The state board shall establish an accreditation process for school districts pursuant to this subsection and subsections 11 and 12. The accreditation process shall take effect for one-fifth of the school districts during the school year commencing July 1, 1989 and an additional one-fifth during each of the next following four school years. A school district not subject to the accreditation process is subject to the approval process as provided in section 257.25, Code 1985. Accreditation is valid for a five-year period. In addition to employees of the department of education, the commissioner shall appoint a committee of not more than five individuals one of whom is a".

#438. Page 263, line 1, by striking the word "directors," and inserting the following: "directors;".

#439. Page 263, line 4, by striking the word "education," and inserting the following: "education;".

#440. Page 263, by inserting after line 12 the following:

"Rules adopted by the state board may include provisions for coordination of the accreditation process under this section with activities of accreditation associations."

#441. Page 264, by striking lines 10 through 14 and inserting the following: "the state board."

#442. Page 266, line 4, by striking the word "commissioner" and inserting the following: "director".

#443. Page 267, line 8, by striking the figure "256.12" and inserting the following: "256.13".

#444. Page 267, line 21, by striking the figure "1."

#445. Page 267, by striking lines 25 through 31.

#446. Page 268, line 4, by striking the word "commissioner" and inserting the following: "director".

#447. Page 268, line 9, by striking the word "commissioner" and inserting the following: "director".

#448. Page 268, line 28, by striking the figure "256.18" and inserting the following: "256.17".

#449. Page 269, line 13, by striking the word "personnel" and inserting the following: "its certificated staff using staff members who possess evaluator approval under section 260.33".

#450. Page 270, line 5, by striking the word "commissioner" and inserting the following: "director".

#451. Page 270, by striking lines 20 and 21 and inserting the following: "approval by the state board of ~~public instruction~~ education pursuant to section ~~257.25~~ 256.11."

#452. Page 274, by striking lines 12 through 24.

#453. Page 274, by inserting after line 30 the following:

"Sec. \_\_\_\_ . NEW SECTION. 258.8 ADMINISTRATION.

The state council on vocational education shall be included in the department of education for administrative purposes."

#454. Page 276, line 21, by striking the words "health and human services" and inserting the following: "education".

#455. Page 276, lines 31 and 32, by striking the words "health and human services" and inserting the following: "education".

#456. Page 279, by striking lines 22 through 31.

#457. Page 280, line 6, by striking the figure "259.10" and inserting the following: "259.9".

#458. Page 281, line 29, by striking the word "agreement" and inserting the following: "~~agreement~~ agreements".

#459. Page 283, line 22, by striking the word "expenditure" and inserting the following: "expenditures".

#460. Page 284, by inserting after line 1 the following:

"Sec. \_\_\_\_ . NEW SECTION. 260.33 EVALUATOR APPROVAL.

Effective July 1, 1990, in addition to endorsements required under rules adopted pursuant to this chapter, an individual employed as an administrator, supervisor, school service person, or teacher by a school district, area education agency, or area school, who conducts evaluations of the performance of individuals holding certificates under this chapter, shall possess an evaluator approval.

By July 1, 1987, the board of educational examiners shall adopt rules establishing requirements for an evaluator approval including but not limited to approval of courses, renewal requirements, fees, and suspension and revocation of evaluator approvals. An approved program shall include provisions for determining that an applicant for evaluator approval has satisfactorily completed the program. The board of educational examiners shall work with institutions of higher education under the state board of regents, private colleges and universities, merged area schools, and area education agencies to insure that the courses required under subsection 1 are offered throughout the state at convenient times and at reasonable cost. The requirements shall include completion of a program approved by the board of educational examiners as follows:

1. For evaluation of teachers, the development of skills including but not limited to analysis of lesson plans, classroom observation, analysis of data, performance improvement strategies, and communication skills.

2. For evaluation of certificated employees other than teachers, the development of skills including but not limited to communication skills, analysis of employee performance, analysis of data, and performance improvement strategies.

An evaluator approval is valid for a period of five years from its issuance.

Sec. \_\_\_\_ . Section 261.3, Code 1985, is amended to read as follows:

261.3 ORGANIZATION -- BYLAWS.

The commission is an autonomous state agency which is attached to the department of education for organizational purposes only.

The commission shall determine its own organization, draw up its own bylaws, adopt rules under chapter 17A, and do such other things as may be necessary and incidental in the administration of this chapter, including the housing, employment, and fixing the compensation and bond of ~~such~~ persons ~~as are~~ required to carry out its functions and responsibilities. A decision of the commission is final agency action under chapter 17A.

The commission shall function at the seat of government or such other place as it might designate.

Sec. \_\_\_\_ . Section 261A.5, Code 1985, is amended to read as follows:

261A.5 CREATION AS PUBLIC INSTRUMENTALITY.

The Iowa higher education loan authority is created as a body politic and corporate. The authority is a public instrumentality and the exercise by the authority of the powers conferred by this chapter is the performance of an essential public function. The authority is attached to the college aid commission for administrative purposes."

#461. Page 284, line 35, by striking the word and figures "9, and 13" and inserting the following: "and 9".

#462. By striking page 285, line 32 through page 286, line 17.

#463. By striking page 291, line 15 through page 292, line 4.

#464. By striking page 292, line 15 through page 293, line 34.

#465. Page 295, by striking lines 20 through 22.

#466. Page 298, line 21, by inserting after the word "board." the following: "The state board may affirm, modify, or vacate the decision, or may direct a rehearing before the commissioner."

#467. Page 302, by striking lines 21 through 23 and inserting the following: "deaf, and the superintendent of the Iowa braille and sight-saving school; and the superintendent of the state tuberculosis sanatorium."

#468. Page 304, by striking lines 2 through 24.

#469. Page 308, by inserting after line 17 the following:

"Sec. \_\_\_\_ . Section 299.2, subsection 5, Code 1985, is amended to read as follows:

5. Who is attending a private college preparatory school ~~approved~~ accredited or probationally ~~approved~~ accredited under ~~the provisions of section 257-25~~ 256.11, subsection ~~14~~ 13."

#470. Page 309, line 24, by striking the figure "14".

#471. By striking page 310, line 20 through page 312, line 29.

#472. Page 313, by inserting after line 34 the following:

"Sec. \_\_\_\_ . Section 601A.9, unnumbered paragraph 1, and subsections 1, 2, and 3, Code Supplement 1985, are amended to read as follows:

It ~~shall be~~ is an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, creed, color, sex, national origin, religion, or disability in any program or activity. Such discriminatory practices shall include but not be limited to the following practices:

1. On the basis of sex, exclusion Exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training, or other program or activity except athletic programs;

2. ~~On the basis of sex, denial~~ Denial of comparable opportunity in intramural and interscholastic athletic programs;

3. ~~On the basis of sex discrimination~~ Discrimination among persons in employment and the conditions ~~thereof of employment~~.”

#473. Page 314, by inserting after line 20 the following:

“Sec. \_\_\_\_ . Section 714.19, subsection 10, Code 1985, is amended to read as follows:

10. Private college preparatory schools ~~approved~~ accredited or probationally ~~approved~~ accredited under the provisions of section ~~257.25~~ 256.11, subsection 13.”

#474. Page 314, by striking lines 25 through 31.

#475. Page 315, by inserting after line 27 the following:

“Sec. \_\_\_\_ . Section 246.805, subsection 7, paragraph a, Code Supplement 1985, is amended to read as follows:

a. Inmates applying to participate in a program shall be approved by the ~~work release committee designated pursuant to section 246.902~~ director of the department of corrections and shall reside at state correctional institutions.

Sec. \_\_\_\_ . Section 246.901, Code Supplement 1985, is amended to read as follows:

#### 246.901 PROGRAM.

The Iowa department of corrections, in consultation with the board of parole, shall establish a work release program under which the board of parole may grant inmates sentenced to an institution under the jurisdiction of the department ~~may be granted~~ the privilege of leaving actual confinement during necessary and reasonable hours for the purpose of working at gainful employment. Under appropriate conditions the program may also include release for the purpose of seeking employment and attendance at an educational institution. An inmate may be placed on work release status in the inmate's own home, under appropriate circumstances, which may include child care and housekeeping in the inmate's own home. ~~An inmate shall receive a unanimous vote from the work release committee to be approved for home work release.~~

Sec. \_\_\_\_ . Section 246.903, Code Supplement 1985, is amended to read as follows:

#### 246.903 APPLICATION AGREEMENT BY INMATE.

An inmate ~~eligible~~ approved to participate in the work release program ~~may make application to the superintendent or executive officer of the institution in which confined for permission to participate in the program~~ shall sign a work release agreement. The application agreement shall include a statement that the inmate agrees to abide by all terms and conditions of the particular plan adopted for the inmate by the committee ~~if the application is approved~~ board of parole, shall state the name and address of the proposed employer, if any, and ~~shall contain such other information as the committee may require~~. The superintendent or executive officer ~~may, at that person's discretion, recommend such application to the committee~~. The committee ~~may approve, disapprove, or defer action on the recommendation~~. If the recommendation is approved, the committee ~~shall adopt a work release plan for the applicant which shall contain such terms and conditions as may be~~ the board of parole deems necessary and proper. The plan shall be signed

by the inmate prior to participation in the program. Approval may be revoked for any reason by ~~the superintendent or executive officer or by the committee~~ a member of the board of parole at any time after being granted.

Sec. \_\_\_\_ . Section 246.904, Code Supplement 1985, is amended to read as follows:

#### 246.904 HOUSING FACILITIES -- HALFWAY HOUSES.

Unless the inmate is transferred to the correctional release center, or returns after working hours to the institution under jurisdiction of the department of corrections, the department of corrections shall contract with a judicial district department of correctional services for the quartering and supervision of the inmate in local housing facilities. ~~The committee board of parole~~ shall include as a specific term or condition in the work release plan of any inmate the place where the inmate is to be housed when not on the work assignment. ~~The committee board of parole~~ shall not place an inmate on work release for longer than six months in any twelve-month period. ~~However, an inmate may be placed on work release for a period in excess of six months in any twelve month period if unanimous~~ unless approval is given by ~~the committee~~ a majority of the full board of parole. Inmates may be temporarily released to the supervision of a responsible person to participate in family and selected community, religious, educational, social, civic, and recreational activities when it is determined that the participation will directly facilitate the release transition from institution to community. The department of corrections shall provide a copy of the work release plan and a copy of any restitution plan of payment to the judicial district department of correctional services quartering and supervising the inmate.

Sec. \_\_\_\_ . Section 246.906, Code Supplement 1985, is amended to read as follows:

#### 246.906 STATUS OF INMATES ON WORK RELEASE.

An inmate employed in the community under this chapter is not an agent, employee, or involuntary servant of the department of corrections ~~nor, the board of parole,~~ or the judicial district department of correctional services while released from confinement under the terms of a work release plan. If an inmate suffers an injury arising out of or in the course of the inmate's employment under this chapter, the inmate's recovery shall be from the insurance carrier of the employer of the project and no proceedings for compensation shall be maintained against the insurance carrier of the state institution, the state, the insurance carrier of the judicial district department of correctional services, or the judicial district department of correctional services, and there is no employer-employee relationship between the inmate and the state institution, the board of parole, or the judicial district department of correctional services.

Sec. \_\_\_\_ . Section 246.908, subsection 1, Code Supplement 1985, is amended to read as follows:

1. Upon request by the Iowa department of corrections, the board of parole, or a judicial district department of correctional services a county shall provide temporary confinement for alleged violators of work release conditions if space is available."

#476. Page 315, line 29, by inserting after the words "consist of" the following: "five members,".

#477. Page 315, line 30, by inserting after the word "parole" the words "and work release".

#478. Page 315, line 30, by inserting after the word "system" the following: "and two members who shall be part time".

#479. Page 316, by striking lines 3 through 16, and inserting the following: "Sec. \_\_\_\_ . NEW SECTION. 904A.2 COMPOSITION OF BOARD.

The membership of the board shall be of good character and judicious background, shall include a member of a minority group, may include a person ordained or designated as a regular leader of a religious community and who is knowledgeable in correctional procedures and issues, and shall meet at least two of the following three requirements:

1. Contain one member who is a disinterested layperson.
2. Contain one member who is an attorney licensed to practice law in this state and who is knowledgeable in correctional procedures and issues.
3. Contain one member who is a person holding at least a master's degree in social work or counseling and guidance and who is knowledgeable in correctional procedures and issues."

#480. Page 316, by striking lines 24 through 27, and inserting the following:

"1. The board of parole shall interview and consider inmates for parole or work release and a majority vote of the members is required to grant a parole or work release.

A member of the board of parole shall conduct parole or work release revocation hearings and may revoke a parole or work release, unless prior to the hearing the offender requests that the revocation hearing be conducted by a three person panel of the board of parole, in which case a three member panel of the board of parole shall conduct the revocation hearing and a majority vote of the panel is required to revoke the parole or work release."

#481. Page 316, line 30, by striking the word "with" and inserting the following: "between a liaison officer of the board and".

#482. Page 316, line 34, by inserting after the word "board" the following: "or the liaison officer".

#483. By striking page 316, line 35, through page 317, line 5.

#484. Page 317, line 7, by inserting after the word "parole" the words "and work release".

#485. Page 317, line 21, by inserting after the word "parole" the words "and work release".

#486. Page 317, line 30, by inserting after the word "parole" the words "or work release".

#487. Page 318, by inserting after line 20 the following:

"Sec. \_\_\_\_ . NEW SECTION. 904A.7 RISK ASSESSMENT PROGRAM.

There is created under the board of parole a risk assessment program, which shall provide risk assessment analysis for the board of parole.

Sec. \_\_\_\_ . Section 906.1, Code 1985, is amended to read as follows:

906.1 DEFINITION OF PAROLE AND WORK RELEASE.

Parole is the release of a person who has been committed to the custody of the director of the Iowa department of corrections by reason of the person's commission of a public offense, which release occurs prior to the expiration of the person's term, is subject to supervision by the district department of correctional services, and is on conditions imposed by the district department.

Work release is the release of a person, who has been committed to the custody of the director of the Iowa department of corrections, pursuant to sections 246.901 through 246.909.

Sec. \_\_\_\_ . Section 906.3, Code 1985, is amended to read as follows:

906.3 AUTHORITY OF PAROLE BOARD.

The board of parole shall adopt rules regarding a system of paroles from correctional institutions, and shall direct, control, and supervise the administration of the system of paroles. The board of parole shall consult with the director of the department of corrections on rules regarding a system of work release and shall assist in the direction, control, and supervision of the work release system. The board shall determine which of those persons who have been committed to the custody of the director of the Iowa department of corrections, by reason of their conviction of a public offense, shall be released on parole or work release. The grant or denial of parole or work release is not a contested case as defined in section 17A.2.

Sec. . Section 906.4, Code 1985, is amended to read as follows:

906.4 STANDARDS FOR RELEASE ON PAROLE OR WORK RELEASE.

A parole or work release shall be ordered only for the best interest of society and the offender, not as an award of clemency. The board shall release on parole or work release any person whom it has the power to so release, when in its opinion there is reasonable probability that ~~such~~ the person can be released without detriment to the community or to the person. A person's release is not a detriment to the community or the person ~~when if~~ the person is able and willing to fulfill the obligations of a law-abiding citizen, as in the board shall determine board's determination.

Sec. \_\_\_\_ . Section 906.5, Code Supplement 1985, is amended to read as follows:

906.5 RECORD REVIEWED -- ELIGIBILITY OF PRIOR FORCIBLE FELON FOR PAROLE OR WORK RELEASE -- RULES.

Within one year after the commitment of a person other than a class "A" felon to the custody of the director of the Iowa department of corrections, a member of the board shall interview the person. Thereafter, at regular intervals, not to exceed one year, the board shall interview the person and consider the person's prospects for parole or work release. At the time of an interview, the board shall consider all pertinent information regarding ~~this~~ the person, including the circumstances of the person's offense, any presentence report which is available, the previous social history and criminal record of the person, the person's conduct, work, and attitude in prison, and the reports of physical and mental examinations that have been made.

If the person who is under consideration for parole is serving a sentence for conviction of a felony and has a criminal record of one or more prior convictions for a forcible felony or a crime of a similar gravity in this or any other state, parole shall be denied unless the person has served at least one-half of the maximum term of the defendant's sentence. However, the mandatory sentence provided for by this section ~~shall~~ does not apply if the sentence being served is for a felony other than a forcible felony and the sentences for the prior forcible felonies expired at least five years before the date of conviction for the present felony.

A person while on parole or work release is under the supervision of the district department of correctional services of the district designated by the board of parole. The department of corrections shall prescribe ~~regulations~~ rules for governing persons on parole or work release. The board may adopt other rules not inconsistent with the rules of the department of corrections as ~~if the board~~ deems proper or necessary for the performance of its functions.

Sec. \_\_\_\_ . Section 906.6, Code 1985, is amended to read as follows:

906.6 CO-OPERATION OF CORRECTION PERSONNEL.

It ~~shall be the duty of all~~ All persons employed in ~~any a~~ correctional institution ~~to shall~~ grant to the members of the board of parole, or its properly accredited representatives, access at all reasonable times to any person over whom the board has jurisdiction, ~~to shall~~ provide for the board or ~~such~~ its representatives facilities for communicating with and observing ~~such the~~ person, and ~~to shall~~ furnish to the board ~~such~~ reports ~~as the board shall require~~ requires concerning the conduct and character of any person in their custody and any other facts deemed by the board pertinent in determining whether the person shall be released on parole or work release.

Sec. \_\_\_\_ . Section 906.16, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The time when a prisoner is on parole or work release from the institution shall be held to apply upon the sentence against the parolee or work releasee even if the parole or work release is subsequently revoked, except that the time when the parolee or work releasee is in violation of the terms of the parole or work release agreement shall not apply upon the sentence."

#488. Page 319, by striking line 1 and inserting the following: "1985, and section 246.902, Code Supplement 1985, are repealed."

#489. Page 319, line 7, by inserting after the word "One" the following: "full time and one part time".

#490. Page 319, line 8, by inserting after the word "One" the following: "full time and one part time".

#491. Page 319, by striking lines 12 through 22, and inserting the following: "Sec. \_\_\_\_ . Section 80.26, Code 1985, is amended by striking the section."

#492. Page 320, line 4, by striking the word "governor" and inserting the words "governor director of public safety".

#493. Page 320, by inserting after line 32, the following:

"Sec. \_\_\_\_ . Section 692.2, subsection 1, paragraph b, Code Supplement 1985, is amended to read as follows:

b. Other public agencies as authorized by the confidential records council director of public safety.

Sec. \_\_\_\_ . Section 692.2, subsection 5, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

Notwithstanding other provisions of this section, the department and bureau may provide copies or communicate information from criminal history data to any youth service agency approved by the confidential records council director of public safety. The department shall adopt rules to provide for the qualification and approval of youth service agencies to receive criminal history data.

Sec. \_\_\_\_ . Section 692.19, Code 1985, is amended to read as follows:

692.19 CONFIDENTIAL RECORDS COUNCIL -- OVERSIGHT BY DIRECTOR.

There is hereby created a confidential records council consisting of nine regular members. Two members shall be appointed from the house of representatives to serve as ex officio nonvoting members by the speaker of the house, no more than one of whom shall be from the same party. Two members shall be appointed from the senate to serve as ex officio nonvoting members by the lieutenant governor, no more than one of whom shall be from the same party. The other members of the council shall be: A judge of the district court appointed by the chief justice of the supreme court, one local law enforcement official, appointed by the governor; the commissioner of public safety or the commissioner's designee; and two private citizens not connected with law enforcement, appointed by the governor. The council shall select its own chairperson. The members shall serve at the pleasure of those by whom their appointments are made.

The council shall meet at least annually and at any other time upon the call of the governor, the chairperson of the council, or any three of its members. Each nonlegislative council member shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties from funds appropriated to the department of public safety. Each legislative member shall receive expenses pursuant to section 2-10 and section 2-12.

The council director of public safety shall have the following responsibilities and duties:

1. Shall periodically monitor the operation of governmental information systems which deal with the collection, storage, use and dissemination of criminal history or intelligence data.
2. Shall review the implementation and effectiveness of legislation and administrative rules concerning such systems.
3. May recommend changes in said rules and legislation to the legislature and the appropriate administrative officials.
4. May require such reports from state agencies as may be necessary to perform its duties.
5. May receive and review complaints from the public concerning the operation of such systems.
6. May conduct such inquiries and investigations as it finds appropriate to achieve the purposes of this chapter. Each criminal justice agency in this state and each state and local agency otherwise authorized access to criminal history data is authorized and directed to furnish to the council director of public safety, upon ~~its~~ the director's request, such statistical data, reports, and other information in its possession as the council director deems necessary to carry out its functions under this chapter. However, ~~the council and its members, in such capacity, the director of public safety, in the capacity of providing oversight of confidential records,~~ shall not have access to criminal history data or intelligence data unless it is data from which individual identities are not ascertainable or data which has been masked so that individual identities are not ascertainable. However, the council director may examine data from which the identity of an individual is ascertainable if requested in writing by that individual or the individual's attorney with written authorization and fingerprint identification.
7. Shall annually approve rules adopted in accordance with section 692.10 and rules to assure the accuracy, completeness and proper purging of criminal history data.

8. Shall approve all agreements, arrangements and systems for the interstate transmission and exchange of criminal history data."

#494. Page 327, by striking lines 7 and 8 and inserting the following:

"3. "Natural resource commission" means the natural resource commission created under section 455A.5."

#495. Page 327, line 23, by inserting after the word "capabilities." the following: "The director shall be knowledgeable in the general field of natural resource management and environmental protection."

#496. Page 327, line 30, by striking the words "state parks and wildlife" and inserting the following: "natural resource".

#497. Page 327, by striking lines 33 through 35 and inserting the following: "vested in the department."

#498. Page 328, by striking lines 2 and 3 and inserting the following: "of functions to be administered by the administrators under chapters 84, 93, 106, 107, 108, 108A, 109, 109A, 110, 110A, 110B, 111, 111B, 111D, 112, 305, 321G, 455B, 455C, and 469."

#499. Page 328, by striking line 34 and inserting the following:

"Sec. 1805. NEW SECTION. 455A.5 NATURAL RESOURCE".

#500. Page 329, by striking line 1 and inserting the following:

"1. A natural resource commission is created, which".

#501. Page 329, line 35, by striking the word and figure "or 112" and inserting the following: "112, or 321G".

#502. Page 330, line 4, by striking the word and figure "or 112" and inserting the following: "112, or 321G".

#503. Page 331, by striking line 15 and inserting the following: "effective administration of chapter 455B,".

#504. By striking page 331, line 22 through page 332, line 3, and inserting the following:

"Sec. 1807. NEW SECTION. DIVISIONS CREATED --DEPUTY DIRECTOR AND ADMINISTRATORS APPOINTED BY DIRECTOR.

1. The following divisions are created within the department:

a. Parks and preserves division which is responsible for programs relating to water access development, state parks and recreation areas, and preserves.

b. Forests and forestry division which is responsible for administering programs relating to state forests and forestry and for the operation of the state nursery under section 107.20.

c. Fish and wildlife division which is responsible for programs relating to wildlife, law enforcement, fisheries, and land acquisition and management.

d. Energy and geological resources division which is responsible for programs relating to energy, geological survey, and oil and gas production.

e. Environmental protection division which is responsible for programs relating to wastewater treatment, water supply, hazardous wastes, air and land, and field services.

f. Coordination and information division which has the responsibility for legal services, governmental liaison, information and education, and planning.

g. Administrative services division which is responsible for finance, budget and grants, administrative support, data processing, licensing, and construction services.

h. Additional divisions deemed necessary for the effective and efficient administration of the department.

2. The director shall appoint a deputy director who shall be in charge of the department in the absence of the director. The appointment shall be based on the appointee's training, experience, and capabilities.

3. The director shall appoint an administrator for each division created under subsection 1. The director shall make the appointment based on the appointee's training, experience, and capabilities. Each administrator has the responsibility of administering the programs assigned the division under subsection 1 and other programs assigned by the director. Each administrator shall carry out the duties and responsibilities of office under the general direction and supervision of the director."

#505. Page 332, lines 7 and 8, by striking the words "state parks and wildlife" and inserting the following: "natural resources".

#506. Page 332, lines 23 and 24, by striking the words "the land rehabilitation advisory board,".

#507. By striking page 332, line 31 through page 334, line 17.

#508. Page 334, by striking lines 25 and 26 and inserting the following:

"20. "Director" means the director of the department or a".

#509. Page 335, line 22, by striking the word "commission" and inserting the following: "department".

#510. By striking page 335, line 34 through page 336, line 1, and inserting the following:

"4. "Director" means the director of ~~energy policy~~ the department or a designee."

#511. By striking page 336, line 20 through page 337, line 22.

#512. Page 337, line 26, by striking the word "commission" and inserting the word "department".

#513. Page 338, by striking lines 1 and 2 and inserting the following:

"12. "Commission" means ~~state conservation~~ the natural resource commission."

#514. Page 338, by striking lines 9 and 10 and inserting the following:

"Sec. 1838. Sections 106.2, 106.3, and 106.4, Code 1985, are amended by striking the words "state conservation commission" or "conservation commission".

#515. Page 338, by striking lines 22 and 23 and inserting the following:

"3. "Commission" means the natural resource commission.

Sec. \_\_\_\_ . Section 107.13, Code 1985, is amended to read as follows:

107.13 OFFICERS AND EMPLOYEES.

The director shall, ~~with the consent of the commission~~, employ the number of assistants, including a professionally trained state forester, that are necessary to carry out the duties imposed on the commission; and, under the same conditions, the director shall appoint the number of full-time officers and supervisory personnel that are necessary to enforce ~~the all laws of the state~~ and rules and regulations; ~~the enforcement of which are imposed on~~ the commission. The full-time officers and supervisory personnel ~~shall~~ have the same powers that are conferred by law on peace officers in the enforcement of ~~the all~~ laws of the state of Iowa and the apprehension of violators. ~~Any~~ A person appointed as a full-time officer shall be at least twenty-one years of age, but not more than sixty-five years of age, on the date of appointment. ~~Officer~~ Full-time officer means any person appointed by the ~~state conservation~~

commission director to enforce the laws of this state ~~under the jurisdiction of the commission.~~

Sec. \_\_\_\_ . Section 107.14, Code 1985, is amended to read as follows:

107.14 TEMPORARY APPOINTMENTS.

The commission director may appoint temporary officers for a period not to exceed six months. ~~The commission and~~ may adopt minimum physical, educational, mental, and moral requirements for the temporary officers. ~~The provisions of chapter Chapter 80B shall does~~ not apply to the temporary officers. Temporary officers have all the powers of peace officers in the enforcement of chapters 106 through 111, 111B, 321G, and the trespass laws."

#516. Page 338, by striking lines 24 through 32.

#517. Page 339, line 6, by striking the word "commission" and inserting the following: "commission department".

#518. Page 339, by striking lines 19 through 21 and inserting the following: "embraced in the fish and wildlife division of ~~fish and game~~."

#519. Page 339, line 28, by striking the word "commission" and inserting the following: "commission department".

#520. Page 339, by striking lines 30 through 32 and inserting the following: "activities embraced in the fish and ~~game~~ wildlife division."

#521. Page 344, by inserting after line 12 the following:

"Sec. \_\_\_\_ . Sections 107.20, 107.24, 107.27 through 107.29, and 107.31 through 107.34, Code 1985, are amended by striking the words "state conservation commission", "conservation commission", and "commission" where they appear in those sections and inserting in lieu thereof the word "department"."

#522. Page 344, by striking lines 19 and 20 and inserting the following:

"3. "Commission" means the natural resource commission."

#523. Page 345, by striking lines 9 and 10 and inserting the following:

"1. "Commission" means the state conservation natural resource commission."

#524. Page 345, by striking lines 22 and 23 and inserting the following:

"13. "Commission" means the state conservation natural resource commission."

#525. Page 346, by striking lines 2 through 15.

#526. Page 346, line 24, by striking the word and number "and 109.19" and inserting the following: "109.19, and 109.58".

#527. Page 346, by striking lines 30 and 31 and inserting the following:

"1. "Commission" means the state conservation natural resource commission."

#528. Page 347, by striking line 8 and inserting the following:

"3. "Commission" means the natural resource."

#529. Page 347, by striking line 16 and inserting the following:

"3. "Commission" means the natural resource."

#530. Page 347, by striking lines 20 and 21 and inserting the following:

"2. "Commission" means state conservation the natural resource commission."

#531. Page 347, by striking line 31 and inserting the following:

"3. "Commission" means the natural resource."

#532. Page 349, lines 28 and 29, by striking the words “state ~~conservation parks and wildlife~~” and inserting the following: “state conservation natural resource”.

#533. Page 349, line 30, by striking the words “or village” and inserting the following: “~~or village~~”.

#534. Page 350, by striking lines 3 and 4 and inserting the following: “~~commission department of natural resources or such the county or municipality city and not devoted or dedicated to~~”.

#535. Page 350, lines 9 and 10, by striking the words “state ~~conservation parks and wildlife~~” and inserting the following: “state conservation natural resource”.

#536. Page 350, line 17, by striking the words “state ~~conservation parks and wildlife~~” and inserting the following: “state conservation natural resource”.

#537. Page 350, lines 20 and 21, by striking the words “state ~~conservation parks and wildlife~~” and inserting the following: “state conservation natural resource”.

#538. Page 350, line 33, by striking the word “commission” and inserting the following: “natural resource commission”.

#539. Page 351, by striking lines 27 and 28 and inserting the following:

“7. “Commission” means the natural resource commission.”

#540. Page 352, line 15, by inserting after the word “~~conservation~~” the following: “natural resource”.

#541. Page 353, line 8, by inserting after the word “unless” the following: “a”.

#542. Page 353, line 8, by striking the word “render” and inserting the following: “~~render~~ renders”.

#543. Page 353, by striking line 20 and inserting the following:

“3. “Commission” means the natural resource”.

#544. Page 354, lines 8 and 9, by striking the word and figure “and 112.1” and inserting the following: “112.1, 321G.1, and 321G.15”.

#545. Page 354, lines 24 and 25, by striking the words “state parks and wildlife” and inserting the following: “natural resource”.

#546. Page 354, by inserting after line 25 the following:

“Sec. \_\_\_\_ . Section 258A.3, subsection 2, paragraph a, Code 1985, is amended to read as follows:

a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon any of the grounds specified in section 114.21, 116.21, 117.29, 118.13, 118A.15, 147.55, 148B.7, 153.34, 154A.24, 169.13, ~~455B.219~~ or 602.3203 or chapter 135E, 151, 507B or 522, as applicable, or upon any other grounds specifically provided for in this chapter for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;”

#547. Page 355, by inserting after line 12 the following:

“Sec. \_\_\_\_ . Section 321G.1, subsection 1, Code 1985, is amended to read as follows:

1. “Commission” means the state conservation natural resource commission.”

#548. Page 355, by striking line 22 and inserting the following: "director of the".

#549. Page 355, lines 23 and 24, by striking the words "of the executive director" and inserting the following: "of the executive director".

#550. Page 355, by striking lines 33 and 34.

#551. Page 356, by inserting after line 4, the following:

"Sec. \_\_\_\_ . NEW SECTION. 455B.111 CITIZEN ACTIONS.

1. Except as provided in subsection 2, a person with standing as provided in subsection 3 may commence a civil action in district court on the person's own behalf against any of the following:

a. A person, including the state of Iowa, for violating any provision of this chapter or a rule adopted pursuant to this chapter.

b. The executive director, the commission, or any official or employee of the department where there is an alleged failure to perform any act or duty under this chapter or a rule adopted pursuant to this chapter which is not a discretionary act or duty.

2. An action shall not be commenced pursuant to subsection 1, paragraph "a", unless the person commencing the action has provided the director and the alleged violator with a written notice at least sixty days prior to commencing the action. The written notice shall specify the nature of the violation and that legal action is contemplated under this section if the violation is not abated and, if necessary, remedial action is not taken. The state may intervene in such an action as a matter of right. In addition, an action shall not be commenced pursuant to subsection 1, paragraph "a", if the department or the state has commenced and is actively prosecuting a civil action or is actively negotiating an out-of-court settlement to require abatement of the violation and, if necessary, remediation of damages. However, any person may intervene as a matter of right in such an action.

3. A person shall have standing to commence an action pursuant to subsection 1 or to intervene in an action pursuant to subsection 2 if the person is adversely affected by the alleged violation or the alleged failure to perform a duty or act.

4. In an action commenced pursuant to subsection 1, the court may award costs of litigation, including reasonable attorney and expert witness fees, to any party.

5. This section does not restrict any right under statutory or common law of a person or class of person to seek enforcement of provisions of this chapter or a rule adopted pursuant to this chapter or seek other relief permitted under the law.

Sec. \_\_\_\_ . NEW SECTION. 455B.112 AUTHORITY OF ATTORNEY GENERAL.

In addition to the duty to commence legal proceedings at the request of the director or commission under this chapter, the attorney general may institute civil or criminal proceedings, including an action for injunction, to enforce the provisions of this chapter including orders or permits issued or rules adopted under this chapter."

#552. Page 356, by inserting after line 6 the following:

"Sec. \_\_\_\_ . Section 455B.212, Code 1985, is amended to read as follows:  
455B.212 ~~EXECUTIVE~~ DIRECTOR'S DUTIES.

The ~~executive~~ director shall classify all water treatment plants, water distribution systems, and waste water treatment plants affecting the public welfare with regard to the size, type, character of water and waste water to be treated and other physical conditions affecting such treatment plants and distribution systems, and according to the skill, knowledge, and experience that an operator must have to supervise the operation of ~~such the~~ facilities to protect the public health and prevent pollution. The director may appoint advisory committees to advise the department in carrying out the requirements of this part.

#553. By striking page 357, line 4 through page 358, line 15.

#554. Page 360, by striking lines 1 and 2 and inserting the following: "an operator, following a hearing before the ~~board~~ director, when the operator is found".

#555. Page 361, by inserting after line 11 the following:

"Sec. \_\_\_\_ . Sections 455B.131, 455B.135 through 455B.137, 455B.143, 455B.145 through 455B.147, 455B.174, 455B.181, 455B.183, 455B.305, 455B.340, 455B.383, and 455B.391, Code 1985, are amended by striking the word "commission" where it appears in those sections and inserting in lieu thereof the word "department". Sections 455B.262, 455B.264, 455B.265, 455B.266, 455B.271, and 455B.412, Code Supplement 1985, are amended by striking the word "commission" where it appears in those sections and inserting in lieu thereof the word "department"."

#556. Page 361, by striking line 15, and inserting the following: "department of water,".

#557. Page 362, line 27, by striking the word "director" and inserting the following: "administrator of the environmental protection division".

#558. Page 364, line 5, by striking the figures "83A.4, 83A.5,".

#559. Page 364, line 6, by striking the figure "107.1,".

#560. Page 364, line 6, by inserting after the figure "107.12," the following: "107.21,".

#561. Page 364, line 7, by inserting after the number "455B.104," the following: "455B.106, 455B.214, 455B.215,".

#562. Page 364, by striking lines 8 and 9 and inserting the following: "are repealed. Section 455D.16, Code Supplement 1985, is repealed."

#563. Page 364, by inserting after line 34, the following:

"Sec. \_\_\_\_ . Section 307.6, Code 1985, is amended to read as follows:

307.6 COMPENSATION -- COMMISSION MEMBERS.

Each member of the commission shall ~~receive a salary as fixed by the general assembly~~ be compensated as provided in section 7E.3."

#564. By striking page 370, line 26 through page 372, line 21.

#565. By striking page 377, line 23, through page 378, line 5.

#566. Page 391, by inserting after line 7 the following:

#### "EXECUTIVE COUNCIL

Sec. \_\_\_\_ . Section 1.6, Code 1985, is amended to read as follows:

#### 1.6 CONDITIONS.

Any acquisition by the government of the United States of land and water, or of land or water, under section 1.5 shall be first approved by the state conservation commission; by and the state conservation director of this state; and the executive council.

Sec. \_\_\_\_ . Section 8.31, unnumbered paragraph 7, Code 1985, is amended to read as follows:

~~The finding by~~ If the governor determines that the estimated budget resources during the fiscal year are insufficient to pay all appropriations in full, ~~as provided herein, shall be subject to the concurrence in such finding by the executive council before reductions in allotment shall be made, and in the event any reductions in allotment be made, such~~ the reductions shall be uniform and prorated between all departments, agencies and establishments upon the basis of their respective appropriations.

Sec. \_\_\_\_ . Section 11.28, Code 1985, is amended to read as follows:

#### 11.28 INDIVIDUAL AUDIT REPORTS.

The individual audit reports shall include exhibits and schedules to report data similar to that now required by section 11.4, and shall as nearly as possible correspond and be prepared similar in form to the audit reports rendered by certified public accountants, and such reports shall include information as to the assets and liabilities of the various departments and institutions audited as of the beginning and close of the fiscal year audited, the receipts and expenditures of cash, the disposition of materials and other properties, and the net income and net operating cost. These reports shall also set forth the cost as to each inmate, member, or student per year in the various classifications of expenses, and shall make comparisons thereof, and shall give such other information, suggestions, and recommendations as may be deemed of advantage and to the best interests of the taxpayers of the state; provided, that the daily audit report of the state treasury shall be submitted to the state comptroller; provided, further, that copies of all individual audit reports of all state departments and establishments shall be transmitted to the ~~executive council and to the~~ state comptroller's office after the completion of each audit, and that copies of all local government audits shall, until otherwise provided, be also supplied to the comptroller's office; provided, further, that copies of such audit reports shall also be supplied to the officers of the counties, schools, and cities, as now provided by law; and, provided further, that summaries of the findings, recommendations, and comparisons, together with any other information deemed essential, shall be printed and distributed to members of the ~~legislature, and such officials, including state officers, as may be designated by the executive council~~ general assembly.

Sec. \_\_\_\_ . Section 18.6, unnumbered paragraph 2, Code 1985, is amended by striking the unnumbered paragraph.

Sec. \_\_\_\_ . Section 18.115, subsection 4, Code Supplement 1985, is amended to read as follows:

4. The state vehicle dispatcher shall purchase all new motor vehicles for all branches of the state government, except the state department of transportation, institutions under the control of the state board of regents, the commission for the blind, and any other agencies exempted by law. Before purchasing any motor vehicle the dispatcher shall make requests for public bids by advertisement and shall purchase the vehicles from the lowest responsible bidder for the type and make of motor vehicle designated ~~at a purchase price approved by the executive council~~.

Sec. \_\_\_\_ . Section 18.116, Code 1985, is amended to read as follows:

#### 18.116 VIOLATIONS -- WITHDRAWING USE OF VEHICLE.

If any state officer or employee violates any of the provisions of this chapter, the state vehicle dispatcher shall have the authority to withdraw the assignment of any state-owned motor vehicle to any such state officer or employee. ~~An appeal from such order by the state vehicle dispatcher may be taken to the executive council whose decision shall be final.~~

Sec. \_\_\_\_ . Section 18.117, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A state officer or employee shall not use a state-owned motor vehicle for personal private use, nor shall the officer or employee be compensated for driving a privately owned motor vehicle unless it is done on state business with the approval of the state vehicle dispatcher, and in that case the officer or employee shall receive twenty-two cents per mile effective July 1, 1981, and twenty-four cents per mile effective July 1, 1982. A statutory provision stipulating necessary mileage, travel, or actual expenses reimbursement to a state officer falls under the mileage reimbursement limitation provided in this section unless specifically provided otherwise. Any peace officer employed by the state as defined in section 801.4 who is required to use a private vehicle in the performance of official duties shall receive reimbursement for mileage expense at the rate specified in this section. However, the state vehicle dispatcher may delegate authority to officials of the state, and department heads, for the use of private vehicles on state business up to a yearly mileage figure established by the director of general services ~~and approved by the executive council~~. If a state motor vehicle has been assigned to a state officer or employee, the officer or employee shall not collect mileage for the use of a privately owned vehicle unless the state vehicle assigned is not usable.

Sec. \_\_\_\_ . Section 26.1, Code 1985, is amended to read as follows:

#### 26.1 FEDERAL AND STATE CO-OPERATION.

The ~~executive council secretary of state~~ is authorized, so far as practicable, to co-operate with the census bureau of the United States in the gathering, compilation, and publication of census statistics.

Sec. \_\_\_\_ . Section 96.25, Code 1985, is amended to read as follows:

#### 96.25 OFFICE BUILDING.

The department of job service may, ~~subject to the approval of the executive council of the state~~, acquire for and in the name of the state of Iowa by purchase, or by rental purchase agreement, such lands and buildings upon such terms and conditions as may entitle this state to grants or credits of funds under the Social Security Act or the Wagner-Peyser Act to be applied against the cost of such property, for the purpose of providing office space for the department of job service at such places as the commission finds necessary and suitable.

Sec. \_\_\_\_ . Section 111.7, Code 1985, is amended to read as follows:

#### 111.7 EMINENT DOMAIN.

The ~~executive council may, upon the recommendation of the~~ commission, may purchase or condemn lands for public parks. No contract for the purchase of such public parks shall be made to an amount in excess of funds appropriated therefor by the general assembly.

Sec. \_\_\_\_ . Section 111.8, Code 1985, is amended to read as follows:

#### 111.8 HIGHWAYS.

The ~~executive council may, upon the recommendation of the~~ commission; may purchase or condemn highways connecting ~~such~~ parks with the public highways. When ~~such the~~ highways have been purchased or condemned the same shall be public highways of this state and shall be maintained as other public highways of the county.

Sec. \_\_\_\_ . Section 111.11, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The commission ~~with the written consent of the executive council~~; may accept gifts of land or other property, or the use of lands or other property for a term of years, and improve and use the ~~same land~~ as public state parks.

Sec. \_\_\_\_ . Section 111.24, Code 1985, is amended to read as follows:

#### 111.24 BOUNDARIES -- ADJUSTMENT.

Whenever a controversy shall arise as to the true boundary line between state-owned property and private property, the commission may; ~~with the approval of the executive council~~; adjust ~~said the~~ boundary line or take such other action in the premises; ~~all with the approval of the executive council~~; as in its judgment may seem right. When ~~such the~~ disputed boundary line is fixed it shall be surveyed and marked ~~as herein provided~~.

Sec. \_\_\_\_ . Section 297.26, Code 1985, is amended to read as follows:

#### 297.26 SALE BY EXECUTIVE COUNCIL DEPARTMENT.

Any school building or any school site, the title of which is vested in the state of Iowa by reason of it having been provided by state mining camp funds for schools in mining camps, shall be sold by the ~~state executive council department~~ when the ~~state board of public instruction certifies the same to the executive council in writing as being~~ department of education determines ~~it is~~ no longer needed for school purposes.

Sec. \_\_\_\_ . Section 297.27, Code 1985, is amended to read as follows:

#### 297.27 PREFERENCE TO OWNER OF TRACT.

When ~~such the~~ buildings or sites are sold by ~~the executive council~~, the ~~then~~ owners of the tract from which the same was originally taken shall have first option on the purchase of the same.

Sec. \_\_\_\_ . Section 297.28, Code 1985, is amended to read as follows:

#### 297.28 APPRAISERS.

~~In case the executive council~~ If the department and ~~said the~~ owner of the tract from which ~~such the~~ school site was taken; do not agree as to the value of such site or building, the chief judge of the judicial district of the county in which the greater part of such school site is situated shall, on the written application of either party, appoint three disinterested voters of the county from the list of compensation commissioners to appraise such site. The county sheriff shall give notice to both parties of the time and place of making such appraisal, which notice shall be served in the same manner and for the same time as for the commencement of an action in the district court.

Sec. \_\_\_\_ . Section 306.22, unnumbered paragraph 1, Code 1985, is amended to read as follows:

#### 306.22 SALE OF UNUSED RIGHT OF WAY.

When title to any tract of land has been or may be acquired for the construction or improvement of any highway, and when in the judgment of the agency in control of the highway, the tract will not be used in connection with or for the improvement, maintenance, or use of the highway, the agency

in control of the highway may sell the tract for cash. ~~If the tract of land is held or used in connection with any primary road, or state park or institutional road, the sale shall be subject to approval of the executive council of the state.~~

Sec. \_\_\_\_ . Section 455B.422, Code Supplement 1985, is amended to read as follows:

#### 455B.422 ACQUISITION AND LEASE OF SITES.

The commission shall adopt rules establishing criteria for the identification of land areas or sites which are suitable for the operation of a treatment or disposal facility. Upon request, the department shall assist ~~the executive council~~ in locating suitable sites for the location of a treatment or disposal facility. The commission may ~~recommend to the executive council the purchase or condemnation of~~ condemn land to be leased for the operation of a treatment or disposal facility. ~~The executive council may purchase or may condemn the land~~ subject to chapter 471. Consideration for a contract for purchase of land shall not be in excess of funds appropriated by the general assembly for that purpose. ~~The executive council upon recommendation of~~ the commission may lease land purchased under this section to any person including the state or a state agency. This section authorizes the state to own or operate a hazardous waste treatment or disposal facility for the treatment and disposal of hazardous wastes. The terms of the lease shall establish responsibility for long-term monitoring and maintenance of the site. The lessee is subject to all applicable requirements of this part including permit requirements. The commission may require the lessee to post bond conditioned upon performance of conditions of the lease relating to long-term monitoring and maintenance. The leasehold interest including improvements made to the property shall be listed, assessed and valued as any other real property as provided by law.

Sec. \_\_\_\_ . Section 505.2, Code 1985, is amended to read as follows:

#### 505.2 APPOINTMENT AND TERM.

The governor shall appoint subject to confirmation by the senate, a commissioner of insurance, who shall be selected solely with regard to qualifications and fitness to discharge the duties of this position, devote the entire time to such duties, and serve for four years beginning and ending as provided by section 69.19. The governor ~~with the approval of the executive council~~ may remove the commissioner for malfeasance in office, or for any cause that renders the commissioner ineligible, incapable, or unfit to discharge the duties of the office.

Sec. \_\_\_\_ . Section 565.3, Code 1985, is amended to read as follows:

#### 565.3 GIFTS TO STATE.

A gift, devise, or bequest of property, real or personal, may be made to the state, to be held in trust for and applied to any specified purpose within the scope of its authority, but the same shall not become effectual to pass the title in such property unless accepted by the ~~executive council in~~ governor on behalf of the state.

Sec. \_\_\_\_ . Section 601A.5, subsection 11, Code 1985, is amended to read as follows:

11. To receive, administer, dispense and account for any funds that may be voluntarily contributed to the commission and any grants that may be awarded the commission for furthering the purposes of this chapter ~~with the approval of the executive council.~~

Sec. \_\_\_\_ . Sections 19.16, 29A.59, and 111.1, Code 1985, are repealed."

#567. Page 391, by inserting before line 9 the following:

"Sec. \_\_\_\_ . Section 2.9, Code 1985, is amended to read as follows:

#### 2.9 JOURNALS.

The secretary of the senate and the clerk of the house of representatives shall preserve copies of the printed daily journals of their respective bodies, as corrected, certify to their correctness, and file them with the secretary of state at the adjournment of each session of the general assembly. The secretary of state shall cause the ~~same journals~~ to be bound and preserved as the original journals of the senate and the house in the manner ~~as shall~~ be specified by the ~~president majority leader~~ of the senate and speaker of the house."

#568. Page 391, line 12, by striking the word "ten" and inserting the following: "ten forty-five".

#569. Page 391, line 23, by inserting after the word "committee." the following: "Before submitting any proposal prepared under this section to the presiding officers, the legislative service bureau shall return it for review to, as appropriate, the relevant department or agency or the governor's office and such department or agency or the governor's office shall review and return it within seven days of such delivery."

#570. Page 392, by inserting after line 2 the following:

"Sec. \_\_\_\_ . Section 2.35, unnumbered paragraph 1, Code 1985, is amended to read as follows:

There is established a A communications review committee ~~which shall consist is established, consisting~~ of three members of the senate appointed by the ~~president majority leader~~ of the senate and three members of the house of representatives appointed by the speaker of the house. The committee shall select a chairperson and vice chairperson. Meetings may be called by the chairperson or a majority of the members.

Sec. \_\_\_\_ . Section 2.41, Code 1985, is amended to read as follows:

#### 2.41 LEGISLATIVE COUNCIL CREATED.

There is hereby created a A continuing legislative council of twenty members ~~which shall be entitled the legislative council is created~~. The council ~~shall be is~~ composed of the president pro tempore of the senate, the speaker of the house of representatives, the majority and minority floor leaders of the senate, the chairperson of the senate committee on ~~budget appropriations~~, the minority party ranking member of the senate committee on ~~budget appropriations~~, five members of the senate appointed by the ~~president majority leader~~ of the senate, the majority and minority floor leaders of the house of representatives, the chairperson of the house committee on ~~budget appropriations~~, the minority party ranking member of the house committee on ~~budget appropriations~~, and five members of the house of representatives appointed by the speaker of the house of representatives. The lieutenant governor shall be an ex officio nonvoting member of the council. Of the five members appointed by the ~~president majority leader~~ of the senate and speaker of the house, three from each house shall be appointed from the majority

party and two from each house shall be appointed from the minority party. Members shall be appointed prior to the fourth Monday in January of the first regular session of each general assembly and shall serve for two-year terms ending upon the convening of the following general assembly or when their successors are appointed. Vacancies on the council, including vacancies which occur when a member of the council ceases to be a member of the general assembly, shall be filled by the president majority leader of the senate and the speaker of the house respectively. Insofar as possible at least two members of the council from each house shall be reappointed. The council shall hold regular meetings at a time and place fixed by the council and shall meet at any other time and place as the council ~~may deem~~ deems necessary.

Sec. \_\_\_\_ . Section 2.45, subsection 2, Code 1985, is amended to read as follows:

2. The legislative fiscal committee, ~~which shall be~~ composed of the chairpersons or their designated committee member and the ranking minority party members or their designated committee member of the committees of the house and senate responsible for developing a state budget and appropriating funds, the chairpersons or their designated committee ~~members~~ member and the ranking minority party members or their designated committee member of the committees on ways and means, and two members, one appointed from the majority party of the senate by the president majority leader of the senate and one appointed from the majority party of the house by the speaker of the house of representatives. In each house, unless one of the members who represent the committee on ways and means is also a member of the legislative council, the person appointed from the membership of the majority party in that house shall also be appointed from the membership of the legislative council. The legislative fiscal committee shall determine policies for the legislative fiscal bureau and shall direct the administration of performance audits and visitations, subject to the approval of the legislative council."

#571. Page 394, by inserting after line 14 the following:

"Sec. \_\_\_\_ . Section 2.91, subsection 1, and unnumbered paragraph 2, Code 1985, are amended to read as follows:

1. ~~There is established an~~ An Iowa boundary commission ~~which shall consist is established, consisting~~ of three members of the senate appointed by the president majority leader of the senate and three members of the house of representatives appointed by the speaker of the house. The commission shall select a chairperson and shall meet at the call of the chairperson.

~~For the initial board, the president of the senate and the speaker of the house shall each appoint pursuant to this section on July 1, 1978, one member to a two-year term and two members to a four-year term.~~

Sec. \_\_\_\_ . Section 2A.1, Code 1985, is amended to read as follows:

2A.1 COMMISSION ESTABLISHED.

~~There is established a~~ A commission to be known as the commission on compensation, expenses, and salaries for elected state officials; ~~hereinafter is established and is referred to in this chapter~~ as "the commission". The commission ~~shall be~~ is composed of fifteen members, five of whom shall be appointed by the governor, five of whom shall be appointed by the president majority leader of the senate, and five of whom shall be appointed by the

speaker of the house of representatives. Members of the commission shall be appointed without regard to political affiliation and shall not be state officials or employees, employees of any state department, board, commission, or agency or of any political subdivision of the state.

Sec. \_\_\_\_ . Section 3.4, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An "appropriation bill" means a bill which has as its primary purpose the making of appropriations of money from the public treasury.

Sec. \_\_\_\_ . Section 7A.52, unnumbered paragraph 2, Code Supplement 1985, is amended to read as follows:

The commission ~~shall consist~~ consists of five public members, not more than two from the same political party, appointed by the governor subject to confirmation by the senate under section 2.32, and one senator to serve as an ex officio nonvoting member, appointed by the ~~president~~ majority leader of the senate, and one representative to serve as an ex officio nonvoting member, appointed by the speaker of the house of representatives."

#572. Page 395, by inserting after line 13 the following:

"4. A government agency which receives state funds directly from the state or indirectly through a political subdivision as directed by statute and which is not a city, county, or school district is subject to this subsection. A government agency which is subject to this subsection shall submit a copy of its budget to the legislative fiscal bureau, identifying it as being submitted under this subsection, when the budget of that government agency has received approval from the governing head or body of that agency. The copy of the budget submitted to the legislative fiscal bureau shall be on the budget forms provided by the department of management to state agencies under chapter 8. The government agency shall also submit a statement identifying any funds available to the agency which are not included in the budget."

#573. Page 401, line 9, by inserting after the word "director." the following: "The estimates of expenditure requirements shall be based upon seventy-five percent of the funding provided for the current fiscal year accounted for by program and the remainder of the estimate of expenditure requirements prioritized by program. The estimates shall be accompanied with performance measures for evaluating the effectiveness of the program."

#574. Page 405, by inserting after line 9 the following:

"Sec. \_\_\_\_ . Section 17A.8, subsection 1, paragraph a, Code 1985, is amended to read as follows:

a. Three senators appointed by the ~~president~~ majority leader of the senate.

Sec. \_\_\_\_ . Section 18A.1, Code 1985, is amended to read as follows:

18A.1 COMMISSION CREATED.

~~There is created the~~ The capitol planning commission ~~is created,~~ composed of eleven members as follows: (4)

1. Four members of the general assembly serving as ex officio nonvoting members, two ~~thereof~~ to be appointed by the speaker of the house from the membership ~~thereof of the house,~~ and two to be appointed by the ~~lieutenant governor~~ senate majority leader from the membership of the senate, ~~and (2) six.~~

2. Six residents of the state of Iowa to be appointed by the governor; ~~and (2) the.~~

3. The director of the department of general services or the director's designee.

Sec. \_\_\_\_ . Section 18A.2, subsection 2, Code 1985, is amended to read as follows:

2. The legislative members of the commission shall be appointed to four-year terms of office, two of which shall expire every two years unless sooner terminated by a commission member ceasing to be ~~members a member~~ of the general assembly. Vacancies shall be filled by appointment of the speaker of the house or the ~~lieutenant governor~~ majority leader of the senate, as the case may be, for the unexpired term of their predecessors.

Sec. \_\_\_\_ . Section 28B.1, subsection 1, and unnumbered paragraph 3, Code 1985, are amended to read as follows:

1. Five members of the senate to be appointed by the ~~president thereof~~ majority leader of the senate.

The governor, the ~~president~~ majority leader of the senate, and the speaker of the house of representatives ~~shall be~~ are ex officio honorary nonvoting members of the commission.

Sec. \_\_\_\_ . Section 28C.2, subsection 2, paragraph b, and subsections 5 and 6, Code 1985, are amended to read as follows:

b. Two state senators appointed by the ~~president~~ majority leader of the senate.

5. The members shall be appointed to two-year staggered terms. ~~However, of the members of the initial commission, eight of the members appointed by the governor shall be appointed to an initial term of one year and one legislative member appointed by the speaker of the house and the president of the senate shall be appointed to initial terms of one year.~~ If a vacancy occurs, a successor shall be appointed to serve the unexpired term. If a member ceases to be an officer or employee of the governmental unit or agency which qualifies the person for membership on the commission, a vacancy ~~shall exist~~ exists and a successor shall be appointed in the same manner and subject to the same qualifications as the original appointment to serve the unexpired term.

6. Of the members who are county officers appointed by the governor, not more than two shall be members of the same political party. Of the members appointed by the ~~president~~ majority leader of the senate and the speaker of the house of representatives, not more than one from each house shall be a member of the same political party.

Sec. \_\_\_\_ . Section 80B.6, unnumbered paragraph 2, Code 1985, is amended to read as follows:

One senator appointed by the ~~lieutenant governor~~ majority leader of the senate and one representative appointed by the speaker of the house ~~shall also be~~ are ex officio, nonvoting members of the council.

Sec. \_\_\_\_ . Section 145.2, unnumbered paragraph 2, Code 1985, is amended to read as follows:

The commission consists of the commissioners of health, insurance, and human services, one state senator and one state representative who shall not be of the same party, shall be nonvoting members, and shall be appointed each year by the ~~president~~ majority leader of the senate and speaker of the house, respectively, and the chairperson of the board of directors of the corporation or the head of the association or other entity providing staff for

the commission as provided by section 145.3 who shall be a nonvoting member. The commissioner members shall annually select the chairperson of the commission from among the three voting commissioner members. A majority of the six members including at least two voting members constitute a quorum.

Sec. \_\_\_\_ . Section 249A.4, subsection 8, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Shall advise and consult at least semiannually with a council composed of the president, or the president's representative who is a member of the professional organization represented by the president, of the Iowa medical society, the Iowa society of osteopathic physicians and surgeons, the Iowa state dental society, the Iowa state nurses association, the Iowa pharmacists association, the Iowa podiatry society, the Iowa optometric association, the community mental health centers association of Iowa, the Iowa psychological association, the Iowa hospital association, the Iowa osteopathic hospital association, opticians' association of Iowa, Inc., the Iowa health care association, the Iowa assembly of home health agencies, the Iowa council of health care centers, and the Iowa association of homes for the aging, together with one person designated by the Iowa state board of chiropractic examiners; one state representative from each of the two major political parties appointed by the speaker of the house, one state senator from each of the two major political parties appointed by the ~~lieutenant governor~~ majority leader of the senate, each for a term of two years; the president or the president's representative of the association for retarded citizens; four public representatives, appointed by the governor for staggered terms of two years each, none of whom shall be members of, or practitioners of, or have a pecuniary interest in any of the professions or businesses represented by any of the several professional groups and associations specifically represented on the council under this subsection, and at least one of whom shall be a recipient of medical assistance; the commissioner of public health, or a representative designated by the commissioner, and the dean of the college of medicine, university of Iowa, or a representative designated by the dean.

Sec. \_\_\_\_ . Section 261.1, subsection 4, Code Supplement 1985, is amended to read as follows:

4. A member of the senate to be appointed by the ~~president~~ majority leader of the senate to serve as an ex officio nonvoting member for a term of four years beginning on July 1 of the year of appointment.

Sec. \_\_\_\_ . Section 272B.2, Code 1985, is amended to read as follows:

#### 272B.2 EDUCATION COMMISSION OF THE STATES.

The ~~provisions of article~~ Article III, paragraph 1, of the compact notwithstanding, the members of the education commission of the states representing this state shall consist of the governor, two nonlegislative members appointed by the governor, two members of the senate appointed by the ~~president~~ majority leader of the senate, and two members of the house of representatives appointed by the speaker of the house of representatives. The members shall serve four-year terms ~~and for the initial appointments, half of the membership shall be appointed to two-year terms and half shall be appointed to four-year terms.~~ Nonlegislative members shall serve on the education commission of the states without compensation, but shall receive their actual and necessary expenses and travel. Legislative members shall receive actual and necessary expenses and travel pursuant to sections 2.10

and 2.12. Vacancies on the commission shall be filled for the unexpired portion of the term in the same manner as the original ~~appointment~~ appointments. If a member ceases to be a member of the general assembly, the member shall no longer serve as a member of the education commission of the states.

Sec. \_\_\_\_ . Section 306.6, subsection 2, unnumbered paragraph 1, Code 1985, is amended to read as follows:

2. ~~There is created a~~ A state functional classification review board ~~which shall consist is created, consisting~~ of one state senator appointed by the ~~president~~ majority leader of the senate, one state representative appointed by the speaker of the house of representatives, one supervisor appointed by the Iowa state association of county supervisors, one engineer appointed by the Iowa county engineers' association, two persons appointed by the league of Iowa municipalities, one of whom shall be a licensed professional engineer, and two persons appointed by the department, one of whom shall be a commissioner and the other a staff member. This board shall select a permanent chairperson from among its members by majority vote of the total membership. Except as otherwise provided, the members of the board shall serve without additional compensation to the salary and expenses authorized for the office or position held by the member. The supervisor appointed by the Iowa state association of county supervisors, the engineer appointed by the Iowa county engineers' association, and the two persons appointed by the league of Iowa municipalities shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the board from funds allocated under section 312.2, subsection 12. The legislative members shall be paid for their actual and necessary expenses and, when the general assembly is not in session, per diem as provided in sections 2.10 and 2.12. The department's members of the board shall be reimbursed for their actual and necessary expenses from the funds appropriated pursuant to section 313.5.

Sec. \_\_\_\_ . All appointments made by a lieutenant governor to a term of office under a section amended by this Act remain in effect until the expiration of the term."

#575. Page 405, by inserting before line 10 the following:

"Sec. \_\_\_\_ . Section 17A.2, subsection 7, unnumbered paragraph 1, Code 1985, is amended to read as follows:

"Rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure or practice requirements of any agency. Notwithstanding any other provision of law, the term includes an executive order or directive of the governor which creates an agency or establishes a program or which transfers a program between agencies established by statute or rule. The term includes the amendment or repeal of an existing rule, but does not include:

Sec. \_\_\_\_ . Section 17A.3, subsection 1, paragraph a, Code 1985, is amended to read as follows:

a. Adopt as a rule a description of the organization of the agency which states the general course and method of its operations, the administrative subdivisions of the agency and the programs implemented by each of them, a statement of the mission of the agency and the methods by which and location where the public may obtain information or make submissions or requests.

Sec. \_\_\_\_ . Section 17A.4, subsection 4, paragraph a, and subsection 6, Code 1985, are amended to read as follows:

a. If the administrative rules review committee created by section 17A.8, the governor or the attorney general finds objection to all or some portion of a proposed or adopted rule because that rule is deemed to be unreasonable, arbitrary, capricious or otherwise beyond the authority delegated to the agency, the committee, governor or attorney general may, in writing, notify the agency of the objection ~~prior to the effective date of such a rule~~. In the case of a rule issued under subsection 2, or a rule made effective under the terms of section 17A.5, subsection 2, paragraph "b", the committee, governor or attorney general may notify the agency of such an objection ~~within seventy days of the date such a rule became effective~~. The committee, governor or the attorney general shall also file a certified copy of such an objection in the office of the Code editor ~~within the above time limits~~ and a notice to the effect that an objection has been filed shall be published in the next issue of the Iowa administrative bulletin and in the Iowa administrative code when that rule is printed in it. The burden of proof shall then be on the agency in any proceeding for judicial review or for enforcement of the rule heard subsequent to the filing to establish that the rule or portion of the rule timely objected to according to the above procedure is not unreasonable, arbitrary, capricious or otherwise beyond the authority delegated to it.

6. The governor may rescind an adopted rule by executive order within ~~thirty-five~~ seventy days of the ~~publication of the rule becoming effective~~. The governor shall provide a copy of the executive order to the Code editor who shall include it in the next publication of the Iowa administrative bulletin.

Sec. \_\_\_\_ . Section 17A.8, subsection 9, Code 1985, is amended to read as follows:

9. Upon a vote of two-thirds of its members, the administrative rules review committee may delay the effective date of a rule until the ~~expiration of forty-five calendar days, excluding legal holidays,\* during which the general assembly is in regular session adjournment of the next regular session of the general assembly~~. ~~If a rule is delayed during the last twenty-one calendar days preceding the adoption of a resolution for sine die adjournment of a regular session, the forty-five day period shall begin to run upon the convening of the next regular session of the general assembly~~. The committee shall refer a rule whose effective date has been delayed to the speaker of the house of representatives and the president of the senate who shall refer the rule to the appropriate standing committees of the general assembly. ~~If at the expiration of that period the general assembly has not disapproved of the rule by a joint resolution approved by the governor, the rule shall become effective~~. If a rule is disapproved, it shall not become effective and the agency shall withdraw the rule. This section shall not apply to rules made effective under section 17A.5, subsection 2, paragraph "b".

Sec. \_\_\_\_ . Section 69.16, unnumbered paragraph 2, Code 1985, is amended to read as follows:

In the case where the appointment of members of the general assembly is allowed, and the law does not otherwise provide, if an even number of legislators are appointed they shall be equally divided by political party affiliation; if an odd number of members of the general assembly is appointed, the number representing a certain political party shall not exceed by more

than one the legislative members of the other political party who may be appointed. If there are multiple appointing authorities for a board commission or council, the appointing authorities shall consult to avoid a violation of this section. This section shall not apply to any board, commission, or council established by the Code for which other restrictions regarding the political affiliations of members are provided by law or for which the membership is appointed by more than one person.

Sec. \_\_\_\_ . NEW SECTION. 69.16A GENDER BALANCE.

It is a policy of the state of Iowa that all boards, commissions, committees and councils shall reflect, as much as possible, a gender balance. If there are multiple appointing authorities for a board, commission, or council, they shall consult each other to avoid a violation of this section."

#576. Page 405, by striking line 20 and inserting the following: "majority and minority leaders of the senate and the speaker and minority leader of the house, and".

#577. Page 405, by inserting after line 24 the following:

"Sec. \_\_\_\_ . The Code editor shall explore the feasibility of and report to the legislative council on computerizing the text of the Iowa administrative code and republishing the Iowa administrative code after the transfer of rules required by this Act.

Sec. \_\_\_\_ . NEW SECTION. REVENUE ESTIMATING CONFERENCE.

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.

The conference shall meet as often as deemed necessary, but shall meet at least quarterly. The conference may use sources of information deemed appropriate.

By December 15, 1986 and each succeeding 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 in the budget process.

Sec. \_\_\_\_ . Section 421.31, subsection 4, in its requirement that the government's accounts be in accordance with generally accepted accounting principles, takes effect with the fiscal year beginning July 1, 1992.

The governor, auditor of state and the department of management shall phase in the implementation of generally accepted accounting principles, as defined by the governmental accounting standards board, which includes fund reclassifications, revenue recognition, and recognition of all appropriate liabilities beginning with the fiscal year beginning July 1, 1987.

The fiscal impact to the state general fund of implementing fund reclassifications, and recognizing additional liabilities shall be phased in according to the following schedule for the fiscal years beginning July 1:

- 1987 ten percent
- 1988 twenty percent
- 1989 forty percent
- 1990 sixty percent
- 1991 eighty percent
- 1992 one hundred percent".

#578. Page 405, by inserting before line 25 the following:

"Sec. \_\_\_\_ . If it is determined by the attorney general that a provision of this Act is inconsistent with federal law, or would cause the denial of federal funds or services which would otherwise be available to an agency of this state, the attorney general shall report the provision to the legislative oversight committee. Upon review by the legislative oversight committee, the provision may be suspended to the extent necessary to prevent denial of federal funds or services, or to eliminate inconsistency with federal law. If the legislative oversight committee determines that suspension of a provision of this Act is necessary, the legislative oversight committee shall report the necessary suspension to the general assembly upon convention of the next legislative session. The report of the legislative oversight committee shall include recommendations for corrective legislation which would eliminate the inconsistencies with federal law or regulations.

This section shall have temporary effect only, and is repealed effective July 1, 1987.

Sec. \_\_\_\_ . The department of management shall conduct a study of the feasibility of creating a department of professional and occupational licensing to include the powers, duties, and functions of all professional and occupational licensing boards in the state. The department of management shall conduct the study and report its findings and recommendations to the legislative council not later than December 1, 1987."

#579. Page 405, line 35, by striking the word and figure "and 187.16," and inserting the following: "187.16, 241.4, and 241.5,".

#580. Page 406, line 8, by inserting after the word "the" the following: "executive branch of".

#581. Page 407, by inserting after line 32 the following:

"Sec. \_\_\_\_ . Section 13A.2, Code 1985, is amended to read as follows:

13A.2 ESTABLISHMENT OF OFFICE AND COUNCIL.

1. The office of the prosecuting attorneys training co-ordinator coordinator is established as an autonomous entity in the department of justice.

2. The head of the office is the prosecuting attorneys training co-ordinator coordination council is established to consult with and advise the attorney general and the coordinator on the operation of the office.

3. The chief administrative officer of the office is the executive director prosecuting attorneys training coordinator who shall be a regular employee of the department of justice and appointed by the council attorney general. The executive director coordinator shall hold office at the pleasure of the council attorney general. The executive director coordinator, subject to the direction and supervision of the attorney general, shall perform the functions and duties assigned by the council. The council of the office and may employ other persons as it deems necessary to implement this chapter.

Sec. \_\_\_\_ . Section 13A.6, Code 1985, is amended to read as follows:

13A.6 REPORT REQUIRED.

The council prosecuting attorneys training coordinator shall make an annual report to the attorney general, the governor, and to the Iowa county attorneys association or its successor regarding its the efforts of the office to implement the purposes of this chapter.

Sec. \_\_\_\_ . Section 13A.8, Code 1985, is amended to read as follows:

13A.8 DUTIES.

The council office shall keep the prosecuting attorneys and assistant prosecuting attorneys of the state informed of all changes in law and matters pertaining to their office to the end that a uniform system of conduct, duty and procedure is established in each county of the state.

Sec. \_\_\_\_ . Section 13A.9, Code 1985, is amended to read as follows:

13A.9 AUTHORITY.

The council prosecuting attorneys training coordinator may:

1. Enter into agreements with other public or private agencies or organizations to implement this chapter.
2. Co-operate with and assist other public or private agencies or organizations to implement this chapter.
3. Make recommendations to the general assembly on matters pertaining to ~~its~~ the responsibilities of the office under this chapter.

Sec. \_\_\_\_ . Section 13A.10, Code 1985, is amended to read as follows:

13A.10 RECEIPT OF FUNDS.

The council office of the prosecuting attorneys training coordinator may accept funds, grants and gifts from any public or private source which shall be used to defray the expenses incident to implementing ~~its~~ the responsibilities of the office under this chapter.”

#582. Page 407, by inserting before line 33 the following:

“Sec. \_\_\_\_ . **NEW SECTION. 55.3 SERVICE ON BOARDS, COMMISSIONS, TASK FORCES, AND COMMITTEES.**

For the purpose of this section, “state board” includes any board, commission, committee, council, or task force of the state government created by the constitution, or by statute, resolution of the general assembly, motion of the legislative council, executive order of the governor, or supreme court order, but does not include any such state board, commission, committee, council, or task force for which an annual salary is provided for its members. A person who is appointed to serve on a state board, upon written application to the person's employer, shall be granted leaves of absence from regular employment to attend the meetings of the state board, except if leaves of absence are prohibited by federal law. The leaves of absence may be granted without pay and shall be granted without loss of net credited service and benefits earned. This section does not apply if the employer employs less than twenty full-time employees.

Sec. \_\_\_\_ . Employees in positions that are transferred from merit system coverage to the exempt service coverage due to state government reorganization may return to a position comparable to the employee's last merit service status within one year of the date of the transfer. If a comparable position is not available, the employee may return to a lower level position in accordance with the rules adopted by the department of personnel.

Sec. \_\_\_\_ . A personnel action undertaken to implement state government reorganization or downsizing shall be done in such a manner as to prevent a disproportionate adverse effect on minorities or women. The legislative reorganization oversight committee created by section 2017 of this Act shall monitor state government reorganization and downsizing to ensure that this section is fully and properly implemented. Executive branch personnel and agencies shall cooperate fully in providing any data requested by the committee and shall make relevant personnel records available to the legislative fiscal bureau. For the purposes of this section, personnel action includes, but is

not limited to, termination or transfer and a disproportionate adverse effect exists when a greater percentage of minorities and women is terminated or transferred within the same classification and subtitle than the percentage of women and minorities which held positions in that classification and subtitle prior to the termination or transfer. For contractual employees, such actions shall be taken in accordance with and shall not supersede any relevant provision in a collective bargaining agreement as it existed on January 1, 1986.

Sec. \_\_\_\_ . The Code editor, in consultation with the reorganization legislative oversight committee, shall develop and implement by July 1, 1988, the uniform system of terminology, through the Code editor's bills and under section 14.13 of the Code, for the designation of the agencies, units, and positions of state government as established in sections 7E.2 and 7E.2B of the Code. This development and implementation may include recommendations for refinements in the uniform system of terminology. In cases of inconsistent usage of terminology, superseded terms shall be read to be consistent with the intent of this Act, until necessary changes in language are made under this section. The Code editor shall also develop a style manual to provide, to the extent practicable, for uniform statutory provisions in regard to the specifications of agencies, boards, committees, commissions, councils, and positions on the subjects of, as appropriate, offices, positions, meetings, quorums, reports, oaths, compensation, powers, and related matters for those agencies, bodies, and positions."

#583. Page 408, by inserting after line 8 the following:

"Any license or permit issued by any state agency mentioned in this Act, including any agency abolished, merged or altered, in this Act, and in effect on the effective date of this Act shall continue in full force and effect until expiration or renewal."

#584. Page 408, by inserting after line 34 the following:

"Sec. \_\_\_\_ . The department of cultural affairs shall submit to the governor and the legislature by January 1, 1988 a plan for the improvement of library services for state government. The plan shall consider, but not be limited to, coordinated collection development, acquisitions, library technical services, circulation, and reference and information service.

Sec. \_\_\_\_ . The department of general services shall submit a report to the legislature by January 1, 1987 on the implementation of the life cycle cost and energy efficiency standards by department of general services, state board of regents, department of transportation and other state agencies. The department of general services shall include in its report recommendations from the other state agencies and from within the department as to any legislative changes that are necessary in order to improve the energy efficiency and reduce the life cycle cost of energy consuming products. For the purposes of this section, energy consuming products shall include buildings.

Sec. \_\_\_\_ . Notwithstanding any other provision of this Act, nothing in this Act shall be construed as making an appropriation. This Act is not an appropriation bill."

#585. By renumbering, relettering, or redesignating and correcting internal references as necessary. s,8005

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

ROBERT M. CARR, Chair  
 CHARLES BRUNER  
 WILLIAM W. DIELEMAN  
 RICHARD F. DRAKE

JEAN LLOYD-JONES, Chair  
 ROD HALVORSON  
 JOHNIE HAMMOND  
 DARRELL HANSON  
 GEORGE SWEARINGEN

REPORT OF THE CONFERENCE COMMITTEE ON  
 SENATE FILE 2242

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 2242, a bill for an Act to establish incentives to encourage certain state employees to retire or terminate employment by receiving monetary and insurance payments incentives and to provide that the Act take effect upon its publication, respectfully make the following report:

1. That the Senate recede from its amendment, H-5846, to the House amendment.

2. That the House amendment, S-5683, to Senate File 2242, as amended, passed, and reprinted by the Senate, be amended as follows:

1. Page 1, by striking lines 38 through 45 and inserting the following:

“ — . Page 3, by striking lines 26 through 29 and inserting the following: “completed at least five years of state employment and sends written notification to the merit”.

2. Page 3, line 8, by striking the figure “15” and inserting the following: “1”.

3. Page 3, line 17, by inserting after the word “levy” the following: “not later than March 15, 1987”.

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

ROBERT CARR, Chair  
 CHARLES BRUNER  
 RICHARD DRAKE  
 WALLY HORN  
 JOHN NYSTROM

BRIAN CARTER, Chair  
 GENE BLANSHAN  
 VIC STUELAND  
 TOM SWARTZ

REPORT OF THE CONFERENCE COMMITTEE ON  
SENATE JOINT RESOLUTION 1

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 Joint Resolution 1, a Joint Resolution proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor, respectfully make the following report:

1. That the House recede from its amendment S-5185.

2. That Senate Joint Resolution 1 as passed by the Senate be amended as follows:

1. By striking page 1, line 1 through page 4, line 6 and inserting the following:

“Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

1. Section 2 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 2. The governor and the lieutenant governor shall be elected by the qualified electors at the time and place of voting for members of the general assembly. Each of them shall hold office for four years from the time of installation in office and until a successor is elected and qualifies.

2. Section 3 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 3. The electors shall designate their selections for governor and lieutenant governor as if these two offices were one and the same. The names of nominees for the governor and the lieutenant governor shall be grouped together in a set on the ballot according to which nominee for governor is seeking office with which nominee for lieutenant governor, as prescribed by law. An elector shall cast only one vote for both a nominee for governor and a nominee for lieutenant governor. The returns of every election for governor and lieutenant governor shall be sealed and transmitted to the seat of government of the state, and directed to the speaker of the house of representatives who shall open and publish them in the presence of both houses of the general assembly.

3. Section 4 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1952, is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 4. The nominees for governor and lieutenant governor jointly having the highest number of votes cast for them shall be declared duly elected. If two or more sets of nominees for governor and lieutenant governor have an equal and the highest number of votes for the offices jointly, the general assembly shall by joint vote proceed, as soon as is possible, to elect one set of nominees for governor and lieutenant governor. If, upon the completion by the general assembly of the canvass of votes for governor and lieutenant governor, it appears that the nominee for governor in the set of nominees for governor and lieutenant governor receiving the highest number of votes has since died or resigned, is unable to qualify, fails to qualify, or is for any other reason unable to assume the duties of the office of governor for the ensuing term, the powers and duties shall devolve to the nominee for lieutenant governor of the same set of nominees for governor and lieutenant governor, who shall assume the powers and duties of governor upon inauguration and until the disability is removed. If both nominees for governor and lieutenant governor are unable to assume the duties of the office of governor, the person next in succession shall act as governor.

4. Section 5 of Article IV of the Constitution of the State of Iowa is repealed beginning with the general election in the year 1990 and the following adopted in lieu thereof:

SEC. 5. Contested elections for the offices of governor and lieutenant governor shall be determined by the general assembly as prescribed by law.

Sec. 2. The following amendment to the Constitution of the State of Iowa is proposed:

1. Section 15 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

SEC. 15. The official terms of the governor and lieutenant governor shall commence on the Tuesday after the second Monday of January next after their election and shall continue until their successors are elected and qualify. The governor and lieutenant governor shall be paid compensation and expenses as provided by law. The lieutenant governor, while acting as governor, shall be paid the compensation and expenses prescribed for the governor.

2. Section 18 of Article IV of the Constitution of the State of Iowa is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

SEC. 18. The lieutenant governor shall have the duties provided by law and those duties of the governor assigned to the lieutenant governor by the governor.

3. Section 19 of Article IV of the Constitution of the State of Iowa as amended by amendment number 2 of the amendments of 1952 is repealed beginning with the second Monday in January, 1991 and the following adopted in lieu thereof:

SEC. 19. If there be a vacancy in the office of the governor and the lieutenant governor shall by reason of death, impeachment, resignation, removal from office, or other disability become incapable of performing the duties pertaining to the office of governor, the president of the senate shall act as governor until the vacancy is filled or the disability removed; and if the president of the senate, for any of the above causes, shall be incapable of performing the duties pertaining to the office of governor the same shall devolve upon the speaker of the house of representatives; and if the speaker of the house of representatives, for any of the above causes, shall be incapable of performing the duties of the office of governor, the justices of the supreme court shall convene the general assembly by proclamation and the general assembly shall organize by the election of a president by the senate and a speaker by the house of representatives. The general assembly shall thereupon immediately proceed to the election of a governor and lieutenant governor in joint convention.

Sec. 3. The foregoing proposed amendments to the Constitution of the State of Iowa are referred to the general assembly to be chosen at the next general election for members of the general assembly and the secretary of state is directed to cause them to be published for three consecutive months before the date of that election as provided by law."

ON THE PART OF THE SENATE:

BILL HUTCHINS, Chairperson  
ROBERT CARR  
MICHAEL GRONSTAL  
CALVIN HULTMAN  
JOHN JENSEN

ON THE PART OF THE HOUSE:

JEAN LLOYD-JONES, Chairperson  
ROD HALVORSON  
HORACE DAGGETT  
DON SHONING

**SENATE RESOLUTIONS AND  
CONCURRENT RESOLUTIONS**

**Adopted And Not Previously  
Printed During The  
SEVENTY-FIRST GENERAL ASSEMBLY  
1986 Regular Session**

1                                   SENATE RESOLUTION 101  
 2           BY: COMMITTEE ON RULES AND ADMINISTRATION  
 3 A Resolution to amend the permanent Rules of the  
 4 Senate for the 1986 Session of the Seventy-first  
 5 General Assembly.  
 6 BE IT RESOLVED BY THE SENATE, That the permanent rules  
 7 of the senate for the seventy-first general assembly  
 8 be amended as follows:

9                                   Rule 33  
 10                                  Study Bills  
 11       1. A study bill is any matter which a senator  
 12 wishes to have considered by a standing committee or  
 13 appropriations subcommittee for introduction as a  
 14 committee bill or resolution. The term "study bill"  
 15 includes "proposed bills" provided for in Rule 37 and  
 16 departmental requests prefiled in the manner specified  
 17 in section 2.16 of the Code.  
 18       2. Upon first receiving a study bill from a  
 19 senator, a committee chairperson shall submit three  
 20 copies to the secretary of the senate. Study bills  
 21 received in the secretary of the senate's office  
 22 before 3:00 p.m. shall be filed, numbered, and  
 23 reported in the journal for that day. Study bills  
 24 received in the secretary of the senate's office after  
 25 3:00 p.m. shall be filed, numbered, and reported in  
 26 the journal for the subsequent day. The secretary  
 27 shall number such bills in consecutive order. The  
 28 secretary shall maintain a record of all study bills  
 29 and their assigned number. Committee records shall  
 30 refer to study bills by the number assigned by the

**Page 2**

1 secretary.  
 2       3. The secretary shall file a report in the  
 3 journal of each study bill received. The report shall  
 4 show the study bill number, its title or subject  
 5 matter and the committee which is considering it. If  
 6 a study bill is referred to a subcommittee, then the  
 7 committee chairperson shall report in the journal the  
 8 names of the subcommittee members to which it is  
 9 assigned.  
 10       4. If a committee bill or resolution is introduced  
 11 which was not previously the subject of a study bill  
 12 in the sponsoring committee, the majority leadership  
 13 may re-refer the bill back to the committee.

14                                   Rule 39  
 15                                  Rules for Standing Committees  
 16       The following rules shall govern all standing  
 17 committees of the senate. Any committee may adopt

18 additional rules which are consistent with these  
19 rules:

20 1. A majority of the members shall constitute a  
21 quorum.

22 2. The chair of a committee shall refer each bill  
23 and resolution to a subcommittee within seven days  
24 after the bill or resolution has been referred to the  
25 committee. The chair may appoint subcommittees for  
26 study of bills and resolutions without calling a  
27 meeting of the committee, but the subcommittee must be  
28 announced at the next meeting of the committee. No  
29 bill or resolution shall be reported out of a  
30 committee until the next meeting after the

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1 subcommittee is announced, except that the chair of  
2 the appropriations committee may make the announcement  
3 of the assignment to a subcommittee by placing a  
4 notice in the journal. Any bill so assigned by the  
5 appropriations committee chair shall be eligible for  
6 consideration by the committee upon report of the  
7 subcommittee but not sooner than three legislative  
8 days following the publication of the announcement in  
9 the journal.

10 When a bill or resolution has been assigned to a  
11 subcommittee, the chair shall report to the senate the  
12 bill or resolution number and the names of the  
13 subcommittee members and such reports shall be  
14 reported in the journal ~~of the last legislative day of~~  
15 each week. Subcommittee assignments shall be reported  
16 to the journal daily. Reports filed before 3:00 p.m.  
17 shall be printed in the journal for that day; reports  
18 filed after 3:00 p.m. shall be printed in the journal  
19 for the subsequent day.

20 Where standing subcommittees of any committee have  
21 been named, the names of the members and the title of  
22 the subcommittee shall be published once and  
23 thereafter publication of assignments may be made by  
24 indicating the title of the subcommittee.

25 3. No bill or resolution shall be considered by a  
26 committee until it has been referred to a subcommittee  
27 and the subcommittee has made its report unless  
28 otherwise ordered by a majority of the members.

29 4. The rules adopted by a committee, including  
30 subsections 2, 3, 9, 10, 11, and 12 of this rule, may

**Page 4**

1 be suspended by an affirmative vote of a majority of  
2 the members of the committee.

3 5. The affirmative vote of a majority of the  
4 members of a committee is needed to sponsor a  
5 committee bill or resolution or to report a bill or  
6 resolution out for passage.

7 6. The vote on all bills and resolutions shall be  
8 by roll call and a record shall be kept by the  
9 secretary.

10 7. No committee, except a conference committee or  
11 the steering committee, is authorized to meet when the  
12 senate is in session.

13 8. A subcommittee shall not report a bill to the  
14 committee unless the bill has been typed into proper  
15 form by the legislative service bureau.

16 9. A bill or resolution shall not be voted upon  
17 the same day a public hearing is held on that bill or  
18 resolution. The presence or participation of a member  
19 of the legislature, official of the state, state  
20 department head, member of the press, legislative  
21 staff member assigned to the committee, or a person  
22 invited by the committee is not considered a public  
23 hearing.

24 10. Public hearings may be called at the  
25 discretion of the chair. The chair shall call a  
26 public hearing upon the written request of one-half  
27 the membership of the committee. The chair shall set  
28 the time and place of the public hearing.

29 11. A subcommittee chair must notify the committee  
30 chair not later than one legislative day prior to

**Page 5**

1 bringing the bill or resolution before the committee.  
2 The committee cannot vote on a bill or resolution for  
3 at least one full day following the receipt of the  
4 subcommittee report by the chairperson.

5 12. A motion proposing action on a bill or  
6 resolution that has been defeated by a committee shall  
7 not be voted upon again at the same session of the  
8 committee.

9 13. Committee meetings shall be open.

10 **CONFIRMATION OF APPOINTMENTS**

11 **Rule 60**

12 **Appointments**

13 The secretary of the senate shall maintain a file  
14 of all appointments received from the governor for  
15 confirmation. The file shall contain a description of

16 the duties and the compensation for each nominee. The  
17 file shall show the date an appointment was received  
18 from the governor, whether the appointment letter was  
19 read to the senate, whether the nominee has been  
20 introduced, and whether a committee report has been  
21 filed.

22 INVESTIGATING COMMITTEES. All appointments  
23 received from the governor shall be referred to the  
24 rules and administration committee by the secretary of  
25 the senate on the same day they are read to the  
26 senate. The rules and administration committee shall  
27 establish an en bloc confirmation calendar which must  
28 be filed with the secretary of the senate. Within  
29 three legislative days after receiving an appointment,  
30 the committee shall either place a nominee on the en

#### Page 6

1 bloc confirmation calendar or assign the nominee to an  
2 appropriate standing committee for further  
3 investigation, publishing notice of such assignment in  
4 the senate journal for the next legislative day. If  
5 the rules and administration committee fails to take  
6 action on a nominee within the three days, the nominee  
7 shall automatically be placed on the en bloc  
8 confirmation calendar.

9 Within the three legislative days after an  
10 appointment has been referred to the rules and  
11 administration committee, any ten senators may require  
12 that the nominee be assigned to an appropriate  
13 standing committee by filing a written, signed request  
14 therefor with the chairperson of the rules and  
15 administration committee. The committee chair shall  
16 refer the appointment to a subcommittee within one  
17 legislative day after a standing committee receives an  
18 appointment for further investigation, publishing  
19 notice of such assignment in the senate journal for  
20 the next legislative day. Within ten legislative days  
21 after a standing committee receives an appointment for  
22 further investigation the subcommittee shall file its  
23 report with the standing committee.

24 Within ~~three~~ fourteen legislative days after a  
25 standing committee receives an appointment for further  
26 investigation, the committee shall conduct an  
27 investigation of the nominee and file its report  
28 thereon with the secretary of the senate, who shall  
29 then place the nominee on the en bloc calendar or  
30 individual confirmation calendar as directed by the

**Page 7**

1 committee. The failure of a committee to file its  
2 report within the prescribed time means that the  
3 nominee is to be automatically placed, without  
4 recommendation, upon the individual confirmation  
5 calendar.

6 Any senator within five (5) days following a  
7 nominee's name being published in the journal may  
8 request that said nominee be introduced to the full  
9 senate by submitting a written request with the  
10 secretary of the senate. In any event, all nominees  
11 who are referred by the rules and administration  
12 committee to a standing committee shall be introduced  
13 to the full senate prior to a vote on confirmation of  
14 the nominee.

15 **HEARINGS.** Any member of a committee investigating  
16 an appointment may obtain a hearing with the nominee  
17 by filing a written request with the chair of the  
18 investigating committee within five (5) legislative  
19 days after the committee receives the appointment. At  
20 the hearing, which shall be before the investigating  
21 committee, the nominee may be questioned as to his or  
22 her qualifications to fulfill the office to which  
23 nominated and further questioned as to his or her  
24 viewpoints on issues facing the office to which  
25 nominated. Notice of the hearing shall be published  
26 in the journal at least three (3) days prior to the  
27 hearing. Any senator may at the discretion of the  
28 chair of the investigating committee be permitted to  
29 submit oral questions. The public may, at the  
30 discretion of the investigating committee, be

**Page 8**

1 permitted to submit oral or written statements as to  
2 the qualifications of the nominee.

3 Also, within five (5) days after the investigating  
4 committee receives an appointment for investigation,  
5 any senator may submit written questions to be  
6 answered by the nominee prior to consideration of the  
7 nominee's confirmation by the senate.

8 **VOTING ON CONFIRMATIONS.** Upon the motion of the  
9 majority leader or his or her designee, the nominees  
10 on the en bloc confirmation calendar shall be  
11 confirmed en bloc by the affirmative vote of two-  
12 thirds of the members elected to the senate. The  
13 journal shall reflect a single roll call accompanied  
14 by a statement of the names of those individuals  
15 subject to the en bloc confirmation vote.

SENATE RESOLUTIONS

3019

16 Prior to an en bloc vote, any senator may request  
17 an individual vote on any nominee on the en bloc  
18 confirmation calendar. The senate shall vote  
19 separately on the nominee.  
20 Nominees on the individual confirmation calendar  
21 shall be confirmed by a two-thirds vote; however, the  
22 senate shall take a separate roll call on each  
23 nominee, unless by unanimous consent, it determines to  
24 take one vote on all nominees under consideration. In  
25 any case, the journal shall reflect a single roll call  
26 vote for each nominee.

1 SENATE RESOLUTION 102  
2 BY: COMMITTEE ON RULES AND ADMINISTRATION  
3 A Senate Resolution relating to gubernatorial  
4 appointments requiring senate confirmation.  
5 WHEREAS, section 2.32, subsection 7, requires the  
6 governor to provide the secretary of the senate with a  
7 list of all gubernatorial appointments requiring  
8 senate confirmation during this session by February 1;  
9 and  
10 WHEREAS, this information has been submitted and is  
11 on file in the office of the secretary of the senate;  
12 and  
13 WHEREAS, that subsection also requires that the  
14 senate by resolution approve the list or request  
15 corrections by February 15; NOW THEREFORE,  
16 BE IT RESOLVED BY THE SENATE, That the following  
17 list of appointments submitted by the governor  
18 pursuant to section 2.32, subsection 7, and on file  
19 with the secretary of the senate is approved:  
20 Accountancy, Board of  
21 2 terms commencing 5-1-86 and ending 4-30-89  
22 Architectural Examiners, Board of  
23 2 terms commencing 5-1-86 and ending 4-30-89  
24 Assessor Education Commission  
25 3 terms commencing 5-1-86 and ending 4-30-90  
26 Barber Examiners, State Board of  
27 1 term commencing 5-1-86 and ending 4-30-89  
28 Beer and Liquor Control Council, Iowa  
29 1 term commencing 5-1-86 and ending 4-30-91  
30 Blind, Commission for the

**Page 2**

1 1 term commencing 5-1-86 and ending 4-30-89  
2 Chiropractic Examiners, State Board of  
3 2 terms commencing 5-1-86 and ending 4-30-89  
4 1 unexpired portion of a term ending 4-30-87

- 5 City Development Board
- 6 1 term commencing 5-1-86 and ending 4-30-92
- 7 City Finance Committee
- 8 3 terms commencing 5-1-86 and ending 4-30-90
- 9 Civil Rights Commission, Iowa State, Director
- 10 1 term serving at the pleasure of the governor
- 11 Community Cultural Grants Commission, Iowa
- 12 1 unexpired portion of a term ending 4-30-88
- 13 Corrections, Board of
- 14 2 terms commencing 5-1-86 and ending 4-30-90
- 15 Cosmetology Examiners, State Board of
- 16 1 term commencing 5-1-86 and ending 4-30-89
- 17 Credit Union Review Board
- 18 2 terms commencing 5-1-86 and ending 4-30-89
- 19 1 unexpired portion of a term ending 4-30-86
- 20 Criminal and Juvenile Justice Advisory Council
- 21 7 terms commencing 5-1-86 and ending 4-30-90
- 22 Dietetic Examiners, State Board of
- 23 1 term commencing 5-1-86 and ending 4-30-89
- 24 Dental Examiners, State Board of
- 25 3 terms commencing 5-1-86 and ending 4-30-89
- 26 Energy Policy Council, Director
- 27 1 term serving at the pleasure of the governor
- 28 Engineering and Land Surveying Examiners, State Board of
- 29 2 terms commencing 5-1-86 and ending 4-30-89
- 30 Family Farm Development Authority, Iowa

**Page 3**

- 1 3 terms commencing 5-1-86 and ending 4-30-92
- 2 Foster Care Review Board, State
- 3 2 terms commencing 5-1-86 and ending 4-30-89
- 4 1 unexpired portion of a term ending 4-30-87
- 5 Hearing Aid Dealers, Board of Examiners for
- 6 2 terms commencing 5-1-86 and ending 4-30-89
- 7 Higher Education Loan Authority, Iowa
- 8 1 term commencing 5-1-86 and ending 4-30-92
- 9 Historical Board, State
- 10 2 terms commencing 5-1-86 and ending 4-30-89
- 11 Job Service Appeal Board
- 12 1 term commencing 5-1-86 and ending 4-30-92
- 13 Landscape Architectural Examiners, Board of
- 14 2 terms commencing 5-1-86 and ending 4-30-89
- 15 Law Enforcement Academy Council, Iowa
- 16 2 terms commencing 5-1-86 and ending 4-30-90
- 17 Medical Examiners, State Board of
- 18 3 terms commencing 5-1-86 and ending 4-30-89
- 19 Mental Health and Mental Retardation Commission
- 20 5 terms commencing 5-1-86 and ending 4-30-89
- 21 Mortuary Science Examiners, State Board of

- 22 1 term commencing 5-1-86 and ending 4-30-89
- 23 Nursing Examiners, State Board of
- 24 2 terms commencing 5-1-86 and ending 4-30-89
- 25 Nursing Home Administrators, Board of Examiners for
- 26 2 terms commencing 5-1-86 and ending 4-30-89
- 27 Occupational Safety and Health Review Commission
- 28 1 term commencing 5-1-86 and ending 4-30-92
- 29 Optometry Examiners, State Board of
- 30 2 terms commencing 5-1-86 and ending 4-30-89

**Page 4**

- 1 Parole, Iowa Board of
- 2 3 terms commencing 5-1-86 and ending 4-30-91
- 3 Pharmacy Examiners, State Board of
- 4 2 terms commencing 5-1-86 and ending 4-30-89
- 5 Physical and Occupational Therapy Examiners, State Board of
- 6 2 terms commencing 5-1-86 and ending 4-30-89
- 7 Podiatry Examiners, State Board of
- 8 1 term commencing 5-1-86 and ending 4-30-89
- 9 Psychology Examiners, State Board of
- 10 2 terms commencing 5-1-86 and ending 4-30-89
- 11 Public Employment Relations Board
- 12 1 unexpired portion of a term ending 4-30-86
- 13 1 term commencing 5-1-86 and ending 4-30-90
- 14 Public Health, Commissioner of
- 15 1 unexpired portion of a term ending 4-30-89
- 16 Public Instruction, State Board of
- 17 3 terms commencing 5-1-86 and ending 4-30-92
- 18 2 unexpired portions of terms ending 4-30-90
- 19 Racing Commission, State
- 20 1 term commencing 5-1-86 and ending 4-30-89
- 21 Railway Finance Authority
- 22 1 unexpired portion of a term ending 4-30-86
- 23 1 term commencing 5-1-86 and ending 4-30-92
- 24 Real Estate Commission, Iowa
- 25 1 term commencing 5-1-86 and ending 4-30-89
- 26 Respiratory Care Advisory Committee
- 27 2 terms commencing 5-1-86 and ending 4-30-89
- 28 Social Work Examiners, State Board of
- 29 2 terms commencing 5-1-86 and ending 4-30-89
- 30 Speech Pathology and Audiology Examiners, State Board of

**Page 5**

- 1 2 terms commencing 5-1-86 and ending 4-30-89
- 2 Transportation Commission, State
- 3 2 terms commencing 5-1-86 and ending 4-30-90
- 4 Veterinary Medicine Examiners, State Board of
- 5 1 term commencing 5-1-86 and ending 4-30-89



10 WHEREAS, the Senate is authorized to expend funds  
11 from the state treasury necessary to pay for its  
12 expenses and for expenses incurred jointly by the  
13 Senate and House of Representatives; and  
14 WHEREAS, it is deemed advisable and proper for the  
15 Senate to make expenditures in accordance with a  
16 budgetary plan; NOW THEREFORE,  
17 BE IT RESOLVED BY THE SENATE:  
18 Section 1. Expenditures of the Senate payable  
19 pursuant to Iowa Code sections 2.10 through 2.14  
20 inclusive for the regular legislative session and the  
21 interim period during the fiscal year beginning July  
22 1, 1986 and ending June 30, 1987, are budgeted to be  
23 as follows:  
24 1. Session expenses including members' and  
25 temporary staff compensation and other current  
26 expenses in an amount not to exceed \$1,830,065.  
27 2. Interim expenses including members' and staff  
28 compensation and other current expenses in an amount  
29 not to exceed \$197,000.  
30 3. Fixed expenses, including permanent employees'

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1 compensation and equipment in an amount not to exceed  
2 \$731,000.  
3 Sec. 2. The Secretary of the Senate shall  
4 immediately provide written notice to the majority and  
5 minority leaders of the Senate and to the Chair and  
6 Ranking Member of the Senate Appropriations Committee  
7 if actual expenditures payable pursuant to Iowa Code  
8 sections 2.10 through 2.14 inclusive exceed the  
9 maximum amount allocated to any category of the budget  
10 provided by section 1 of this resolution. The written  
11 notice shall specify the amount of and reasons for any  
12 excess expenditure.  
13 Sec. 3. The expenditures referred to in section 2  
14 of this resolution shall consist only of those sums  
15 required for payment of the various expenses of the  
16 General Assembly including such items as legislative  
17 printing expenses, unpaid expenses incurred during the  
18 interim between sessions of the General Assembly,  
19 expenditures incurred pursuant to resolutions, and  
20 expenses for purchases of legislative equipment and  
21 supplies necessary to carry out the functions of the  
22 General Assembly. Expenses for renovation and  
23 remodeling of the Senate chamber or offices approved  
24 by the Committee on Rules and Administration are not  
25 included in the budget set forth in this resolution.  
26 Sec. 4. If a special session of the General

27 Assembly is held, the Committee on Rules and  
 28 Administration shall provide for consideration of a  
 29 budget for the special session.

1                                   SENATE RESOLUTION 112  
 2           BY: COMMITTEE ON RULES AND ADMINISTRATION

3 A Resolution to amend the permanent Rules of the  
 4 Senate for the Seventy-first General Assembly.  
 5 BE IT RESOLVED BY THE SENATE, That the permanent  
 6 rules of the senate be amended as follows:

7                                   Rule 6  
 8                                   Senate Calendar

- 9    1. Each legislative day the secretary of the  
 10 senate shall prepare a listing of bills to be known as  
 11 the "Senate Calendar".  
 12    2. The senate calendar may contain a listing under  
 13 the category "Special Order" which shall be placed at  
 14 the head of the calendar. Bills in such category  
 15 shall be those which are specifically set for debate  
 16 by the majority leader with the consent of the senate  
 17 on a certain date and time. Bills shall be listed by  
 18 the secretary in the order they are set for debate.  
 19    3. The senate calendar shall include separate  
 20 listings for any bills and resolutions in the  
 21 following categories:  
 22    a. Conference Committee Report  
 23    b. Bills in Conference Committee  
 24    c. House Amendment to Senate Amendment to House  
 25 File  
 26    d. House Refuses to Concur in Senate Amendment to  
 27 House File  
 28    e. Senate Files Amended by the House  
 29    f. Unfinished Business ~~Before the Senate~~  
 30    g. Motions to Reconsider

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- 1    h. Administrative Rules Nullification Resolutions  
 2    i. Veto Messages from the Governor  
 3    4. The secretary shall list bills and resolutions  
 4 in the above categories in the order they are  
 5 received. Upon their first publication in the  
 6 calendar, bills and resolutions in the above  
 7 categories may be called up for debate at any time by  
 8 the majority leader. Motions to reconsider shall be  
 9 called up as provided by Rule 24.  
 10    5. The senate calendar shall include a listing of  
 11 senate appropriations committee bills and bills  
 12 reported out by the senate appropriations committee.  
 13 The list shall be known as the "Appropriations

14 Calendar". The secretary shall list the bills in the  
15 order they are received. Upon their first publication  
16 in the calendar, bills on the appropriations calendar  
17 may be called up for debate at any time by the  
18 majority leader provided they are eligible under Rule  
19 8.

20 6. The senate calendar shall include a listing of  
21 bills which pertain to the levy, assessment or  
22 collection of taxes sponsored by or initially assigned  
23 to and reported out by the senate ways and means  
24 committee. The list shall be known as the "Ways and  
25 Means Calendar". The secretary shall list the bills  
26 in the order they are received. Upon their first  
27 publication in the calendar, bills on the ways and  
28 means calendar may be called up for debate at any time  
29 by the majority leader provided they are eligible  
30 under Rule 8.

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1 7. The senate calendar shall include a list of  
2 bills and resolutions, known as the "Regular  
3 Calendar", which shall consist of bills and  
4 resolutions reported out by a senate committee. The  
5 bills and resolutions reported out each day shall be  
6 placed in the order of their file numbers and  
7 following those reported out on previous days.  
8 Priority shall be given to senate over house bills and  
9 resolutions and to joint resolutions over bills.  
10 Bills and resolutions on the regular calendar shall be  
11 considered in the order they are listed, provided they  
12 are eligible under Rule 8.

13 8. The senate calendar shall include a listing of  
14 the governor's appointees to state boards,  
15 commissions, and other offices submitted pursuant to  
16 senate rule 60 and appropriate statutes. This listing  
17 shall be known as the "Confirmation Calendar".

18 8 9. The majority leader, or in the absence of the  
19 majority leader the assistant majority leaders, may  
20 select from among the first twenty bills on the  
21 previous legislative day's regular calendar and from  
22 the bills selected create a new listing which shall be  
23 known as the "Debate Calendar". The debate calendar  
24 shall list bills as the majority leader expects to  
25 take them up during the following week. A bill or  
26 resolution on the debate calendar may be debated only  
27 when eligible under Rule 8.

28 9 10. The majority leader, or in the absence of  
29 the majority leader the assistant majority leaders,  
30 may initiate action to create a list of bills which

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1 may be debated at any time upon being called up for  
 2 debate by the majority leader. Such list shall be  
 3 known as the "Proposed Noncontroversial Calendar".  
 4 Any bill which appeared on the previous day's regular  
 5 calendar may be placed by any senator on the "Proposed  
 6 Noncontroversial Calendar", which shall be published.  
 7 Any bill on the proposed noncontroversial calendar  
 8 shall be stricken from the list if any senator files a  
 9 written objection with the secretary of the senate on  
 10 the first or second legislative day after it appears  
 11 on the proposed noncontroversial calendar. Any bill  
 12 stricken from the proposed noncontroversial calendar  
 13 shall be returned to its former place on the regular  
 14 calendar. The secretary shall prepare the  
 15 noncontroversial calendar which shall consist of all  
 16 bills on the proposed noncontroversial calendar to  
 17 which no objection was received.  
 18 ~~10~~ 11. If the senate shall not be in session on a  
 19 day assigned in paragraphs eight and nine for action  
 20 upon a calendar, such assigned action shall occur on  
 21 the next succeeding legislative day.  
 22 ~~11~~ 12. On any bill called up for debate from any  
 23 calendar, debate may continue from day to day until it  
 24 is adopted, fails, or is postponed or deferred. If  
 25 further debate is postponed or deferred without a time  
 26 to continue being set, except for bills on the debate  
 27 calendar, the bill shall be listed as unfinished  
 28 business. Bills which are returned to the committee  
 29 of first referral or to a different committee after  
 30 being considered by the senate and classified as

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1 unfinished business shall be returned to the  
 2 unfinished business calendar by that committee when  
 3 the bill is reported out of committee. The unfinished  
 4 business date on the calendar shall be the date on  
 5 which the bill was returned to committee. Bills on  
 6 the debate calendar upon which further debate is  
 7 postponed or deferred without a time to continue being  
 8 set shall return to the regular calendar.

## 9 Rule 12

10 Form and Withdrawal of Motions, Amendments and Signatures  
 11 Motions need not be in writing unless required by  
 12 the president or by the senate. No motion requires a  
 13 second. Any amendment, motion (including a motion to  
 14 reconsider), or resolution may be withdrawn by the  
 15 mover if it has not been amended by the senate and if

16 no amendment is pending. All amendments to bills,  
17 resolutions, and reports shall be in writing and filed  
18 before being acted upon by the senate.

19 No amendment, resolution, bill, or conference  
20 committee report shall be considered by the senate  
21 without a copy of the amendment, resolution, bill, or  
22 conference committee report being on the desks of the  
23 entire membership of the senate prior to  
24 consideration.

25 All amendments, reports, petitions or other  
26 documents requiring a signature shall have the name  
27 typed under the place for the signature. Once a  
28 signature is affixed and the document containing the  
29 signature filed with the recording clerk in the well,  
30 that signature shall not be removed.

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1 When an amendment to a main amendment is filed that  
2 would negate the effect of the main amendment and  
3 thereby leave the bill unchanged, the presiding  
4 officer shall have the authority to declare the  
5 amendment to the main amendment out of order, subject  
6 to an appeal to the full senate.

7 When a house amendment to a senate file is before  
8 the senate, an amendment to the house amendment shall  
9 be considered an amendment in the second degree. Any  
10 further amendment to a second degree amendment shall  
11 be considered an amendment in the third degree and is  
12 not in order.

13 Rule 31

14 Nullification Resolutions

15 A nullification resolution may be introduced by a  
16 standing committee or the administrative rules review  
17 committee. A nullification resolution introduced by  
18 the administrative rules review committee shall be  
19 referred to the same standing committee it would be  
20 referred to if it was a bill. A nullification  
21 resolution may be ~~presented~~ introduced by a member of  
22 a standing committee.

23 A nullification resolution by a standing committee  
24 may be referred to the administrative rules review  
25 committee by a majority vote of the standing  
26 committee. The administrative rules review committee  
27 may seek an agreement with the affected administrative  
28 agency wherein the agency agrees to voluntarily  
29 rescind or modify a rule or rules relating to the  
30 subject matter of the nullification resolution. An

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1 agreement to voluntarily rescind or modify an  
 2 administrative agency rule shall be in writing and  
 3 signed by the chief administrative officer of the  
 4 administrative agency and a majority of the  
 5 administrative rules review committee members of each  
 6 house and shall be placed on file in the offices of  
 7 the chief clerk of the house, the secretary of the  
 8 senate and the secretary of state. If an agreement is  
 9 not reached, or the nullification resolution is not  
 10 approved by a majority of the administrative rules  
 11 review committee members of each house, within two  
 12 weeks of the date the resolution is referred to the  
 13 committee, the resolution shall be placed on the  
 14 calendar. If the nullification resolution is approved  
 15 by the administrative rules review committee it shall  
 16 be placed on the calendar. A nullification resolution  
 17 is subject to a motion to withdraw the nullification  
 18 resolution from the committee as provided in the rules  
 19 of that house.

20 A nullification resolution is debatable, but cannot  
 21 be amended on the floor of the house or senate.

## COMMITTEES AND COMMITMENT

## Rule 34

## Committee Appointments

22 Committee appointments shall be made by the  
 23 ~~president, after consultation with and approval by the~~  
 24 majority leader for majority party members, after  
 25 consultation with the president, and by the minority  
 26 leader for minority party members, after consultation  
 27 with the president. No senator shall serve on more

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1 than five committees. The ~~president, after~~  
 2 ~~consultation with and approval by the majority leader,~~  
 3 after consultation with the president, shall designate  
 4 the chairperson and vice-chairperson of each standing  
 5 committee. The ~~president, after consultation with and~~  
 6 ~~approval by the minority leader, after consultation~~  
 7 with the president, shall designate the ranking  
 8 member of each standing committee from the minority  
 9 membership of that committee.

10 The vice-chairperson appointed by this rule is the  
 11 "ranking member" for the purposes of section 2.14,  
 12 subsection 1, of the Code.

## CONFIRMATION OF APPOINTMENTS

## Rule 60

## Appointments

13 The secretary of the senate shall:  
 14 a. send, to each appointee submitted by the

18 governor for senate confirmation, a copy of a senate  
19 questionnaire as approved by the rules and  
20 administration committee;  
21 b. receive completed questionnaires from  
22 appointees and forward copies of the completed  
23 questionnaires to appropriate committee members;  
24 c. maintain "Confirmation Calendar" categories on  
25 the senate calendar as directed under this rule,  
26 senate rule 6, and by the committee on rules and  
27 administration. No appointee shall be listed as  
28 eligible on the confirmation calendar until the  
29 secretary has received the appointee's completed  
30 senate questionnaire.

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1 The secretary of the senate shall maintain a file  
2 of all appointments received from the governor for  
3 confirmation. The file shall contain a description of  
4 the duties and the compensation for each nominee. The  
5 file shall show the date an appointment was received  
6 from the governor, whether the appointment letter was  
7 read to the senate, whether the nominee has been  
8 introduced, ~~and~~ whether a committee report has been  
9 filed, when the senate questionnaire was sent to the  
10 appointee, and shall include a copy of the appointee's  
11 completed senate questionnaire, upon receipt.  
12 INVESTIGATING COMMITTEES. All appointments  
13 received from the governor shall be referred to the  
14 rules and administration committee by the secretary of  
15 the senate on the same day they are read to the  
16 senate. The rules and administration committee shall  
17 establish an en bloc confirmation calendar which must  
18 be filed with the secretary of the senate. Within  
19 three legislative days after receiving an appointment,  
20 the committee shall either place a nominee on the en  
21 bloc confirmation calendar or assign the nominee to an  
22 appropriate standing committee for further  
23 investigation, publishing notice of such assignment in  
24 the senate journal for the next legislative day. If  
25 the rules and administration committee fails to take  
26 action on a nominee within the three days, the nominee  
27 shall automatically be placed on the en bloc  
28 confirmation calendar.  
29 Within the three legislative days after an  
30 appointment has been referred to the rules and

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1 administration committee, any ten senators may require  
2 that the nominee be assigned to an appropriate  
3 standing committee by filing a written, signed request  
4 therefor with the chairperson of the rules and  
5 administration committee. The committee chair shall  
6 refer the appointment to a subcommittee within one  
7 legislative day after a standing committee receives an  
8 appointment for further investigation, publishing  
9 notice of such assignment in the senate journal for  
10 the next legislative day. Within ten legislative days  
11 after a standing committee receives an appointment for  
12 further investigation the subcommittee shall file its  
13 report with the standing committee.

14 Within three legislative days after a standing  
15 committee receives an appointment for further  
16 investigation, the committee shall conduct an  
17 investigation of the nominee and file its report  
18 thereon with the secretary of the senate, who shall  
19 then place the nominee on the en bloc calendar or  
20 individual confirmation calendar as directed by the  
21 committee. The failure of a committee to file its  
22 report within the prescribed time means that the  
23 nominee is to be automatically placed, without  
24 recommendation, upon the individual confirmation  
25 calendar.

26 Any senator within five (5) days following a  
27 nominee's name being published in the journal may  
28 request that said nominee be introduced to the full  
29 senate by submitting a written request with the  
30 secretary of the senate. In any event, all nominees

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1 who are referred by the rules and administration  
2 committee to a standing committee shall be introduced  
3 to the full senate prior to a vote on confirmation of  
4 the nominee.

5 HEARINGS. Any member of a committee investigating  
6 an appointment may obtain a hearing with the nominee  
7 by filing a written request with the chair of the  
8 investigating committee within five (5) legislative  
9 days after the committee receives the appointment. At  
10 the hearing, which shall be before the investigating  
11 committee, the nominee may be questioned as to his or  
12 her qualifications to fulfill the office to which  
13 nominated and further questioned as to his or her  
14 viewpoints on issues facing the office to which  
15 nominated. Notice of the hearing shall be published  
16 in the journal at least three (3) days prior to the  
17 hearing. Any senator may at the discretion of the

18 chair of the investigating committee be permitted to  
19 submit oral questions. The public may, at the  
20 discretion of the investigating committee, be  
21 permitted to submit oral or written statements as to  
22 the qualifications of the nominee.

23 Also, within five (5) days after the investigating  
24 committee receives an appointment for investigation,  
25 any senator may submit written questions to be  
26 answered by the nominee prior to consideration of the  
27 nominee's confirmation by the senate.

28 VOTING ON CONFIRMATIONS. Upon the motion of the  
29 majority leader or his or her designee, the nominees  
30 on the en bloc confirmation calendar shall be

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1 confirmed en bloc by the affirmative vote of two-  
2 thirds of the members elected to the senate. The  
3 journal shall reflect a single roll call accompanied  
4 by a statement of the names of those individuals  
5 subject to the en bloc confirmation vote.

6 Prior to an en bloc vote, any senator may request  
7 an individual vote on any nominee on the en bloc  
8 confirmation calendar. The senate shall vote  
9 separately on the nominee.

10 Nominees on the individual confirmation calendar  
11 shall be confirmed by a two-thirds vote; however, the  
12 senate shall take a separate roll call on each  
13 nominee, unless by unanimous consent, it determines to  
14 take one vote on all nominees under consideration. In  
15 any case, the journal shall reflect a single roll call  
16 vote for each nominee.

1 SENATE CONCURRENT RESOLUTION 107

2 BY: COLTON

3 A Senate Concurrent Resolution relating to American Indian  
4 Recognition.

5 WHEREAS, the native Americans have played a  
6 significant role in the history of the United States  
7 and of Iowa; and

8 WHEREAS, the native Americans were responsible for  
9 the development of maize, the forerunner to the  
10 agricultural product on which Iowa is greatly  
11 dependent; and

12 WHEREAS, the nickname of this great state, Hawkeye,  
13 reflects the native American role in Iowa's heritage;  
14 and

15 WHEREAS, the contributions given by native  
16 Americans to the citizens of Iowa are great in number

17 and importance; NOW THEREFORE,  
 18 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,  
 19 That Iowa recognizes that the native Americans  
 20 sacrificed much for the citizens of this state; and  
 21 BE IT FURTHER RESOLVED, That the Monday of the week  
 22 of Thanksgiving of each year be recognized as Native  
 23 American Day to signify the appreciation of Iowans for  
 24 the native Americans and the roles that they played in  
 25 nurturing Iowa to the great state that it is.

1 SENATE CONCURRENT RESOLUTION 110  
 2 BY: COMMITTEE ON AGRICULTURE  
 3 A Concurrent Resolution regarding the federal government's  
 4 policy of requiring a minimum interest rate of nine  
 5 percent on farm contract sales.  
 6 WHEREAS, high interest rates have contributed to  
 7 the rapid decline in farmland values and have caused  
 8 widespread default on farm contract sales; and  
 9 WHEREAS, farmers are searching for ways to remain  
 10 on the farm and retain equity in their holdings; and  
 11 WHEREAS, contract buyers and sellers should have  
 12 the freedom to negotiate contract rates that will help  
 13 stabilize farm contract sales; NOW THEREFORE,  
 14 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,  
 15 That the Congress of the United States is urged to  
 16 take action to implement a farm tax policy that would  
 17 remove the minimum nine percent interest rate  
 18 requirement on farm contract sales; and  
 19 BE IT FURTHER RESOLVED, That a copy of this  
 20 resolution be sent to each member of the Iowa  
 21 Congressional Delegation; and  
 22 BE IT FURTHER RESOLVED, That a copy of this  
 23 resolution also be sent to the legislative leaders and  
 24 agricultural committee chairpersons in the states of  
 25 Illinois, Indiana, Kansas, Minnesota, Missouri,  
 26 Montana, Nebraska, North Dakota, Oklahoma, South  
 27 Dakota, Wisconsin, and Wyoming; and  
 28 BE IT FURTHER RESOLVED, That the aforementioned  
 29 legislative leaders be asked to join Iowa in this  
 30 effort by contacting their Congressional Delegations.

1 SENATE CONCURRENT RESOLUTION 112  
 2 BY: DOYLE, MILLER of Des Moines, and JENSEN  
 3 A Senate Concurrent Resolution extending congratulations and  
 4 giving special recognition to veterans of the China-Burma-  
 5 India theater of operations during World War II.  
 6 WHEREAS, during World War II, many Iowans were

7 members of the armed forces who served in the China-  
8 Burma-India theater of operations which was ended on  
9 March 2, 1946, making 1986 the 40th Anniversary; and  
10 WHEREAS, the national China-Burma-India veterans  
11 association, organized by and for veterans of that  
12 theater has designated March 15, 1986, as the day to  
13 remember the service and sacrifice of those men and  
14 women who served there, and to celebrate the 40th  
15 anniversary; and

16 WHEREAS, Iowa's China-Burma-India veterans received  
17 a charter in April, 1955 to organize the Carl F.  
18 Moershel Basha and have maintained an active statewide  
19 organization throughout the years with a current  
20 membership of over 125 veterans; NOW THEREFORE,

21 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,  
22 That on their 40th Anniversary congratulations and  
23 special recognition be given to the men and women who  
24 served in China, Burma and India, and to those who  
25 have preserved the memory of the China-Burma-India  
26 theater of operations.

1 SENATE CONCURRENT RESOLUTION 118

2 BY: LIND and CORNING

3 A Senate Concurrent Resolution extending support for the  
4 erection and dedication for the Black Hawk County Viet  
5 Nam Veterans Memorial.

6 WHEREAS, forty-three Iowans from Black Hawk County  
7 were killed in action during the Viet Nam War and two  
8 others are still missing in action; and

9 WHEREAS, A Black Hawk County Viet Nam Veterans  
10 Memorial monument is proposed for erection and  
11 dedication in Paramount Park in Waterloo, Iowa; and

12 WHEREAS, the proposed Black Hawk County Viet Nam  
13 Veterans Memorial monument will honor all the  
14 military personnel from Black Hawk County who served  
15 in the Viet Nam War; and

16 WHEREAS, the Black Hawk County Viet Nam Veterans  
17 Memorial Committee is requesting the support of all  
18 Iowans and, in particular, the citizens of Black Hawk  
19 County to fulfill its financial goal for the proposed  
20 Memorial project; NOW THEREFORE,

21 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,  
22 That the General Assembly of the State of Iowa  
23 supports the efforts of the Black Hawk Viet Nam  
24 Veterans Memorial Committee to fund and erect a Black  
25 Hawk County Viet Nam Veterans Memorial monument to  
26 honor Viet Nam era veterans and urges Iowans,  
27 especially the citizens of Black Hawk County, to  
28 support the Committee's fund-raising efforts; and  
29 BE IT FURTHER RESOLVED, That a copy of this  
30 resolution be forwarded to Mr. William Craig,

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1 Chairman, The Black Hawk County Viet Nam Veterans  
2 Memorial Committee.

1 SENATE CONCURRENT RESOLUTION 134

2 BY: Committee on Rules and Administration

3 A Senate Concurrent Resolution relating to interim  
4 studies.

5 WHEREAS, many resolutions and bills have been  
6 introduced in both the Senate and the House of  
7 Representatives calling for interim studies; and

8 WHEREAS, several legislators have indicated a  
9 desire to introduce resolutions proposing additional  
10 interim studies; and

11 WHEREAS, the time period between the 1986 Session  
12 of the Seventy-first General Assembly and the 1987  
13 Session of the Seventy-second General Assembly is  
14 limited and there have been proposals for studies  
15 which appear to have merit but, because of their  
16 complexity and number, cannot all be properly  
17 conducted during the next interim period; and

18 WHEREAS, it is impractical to debate the relative  
19 merits of all proposals; and

20 WHEREAS, many resolutions have been referred to the  
21 Senate Committee on Rules and Administration or remain  
22 in the possession of the House under House Rule 25;

23 NOW THEREFORE,

24 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

25 That all resolutions calling for interim studies which  
26 have not been adopted by both Houses be delivered by  
27 the Secretary of the Senate, on the part of the  
28 Senate, and the Chief Clerk of the House, on the part  
29 of the House, to the Legislative Council, which shall  
30 determine priorities and shall authorize such studies

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1 as may be feasible within the limits of the staff,  
2 time and funds available; and

3 BE IT FURTHER RESOLVED, That any legislators  
4 desiring to propose any interim study not already  
5 contained in a resolution already filed shall submit a  
6 letter to the Secretary of the Senate or the Chief  
7 Clerk of the House describing the study; and

8 BE IT FURTHER RESOLVED, That the Secretary of the  
9 Senate and Chief Clerk of the House shall deliver such  
10 letters to the Legislative Council with any  
11 resolutions already filed. The Legislative Council  
12 shall give equal consideration to all studies

1           SENATE CONCURRENT RESOLUTION 140  
2           BY: COMMITTEE ON RULES AND ADMINISTRATION  
3 A Senate Concurrent Resolution to provide for  
4 adjournment sine die.  
5 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,  
6 That when adjournment is had on Friday, May 2, 1986 it  
7 be the final adjournment of the 1986 Regular Session  
8 of the Seventy-first General Assembly.

## ADDRESSED THE SENATE—

(See also Joint Conventions)

President of the Senate, Robert T. Anderson—1-3

President pro tempore of the Senate, James D. Wells—9, 1609

Majority floor leader of the Senate, C.W. (Bill) Hutchins—3-4, 1609

Minority floor leader of the Senate, Calvin O. Hultman—4-6, 1609

The Honorable Ben Briscoe, member of the Irish Parliament—701-702

## ADMINISTRATIVE RULES REVIEW COMMITTEE—

Bills introduced—1111

Amendments filed—1295

## ADVISORY INVESTMENT BOARD OF THE IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM—

(See IPERS, Advisory Investment Board)

## AGING, COMMISSION ON—

Senators appointed to—60

## AGRICULTURE, COMMITTEE ON—

Appointees, investigation of—843

Bills introduced—70, 132, 241, 253, 303, 356, 394, 478, 542, 573, 592, 595

Amendments filed—352, 477, 551, 609

Committee appointments—46

Investigating committee reports—1011, 1069

Resolutions offered—65, 66, 356, 480

Subcommittee assignments—85, 86, 129, 187, 188, 189, 246, 247, 248, 296, 312, 349, 350, 352, 405, 466, 563, 598, 784, 785, 864

Subcommittee assignments, governor's appointments—865

## AMENDMENTS—

(See also Bills)

Out of order—

House File 665, S-5500—1289

House File 2484, S-5915—1507

House File 2484, S-5873, S-5890, S-5900—1508

Amendments printed after session—1641-2883.

Amendments ruled eligible (formerly ruled out of order)—House File 2484, S-5898 to S-5791—1483

Corrected House Amendments—1092

## ANDERSON, ROBERT T.—President of the Senate—

(See Lieutenant Governor Anderson, Robert T., President of the Senate)

## APPOINTEES—

Accountancy, Board of:

Iverson, Alvin E.—774, 841, 1125, 1131

McNulty, Diane J.—774, 841, 1125, 1131

- Advance Funding Authority:  
Harker, Betty Jo—119, 141, 174, 321, 460, 461  
Seldon, Marvin R.—119, 141, 174, 321, 460, 461
- Architectural Examiners, Board of:  
Dikis, William M.—774, 841, 1125, 1131  
Roberts, Ruth M.—123, 172, 259-261  
Roberts, Ruth M.—774, 841, 1125, 1131
- Banking, Superintendent of:  
Bernau, William R.—124, 140, 173, 349
- Barber Examiners, Board of:  
Maiers, Al C.—776, 841, 1126, 1131  
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- Senate File 2043 - Senator Peterson—1219
- Senate File 2044 - Senator Lind—651
- Senate File 2049 - Senator Hutchins—1168
- Senate File 2049, S-5661 - Senator Hutchins—1168
- Senate File 2050 - Senator Peterson—1219
- Senate File 2051 - Senator Readinger—246
- Senate File 2057 - Senator Brown—926
- Senate File 2062 - Senator Corning—811
- Senate File 2078 - Senator Corning—811
- Senate File 2083 - Senator Readinger—512
- Senate File 2088 - Senator Dieleman—686
- Senate File 2088 - Senator Hutchins—1168
- Senate File 2092 - Senator Readinger—280
- Senate File 2092 - Senator Gettings—280
- Senate File 2100 - Senator Lind—365
- Senate File 2100 - Senator Welsh—435
- Senate File 2108 - Senator Hutchins—1168
- Senate File 2108 - Senator Welsh—1169
- Senate File 2116 - Senator Gettings—280
- Senate File 2116 - Senator Vande Hoef—1226
- Senate File 2123 - Senator Lind—365
- Senate File 2123 - Senator Hutchins—1168
- Senate File 2123 - Senator Welsh—1169
- Senate File 2124 - Senator Lind—365

- Senate File 2134 - Senator Corning—811
- Senate File 2134 - Senator Dieleman—857
- Senate File 2144 - Senator Lind—1144
- Senate File 2159 - Senator Lind—365
- Senate File 2159 - Senator Welsh—435
- Senate File 2165 - Senator Lind—365
- Senate File 2165 - Senator Welsh—435
- Senate File 2165 - Senator Hutchins—1219
- Senate File 2165 - Senator Peterson—1219
- Senate File 2166 - Senator Lind—365
- Senate File 2166 - Senator Welsh—435
- Senate File 2167 - Senator Lind—651
- Senate File 2172 - Senator Dieleman—740
- Senate File 2172 - Senator Corning—811
- Senate File 2175 - Senator Readinger—1412
- Senate File 2177 - Senator Hutchins—1219
- Senate File 2177 - Senator Peterson—1219
- Senate File 2193 - Senator Lind—651
- Senate File 2205 - Senator Hannon—771
- Senate File 2205 - Senator Corning—811
- Senate File 2207 - Senator Lind—651
- Senate File 2207 - Senator Hutchins—1219
- Senate File 2207 - Senator Peterson—1219
- Senate File 2231 - Senator Corning—811
- Senate File 2234 - Senator Hutchins—1219
- Senate File 2234 - Senator Peterson—1219
- Senate File 2235 - Senator Hannon—771
- Senate File 2235 - Senator Corning—811
- Senate File 2239 - Senator Corning—811
- Senate File 2247 - Senator Dieleman—857
- Senate File 2253 - Senator Corning—811
- Senate File 2253 - Senator Hutchins—1219
- Senate File 2253 - Senator Peterson—1219
- Senate File 2255 - Senator Hutchins—1219
- Senate File 2255 - Senator Peterson—1219
- Senate File 2256 - Senator Corning—811
- Senate File 2261 - Senator Dieleman—857
- Senate File 2263 - Senator Hannon—771
- Senate File 2263 - Senator Corning—811
- Senate File 2265 - Senator Dieleman—857
- Senate File 2265, S-5418, S-5411 - Senator Dieleman—865
- Senate File 2265, S-5426, S-5412 - Senator Dieleman—865
- Senate File 2265 - Senator Corning—1344
- Senate File 2265 - Senator Lind—1386
- Senate File 2265, S-5720 - Senator Lind—1386
- Senate File 2269 - Senator Corning—811
- Senate File 2269, S-5379 - Senator Corning—811
- Senate File 2270 - Senator Brown—926
- Senate File 2270, S-5438 - Senator Brown—926
- Senate File 2276 - Senator Dieleman—857

- Senate File 2283 - Senator Hutchins—1219
- Senate File 2283 - Senator Peterson—1219
- Senate File 2284 - Senator Lind—1144
- Senate File 2289 - Senator Lind—1386
- Senate File 2294 - Senator Corning—1344
- Senate File 2294 - Senator Lind—1386
- Senate File 2295 - Senator Lind—1386
- Senate File 2297 - Senator Lind—1386
- Confirmation of Robert A. Jackson, Sr. - Senator Brown—926
- House File 102 - Senator Lind—1386
- House File 102, S-5603 - Senator Lind—1386
- House File 392 - Senator Lind—1144
- House File 466 - Senator Coleman—994
- House File 497 - Senator Readinger—280
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- House File 635 - Senator Readinger—280
- House File 635 - Senator Gettings—280
- House File 644 - Senator Lind—651
- House File 710 - Senator Coleman—994
- House File 712 - Senator Lind—651
- House File 714 - Senator Lind—651
- House File 717 - Senator Lind—1144
- House File 724 - Senator Dieleman—1069
- House File 2032 - Senator Lind—1144
- House File 2060 - Senator Lind—1144
- House File 2070 - Senator Lind—365
- House File 2091 - Senator Lind—651
- House File 2164 - Senator Lind—1144
- House File 2197 - Senator Brown—926
- House File 2197, S-5378B - Senator Brown—926
- House File 2216 - Senator Dieleman—1069
- House File 2225 - Senator Readinger—512
- House File 2226 - Senator Lind—1144
- House File 2226, S-5576 - Senator Lind—1144
- House File 2280 - Senator Lind—1144
- House File 2287 - Senator Lind—651
- House File 2330 - Senator Lind—1144
- House File 2339, S-5649B - Senator Hutchins—1168
- House File 2344 - Senator Lind—1144
- House File 2348 - Senator Lind—1144
- House File 2349 - Senator Lind—1144
- House File 2354 - Senator Lind—1144
- House File 2363 - Senator Lind—1144
- House File 2378 - Senator Hutchins—1168
- House File 2380 - Senator Corning—811
- House File 2380, S-5377A - Senator Hannon—811
- House File 2380, S-5377A, S-5377B - Senator Corning—811
- House File 2380 - Senator Brown—926
- House File 2387 - Senator Lind—1144
- House File 2390 - Senator Lind—1144

House File 2395 - Senator Dieleman—1069  
 House File 2402 - Senator Lind—1144  
 House File 2405 - Senator Lind—1144  
 House File 2409 - Senator Lind—1144  
 House File 2423 - Senator Hutchins—1168  
 House File 2423 - Senator Welsh—1169  
 House File 2423, S-5564 - Senator Hutchins—1168  
 House File 2423, S-5564 - Senator Welsh—1169  
 House File 2443 - Senator Hutchins—1168  
 House File 2452 - Senator Lind—1144

#### FEDERAL AGENCIES—

(See President of the United States, Congress and/or Federal Agencies)

#### FRAISE, EUGENE—Senator Thirty-first District

Bills introduced—167, 208, 368, 394  
 Amendments filed—68, 142, 199, 256, 267, 388, 397, 398, 407, 923, 1046,  
 1208, 1414, 1466  
 Committee appointments—36, 46, 47, 48  
 Credential report—6-8  
 Oath of office—8  
 Presided at sessions of the Senate—1325, 1466  
 Reports—45  
 Resolutions offered—1426  
 Standing committees and subcommittees appointed to—49  
 Subcommittee assignments—61, 62, 85, 86, 129, 189, 218, 249, 296, 312, 323,  
 350, 405, 466, 467, 508, 509, 761, 762, 785, 828, 855, 892  
 Subcommittee assignments, governor's appointments—865

#### GENERAL ASSEMBLY - SENATE—

(See also Rules and Administration and/or President of the United States, Congress, Federal Agencies and/or Study Committees in this General Index and/or Senate Concurrent Resolutions, Senate Resolutions, and House Concurrent Resolutions listed in Legislative Index Volume)

##### Resolutions relating to:

Senate Concurrent Resolution 101, commemorating those who have lost their lives because of the farm crisis. S.J. 58, 65, 93, 98 adopted as amended - H.J. 116, 125  
 Senate Concurrent Resolution 103, commemorating Martin Luther King Day. S.J. 102, 105, 108 adopted - H.J. 116, 125  
 Senate Concurrent Resolution 107, "Native American Day", to signify the appreciation of Iowans for the Native Americans. S.J. 209, 226, 272, 589, 666 adopted - H.J. 714, 727, 940 adopted  
 Senate Concurrent Resolution 109, recommend adequate funding of research projects at Iowa State University. S.J. 356, 357, 501 adopted - H.J. 551, 566  
 Senate Concurrent Resolution 115, Governor and g. a. seek to remedy the inequitable financial participation by the state in reimbursing

- nursing home providers under med. assistance program. S.J. 569, 582, 652
- Senate Concurrent Resolution 116, designate July, 1986 as "Buy America" month, S.J. 667, 699, 760, 1010, 1200 adopted - H.J. 1479, 1494
- Senate Concurrent Resolution 117, annual Farm Progress Show, "The World's Fair of Agriculture". S.J. 827, 856, 891, 1010, 1093, 1200, 1201 adopted as amended - H.J. 1479, 1494
- Senate Concurrent Resolution 118, extend support for the erection and dedication for the Black Hawk County Vietnam Veterans Memorial. S.J. 846, 863, 915, 1010, 1201 adopted - H.J. 1479, 1494. Substituted for HCR 124 & adopted H.J. 1609-1610
- Senate Concurrent Resolution 120, general assembly urge support of the Civil Rights Restoration Act of 1985. S.J. 1225, 1244
- Senate Concurrent Resolution 121, joint meeting regarding the recent decline in beef cattle prices. S.J. 1243, 1244
- Senate Concurrent Resolution 126, Board of regents' ten-year building program. S.J. 1390, 1391, 1396, 1400
- Senate Resolution 101, amend Senate Rules, 33, 39 and 60. S.J. 19, 32, 20 adopted
- Senate Resolution 102, revise schedule for action on gubernatorial appointments. S.J. 308, 313, 315, 316 adopted
- Senate Resolution 104, defer action on confirmation of certain appointments submitted by Governor. S.J. 1225, 1226, 1239 adopted
- Senate Resolution 111, Senate legislative expenses. S.J. 1583, 1584 adopted
- Senate Resolution 112, amend permanent rules. S.J. 1586 adopted
- House Concurrent Resolution 113, general assembly endorse "Iowa Homecoming 86". H.J. 465, 639 adopted - S.J. 674, 725, 761, 1011, 1202 adopted - H.J. 1477
- House Concurrent Resolution 127, g. a. urge Congress not to reduce federal funding of the Job Training Partnership Act. H.J. 1295, 1556 adopted - S.J. 1320, 1322, 1386, 1448, 1454 adopted - H.J. 2035
- House Concurrent Resolution 133, bd. of regents' ten-year building program, providing for the purchase of equipment. H.J. 1829, 1836-1838 adopted, 1844 - S.J. 1425, 1446, 1493, 1524-1525 adopted, 1531 - H.J. 2014. Approved 5-27-86
- House Concurrent Resolution 134, bd. of regents' ten-year building program, providing for Gilman Hall remodeling, phase II, ISU of science and technology. H.J. 1829, 1832-1834 adopted, 1844 - S.J. 1425, 1446, 1493, 1525-1526 adopted, 1531 - H.J. 2014. Approved 5-27-86
- House Concurrent Resolution 135, bd. of regents' ten-year building program, providing for the construction and equipment of a classroom/office bldg. at UNI. H.J. 1829, 1834-1836 adopted, 1844 - S.J. 1425, 1446, 1493, 1527, 1528 adopted, 1531 - H.J. 2014. Approved 5-27-86
- House Concurrent Resolution 136, bd. of regents' ten-year building program, providing for the chemistry botany remodeling phase

II at U of I. H.J. 1829, 1830-1832 adopted, 1844 - S.J. 1426, 1446, 1494, 1526, 1527 adopted, 1531 - H.J. 2014. Approved 5-27-86

GENTLEMAN, JULIA B.—Senator Forty-first District

Bills introduced—52, 314, 315

Amendments filed—68, 240, 354, 371, 383, 384, 387, 388, 389, 390, 397, 398, 415, 417, 424, 645, 653, 722, 727, 789, 805, 807, 814, 830, 862, 1001, 1013, 1014, 1028, 1029, 1034, 1093, 1146, 1155, 1220, 1245, 1317, 1429, 1458, 1464, 1465, 1467, 1470, 1495, 1573, 1579

Amendments offered—301, 387, 390, 393, 417, 418, 426, 431, 438, 722, 802, 805, 807, 899, 1001, 1034, 1089, 1097, 1155, 1156, 1175, 1233, 1235, 1329, 1346, 1467, 1470, 1555

Amendments withdrawn—862, 1097, 1232

Committee appointments—46, 47, 48, 454, 1326, 1532

Presented winners of the essay contest of the Iowa Commission on the Status of Women to “Write Women Back Into History”, Frank Sacket, Spencer; Christine Faber, Parnell; Brent Johnson, Manson; Honorable Mention: Matt Gunderman, West Des Moines; Mary Hutson, Des Moines; Jenny Synhorst, Spencer; Nam Van Cao, Spencer; Margie Welsh, Argyle—500

Reports—1634, 1640

Standing committees and subcommittees appointed to—49, 950

Subcommittee assignments—50, 51, 63, 64, 85, 86, 105, 107, 176, 188, 224, 247, 248, 272, 273, 296, 324, 325, 351, 352, 364, 382, 434, 435, 457, 466, 508, 563, 598, 686, 784, 785, 855

Subcommittee assignments, governor’s appointments—155, 173, 186, 857, 866

GETTINGS, DONALD E.—Senator Thirty-third District

Bills introduced—131, 208, 222, 368, 394

Amendments filed—396, 397, 814, 1266, 1327, 1464, 1487

Amendments offered—636, 1055, 1327, 1487

Amendments withdrawn—1325

Committee appointments—46, 47, 48, 454, 1620

Petitions presented—1092

Reassigned subcommittees—597

Reports—1620, 1638

Standing committees and subcommittees appointed to—48

Subcommittee assignments—62, 176, 280, 323, 382, 434, 597, 598, 618, 652, 669, 760, 761, 784, 891, 915, 1112, 1261, 1293, 1315, 1386, 1437, 1452

Subcommittee assignments, governor’s appointments—830

GIFTS—

(See Presentation of Gifts)

GOODWIN, NORMAN J.—Senator Nineteenth District

Bills introduced—16, 284, 319, 355

Amendments filed—68

Appointed to Commission on the Aging—60

Committee appointments—47, 48  
 Standing committees and subcommittees appointed to—49  
 Subcommittee assignments—50, 61, 62, 129, 176, 189, 205, 218, 237, 247,  
 248, 332, 364, 433, 466, 597, 669, 748, 761, 762, 828, 892, 893

GOVERNOR BRANSTAD, TERRY E.—

Addressed joint convention—36-42  
 Bills signed by—279, 396, 727, 813, 902, 1091, 1169, 1182-1183, 1219, 1244-  
 1245, 1263-1264, 1283, 1335-1336, 1422-1423, 1428, 1538-1539, 1612  
 Condition of the State and Budget Message—36-42  
 Committees to notify and/or report—8, 9, 35-36, 1620, 1621  
 Committees to escort—36, 78  
 Communications from—119-124, 326, 495, 772-778, 936, 949, 1094, 1622-  
 1623  
 Veto messages—1282-1283, 1628-1629  
 Resolution relating to Condition of the State and Budget Message, HCR  
 101—20, 21 adopted  
 Resolution relating to Senate Concurrent Resolution 115, Governor and g.a.  
 seek to remedy the financial participation by the state in reimbursing  
 nursing home providers under med. assistance program. S.J. 569, 582,  
 652  
 Resolution relating to House Concurrent Resolution 122, request Governor  
 Branstad to prevent the sending of Iowa National Guard units to  
 Honduras. H.J. 566, 638, 639, 640, 641, 642, 647-649 adopted, 706 -  
 S.J. 716, 739, 784, 1226-1227, 1266, 1325, 1326, 1327 as amended adopted,  
 1333, 1334, 1336, 1343 - H.J. 1634, 1697  
 Closing message—1622-1623

GRATIAS, ARTHUR L.—Senator Fifteenth District

Bills introduced—28, 167, 208, 243, 278, 346  
 Amendments filed—191, 398, 407, 544, 789, 1093, 1414, 1453, 1464  
 Amendments offered—486, 500, 544, 1099, 1487  
 Appointed to Education Commission of the States—60  
 Committee appointments—36, 47, 48  
 Reassigned subcommittees—140  
 Reports—45, 1335  
 Resolutions offered—1357, 1370  
 Standing committees and subcommittees appointed to—58  
 Subcommittee assignments—61, 62, 83, 84, 85, 107, 115, 116, 157, 158, 159,  
 188, 238, 247, 248, 273, 311, 323, 364, 433, 434, 457, 474, 564, 597, 685,  
 739, 748, 784, 785, 893  
 Subcommittee assignments, governor's appointments—155, 829, 830, 857

GRONSTAL, MICHAEL E.—Senator Fiftieth District, Assistant Majority Leader

Bills introduced—208, 241, 242, 253, 368, 394  
 Amendments filed—312, 325, 378, 388, 396, 397, 398, 407, 609, 624, 687,  
 742, 844, 858, 923, 1004, 1006, 1046, 1083, 1084, 1108, 1123, 1317, 1433,  
 1453, 1458, 1464, 1473, 1476, 1482, 1494  
 Amendments offered—343, 497, 752, 988, 990, 1004, 1006, 1078, 1083, 1084,  
 1086, 1108, 1252, 1328, 1433, 1458, 1482

- Amendments withdrawn—497, 498, 1075, 1477, 1482, 1506
  - Appointed to Medical Assistance Advisory Council—60
  - Committee appointments—46, 47, 48, 49, 1407, 1620
  - Escorted President pro tempore, Senator James D. Wells to rostrum—9
  - Escorted President Pro Tempore Wells to the rostrum and presented him with an engraved plaque on behalf of the members of the Senate in recognition of his service as President pro tempore during the 1986 session of the Seventy-first General Assembly—1609
  - Presided at sessions of the Senate—615, 1043, 1098, 1321
  - Reports—1593, 1621
  - Resolutions offered—313, 543, 1225, 1426
  - Rulings—1099
  - Standing committees and subcommittees appointed to—49
  - Subcommittee assignments—50, 85, 86, 115, 116, 158, 159, 176, 188, 237, 249, 273, 296, 323, 324, 350, 382, 395, 434, 474, 508, 509, 535, 536, 597, 598, 618, 652, 668, 685, 739, 760, 761, 784, 785, 808, 843, 855, 856, 891, 915, 1067, 1112, 1168, 1261, 1293, 1315, 1386, 1437, 1452
  - Subcommittee assignments, governor's appointments—173, 174
  - Witnessed Senator James R. Riordan take Oath of Office—8
- HALL, HURLEY W.—Senator Twenty-fourth District**
- Bills introduced—34, 52, 208, 286, 314
  - Amendments filed—968, 1014, 1070, 1184, 1353, 1362, 1484, 1496, 1579
  - Amendments offered—1064, 1115, 1118, 1353
  - Committee appointments—47, 48, 454, 1306
  - Presided at sessions of the Senate—441
  - Reports—1387, 1635, 1639
  - Rulings—442
  - Standing committees and subcommittees appointed to—49, 949
  - Subcommittee assignments—50, 51, 61, 62, 129, 176, 188, 218, 237, 246, 248, 249, 466, 536, 597, 669, 761, 762, 863, 892, 893
  - Subcommittee assignments, governor's appointments—830
- HANNON, BEVERLY A.—Senator Twenty-second District**
- Bills introduced—14, 118, 208, 286, 368
  - Amendments filed—371, 388, 397, 398, 439, 464, 670, 748, 858, 997, 1046, 1070, 1093, 1123, 1145, 1184, 1245, 1468, 1489, 1495, 1540
  - Amendments offered—439, 642, 737, 754, 909, 1053, 1077, 1099, 1132, 1134, 1213, 1235, 1349, 1468
  - Amendments withdrawn—419, 464, 1166, 1213
  - Appointed to Legislative Council—60
  - Committee appointments—47, 1306, 1620
  - Escorted Senator Lind to the rostrum—210
  - Presided at sessions of the Senate—411, 1610
  - Reassigned subcommittees—140
  - Reports—1335, 1387
  - Resolutions offered—543, 1426
  - Standing committees and subcommittees appointed to—49
  - Subcommittee assignments—83, 84, 85, 86, 107, 116, 129, 159, 176, 188, 189, 224, 237, 238, 246, 312, 325, 351, 352, 364, 365, 382, 434, 435, 457, 563, 597, 686, 784, 785, 855, 864, 892, 893

Subcommittee assignments, governor's appointments—155, 829, 830, 857  
Welcomed sixty cadette, senior and adult Girl Scouts from across Iowa representing six of Iowa's nine Girl Scout Councils—1027

#### HEALTH DATA COMMISSION—

Senator appointed to—60

#### HESTER, JACK W.—Senator Forty-ninth District

Bills introduced—208, 284, 368

Amendments filed—68, 673, 923, 944, 1070, 1295, 1362, 1438, 1540

Amendments offered—630, 944, 1579

Amendments withdrawn—1508

Committee appointments—46, 47, 48, 454, 1306

Petitions presented—951

Reports—6, 1387, 1637

Standing committees and subcommittees appointed to—49

Subcommittee assignments—51, 64, 85, 86, 158, 159, 189, 247, 273, 296, 312,  
323, 324, 349, 350, 352, 364, 365, 382, 405, 466, 507, 508, 509, 597, 598,  
619, 669, 685, 686, 739, 748, 761, 784, 864, 892, 894, 1261, 1315, 1437

Subcommittee assignments, governor's appointments—174, 830, 865

#### HOLDEN, EDGAR H.—Senator Twentieth District, Assistant Minority Leader

Bills introduced—15, 16, 137, 182, 222, 231, 355, 452, 503, 875

Amendments filed—19, 32, 68, 152, 181, 206, 371, 378, 383, 387, 398, 410,  
415, 427, 469, 477, 494, 624, 625, 670, 673, 727, 768, 804, 806, 814, 844,  
853, 868, 923, 927, 958, 963, 968, 997, 1184, 1215, 1220, 1245, 1352,  
1362, 1380, 1383, 1387, 1415, 1456, 1458, 1464, 1487, 1489, 1491, 1495

Amendments offered—19, 88, 152, 193, 268, 378, 416, 417, 426, 528, 624,  
656, 663, 711, 768, 806, 853, 898, 913, 958, 963, 970, 1177, 1215, 1347,  
1352, 1376, 1380, 1383, 1395, 1456, 1487, 1489, 1491

Amendments withdrawn—768, 1164, 1259

Appointed to Health Data Commission—60

Committee appointments—46, 47, 48

Escorted President pro tempore, Senator James D. Wells to rostrum—9

Petitions presented—290

Reports—45, 312

Standing committees and subcommittees appointed to—48

Subcommittee assignments—114, 115, 116, 157, 158, 159, 176, 246, 247, 280,  
281, 295, 296, 297, 323, 324, 350, 351, 352, 434, 474, 509, 536, 598, 619,  
685, 739, 808, 864, 915, 1261, 1322, 1335, 1410

#### HOLT, LEE—Senator Sixth District

Bills introduced—21, 65, 284, 285, 314, 319, 355, 367

Amendments filed—68, 1014, 1123, 1159, 1295, 1362

Amendments offered—1086

Committee appointments—46, 47, 48

Presided at sessions of the Senate—958, 1152, 1377, 1565

Rulings—1156

Standing committees and subcommittees appointed to—48

Subcommittee assignments—50, 63, 86, 106, 158, 159, 176, 177, 188, 224,  
273, 297, 323, 324, 365, 507, 508, 619, 855, 856, 893, 894, 1261, 1437  
Subcommittee assignments, governor's appointments—173, 830

**HORN, WALLY E.—Senator Twenty-fifth District**

Bills introduced—52, 102, 208, 252, 292, 355, 368, 385  
Amendments filed—407, 625, 670, 673, 687, 714, 744, 805, 814, 923, 1028,  
1184, 1220, 1245, 1270, 1453, 1466, 1469, 1478, 1488, 1489, 1495, 1496,  
1517, 1579  
Amendments offered—430, 705, 714, 744, 805, 1179, 1270, 1466, 1469, 1488,  
1489  
Amendments withdrawn—1488, 1489, 1507  
Called up appointees listed on Individual Confirmation Calendar—482  
Committee appointments—46, 47, 48, 1379, 1532  
Petitions presented—332  
Reassigned subcommittees—536  
Reports—1429, 1463, 1569  
Resolutions offered—1426  
Standing committees and subcommittees appointed to—49  
Subcommittee assignments—50, 62, 63, 64, 84, 85, 86, 106, 107, 115, 116,  
140, 176, 188, 247, 248, 296, 297, 312, 324, 350, 351, 364, 365, 382, 433,  
434, 457, 466, 507, 508, 520, 536, 598, 669, 685, 686, 784, 855, 892, 893,  
1182, 1218  
Subcommittee assignments, governor's appointments—155, 173, 829, 830,  
866

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Senate File 97, S-5776—1439  
Senate File 159, S-5266—609  
Senate File 166, S-5628—1095  
Senate File 245, S-5557—1017  
Senate File 276, S-5072—337  
Senate File 293, S-5722—1320  
Senate File 326, S-5109—372  
Senate File 421, S-5976—1618  
Senate File 432, S-5168—407  
Senate File 444, S-5498—937  
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Senate File 505, S-5559—1017  
Senate File 508, S-5598—1059  
Senate File 540, S-5246—551  
Senate File 549, S-5612—1073  
Senate File 590, S-5016—160  
Senate File 2037, S-5586—1048  
Senate File 2043, S-5588—1048  
Senate File 2044, S-5230—496  
Senate File 2049, S-5560—1017  
Senate File 2050, S-5608—1073

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Senate File 2064, S-5018—167  
Senate File 2069, S-5629—1095  
Senate File 2083, S-5678—1181  
Senate File 2084, S-5757—1407  
Senate File 2088, S-5561—1017  
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Senate File 2108, S-5589—1048  
Senate File 2116, S-5520—969  
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Senate File 2123, S-5497—937  
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Senate File 2175, S-5399—799  
Senate File 2177, S-5591—1049  
Senate File 2201, S-5611—1073  
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Senate File 2248, S-5660—1147  
Senate File 2253, S-5592—1049  
Senate File 2255, S-5609—1073  
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House File 2066, S-5937—1532  
House File 2167, S-5759 to H-5767—1408  
House File 2178, S-5699—1248  
House File 2197, S-5484—921  
House File 2344, S-5711—1287  
House File 2349, S-5753—1400  
House File 2380, S-5654 to H-5554—1143  
House File 2393, S-5805 to H-5857—1460  
House File 2405, S-5710—1287

House File 2407, S-5709—1287  
 House File 2454, S-5782 to H-5838—1439  
 House File 2457, S-5755—1400  
 House File 2462, S-5760 to H-5860—1408  
 House File 2471, S-5777 to H-6033—1439  
 House File 2473, S-5968 to H-2473—1577  
 House File 2483, S-5972 to H-6139—1603  
 House File 2484, S-5971 to H-6103—1588  
 House File 2490, S-5974 to H-6145—1603

**HULTMAN, CALVIN O.—Senator Forty-seventh District, Minority Leader**

Addressed the Senate—4-6, 1609  
 Bills introduced—27, 65, 228, 231, 254, 284, 285, 286, 355, 1009, 1243, 1292  
 Amendments filed—256, 336, 371, 375, 383, 387, 609, 727, 742, 764, 771,  
 797, 798, 818, 885, 953, 1093, 1414, 1453, 1464, 1465, 1471, 1543, 1614  
 Amendments offered—266, 375, 530, 769, 780, 818, 819, 848, 868, 1196, 1471,  
 1543  
 Amendments withdrawn—869, 1375, 1377, 1509  
 Committee appointments—47, 48, 1407, 1620  
 Escorted Senator Lind to the rostrum—210  
 Petitions presented—333  
 Reports—1593  
 Subcommittee assignments—218, 237, 280, 457, 598, 785

**HUMAN RESOURCES, COMMITTEE ON—**

Appointees, investigation of—141, 186, 828  
 Bills introduced—446, 592  
 Amendments filed—312, 352, 552, 571, 868, 997  
 Committee appointments—47  
 Investigating committee reports—236, 332, 349, 867, 1044  
 Standing committees and subcommittees appointed to—49  
 Subcommittee assignments—62, 85, 86, 106, 107, 129, 159, 188, 189, 224,  
 325, 352, 364, 395, 435, 457, 563, 785, 855, 864, 892, 893  
 Subcommittee assignments, governor's appointments—155, 856-857

**HUSAK, EMIL J.—Senator Thirty-eighth District, Assistant Majority Leader**

Bills introduced—113, 208, 215, 285, 368  
 Amendments filed—99, 142, 145, 199, 256, 383, 720, 853, 923, 1070, 1208,  
 1414, 1466, 1496, 1529, 1540  
 Amendments offered—145, 199, 266, 267, 679, 1519, 1529, 1533, 1588  
 Amendments withdrawn—1533  
 Appointed to replace Senator Hutchins as member of Conference Committee  
 on House File 764—17  
 Called up appointees listed on En Bloc Confirmation Calendar—1197-1198  
 Committee appointments—17, 46, 47, 454, 1326  
 Escorted President pro tempore Senator James D. Wells to rostrum—9  
 Escorted Senator Hutchins to the rostrum and presented him with an  
 engraved plaque on behalf of the members of the Senate in recognition  
 of his service as Senate Majority Leader during the 1986 session of  
 the Seventy-first General Assembly—1609

Petitions presented—1308  
 Presided at sessions of the Senate—541, 1109, 1297, 1306, 1345, 1421, 1449,  
 1458, 1466, 1505, 1516, 1559  
 Presented Jennifer J. Demmon, National Champion of the 1986 American  
 Legion National Oratorical contest—1370  
 Reports—142, 1636  
 Resolutions offered—1357, 1370, 1426, 1524  
 Rulings—544, 1517  
 Standing committees and subcommittees appointed to—49  
 Subcommittee assignments—85, 86, 115, 157, 158, 159, 188, 189, 238, 246,  
 273, 323, 349, 350, 352, 364, 405, 457, 466, 507, 508, 535, 536, 563, 597,  
 598, 619, 668, 669, 686, 739, 748, 785, 843, 864, 891, 893, 1112, 1168,  
 1261, 1410, 1437  
 Subcommittee assignments, governor's appointments—174, 865  
 Witnessed Senator James R. Riordan take Oath of Office—8

HUTCHINS, C.W. (Bill)—Senator Forty-eighth District, Majority Leader  
 Addressed the Senate—3-4, 1609  
 Bills introduced—14, 131, 208, 241, 368, 1009, 1243, 1292  
 Amendments filed—383, 385, 1093, 1496  
 Amendments offered—385  
 Amendments withdrawn—1480, 1508  
 Administered oath of office to Senator James R. Riordan—8  
 Called up appointees listed on En Bloc Confirmation Calendar—259, 458,  
 480, 628, 835, 1239-1240  
 Committee appointments—48, 1407  
 Nominated Senator James D. Wells as candidate for President Pro Tempore  
 of the Senate—9  
 Petitions presented—333, 510, 748, 1091, 1092, 1220, 1308, 1423  
 Presented Denison High School decathlon team and their coach Tom  
 McGrane, who were winners of the Iowa Academic Decathlon—1221  
 Received unanimous consent that George K. Schneiderman governor's  
 appointee for reappointment be excused from introduction—1049  
 Received unanimous consent that pursuant to Joint Rule 23 the Senate  
 dispense with further consideration of the Veto Messages from the  
 Governor, listed on the Senate Calendar—210  
 Reports—10-11, 13, 24-26, 219, 828-829, 841-842, 1011, 1593  
 Resigned as member of conference committee on House File 764—17  
 Resolutions offered—1357, 1370, 1426, 1434, 1550, 1553, 1555, 1559, 1575,  
 1582, 1587

#### INDIVIDUAL CONFIRMATION CALENDAR, Senate Rule 60—

(See also En Bloc Confirmation Calendar)  
 Appointees listed called up—481, 482, 483, 484, 485, 514, 1241-1242, 1242  
 Confirmation—481-482, 482, 483, 483-484, 484-485, 485, 514, 1241-1242, 1242-  
 1243  
 Placement on by Senators:  
 Benton, Robert D. by Senator Brown—295  
 Lepley, William L. by Senator Hutchins—455

- Scaglione, Melba L. by Senator Riordan—1121  
 Schectman, Ronald H. by Senator Gronstal—456  
 Placement on by Standing Committees:  
   Briscoe, Keith G. by Small Business and Economic Development—  
     321  
   Dahl, Arthur E. by Small Business and Economic Development—  
     349  
   Friedrich, Robert K. by Judiciary—276  
   Paschall, Jack J. by State Government—903  
   Stanek, Edward J. by Judiciary—276  
   Thoms, Allan T. by Small Business and Economic Development—  
     349  
 Reports recommending appointments be confirmed—276, 295, 321, 332, 349,  
 841-842, 867, 877  
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(See Legislative Council and/or Study Committees)

#### INTRODUCTIONS—

(See Addressed the Senate, Lieutenant Governor Anderson, Robert T.  
 and/or Presentations)

#### INVESTIGATING COMMITTEES—Governor's Appointments—

Committees to—140-141, 154-155, 172-174, 186, 828-830, 856-857, 865-866  
 Reports—157, 186, 236, 250, 276, 295, 321, 332, 349, 841-842, 877, 894, 903,  
 952, 1011-1012, 1044, 1122  
 Reports called up—259-261, 458-461, 480-485, 514, 628-629, 835-836, 1125-  
 1132, 1197-1198, 1239-1240, 1241-1242, 1302-1303

#### IPERS ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS—

Senators appointed to—60

#### JENSEN, JOHN W.—Senator Eleventh District, Assistant Minority Leader

Bills introduced—208, 231, 284, 367, 368  
 Amendments filed—68, 109, 197, 653, 670, 755, 1046, 1070, 1438, 1458, 1484,  
 1496  
 Amendments offered—109, 197, 755, 870, 1458, 1489  
 Amendments withdrawn—1486  
 Called up appointees on the Individual Confirmation Calendar—1241  
 Committee appointments—46, 47, 48, 1407, 1620  
 Escorted Senator Hultman to the rostrum and presented him with an  
   engraved plaque on behalf of the members of the Senate in recognition  
   of his service as Senate Minority Leader during the Seventy-first  
   General Assembly—1609  
 Presided at sessions of the Senate—1610  
 Reports—45, 312, 1593  
 Resolutions offered—543  
 Standing committees and subcommittees appointed to—49

Subcommittee assignments—50, 115, 176, 249, 280, 296, 382, 433, 434, 474, 536, 597, 598, 618, 652, 669, 760, 761, 784, 808, 891, 893, 915, 1112, 1261, 1293, 1315, 1386, 1437, 1452, 1493

Welcomed Jesus Lorenia Tarriba Amado, Mexico; Adriano Brandao, Brazil; Janeth Lansisalmi, Finland; and Jessica Olesen, Denmark, foreign exchange students and their government instructor, Otis L. Roby and the Reverend Charles E. Klink, pastor of the United Methodist Church of Sumner—308

#### JOINT CONVENTIONS—

Condition of the State and Budget Message of Governor Terry E. Branstad—36-42

Condition of the Judicial Department Message of Chief Justice W. W. Reynoldson—71-78

Resolution relating to:

House Concurrent Resolution 101—21 adopted

House Concurrent Resolution 102—21 adopted

#### JOINT RULES—

(See also Rules)

Joint Rule 11:

House File 2065, S-5781 out of order—1545

Joint Rule 20:

Bills returned from Regular Calendar to committees—928

Joint Rule 23:

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#### JUDICIARY, COMMITTEE ON—

Appointees, investigation of—141, 828-829

Bills introduced—52, 54, 87, 102, 207, 252, 254, 313, 368, 479, 518, 541, 542, 562, 593, 615, 616

Amendments filed—69, 191, 673, 697, 882, 906, 934, 1046, 1590

Committee appointments—47

Investigating committee reports—157, 186, 225, 276, 877, 952, 1069

Subcommittee assignments—49, 50, 51, 63, 64, 86, 106, 107, 140, 176, 177, 188, 224, 238, 247, 248, 249, 295, 296, 297, 323, 324, 325, 365, 382, 405, 434, 435, 466, 508, 509, 598, 669, 685, 686, 761, 784, 785, 855, 856, 864, 891, 892, 893, 915, 930, 1044, 1067, 1452

Subcommittee assignments, governor's appointments—173, 186, 829-830

#### KINLEY, GEORGE R.—Senator Fortieth District

Bills introduced—779

Amendments filed—288, 390, 398, 407, 662, 1433, 1482, 1484, 1566

Amendments offered—288, 428, 1566

Amendments withdrawn—428

Committee appointments—46, 48, 454

Petitions presented—217

Reports—1634

Resolutions offered—1554

Standing committees and subcommittees appointed to—49

Subcommittee assignments—115, 116, 177, 188, 205, 218, 246, 296, 324, 434, 536, 761, 864, 1322

## LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ON—

- Bills introduced—592, 616, 648
- Amendments filed—513, 609
- Committee appointments—47
- Subcommittee assignments—50, 115, 218, 280, 281, 457, 563, 597, 598, 785, 864, 892, 893

## LEGISLATIVE COUNCIL—

- (See also Study Committees)
- Senators appointed to—60

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- (See Officers and Employees)

## LIEUTENANT GOVERNOR ANDERSON, ROBERT T., President of the Senate—

- Addressed the Senate, opening remarks—1-3
- Addressed the Senate—1609
- Advisories:
  - Senate File 2083, a bill introduced by one committee and studied by one or more committees will appear on calendar one day before being referred to another committee—192
  - Senate File 184, motion to reconsider was terminated with adjournment of the 1985 Regular Session—153
- Announced appointments and reappointments—8, 9, 46, 48-49, 58-60, 216, 598-599
- Announcements—6, 8, 12, 598-599
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- Appointment of page—13
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- Assignment of bills—31-32, 67-68, 92, 117, 134, 147, 159, 179, 187, 206, 218, 226, 231, 238, 251, 274, 281, 298, 312, 315, 335, 346, 353, 358, 366, 380, 406-407, 423, 433, 453, 472, 520, 566, 582, 627-628, 649, 668, 739, 760, 786-787, 808, 830-831, 856, 863, 876, 888, 925, 1026, 1112-1113, 1144, 1282, 1293, 1322, 1358, 1367, 1422, 1427, 1436, 1446, 1473
- Bills signed by—275, 353, 651-652, 741, 763, 842-843, 876, 1068, 1112-1113, 1207, 1220, 1226, 1294, 1344, 1386-1387, 1412, 1422, 1462-1463, 1619
- Chair cast an “aye” vote to break tie:
  - Senate File 2190, S-5269—1018
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- Communications received—103-104, 117, 119-124
- Presentations:
  - Presented Governor Terry E. Branstad, Condition of the State address—36
  - Presented Senator James D. Wells, President pro tempore to the Senate—9
  - Presented Honorable Ben Briscoe, member of the Irish Parliament and Dublin City Council—701-702

Presented each Senate Page with a Certificate of Excellence from the Senate in appreciation for his or her service during the 1986 session of the Seventy-first General Assembly—1546

Presented Jennifer Lofgren, 9 1/2, from Sioux City, the 1986 Iowa Easter Seal Society Ambassador—315

Presented Chief Justice Reynoldson, who delivered the State of the Judicial Message—72

Presided at joint conventions—36, 71

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Resolutions signed by—1619

Rulings—19, 153, 213, 266, 387, 388, 390, 392, 410, 411, 428, 431, 444, 463, 695, 730, 780, 901, 973, 981, 985, 1082, 1087, 1161, 1196, 1204, 1270, 1271, 1289, 1291, 1312, 1349, 1350, 1352, 1472, 1473, 1478, 1480, 1482, 1489, 1510, 1514, 1572, 1579, 1597

Welcomed:

The Honorable Richard Gephardt, United States Congressman from Missouri—159

The Honorable Howard Vincent, former member of the Senate, guest of Senator Peterson—996

Hiroko Urno from Japan, exchange student attending Red Oak High School, guest of Senator Hultman—540

Rish Scumi, exchange student from Switzerland, along with students from Prescott High School and their Superintendent Dr. Russell Mahaffey, guests of Senator Boswell—764

Dale L. Renaud, 1985-1986 National Commander of the American Legion from Bondurant, Iowa, guest of Senator Husak—996

The Honorable Tom Riley, former member of the Senate—1092

Eugenia Lizano from Costa Rica and Francesca Scorza from Italy, AFS students attending Pella High School, and their teacher, Kang Li-xing from Peoples Republic of China, guests of Senator Dieleman—591

Veto messages received—1282-1283, 1628-1629

Closing message from Governor Terry E. Branstad—1622-1623

Final adjournment 1986 Regular Session of the Seventy-first General Assembly, SCR 140—1610, 1611 adopted - 1615, 1621

LIND, JIM—Senator Thirteenth District

Amendments filed—267, 477, 624, 727, 832, 923, 1014, 1029, 1046, 1070, 1159, 1398, 1456, 1457, 1458, 1459, 1464, 1465, 1471, 1472, 1479, 1496, 1597

Amendments offered—267, 276, 1030, 1161, 1398, 1457, 1459, 1471, 1472, 1479

Amendments withdrawn—301, 1456, 1509, 1597

Committee appointments—216, 454

Oath of Office—210  
 Presided at sessions of the Senate—1231  
 Reports—1463, 1636  
 Resolutions offered—846  
 Subcommittee assignments—249, 395, 466, 509, 535, 536, 669, 761, 762, 855, 892

LOCAL GOVERNMENT, COMMITTEE ON—

Bills introduced—286, 358, 368, 542, 593, 594  
 Amendments filed—273, 814, 927, 953  
 Committee appointments—47, 216  
 Subcommittee assignments—61, 62, 129, 218, 246, 247, 248, 249, 332, 466, 467, 508, 509, 536, 597, 761, 762, 828, 892

MAJORITY FLOOR LEADER, C.W. (Bill) Hutchins—Senator Forty-eighth

District  
 (See Hutchins, C.W. (Bill), Senator Forty-eighth District, Majority  
 Floor Leader

MANN, Jr., TOM—Senator Forty-third District

Bills introduced—14, 16, 65, 118, 131, 208, 214, 215, 223, 228, 368  
 Amendments filed—256, 290, 301, 513, 568, 609, 670, 673, 821, 968, 1005, 1006, 1007, 1013, 1014, 1028, 1046, 1070, 1071, 1082, 1113, 1138, 1145, 1159, 1161, 1165, 1173, 1184, 1295, 1317, 1329, 1384, 1429, 1438, 1444, 1450, 1453, 1475, 1485, 1512  
 Amendments offered—213, 703, 821, 898, 981, 992, 1005, 1006, 1007, 1039, 1049, 1058, 1079, 1081, 1082, 1138, 1156, 1162, 1172, 1174, 1229, 1310, 1329, 1384, 1444, 1450, 1486, 1509  
 Amendments withdrawn—270, 301, 821, 1165, 1173, 1202, 1234, 1475, 1507  
 Committee appointments—47, 48, 1351, 1393, 1570  
 Reports—6, 142, 209, 1600  
 Resolutions offered—1426, 1435  
 Standing committees and subcommittees appointed to—49  
 Subcommittee assignments—49, 50, 63, 64, 86, 105, 106, 107, 115, 129, 140, 158, 159, 176, 177, 188, 238, 247, 248, 249, 273, 280, 281, 295, 296, 323, 324, 325, 365, 435, 507, 520, 598, 619, 669, 686, 739, 808, 855, 856, 863, 864, 892, 893, 894, 930, 1044, 1067, 1168, 1182, 1261  
 Subcommittee assignments, governor's appointments—173, 830, 866

MEDICAL ASSISTANCE COUNCIL—

Senators appointed to—60

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Committee appointments—454  
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From Governor Terry E. Branstad, closing—1622-1623

From Governor Terry E. Branstad, veto—1282-1283, 1628-1629

#### MILEAGE, COMMITTEE ON—

Committee appointed—14

Reports—14, 45, 312

#### MILLER, ALVIN V.—Senator Tenth District

Bills introduced—170, 207, 208, 368

Amendments filed—68, 277, 290, 388, 516, 852, 968, 997, 1014, 1199, 1510

Amendments offered—317, 516, 662, 852, 1030, 1041, 1055, 1056, 1199

Amendments withdrawn—318, 1042

Committee appointments—46, 47, 48, 1319

Petitions presented—649

Presided at sessions of the Senate—1233

Reports—1361

Rulings—1234

Standing committees and subcommittees appointed to—49

Subcommittee assignments—50, 61, 62, 86, 129, 177, 187, 205, 220, 247, 248, 249, 280, 323, 324, 332, 349, 350, 405, 433, 466, 563, 597, 598, 669, 761, 762, 785, 864, 892

Subcommittee assignments, governor's appointments—830, 865

#### MILLER, CHARLES P.—Senator Thirtieth District

Bills introduced—143, 368

Amendments filed—997

Committee appointments—46, 47, 48

Petitions presented—844, 1092

Reports—454

Resolutions offered—543

Standing committees and subcommittees appointed to—49, 950

Subcommittee assignments—61, 62, 106, 129, 246, 248, 272, 507, 508, 520, 762, 784, 892

Subcommittee assignments, governor's appointments—155, 856, 857, 866

#### MINORITY FLOOR LEADER, Calvin O. Hultman, Senator

Forty-seventh District

(See Hultman, Calvin O.—Senator Forty-seventh District, Minority Floor Leader)

## MOTION OUT OF ORDER—

House File 2167—1142

## MOTION TO OVERRIDE GOVERNOR'S VETO—

Filed:

Senate File 249—1304-1305

Lost:

Senate File 249—1304-1305

## MOTIONS TO RECONSIDER AND RULINGS—

Motions to reconsider—

Filed:

Senate Joint Resolution 2002(2)—1410

Senate File 97, S-5794 to S-5776—1462

Senate File 97, S-5896 to S-5776—1503

Senate File 166—540

Senate File 447, Senate refused to concur in S-5254—994

Senate File 447(2), Senate refused to concur in S-5254—1012

Senate File 461, S-4023—1263

Senate File 545—540

Senate File 545—566

Senate File 2042—118

Senate File 2049—111

Senate File 2050(2)—100

Senate File 2062—741

Senate File 2078—741

Senate File 2078—748

Senate File 2078, S-5316—953

Senate File 2083—510

Senate File 2084—217

Senate File 2084, S-5773 to S-5757—1437

Senate File 2134—726

Senate File 2175, S-5104—396

Senate File 2175, S-5115, S-5118, S-5086A, S-5086B—406

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Senate File 2175—1368

Senate File 2190, S-5258—994

Senate File 2190—1027

Senate File 2190—1028

Senate File 2190, S-5269—1028

Senate File 2193—510

Senate File 2242—688

Senate File 2242, S-5305—689

Senate File 2245—741

Senate File 2248(2)—869

Senate File 2248, S-5400—885

Senate File 2248, Senate refused to concur in S-5660—1263

Senate File 2268—1263

Senate File 2268, S-5687—1263

Senate File 2291—1294

Senate File 2296(2)—1386  
Senate File 2296—1407  
Senate File 2296, S-5736—1407  
Senate File 2303—1401  
House File 102, S-5730—1350  
House File 102(2)—1361  
House File 123—994  
House File 392, S-5228—968  
House File 466—941  
House File 656—322  
House File 656—336  
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House File 712—619  
House File 764—157  
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House File 2128—968  
House File 2167—994  
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House File 2219(3)—1012  
House File 2303—1183  
House File 2330—995  
House File 2339—1207  
House File 2354—1113  
House File 2378, S-5641—1122  
House File 2380—771  
House File 2393(2)—1183  
House File 2393—1502  
House File 2407—995  
House File 2407—1158  
House File 2407, S-5625—1158  
House File 2412—1279  
House File 2422—1012  
House File 2423—1144  
House File 2424—1068  
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House File 2457—1012  
House File 2459—1282  
House File 2462, S-5690A to S-5506—1215  
House File 2462, S-5506A—1270  
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House File 2473, S-5930—1529

- House File 2473, S-5931—1530
  - House File 2476, S-5698A—1613
  - House File 2484, S-5864 to S-5791—1472
  - House File 2484, S-5826 to S-5791—1476
  - House File 2484, S-5894 to S-5791—1483
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  - House File 2491—1576
  - House Concurrent Resolution 122 as amended—1333
  - House Concurrent Resolution 122 as amended—1334
- Prevailed:
- Senate File 97, S-5896 to S-5776—1546
  - Senate File 2049—196-197
  - Senate File 2078—1372
  - Senate File 2078, S-5316 as amended—1372
  - Senate File 2084—287
  - Senate File 2134—757
  - Senate File 2175, S-5118—440
  - Senate File 2175, S-5086B—442
  - Senate File 2193—557
  - Senate File 2242—689
  - Senate File 2242, S-5305—689
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  - Senate File 2248, S-5400—885
  - Senate File 2303—1401
  - House File 102, S-5730—1350
  - House File 392, S-5228—1096
  - House File 466—1561
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  - House File 656, S-5019—1288
  - House File 764—162
  - House File 2060—1228-1229
  - House File 2060, S-5555—1229
  - House File 2066, S-5937 to H-5822—1605
  - House File 2330—1104
  - House File 2354—1251
  - House File 2380—849
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  - House File 2462, S-5506A—1271
  - House File 2462, S-5659—1271
  - House File 2462, S-5506B—1276
  - House File 2473, S-5930—1529
  - House File 2484, S-5864 to S-5791—1472
  - House File 2484, S-5894 to S-5791—1483
  - House File 2484, S-5799—1488

## Lost:

Senate Joint Resolution 2002(2)—1617  
Senate File 447, refused to concur in S-5254—1187  
Senate File 2084, S-5773 to S-5757—1551-1552  
Senate File 2175, S-5104—439  
Senate File 2175, S-5148—442  
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Senate File 2248, S-5660—1395  
Senate File 2291—1394  
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House File 2459—1617  
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Senate File 447(2), refused to concur in S-5254—1187  
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Senate File 2042—166  
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House File 123—1095  
House File 665—1289  
House File 712—790  
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House File 2128—1186  
House File 2167—1135  
House File 2219(3)—1252-1253  
House File 2303—1222  
House File 2339—1272  
House File 2378, S-5641—1151

House File 2393—1214  
 House File 2393—1290  
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 1495, 1496, 1517  
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 273, 311, 324, 325, 351, 352, 433, 434, 435, 457, 474, 563, 564, 668, 761,  
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 Amendments filed—363, 698, 895, 906, 923, 953  
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 Resolutions offered—998  
 Standing committees and subcommittees appointed to—49  
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- Amendments offered—374, 400, 578, 981, 1020, 1105
- Amendments withdrawn—411, 1543
- Committee appointments—46, 48, 1379, 1393
- Reports—1429, 1463, 1522
- Resolutions offered—497
- Standing committees and subcommittees appointed to—49, 58
- Subcommittee assignments—62, 63, 85, 106, 116, 140, 176, 177, 273, 324, 350, 351, 434, 474, 507, 508, 520, 598, 669, 761, 808, 915
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- By newly elected Senators—8, 210
- By Parliamentarian—24-26
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- Permanent officers elected and took oath of office—10-11
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- Secretaries appointed and took oath of office—11
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- Amendments filed—390, 814, 1215, 1295, 1473, 1482, 1484, 1486, 1614
- Amendments offered—803, 1088, 1215, 1473
- Committee appointments—46, 48, 1319
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- Standing committees and subcommittees appointed to—49
- Subcommittee assignments—85, 114, 115, 116, 129, 157, 158, 159, 176, 188, 246, 247, 295, 296, 297, 350, 352, 405, 434, 474, 507, 508, 536, 563, 598, 669, 685, 739, 785, 808, 864, 915, 1261, 1315, 1335, 1358
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Senate File 97, S-5794 - Senator Brown—1450

Senate File 447, ineligible for consideration under Joint Rule 20 - Senator Ritsema—961

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Senate File 505, S-5674 - Senator Ritsema—1204

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- Senate File 2175, S-5117 as amended - Senator Welsh—412
- Senate File 2175, S-5156 - Senator Hultman—413
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- Senate File 2175, S-5214, same subject matter previously considered  
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- Senate File 2235, S-5308 as amended - Senator Dieleman—744
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- Senate File 2248, S-5398 - Senator Bruner—868
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- Senate File 2265, S-5419 - Senator Mann—805
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- Senate File 2265, S-5431 - Senator Hultman—821
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- Senate File 2265, refer to State Government under Senate Rule 38  
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- Senate File 2265, refer to Ways and Means under Senate Rule 38  
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- House File 2280, S-5529 - Senator Gentleman—1081
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- House File 2280, S-5572 as amended - Senator Ritsema—1082
- House File 2293, S-5446 - Senator Ritsema—981
- House File 2349, S-5436 - Senator Ritsema—1078
- House File 2380, S-5358 - Senator Welsh—769

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 - Senator Waldstein—1103  
 House File 2393, S-5417A - Senator Riordan—1056  
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 by Senate - Senator Gentleman—1233  
 House File 2454, S-5695 - Senator Ritsema—1235  
 House File 2459, refer to State Government under Senate Rule 38  
 - Senator Hultman—1062  
 House File 2462, S-5670 - Senator Hultman—1179  
 House File 2462, S-5704, same subject matter previously considered  
 by Senate - Senator Ritsema—1270  
 House File 2473, S-5708 - Senator Husak—1520  
 House File 2475, S-5743 - Senator Dieleman—1395  
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 by Senate - Senator Dieleman—1472  
 House File 2484, S-5886 - Senator Gronstal—1477  
 House File 2484, S-5893 - Senator Welsh—1482  
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 House File 2484, S-5909 - Senator Ritsema—1487  
 House File 2484, S-5868 - Senator Hultman—1491  
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 House File 2489, S-5927 - Senator Welsh—1579  
 House File 2492, S-5950 - Senator Husak—1573  
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Ruled in order:

Senate File 97, S-5794—1450  
 Senate File 499, S-5043—268  
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 Senate File 2265, S-5431—821  
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 Senate File 2265, S-5713C—1312  
 Senate File 2265, S-5721—1329  
 Senate File 2270, S-5404—852  
 Senate File 2284, S-5552—1087  
 Senate File 2298, S-5923—1514  
 Senate Resolution 101, S-5001A—19  
 House File 2128, S-5505—944

House File 2197, S-5378B, S-5378C—825  
House File 2280, S-5448—1082  
House File 2393, S-5417A—1056  
House File 2433, S-5622—1099  
House File 2454, S-5696—1233  
House File 2454, S-5695—1235  
House File 2462, S-5704—1270  
House File 2484, S-5877—1472  
House File 2484, S-5909—1488  
House File 2484, S-5868—1491

## Ruled out of order:

Senate File 84, S-3490—213  
Senate File 84, S-3502—213  
Senate File 97, S-5786—1444  
Senate File 461, S-5522—1259  
Senate File 505, S-5674—1204  
Senate File 2084, S-5762—1434  
Senate File 2131, S-5336—695  
Senate File 2175, S-5137—378  
Senate File 2175, S-5099—411  
Senate File 2175, S-5156—413  
Senate File 2175, S-5121—431  
Senate File 2245, S-5327—705  
Senate File 2260, S-5284—712  
Senate File 2261, S-5388—792  
Senate File 2265, S-5419—806  
Senate File 2265, S-5406—806  
Senate File 2265, S-5413—807  
Senate File 2265, S-5425—818  
Senate File 2265, S-5422—820  
Senate File 2265, S-5713E—1313  
Senate File 2265, S-5724—1329  
Senate File 2269, S-5385, goes beyond the scope of the bill—766  
Senate File 2275, S-5342, goes beyond the scope of the bill—724  
Senate File 2283, S-5614A—1196  
House File 732, S-5444—898  
House File 2017, S-5004—88  
House File 2280, S-5572 as amended—1082  
House File 2293, S-5446—981  
House File 2349, S-5436—1078  
House File 2380, S-5358, goes beyond the scope of the bill—769  
House File 2393, S-5657—1175  
House File 2462, S-5670—1179  
House File 2473, S-5708—1520  
House File 2475, S-5743—1395  
House File 2484, S-5886—1478  
House File 2484, S-5893—1482  
House File 2489, S-5927—1579

## Ruled well taken:

- Senate File 447, ineligible for consideration—962
- Senate File 2072, referred to Appropriations—732
- Senate File 2265, referred to State Government—822
- Senate File 2265, referred to Ways and Means—822

## Ruled not well taken:

- Senate Joint Resolution 2005, ineligible for consideration—1352
- House File 2387, refer to committee under Senate Rule 38—1103

## Withdrawn:

- Senate File 2175, S-5121—389
- Senate File 2265, S-5427—820
- Senate File 2265, S-5713—1310
- Senate File 2265, S-5713C—1312
- House File 2197, S-5378 as amended—825
- House File 2442, S-5491—1006
- House File 2459, refer to State Government under Senate Rule 38—1062
- House File 2484, S-5909—1487
- House File 2484, S-5868—1491
- House File 2492, S-5950—1573
- House File 2493, S-5969—1597

## PRESENTATIONS—

(See also Addressed the Senate)

- Senator Tieden presented Jolene Hjerleid of Decorah, Iowa, 1986 Iowa Junior Miss—54-55
- Senator Jensen welcomed Jesus Lorenia Tarriba Amado, Mexico; Adriana Brandao, Brazil; Janeth Lansisalmi, Finland; and Jessica Olesen, Denmark, foreign exchange students and their government instructor, Otis L. Roby and the Reverend Charles E. Klink, pastor of the United Methodist Church of Sumner—308
- Senator Gentleman presented, First place: Frank Sackett, Spencer; Second place: Christine Faber, Parnell; Third place: Brent Johnson, Manson; Honorable Mention: Matt Gunderman, West Des Moines; Mary Hutson, Des Moines; Jenny Synhorst, Spencer; Nam Van Cao, Spencer; Margie Welsh, Argyle, winners of the essay contest on the Status of Women to "Write Women Back Into History"—500
- President Anderson welcomed Hiroko Urno from Japan, exchange student attending Red Oak High School, guest of Senator Hultman—540
- President Anderson welcomed the Honorable Richard Gephardt, U.S. Congressman from Missouri—159
- Senator Wells presented Eugenia Lizano from Costa Rica and Francesca Scorza from Italy, AFS students attending Pella High School and their teacher, Kang Li-xing from the Peoples Republic of China, guests of Senator Dieleman—591
- President Anderson presented the Honorable Ben Briscoe, member of the Irish Parliament for twenty-one years and the Dublin City Council for twenty years, guest of Senator Priebe—701-702
- Senator Coleman welcomed Don Rumsfeld from Chicago, Illinois, former U.S. Secretary of Defense, guest of Senator Nystrom—1069

- Senator Hutchins presented the Denison High School decathalon team and Coach Tom McGrane who were winners of the Iowa Academic Decathalon—1221
- Senator Colton presented Jennifer Lofgren, 9 1/2 from Sioux City, Iowa, the 1986 Iowa Easter Seal Society Ambassador—315
- Senator Dieleman presented LeAnn Vander Hart, Queen of the Fifty-first Annual Tulip Time Festival and her court—1269-1270
- Senator Husak presented Jennifer J. Demmon, National Champion of the 1986 American Legion National Oratorical Contest—1370

#### PRESENTATION OF GIFTS—

- Lieutenant Governor Anderson was escorted to the rostrum by Senators Coleman and Tieden and presented with an engraved plaque on behalf of the members of the Senate in recognition of his service as President of the Senate during the Seventy-first General Assembly—1609
- Senator Hultman was escorted to the rostrum by Senators Jensen and Small and presented with an engraved plaque on behalf of the members of the Senate in recognition of his service as Senate Minority Leader during the Seventy-first General Assembly—1609
- Senator Hutchins was escorted to the rostrum by Senators Husak and Drake and presented with an engraved plaque on behalf of the members of the Senate in recognition of his service as Senate Majority Leader during the 1986 session of the Seventy-first General Assembly—1609
- President pro tempore Wells was escorted to the rostrum and presented with an engraved plaque on behalf of the members of the Senate in recognition of his service as President pro tempore during the 1986 session of the Seventy-first General Assembly—1609

PRESIDENT OF THE SENATE - Lieutenant Governor Robert T. Anderson—  
(See Lieutenant Governor Anderson, Robert T., President of the Senate)

#### PRESIDENT OF THE UNITED STATES, CONGRESS, AND/OR FEDERAL AGENCIES—

Resolutions relating to:

- Senate Concurrent Resolution 102, send Congress resolution, protesting the proposed corn loan rates. S.J. 58, 66, 90, 91 adopted - H.J. 112
- Senate Concurrent Resolution 106, petition President Reagan to name Congressman Cooper Evans as the Deputy Secretary of Agriculture. S.J. 187, 190, 192, 193 withdrawn. (HCR 105 substituted for SCR 106)
- Senate Concurrent Resolution 108, urge the Congress of the U.S. to enact legislation to equalize old age benefits under the Social Security program. S.J. 313, 335, 382
- Senate Concurrent Resolution 110, fed. gov't policy requiring minimum interest rate of 9% on farm contract sales. S.J. 480, 491, 676 adopted, 690 - H.J. 714, 727, 1556 adopted
- Senate Concurrent Resolution 111, urge Congress to address adverse effects of the Social Security "Notch", which discriminates against persons due to birthdates. S.J. 497, 547, 597, 1584 adopted

- Senate Concurrent Resolution 113, urge President Reagan, respond to the Soviet Unions unilateral halt of testing of nuclear weapons. S.J. 543, 566, 618
- Senate Concurrent Resolution 127, urge Congress to adopt policy relating to refugees of El Salvador. S.J. 1426, 1427, 1437
- House Concurrent Resolution 105, petition President Reagan to name Congressman Cooper Evans as the Deputy Secretary of Agriculture. H.J. 189 adopted - S.J. 178, 193 adopted
- House Concurrent Resolution 115, Congress address adverse effects, S.S. program ("Notch") which discriminates against certain persons due to birthdates. H.J. 518, 1456 adopted - S.J. 1247, 1262, 1293, 1368, 1392-1393 adopted - H.J. 1861

**PRESIDENT PRO TEMPORE OF THE SENATE**—Senator James D. Wells  
(See Wells, James D., Senator Twenty-sixth District)

**PRESS, MEMBERS OF—**

Assignment of desks in press gallery—12-13

**PRIEBE, BERL E.**—Senator Eighth District

- Bills introduced—15, 42, 43, 65, 137, 170, 208, 242, 285, 286, 355, 367, 368
- Amendments filed—69, 99, 181, 312, 365, 388, 397, 398, 513, 515, 653, 687, 695, 806, 814, 820, 832, 867, 927, 997, 1014, 1029, 1046, 1070, 1093, 1120, 1215, 1295, 1414, 1429, 1459, 1471, 1484, 1496, 1519, 1529, 1558, 1578
- Amendments offered—99, 376, 515, 657, 695, 820, 851, 913, 1006, 1109, 1120, 1153, 1339, 1459, 1519, 1529, 1578
- Amendments withdrawn—850, 1476
- Committee appointments—8, 46, 47, 1326
- Escorted the Honorable Ben Briscoe, member of the Irish Parliament to the podium—701-702
- Petitions presented—1092
- Report of committee—9
- Resolutions offered—132, 1243, 1426, 1568
- Standing committees and subcommittees appointed to—48
- Subcommittee assignments—61, 62, 85, 114, 115, 129, 176, 246, 247, 248, 295, 296, 297, 332, 350, 351, 352, 364, 434, 466, 474, 509, 536, 563, 598, 669, 685, 761, 784, 808, 864, 1493

**PROOF OF PUBLICATION—**

- Senate File 2232—551
- Senate File 2239—697
- Senate File 2276—762
- House File 2485—1584

**READINGER, DAVID M.**—Senator Forty-second District

- Bills introduced—16, 131, 200, 253, 318
- Amendments filed—69, 523, 609, 653, 814, 997, 1029, 1453, 1496
- Amendments offered—737, 992, 1081
- Appointed to Capitol Planning Commission—59

- Committee appointments—46, 47, 48
- Standing committees and subcommittees appointed to—49
- Subcommittee assignments—86, 157, 188, 273, 325, 395, 435, 507, 508, 509,  
563, 619, 739, 891, 892, 1261
- Subcommittee assignments, governor's appointments—155, 173, 856, 857

## REAPPOINTMENTS—

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## REPORTS—

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## REQUEST FOR UNANIMOUS CONSENT—

Senator Hutchins asked and received unanimous consent that pursuant to Joint Rule 23, the Senate dispense with further consideration of the Veto Message from the Governor listed on the Senate Calendar—210

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- Assigned to committee—102, 147, 566, 582, 725, 739, 856, 863, 1000, 1026,  
1244, 1262, 1282, 1322, 1358, 1367, 1427, 1436, 1446, 1524, 1555, 1568,  
1592, 1603
- Introduction, Senate Concurrent Resolutions—58, 65, 66, 102, 132, 144, 190,  
209, 313, 356, 480, 497, 543, 569, 667, 827, 846, 1009, 1225, 1243, 1249,  
1257, 1272, 1357, 1390, 1409, 1426, 1434, 1435, 1448, 1524, 1554, 1555,  
1568, 1592, 1610
- Introduction, Senate Resolutions—313, 998, 1225, 1257, 1550-1551, 1553-  
1554, 1559, 1575-1576, 1582-1583, 1586-1587, 1610
- Placed on calendar—65, 66, 144, 190, 313, 356, 480, 998, 1225, 1409, 1448,  
1583, 1610
- Placed on Appropriations Calendar—1390-1391
- Referred from Regular Calendar to Rules and Administration—102, 699,  
725, 1434, 1524
- Referred from Unfinished Business Calendar to Appropriations—1548
- Sent to Secretary of State—1619
- Withdrawn:
  - Senate Concurrent Resolution 105—144
  - Senate Concurrent Resolution 106—193
- Resolutions printed after session—3014-3035.

## RIFE, JACK—Senator Twenty-ninth District

- Bills introduced—16, 131, 170, 208, 215, 284
- Amendments filed—383, 385, 386, 387, 390, 449, 720, 742, 831, 856, 923,  
953, 990, 1350, 1469, 1474, 1482, 1484
- Amendments offered—386, 387, 956, 990, 1350, 1469, 1474, 1483
- Committee appointments—47, 48
- Presided at sessions of the Senate—1229
- Standing committees and subcommittees appointed to—49
- Subcommittee assignments—62, 63, 85, 106, 107, 116, 188, 189, 220, 280,

281, 350, 351, 457, 507, 509, 520, 563, 652, 686, 784, 785, 855, 892  
 Subcommittee assignments, governor's appointments—173, 174, 186

**RIORDAN, JAMES R.—Senator Forty-fifth District**

Bills introduced—170, 208, 242, 368, 394  
 Amendments filed—169, 221, 312, 371, 384, 388, 397, 398, 437, 673, 727,  
 766, 788, 789, 844, 923, 927, 1046, 1184, 1356, 1362, 1468, 1482, 1489,  
 1495, 1512, 1517  
 Amendments offered—413, 437, 704, 766, 873, 900, 1201, 1356, 1482, 1529  
 Amendments withdrawn—329, 465, 734  
 Committee appointments—47, 48, 71, 1326  
 Credential report—6-8  
 Oath of Office—8  
 Petitions presented—1512  
 Presided at sessions of the Senate—559, 851, 854, 885, 1166, 1172, 1406,  
 1407, 1609  
 Reports—45, 1640  
 Resolutions offered—102, 543, 827, 1426  
 Rulings—852, 853, 1166, 1172  
 Standing committees and subcommittees appointed to—49, 950  
 Subcommittee assignments—61, 62, 84, 85, 86, 157, 158, 159, 188, 189, 238,  
 247, 248, 323, 382, 433, 457, 474, 507, 508, 509, 563, 597, 619, 686, 739,  
 748, 784, 855, 892, 894, 1261, 1335  
 Subcommittee assignments, governor's appointments—155, 173, 174, 829,  
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**RITSEMA, DOUGLAS—Senator Third District**

Bills introduced—15, 34  
 Amendments filed—93, 142, 256, 371, 383, 387, 398, 407, 552, 571, 629, 645,  
 653, 742, 764, 807, 814, 968, 997, 1028, 1071, 1093, 1159, 1184, 1266,  
 1349, 1453, 1457, 1459, 1463, 1464, 1486, 1572  
 Amendments offered—150, 268, 374, 375, 393, 412, 416, 417, 545, 558, 629,  
 661, 807, 817, 819, 845, 999, 1013, 1098, 1100, 1157, 1171, 1289, 1349,  
 1457, 1486, 1495, 1502, 1519, 1572  
 Amendments withdrawn—1081, 1509  
 Committee appointments—8, 46, 47, 48, 216, 454, 1319, 1351, 1532, 1570  
 Reports—7, 209, 1436, 1569, 1637  
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 Standing committees and subcommittees appointed to—49  
 Subcommittee assignments—49, 50, 86, 106, 107, 116, 140, 176, 188, 238,  
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 536, 668, 784, 843, 855, 856, 864, 892, 893, 915, 930, 1044, 1067, 1112,  
 1218  
 Subcommittee assignments, governor's appointments—173, 830

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Senate Resolution 112, amend permanent rules - 1586 adopted  
Rules invoked—

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Senate File 97, S-5896—1546  
Senate File 97, S-5776—1547  
Senate File 447, Senate concur in House S-5254—541  
Senate File 499, S-5043—268-269  
Senate File 499—302  
Senate File 2049—110-111  
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Senate File 2049—198-199  
Senate File 2049—1150-1151  
Senate File 2084, S-5773 to S-5757—1433  
Senate File 2084, motion filed to reconsider vote—1552  
Senate File 2134—715  
Senate File 2175, S-5104—374  
Senate File 2175, S-5095—377  
Senate File 2175, S-5148—388  
Senate File 2175, S-5142A—391  
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Senate File 2175, S-5086B—401-402  
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Senate File 2265—823-824  
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Senate File 2265, S-5713D to S-5684—1313  
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- House File 2378, S-5635—1114
- House File 2378, Senate insisted—1304
- House File 2393, S-5805 to H-5857—1498-1499
- House File 2412—1278-1279
- House File 2412—1280-1281
- House File 2423, S-5564—1132-1133
- House File 2433, S-5554—1166
- House File 2454, S-5695 to S-5458A—1237
- House File 2454, S-5782 to H-5838—1442
- House File 2459—1269
- House File 2462, S-5506B—1216
- House File 2462, S-5506A, motion filed to reconsider vote—1271
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- House File 2484, S-5823 to S-5791—1475
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- House File 2484, S-5898 to S-5791—1483-1484
- House File 2484, S-5905 to S-5791—1485
- House File 2484—1591
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  - Senate File 2072, referred to Appropriations—732
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  - Senate File 2265, referred to Ways and Means—822
  - Senate File 2083, referred to Energy and Environment was returned to Regular Calendar—204
  - House File 392, referred from Regular Calendar to committee on State Government—527
  - House File 2181, referred from Regular Calendar to Appropriations—974
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  - Subcommittee assignments, Governor's appointments—154-155, 172-174, 186, 829-830, 856-857, 865-866
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     constitute an amendment of the third degree—1175  
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     455, 828-829, 841-842, 843, 936, 1011  
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     1575-1576, 1582-1583, 1583, 1587  
 Resolutions relating to:  
     Senate Concurrent Resolution 128, request interim study, continue  
     existence of the Iowa State Fair as state entity and sunset. S.J.  
     1409, 1413, 1434

- Senate Concurrent Resolution 134, interim studies, legislative council give equal consideration to all studies proposed. S.J. 1448, 1448-1449 adopted - H.J. 1911, 1945, 2058 adopted - 1615
- Senate Concurrent Resolution 137, code of ethics committee study. S.J. 1554-1555
- Senate Concurrent Resolution 140, adjournment, Friday, May 2, 1986. S.J. 1610, 1611 adopted - H.J. 2316, 2319 adopted - S.J. 1615
- Senate Resolution 101, amend Senate Rule 33, 39 and 60. S.J. 19, 32, 20 adopted
- Senate Resolution 102, revise schedule for action on gubernatorial appointments. S.J. 308, 313, 315, 316 adopted
- Senate Resolution 104, defer action on confirmation of certain appointments submitted by Governor. S.J. 1225, 1226, 1239 adopted
- Senate Resolution 111, Senate legislative expenses. S.J. 1583, 1584 adopted
- Senate Resolution 112, amend permanent rules. S.J. 1586 adopted
- Subcommittee assignments—382, 597, 598, 618, 652, 760, 761, 784, 891, 915, 1112, 1261, 1293, 1315, 1386, 1437, 1452

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(See Supreme Court of Iowa)

#### RULES OF CIVIL PROCEDURE—

(See Supreme Court of Iowa)

#### RULES OF CRIMINAL PROCEDURE—

(See Supreme Court of Iowa)

#### SCHWENGELS, FORREST V.—Senator Thirty-second District

Bills introduced—34, 131, 208

Amendments filed—68, 265, 371, 376, 390, 407, 680, 681, 1023, 1028, 1481, 1579

Amendments offered—265, 376, 431, 680, 681, 1023, 1050, 1579

Amendments withdrawn—681

Called up appointees on Individual Confirmation Calendar—1242

Committee appointments—46, 47, 48, 1326, 1393, 1532

Escorted President pro tempore Wells to the rostrum and presented him with an engraved plaque on behalf of the members of the Senate in recognition of his service as President pro tempore during the 1986 session of the Seventy-first General Assembly—1609

Petitions presented—844

Reports—1335, 1522, 1569, 1608

Resolutions offered—1357, 1370

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Senate File 461, S-4023—1259

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Amendments filed—354, 371, 390, 421, 687, 711, 742, 792, 789, 797, 906,  
1005, 1173, 1278, 1295, 1331, 1349, 1489, 1574

Amendments offered—421, 545, 638, 711, 792, 910, 911, 999, 1005, 1031,  
1173, 1278, 1349, 1574

Amendments withdrawn—910, 1331

Called up appointees listed on the Individual Confirmation Calendar—481,  
483, 483-484, 484-485, 514

Committee appointments—46, 47, 48, 1319, 1570

Escorted Senator Hultman to the rostrum and presented him with an  
engraved plaque on behalf of the members of the Senate in recognition  
of his service as Senate Minority Leader during the Seventy-first  
General Assembly—1609

Reports—1436, 1600

Standing committees and subcommittees appointed to—49

Subcommittee assignments—49, 50, 86, 106, 107, 140, 176, 177, 188, 248,  
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Subcommittee assignments, governor's appointments—173, 174, 830

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- Appointees, investigation of—141
- Bills introduced—569, 615
- Amendments filed—512, 609, 923, 1614
- Committee appointments—48, 216
- Investigating committee reports—250, 321
- Subcommittee assignments—323, 507, 508, 509, 563, 855
- Subcommittee assignments, governor's appointments—173

## SOORHOLTZ, JOHN E.—Senator Thirty-sixth District

- Bills introduced—208, 215
- Amendments filed—68, 142, 256, 267, 386, 388, 398, 609, 953, 1208, 1415, 1464, 1482, 1484
- Amendments offered—199, 681
- Amendments withdrawn—430
- Committee appointments—8, 1319
- Reports—1361
- Resolutions offered—1357, 1370
- Standing committees and subcommittees appointed to—46, 47, 48, 49
- Subcommittee assignments—86, 129, 157, 158, 159, 188, 189, 237, 247, 273, 295, 350, 352, 405, 466, 507, 509, 563, 598, 619, 785, 855, 893, 1261, 1358
- Subcommittee assignments, governor's appointments—865

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## STANDING COMMITTEES AND SUBCOMMITTEES—

- Standing committees appointed—46-48
- Chairmen listed—46-48
- List of appointments to—46-48
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- Communications from, stating claims filed—103-104, 154, 449, 877, 1274
- Claims (approved)—103-104 (See House Journal Pages 61-81, 81-87, 154-157, 1019-1021, 1534-1535 for itemized listing)
- Claims (disapproved)—103-104, 449, 877, 1274 (See House Journal Pages 82-87, 155, 431-432, 1020-1021, 1534-1535 for itemized listing)

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- Appointees, investigation of—141
- Bills introduced—87, 215, 327, 533, 546, 569, 581, 593, 596, 612
- Amendments filed—609, 882, 907, 923, 1220, 1541
- Committee appointments—48, 49
- Investigating committee reports—332, 349, 903, 1206
- Reassigned subcommittees—536, 686, 748
- Resolutions offered—1409
- Subcommittee assignments—62, 63, 85, 105, 106, 107, 116, 129, 140, 176,

272, 273, 312, 350, 351, 507, 508, 520, 536, 563, 597, 598, 686, 784, 808,  
863, 864, 893, 1168, 1182, 1261, 1367

Subcommittee assignments, governor's appointments—186, 829-830, 865-866

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Commerce—168, 179, 255, 275, 282, 283, 322, 335, 354, 447, 467, 490, 521,  
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Education—220, 238, 239, 255, 309, 322, 335, 354, 370, 447, 467, 490, 520,  
570, 608

Energy and Environment—67, 180, 219, 490, 608, 609

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370, 396, 447, 448, 467, 521, 608

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1315

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Resolutions relating to:

Senate Concurrent Resolution 124, Iowa State Fair as a state entity,  
com. to study. S.J. 1272, 1282, 1315

Senate Concurrent Resolution 128, request interim study, continue  
existence of the Iowa State Fair as state entity and sunset of  
the watershed planning districts. S.J. 1409, 1413, 1434

Senate Concurrent Resolution 129, create an interim study committee  
to review observance of rights of inmates of Iowa correctional  
facilities. S.J. 1409, 1413, 1434

Senate Concurrent Resolution 130, request Department of  
Management to study feasibility of creating a dept. of higher  
ed. and professional and occupational licensing relating to reorg.  
efforts. S.J. 1409, 1413, 1434

Senate Concurrent Resolution 133, interim committee, rights of  
privacy. S.J. 1435, 1446, 1452

Senate Concurrent Resolution 134, interim studies, legislative council  
give equal consideration to all studies proposed. S.J. 1448, 1448-  
1449 adopted - H.J. 1911, 1945, 2058 adopted - 1615

Senate Concurrent Resolution 136, provide telecommunications for  
state agencies, interim study. S.J. 1524

- Senate Concurrent Resolution 137, Code of Ethics, com. study. S.J. 1554-1555
- Senate Concurrent Resolution 138, school finance, com. study. S.J. 1555
- Senate Concurrent Resolution 139, examine title problems caused by transfer of mineral rights, com. study. S.J. 1568
- Senate Concurrent Resolution 141, review care needs for chronically mentally ill individuals, com. study. S.J. 1592
- Senate Resolution 103, terminate state nursery operated by state conservation commission, com. study. S.J. 998, 1010, 1200 adopted

#### SUBCOMMITTEES APPOINTMENTS—

Appropriations subcommittees, listed and members of—48-49

#### SUBCOMMITTEE ASSIGNMENTS—

Assignments—49-51, 61-64, 83-86, 105-107, 114-116, 129, 140, 157-159, 176-177, 187-189, 201-204, 218, 224, 237-238, 246-249, 272-273, 280-281, 295-297, 311-312, 323-325, 349-352, 364-365, 382, 395, 405, 456-457, 466, 474, 507-509, 535-536, 563-564, 597-598, 618-619, 652, 668-669, 685-686, 739, 748, 760-762, 784-785, 808, 828, 843, 855-856, 863-864, 891-894, 915, 1044, 1067, 1168, 1182, 1261, 1293, 1315, 1322, 1358, 1367, 1386, 1410, 1437, 1452, 1493

Assignments for governor's appointments—154-155, 172-174, 186, 829-830, 856-857, 865-866

#### SUPREME COURT OF IOWA—

Chief Justice of Supreme Court, The Honorable W. W. Reynoldson

Condition of the Judicial Department Message—70-78

Resolution relating to the Judicial Department Message:

House Concurrent Resolution 102 - H.J. 7 adopted - S.J. 20, 21 adopted

#### TAYLOR, RAY—Senator Ninth District

Bills introduced—16, 207, 208, 230, 231, 252, 253, 254, 284, 285, 314, 319, 338, 355, 369, 432

Amendments filed—68, 69, 134, 375, 388, 407, 443, 653, 670, 720, 758, 788, 798, 882, 895, 1046, 1093, 1145, 1146, 1266, 1336, 1429, 1453, 1464, 1466, 1496, 1573

Amendments offered—411, 443, 743, 758, 790, 895, 1082, 1179, 1213, 1215, 1466, 1488, 1573

Amendments withdrawn—1277, 1508, 1555

Committee Appointments—47, 71

Petitions presented—29

Presided at sessions of the Senate—1235

Reports—454, 950

Resolutions offered—1426, 1524

Standing committees and subcommittees appointed to—49

Subcommittee assignments—49, 83, 84, 85, 107, 116, 129, 140, 159, 176, 188, 224, 247, 248, 295, 296, 323, 351, 364, 365, 433, 434, 509, 563, 855, 864, 892, 1452

Subcommittee assignments, governor's appointments—155, 173, 829, 857

## TIEDEN, DALE L.—Senator Sixteenth District

Bills introduced—137, 208, 254, 284, 285, 355, 385

Amendments filed—68, 99, 181, 197, 397, 742, 804, 814, 832, 1007, 1028, 1029, 1070, 1120, 1184, 1215, 1414, 1456, 1459, 1464, 1465, 1466, 1468, 1496, 1521, 1540, 1579

Amendments offered—770, 1007, 1120, 1456, 1468, 1521

Amendments withdrawn—1508

Appointed to Medical Assistance Advisory Council—60

Committee appointments—46, 47, 454, 1306, 1319

Escorted Lieutenant Governor Anderson to the rostrum and presented him with an engraved plaque on behalf of the members of the Senate in recognition of his service as President of the Senate during the Seventy-first General Assembly—1609

Petitions presented—105, 156

Presented Jolene Hjerleid of Decorah, 1986 Iowa Junior Miss—54-55

Reports—454, 949, 1387, 1436, 1635, 1639

Standing committees and subcommittees appointed to—49

Subcommittee assignments—50, 115, 116, 176, 189, 246, 249, 296, 324, 364, 395, 434, 457, 474, 535, 536, 669, 748, 784, 808, 864, 892, 893, 915, 1067, 1112, 1168, 1244, 1493

Subcommittee assignments, governor's appointments—173, 830

## TRANSPORTATION, COMMITTEE ON—

Appointees, investigation of—829

Bills introduced—65, 178, 458

Amendments filed—882

Committee appointments—48

Investigating committee reports—894

Reassigned subcommittees—597

Subcommittee assignments—50, 51, 62, 176, 177, 188, 205, 218, 247, 249, 280, 323, 324, 433, 434, 457, 597, 669, 761, 863

Subcommittee assignments, governor's appointments—830

## VACANCIES—

Junkins, Lowell L., resignation effective December 1, 1985 - District 31—6

Lind, Thomas A., deceased - District 13—6

Neighbour, John A., deceased - District 34—6

Rodgers, Norman G., resignation effective July 11, 1985 - District 45—6

## VANDE HOEF, RICHARD—Senator Fourth District

Bills introduced—136, 170, 207, 231, 284, 286, 314, 355, 367

Amendments filed—68, 267, 410, 469, 551, 673, 695, 814, 1208, 1433, 1438

Amendments offered—267, 391, 410, 486, 559, 695

Amendments withdrawn—695, 1508

Appointed to Commission on Children Youth and Families—598-599

Committee appointments—46, 47, 48

Resolutions offered—1357, 1370, 1426

Standing committees and subcommittees appointed to—49

Subcommittee assignments—61, 62, 85, 106, 129, 187, 188, 189, 246, 247,

249, 332, 349, 350, 364, 457, 466, 467, 508, 563, 761, 785, 864, 892  
 Subcommittee assignments, governor's appointments—155, 856, 857, 865

WALDSTEIN, ARNE—Senator Fifth District, Assistant Minority Leader

Bills introduced—16, 137, 254, 284, 314, 319, 338, 355, 356, 368, 458, 478  
 Amendments filed—68, 181, 266-267, 267, 269, 277, 387, 388, 407, 544, 670,  
 673, 687, 720, 727, 804, 805, 806, 814, 885, 968, 1071, 1118, 1123, 1145,  
 1159, 1208, 1220, 1295, 1369, 1433, 1453, 1465, 1484, 1496, 1533  
 Amendments offered—213, 267, 318, 387, 419, 516, 677, 704, 733, 804, 805,  
 818, 819, 885, 971, 972, 1118, 1180, 1278, 1484, 1520, 1533  
 Amendments withdrawn—269, 805, 806, 1213, 1278, 1507, 1508  
 Committee appointments—46, 47, 48, 71, 1319  
 Subcommittee assignments—61, 62, 85, 129, 188, 247, 248, 296, 312, 323,  
 349, 350, 405, 466, 508, 509, 563, 761, 762, 784, 864, 892  
 Subcommittee assignments, governor's appointments—173

WAYS AND MEANS, COMMITTEE ON—

Appointees, investigation of—141, 321  
 Bills introduced—615, 722, 1260, 1292, 1307, 1351, 1352, 1523  
 Amendments filed—256, 727, 923  
 Committee appointments—48  
 Investigating committee reports—321  
 Subcommittee assignments—157, 158, 159, 188, 273, 323, 324, 382, 507, 508,  
 509, 619, 685, 739, 891, 892, 894, 1261, 1315, 1335, 1358, 1410, 1437  
 Subcommittee assignments, governor's appointments—174

WELLS, JAMES D.—Senator Twenty-sixth District

Addressed the Senate—9, 1609  
 Bills introduced—65, 207, 208, 254, 368  
 Amendments filed—169, 498, 523, 997, 1014, 1123, 1170, 1184, 1221, 1454,  
 1489, 1495, 1540  
 Amendments offered—316, 498, 769, 1165, 1203  
 Amendments withdrawn—1203  
 Appointed to Iowa Advisory Commission on Intergovernmental Relations—  
 60  
 Committee appointments—47, 1532  
 Elected President pro tempore—7  
 Took Oath of Office—9  
 Presented Eugenia Lizano from Costa Rica and Francesca Scorza from Italy,  
 AFS students attending Pella High School and their teacher, Kang  
 Li-xing from the Peoples Republic of China, guests of Senator  
 Dieleman—591  
 Presided at sessions of the Senate—55, 65, 95, 110, 118, 131, 143, 151, 195,  
 219, 222, 231, 265, 304, 313, 314, 319, 345, 369, 384, 389, 401, 408, 412,  
 417, 420, 437, 501, 569, 580, 626, 655, 661, 671, 733, 743, 765, 806, 815,  
 847, 859, 938, 1034, 1038, 1047, 1115, 1138, 1209, 1247, 1256, 1257,  
 1310, 1311, 1313, 1330, 1352, 1363, 1364, 1379, 1416, 1421, 1424, 1430,  
 1473, 1483, 1497, 1515, 1522, 1531, 1549, 1556, 1598, 1614  
 Reports—45, 312, 1608  
 Resolutions offered—132, 667

- Rulings—266, 412, 818, 819, 820, 821, 848, 850, 940, 1051, 1116, 1213, 1433, 1458
- Standing committees and subcommittees appointed to—49
- Subcommittee assignments—50, 61, 62, 83, 84, 85, 106, 107, 115, 116, 129, 159, 218, 248, 249, 280, 281, 311, 312, 325, 332, 351, 364, 433, 434, 457, 466, 467, 508, 509, 536, 563, 564, 597, 761, 762, 784, 785, 828, 864, 892, 893
- Subcommittee assignments, governor's appointments—155, 829, 857
- Welcomed Jose Antonio Halphen Perurerena and Aristoteles Vergara from Panama, foreign exchange students and their host parents, John and Karen Murty, guests of Senator Husak—370
- Witnessed Senator James R. Riordan take oath of office—8

WELSH, JOE J.—Senator Seventeenth District

- Bills introduced—149, 208, 252, 368, 394
- Amendments filed—288, 365, 371, 396, 397, 420, 427, 438, 442, 443, 571, 609, 625, 653, 706, 742, 764, 771, 798, 832, 923, 1046, 1093, 1145, 1183, 1233, 1295, 1356, 1463, 1465, 1468, 1469, 1472, 1473, 1475, 1476, 1484, 1487, 1494, 1495, 1496, 1535, 1579
- Amendments offered—393, 418, 422, 438, 443, 706, 860, 914, 1078, 1106, 1172, 1231, 1233, 1278, 1330, 1345, 1456, 1472, 1475, 1476, 1484, 1572, 1579
- Amendments withdrawn—420, 426, 427, 438, 1487, 1508, 1509, 1510
- Committee appointments—46, 47, 48, 1319, 1351, 1532
- Presided at sessions of the Senate—376, 377, 385, 428, 614, 721, 803, 1002, 1006, 1139, 1228, 1325, 1491
- Reports—1436, 1463, 1608
- Rulings—378
- Standing committees and subcommittees appointed to—49
- Subcommittee assignments—50, 62, 63, 106, 107, 116, 280, 281, 350, 351, 395, 457, 507, 508, 520, 535, 598, 668, 686, 893, 1182, 1244
- Subcommittee assignments, governor's appointments—173